



**S**IGMA

**Support for Improvement in Governance and  
Management in Central and Eastern European Countries**

**PUBLIC MANAGEMENT PROFILES OF  
CENTRAL AND EASTERN EUROPEAN COUNTRIES:  
ROMANIA**

**ROMANIA**  
(AS OF AUGUST 1999)

**Political Background**

Since the revolution of December 1989, Romania has returned to democratic traditions, a multi-party system and a market economy. Democratic parliamentary and presidential elections were held in 1990, 1992 and 1996. The latest parliamentary elections of November 1996 were won by the Democratic Convention of Romania (CDR), an alliance of the National Peasant Christian Democratic Party, the National Liberal Party, the Romanian Ecologist Party, and organisations and formations of civil society.

The President of Romania is Professor Emil Constantinescu. He was elected in November 1996 with 54.41 per cent of the popular vote.

The Government is formed by a coalition of the Democratic Convention of Romania (CDR), the Social Democratic Union (USD) and the Hungarian Democratic Union in Romania (UDMR). Mr. Mugur Isarescu is Prime Minister [since December 1999].

Romania has a bicameral parliament consisting of the Chamber of Deputies and the Senate. The Chamber of Deputies has 343 members; its current president is Ion Diaconescu of the National Peasant Christian Democratic Party. The Senate has 143 members; its current president is Professor Petre Roman of the Democratic Party. The composition of Parliament is as follows:

Party/Election Coalition	Number of Seats	
	<i>Senate</i>	<i>Chamber of Deputies</i>
CDR — Democratic Convention of Romania (National Peasant Christian Democratic Party, National Liberal Party, Romanian Ecologist Party)	53	122
PDSR — Social Democratic Party of Romania	41	91
USD — Social Democratic Union (Democratic Party, Romanian Social Democratic Party)	23	53
UDMR — Hungarian Democratic Union of Romania	11	25
PRM — Great Romania Party	8	19
PUNR — Romanian National Union Party	7	18
Minorities		15
<b>TOTAL</b>	<b>143</b>	<b>343</b>

Parliamentary and presidential elections are scheduled for 2000.

## **1. The Constitutional Framework**

### ***1.1. Constitutional Bases***

The Romanian Constitution was adopted by Parliament on 21 November 1991 and confirmed by a national popular referendum on 8 December of that year. The constitution enshrines the principle of separation of powers.

### ***1.2. Nature of the State***

According to the Constitution, Romania is a sovereign, independent, unitary and indivisible national state, with a republican form of government. It is a democratic and social state, governed by the rule of law, in which human dignity, citizens' rights and freedoms, the free development of human personality, justice and political pluralism represent supreme values and are guaranteed.

National sovereignty resides with the Romanian people, who exercise it through its representative bodies and by referendum. The territory of Romania is inalienable.

### ***1.3. Division of Power***

Parliament is the supreme representative body of the Romanian people and the sole legislative authority of the state. Parliament consists of the Chamber of Deputies and the Senate, and is elected for a four-year term.

Parliament passes constitutional, organic and ordinary laws. It has power in exceptional circumstances to dismiss or suspend the President and has substantial powers to control the executive.

The President of Romania is the head of state. He is elected by universal, equal and free suffrage and by direct, secret ballot for a four-year term of office. The President may serve only two terms, which may be consecutive. He represents the Romanian State and is the safeguard of the national independence, unity and territorial integrity of the country. The President ensures the observance of the Constitution and the proper functioning of public authorities. To this effect, he acts as a mediator between the powers of the state, as well as between the state and society.

The President designates a candidate for the post of Prime Minister and appoints the Government on the vote of confidence of Parliament. In the event of a government reshuffle or vacancy of office, the President dismisses and appoints, on the proposal of the Prime Minister, the members of the Government.

The President may dissolve Parliament, after consultation with the presidents of the both chambers and with the leaders of the parliamentary groups, if no vote of confidence has been obtained to form a government within 60 days after the first request was made, and only after the rejection of at least two requests for investiture.

The President represents the Romanian State in foreign relations. He concludes international treaties negotiated by the Government and submits them to Parliament for ratification. On proposal of the Government, the President appoints and recalls the diplomatic envoys of Romania and approves the establishment, closure or change in status of diplomatic missions.

The President is the Commander-in-Chief of the armed forces and presides over the Supreme Council of National Defence.

The President promulgates legislation adopted by Parliament. He may, where appropriate, request a second examination of the law or transmit it to the Constitutional Court for a ruling on its constitutionality.

Amongst his other powers, the President may grant pardons in individual cases.

In case of vacancy of the office of president, or if the President is suspended from office or temporarily incapable of exercising his powers, his duties are assumed by the President of the Senate or the President of the Chamber of Deputies (in that order). If the office of president is vacant, an interim president performs the duties until the election of a new president. Such an election must take place within three months from the date when the presidency falls vacant.

The Website of the Presidency is located at: <http://www.presidency.ro>.

The Government ensures, in accordance with its government programme approved by Parliament, the implementation of domestic and foreign policy and exercises the general management of public administration. The Government adopts decisions and orders. Decisions are issued to organise the implementation of laws; orders are issued under a special enabling law.

The Government consists of the Prime Minister, ministers, and other members as established by an organic law. The Prime Minister directs government actions and co-ordinates the activities of its members, respecting the powers and duties incumbent on them. He submits to the Chamber of Deputies and to the Senate reports and statements on government policy, which have priority for debate. The Government is politically responsible for its entire activity only before Parliament. Each member of the Government is politically and jointly answerable with the other members for the activities and actions of the Government.

## **2. Legislative Authority**

### **2.1. Electoral Rules**

According to the Constitution, all citizens aged 18 years or over are entitled to vote. Access to a public office, or to a civil or military honour, is only granted to persons whose citizenship is exclusively Romanian and who reside in Romania.

Candidates for election to the Chamber of Deputies or to local elected offices must be at least 23 years old; to be elected to the Senate or to the office of President of Romania, candidates must be at least 35 years of age.

Law no. 68/1992 regulates presidential and parliamentary elections, which may be held separately or simultaneously. Members of the Chamber of Deputies and the Senate are elected in 40 constituencies and in the municipality of Bucharest by universal, equal, and free suffrage and by direct, secret ballot for a four-year term. Each constituency elects at least four deputies and two senators. The voting system is based on a proportional representation list system, with the number of seats won in each constituency determined by each party's proportion of the total vote. A party must obtain at least 3 per cent of the popular vote to gain parliamentary representation, and a coalition must obtain a higher percentage, between a minimum of 4 per cent and a maximum of 8 per cent.

National minorities which do not obtain enough votes in elections to be represented in the Chamber of Deputies are entitled to a seat if throughout the country they have obtained at least 5 per cent of the average number of validly cast votes for the election of one deputy.

Political parties submit lists of candidates. Independent candidates may take part in elections if they obtain the signatures of at least 0.5 per cent of the voters in a given constituency.

Political parties may receive grants from the state budget to finance election campaigns. Parties that fail to obtain at least 5 per cent of the valid votes cast throughout the country are required to repay any grant received from the state for this purpose.

## **2.2. *Main Powers of Parliament***

Parliament is the sole legislative authority of the country. In addition to its legislative powers, Parliament has the following main powers and responsibilities under the Constitution:

- suspend the President of the Republic from office or accuse him of high treason;
- approve the government programme and express its confidence in the members of the Government;
- provoke the resignation of the Government through a motion of censure;
- receive official statements from the President of the Republic;
- approve the national public budget;
- declare war;
- examine reports of the Supreme Council of National Defence and of the Court of Audit;
- exercise political control over the Government;
- appoint the members of some major independent public bodies.

In joint session, Parliament appoints the members of the Higher Council of the Judiciary, the Court of Audit and the Supreme Court of Justice. The Senate appoints the People's Advocate. Each chamber in separate session appoints three members of the Constitutional Court.

Each chamber of Parliament and the President of the Republic may request the opening of criminal proceedings against a member of the Government during his term of office.

The Constitution stipulates that the Government and other organs of public administration must, for the purposes of parliamentary scrutiny, provide any information or documentation requested by parliamentary committees. The scrutiny process takes place within permanent committees and through individual questions put to the Government, ministers or heads of other central bodies.

Where there is suspicion regarding the conduct of members of the Government, Parliament may set up a committee of inquiry.

## **2.3. *Internal Organisation***

The organisation of each chamber is regulated by its own standing orders. The organisation of joint sessions of the two chambers is regulated by special standing orders.

Each chamber has a president, a standing bureau, parliamentary committees, and parliamentary groups.

The presidents of the two chambers are elected for the duration of the chambers' mandate, by secret ballot, in one or more voting rounds. Each standing bureau is composed of a chairman, deputy chairmen, secretaries and quaestors. The president of the chamber acts as chairman of the standing bureau. The other members are elected at the beginning of each ordinary parliamentary session, following political negotiations between the leaders of the parliamentary groups.

Parliamentary committees are working bodies of the chambers, and play an important part in the preparation of proceedings, as well as in the exercise of parliamentary functions, in particular legislative and control functions. Committees include standing committees, special committees, inquiry committees, joint committees and a mediation committee.

The *standing committees* are elected for the duration of the mandate of Parliament and specialise in particular fields of public policy. The 14 standing committees of the Chamber of Deputies cover:

- Agriculture, Forestry, Food Industry and Specific Services
- Budget, Finance and Banks
- Culture, Arts and Media
- Defence, Public Order and National Security
- Economic Policy Reform and Privatisation
- Education, Science, Youth and Sport
- Foreign Policy
- Health and Family
- Human Rights, Religious Denominations and National Minorities Issues
- Industries and Services
- Investigation of Abuses, Corrupt Practices, and Petitions
- Labour and Social Protection
- Legal Matters, Discipline and Immunities
- Public Administration, Territorial Planning and Ecological Balance

The 14 standing committees of the Senate specialise in:

- Agriculture, Food Industry and Forestry
- Budget, Finance and Banks
- Culture, Arts and Mass Media
- Defence, Public Order and National Security
- Economy
- Education and Science
- Foreign Policy
- Health, Ecology, and Sport
- Human Rights
- Investigation of Abuses and Petitions
- Labour, Social Protection and Unemployment
- Legal Matters, Appointments, Discipline, Immunities and Validations
- Privatisation
- Public Administration and Territorial Planning

Both chambers may constitute *special committees* to advise on complex Bills or elaborate legislative proposals or to address other specific matters. These committees have the same statute as the standing committees.

*Inquiry committees* are created to exercise parliamentary control over the Government and other bodies of public administration. Each chamber may set up an inquiry committee at the request of one third of its members.

To settle issues of mutual interest, the Chamber of Deputies and the Senate may create *joint committees*, which may be permanent or temporary. The decision to create such a committee must specify its organisation and operating procedures, duties and, if the committee is temporary, the period for which it has been constituted.

The *mediation committee* is composed of seven deputies and seven senators, designated by the standing bureaux on the proposal of the parliamentary groups. The task of this committee is to mediate if one of the chambers adopts a Bill or legislative proposal in a different version than that approved by the other chamber. The committee is chaired in turns by a deputy or a senator appointed by the members of the committee. Decisions are taken by a majority of the members and, in case of parity, the vote of the chairman conducting the session at the time of voting is decisive.

Deputies and senators may organise themselves into parliamentary groups according to the standing orders of each chamber. Parliamentary groups are established immediately after the deputies and senators have met in their first sitting. According to the standing orders of the two chambers, with a view to forming the working bodies and carrying on their activities, deputies and senators form parliamentary groups, consisting of at least ten deputies or five senators who stood for election on the lists of the respective parties and political formations. If there are less than ten and five members respectively, they may form a parliamentary group together with independent members of Parliament or may affiliate with parliamentary groups constituted according to the basic rules.

Deputies representing national minorities, other than the Hungarian minority, may constitute a single parliamentary group. At present, 15 representatives of national minorities are members of the Chamber of Deputies.

The standing orders of the Chamber of Deputies and the standing orders of the Senate grant an enhanced importance to the parliamentary groups.

#### **2.4. *The Legislative Process***

Romania has the following categories of normative instruments:

- Laws and decisions adopted by Parliament: Parliament passes constitutional, organic or ordinary laws. Constitutional laws pertain to the revision of the Constitution. Organic laws regulate a number of key matters enumerated in article 72 (3) of the Constitution; they require an absolute majority in both chambers. Ordinary laws are adopted by a simple majority in both chambers. Decisions are primarily adopted concerning the chambers' standing orders.
- Decisions and orders adopted by the Government: Decisions are adopted to ensure implementation of statutory legislation and may be normative or individual in character. The Government may adopt orders where Parliament has delegated its legislative authority for a specified period in a specific field under a special enabling act. Orders are exceptional in

nature and are adopted in areas not governed by organic laws. Orders may be subject to debate in Parliament where the enabling act so provides; decisions and orders of the Government have to be signed by the Prime Minister.

- Decisions of the Prime Minister.
- Instructions and orders of ministers: Instructions are always normative; orders are normally individual in character but may also be normative.
- Decisions of local councils and orders of mayors: decisions and orders are normative instruments (prefects may also issue orders).
- Orders of decentralised state administration operating in counties (*judet*).

In accordance with the above-mentioned hierarchy, no normative instrument of a subordinate body may contain provisions contrary to normative instruments of a higher body.

Legislation is the first and foremost power of Parliament. The procedure for the adoption of laws is the same in both chambers and is regulated by the Constitution and the parliamentary standing orders. The main stages of the legislative procedure include the legislative initiative, scrutiny in parliamentary committees, debate in plenary sessions, voting, mediation, control of the constitutionality, and promulgation of the law.

The legislative initiative belongs to the Government, deputies and senators, and a number of at least 250 000 citizens entitled to vote. Citizens exercising their right to a legislative initiative must represent at least one quarter of the country's counties, and in each one of these counties or in the city of Bucharest at least 10 000 signatures in support of the respective initiative must be registered. Fiscal issues, international issues, amnesty and pardon may not form the object of the citizens' legislative initiative. Legislative proposals involving a modification of the state budget or of the state social security budget must be substantiated by information compulsorily requested from the Government. Details of the legislative process can be found on the Senate's Website (<http://www.cdep.ro/parlament>) and on the Chamber of Deputies' Website (<http://www.diasan.vsat.ro>).

To harmonise, unify and co-ordinate legislation as a whole, the Constitution provides for the establishment of a legislative council. The Legislative Council was established by law in 1993 as a special advisory expert body of Parliament, but it also fulfils an important role in the executive (i.e. pre-parliamentary) stages of legislation. The Council's main tasks are to review and advise on all draft laws, draft resolutions and governmental decisions; to comment on the legality of proposed measures, their consistency and compliance with accepted standards of legislative technique, and their impact on existing legislation and the legal system as a whole; and to keep the official records of Romanian legislation. Consultation of the Legislative Council is mandatory; however, it acts in an advisory capacity, and its opinions are not binding. The Council has three departments — for public law, private law, and official records of regulations and legislative documentation — and a separate department concerned with the harmonisation of Romanian law with EC law.

Between 18 December 1996 and 1 July 1999, of the Bills introduced by the Government, 478 were adopted, 351 were still in parliamentary procedure, 3 under consideration by the Constitutional Court, and 25 awaited promulgation by the President.

### **3. The Central Executive**

#### ***3.1. Legal Bases of Executive Authority and Administration***

The Constitution of Romania, in particular Title III on Public Authorities, including chapters II, III and V on the President, the Government, and Public Administration respectively, provides the main legal basis of executive power. Other major pieces of relevant legislation include Law no. 37/1990 on the organisation and functioning of the Government, laws and governmental decisions on the organisation and functioning of ministries and other governmental agencies, and Law no. 69/1990 on local public administration (a new draft of this law is now under consideration in Parliament).

#### ***3.2. Composition and Powers of the Government (Council of Ministers)***

The Government is entrusted with ensuring the implementation of domestic and foreign policy and with exercising the general management of public administration. The Government is a collegiate body. At present, it consists of the Prime Minister, two ministers of state, 13 ministers, two minister-delegates and the Secretary-General of the Government. Members of the Government may not hold any other public or private office, other than that of deputy or senator.

According to article 102 of the Constitution, the President designates a candidate for the office of Prime Minister. The candidate must, within ten days of his designation, seek the vote of confidence of Parliament on the government programme and on the complete list of members of the Government. The Chamber of Deputies and the Senate must debate in joint session on the programme and list of the Government. Parliament grants confidence to the Government by a majority vote of deputies and senators.

Membership of the Government ceases upon resignation, dismissal, disenfranchisement, incompatibility, death, or in any other cases provided for by law. If the post of prime minister becomes vacant, the President designates another member of the Government as interim prime minister to assume the powers of prime minister until the formation of a new government.

#### ***3.3. Division of Executive Power***

The Prime Minister is the head of government. He directs the actions of the Government, co-ordinates the activities of its members, and represents the Government in its relations with Parliament, the President, the Supreme Court of Justice, political parties and other bodies of national importance. He also represents the Government in international relations.

The Prime Minister submits reports and statements on the policy of his Cabinet to Parliament and organises the work of the Government. The Prime Minister, except when the President is present, chairs meetings of the Government and of its executive bureau. The Prime Minister signs decisions adopted by the Government and countersigns certain presidential decrees. He is assisted in his work by his office, advisers, the General Secretariat of the Government, and other bodies.

The Prime Minister has the power to appoint and dismiss the Secretary-General of the Government, the director of his office, his advisers, and the secretaries of state.

The Government is the central organ of the executive. It controls public administration and implements domestic and foreign policy. It directs and supervises the activities of ministries and other organs of central and local administration and ensures that the administration complies with the law. Decisions are taken at

meetings of the Government. In accordance with the law on its organisation and operation, the Government normally meets once a week, but it may hold extraordinary meetings at the request of the Prime Minister. The Prime Minister may also invite heads of governmental agencies, secretaries of state and other persons whose attendance is considered useful.

The Prime Minister, on the proposal of the General Secretariat of the Government, approves agendas for meetings. They comprise reports by ministers, draft legislation, governmental decisions and orders, general policy statements, and sectoral or general strategies. Deliberations at meetings constitute the final stage of governmental decision-making.

Outside such meetings, decisions may be reached at meetings of the Executive Bureau of the Government. The bureau consists of the Prime Minister, the ministers of state and the Ministers of Justice, Defence and the Interior (at present, the two ministers of state also serve as Minister of Finance and Minister of Justice, respectively).

Each minister is responsible for developing and implementing government policy in his particular field. The minister runs the ministry and subordinate bodies in accordance with the law and government policy. This means that the minister is empowered to take all necessary steps to implement official policy and is accountable to the Government for the way in which the ministry is managed. In the performance of ministerial duties, the minister may issue instructions and orders. The minister represents the ministry in Parliament and elsewhere and has a voting right in government deliberations.

Each member of the Government is answerable for the whole activity of his ministry, and politically and jointly answerable with the other members for the activities and actions of the Government as a collegiate body.

The responsibility and possible sanctions of members of the Government are to be regulated by a special law on ministerial responsibility, which was recently adopted by the Chamber of Deputies and is currently under consideration by the Senate.

### ***3.4. The Office of the Government/Office of the Head of Government***

The Office of the Government is a fairly large body encompassing a series of organisational units which function according to specific regulations. The Office of the Government is directly subordinated to the Prime Minister. It has a co-ordinating role and therefore collaborates closely with ministries, governmental agencies, the Presidency, Parliament, other central and local state institutions, trade unions and employers, and NGOs.

Its main role is to ensure the Government's proper functioning within the following areas:

- preparation of government meetings and monitoring of follow-up actions;
- reform and restructuring;
- European integration and Euro-Atlantic integration;
- relations with Parliament, trade unions, employers, and Romanians abroad;
- central and local administration;
- protection of national minorities and children;
- control of the application of adopted legislation;

- public information.

In achieving its objectives, the Office of the Government fulfils the following functions:

- Authoritative function: the organisational units of the Office of the Government exercise the rights provided by law for carrying out the objectives of the government programme.
- Strategic function: structural adjustments of ministries, other central and local bodies, and the Office of the Government itself are prepared in accordance with the law, and the Office may draft the necessary financial instruments.
- Regulatory function: in accordance with legal provisions, the Office ensures the development of the specific legal framework in all domains co-ordinated by the Government.
- Representative function: the Office of the Government represents the Government of Romania or, if necessary, the Prime Minister, as the state authority in relations with domestic and international bodies.
- Administrative function: the organisational units of the Office of the Government exercise their responsibilities as specialised bodies of the Government of Romania.

These functions are carried out at all organisational levels of the Office of the Government, within the limits of the competencies established by law, by decisions of the Prime Minister and other normative instruments concerning the organisation and functioning of the Office of the Government. The Office of the Government includes several organisational units established by governmental decision, including the Office of the Head of Government, the apparatus of the ministers of state, the General Secretariat of the Government, ten departments and one agency. The Prime Minister appoints the heads of these units.

The *Office of the Head of Government* is directly subordinated to the Prime Minister and co-ordinated by a State Counsellor, who is appointed by the Prime Minister. This apparatus represents the Prime Minister in his relations with ministries and governmental agencies. In fulfilling its functions, the Office of the Head of Government:

- co-ordinates the daily agenda and activities of the Prime Minister;
- organises the flow of documents;
- organises the activities of the state counsellors and ensures their communication with the Prime Minister
- monitors the implementation of the government programme in the following fields: industry, agriculture, privatisation, labour and social protection, health and education, finance and banking, communication, national security, and foreign policy;
- advises the Prime Minister;
- ensures interministerial communication and communication between the Prime Minister and the ministries.

The *departments in the Office of the Government* are directly subordinated to the Prime Minister. They are responsible for dealing with economic or social issues of general interest that are not covered by any ministry or other specialised body of the central public administration. Departments have a defined organisational structure consisting of specialised units. They are headed by secretaries of state, who are not civil servants.

At present, these departments include:

- Department for Central Public Administration Reform
- Department for Control of the Government
- Department for European Integration
- Department for Local Public Administration
- Department for the Protection of Ethnic Minorities
- Department of Public Information
- Department for Relations with Parliament
- Department for Romanians Abroad
- Department for Social Dialogue
- Department of the Government Spokesperson and Media Relations
- National Agency for the Control of Strategic Exports and for the Ban of Chemical Weapons

The *General Secretariat of the Government* co-ordinates the whole activity of the Office of the Government. The Secretary-General, with a status equivalent to a minister, heads the office. He attends meetings of the Government and its executive bureau. The General Secretariat co-ordinates, in particular, the following domains: financial issues, preparation of government meetings, legal advice and representation of the Government before the courts, human resources and remuneration, supply of office materials, and general administration.

The General Secretariat collaborates with ministries and with specialised bodies of central public administration subordinated to the Government, in particular with regard to the preparation of government meetings, advice, preparation of draft legislation and transmission of Bills and other legal instruments to Parliament, the Presidency, and the Official Gazette of Romania.

The General Secretariat has the following detailed tasks:

- ensure compliance with the established methodology regarding the preparation, elaboration, advisory opinion and presentation of legislative proposals submitted to the Government, as well as with the procedures for their submission to a government meeting. For this purpose, the General Secretariat verifies that the formal requirements for the preparation of government agenda items have been met, and analyses all types of draft legislation as well as the programmes, reports, notes, informative statements, etc. submitted by ministries and other specialised bodies of the public administration that have the right of legislative initiative. The secretariat organises the recording and computer storage of such documents, analyses them and presents them to meetings of the Government for debate and approval;
- organise and prepare meetings of the Government and the Executive Bureau. It invites the members of the Government and other nominated participants, and circulates in advance draft legislation and other documents that are to be debated at the Government meeting;
- finalise draft legislation in compliance with decisions reached during the government meetings, together with the initiators of the legislation and other bodies having contributed advisory opinions;
- submit adopted Bills and other types of legislation to Parliament, the Presidency or the Official Gazette of Romania, as appropriate;

- organise the record of legislation, draft legislation, the Prime Minister's decisions, and orders issued by the General Secretariat of the Government;
- keep draft legislation, legislation and other documents of the Government in the archives of the Government and in computer storage;
- elaborate draft legislation in the specific fields of activity for which the General Secretariat has a co-ordination responsibility;
- draft and submit for approval decisions of the Prime Minister;
- monitor -- through the secretary-generals in the ministries and their deputies -- the implementation of adopted legislation and decisions of the Government and of the Prime Minister, and report regularly to the Government and the Prime Minister on these matters;
- undertake the necessary measures for the Government to fulfil its legal responsibility with regard to the Constitutional Court, the Court of Audit and other public authorities;
- provide legal assistance for litigation involving the Government or the General Secretariat;
- make proposals to the Ministry of Finance concerning the annual budget and the investment programme of the Office of the Government and the prefectures;
- organise and perform human resources and payroll management for the entire Office of the Government.

### 3.5. *Line Ministries*

A ministry is a specialised body of central public administration that is subordinated to the Government and focuses on a specific public policy domain. Many ministries have subordinated units and maintain deconcentrated public services (see 5.1 below). A minister heads the ministry.

Ministries are established by governmental decision. Only the Ministries of the Interior and Defence are established by statutory law.

At present, there are 15 ministries:

- Agriculture and Food
- Culture
- Defence
- Finance
- Foreign Affairs
- Health
- Industry and Trade
- Interior
- Justice
- Labour and Social Protection
- National Education
- Public Works and Land Planning
- Transport
- Water, Forests and Environment Protection
- Youth and Sports

The internal organisation of the ministries comprises departments, divisions, service offices and sections, with activities differing depending on the specific field of activity.

The leadership team of the ministry consists of the minister, one or more secretaries of state, and the secretary-general, who is the top official. The top political positions in public administration belong to the rank of “dignitary”. According to Law no. 154/1998, this rank comprises the Prime Minister, ministers of state, ministers, minister-delegates, secretaries of state (regardless of whether they are members of the Government), prefects and deputy prefects. By contrast, the secretary-general in each ministry is a civil service appointee. This position was created in 1998. The secretary-general of the ministry is appointed and dismissed by order of the minister. His tasks are to be broadly described in a new law on the organisation and functioning of the Government and ministries. For the time being, the minister defines the tasks by ministerial order.

Every minister has the right to have a group of advisors, who together form a separate office. This office is directly subordinated to the minister, and its staff are employed only for the duration of the mandate of the minister. The office consists of a director, an assistant, a personal counsellor, a personal secretary and a personal messenger.

### **3.6. *Interministerial Co-ordination***

The Government may decide to establish interministerial councils. The latter are consultative bodies without a legal basis which ensure co-operation both among the central administrative authorities and between the latter and the institutions of civil society. Councils of this type include the Interministerial Council for Quality Infrastructure and the Approximation of Technical Regulations, the Interministerial Council for Science, Technology and Innovation, and the Interministerial Council for Public Works of Social Interest and Social Housing. These councils are chaired by presidents and have typically between 10 and 20 members, including secretaries of state, directors and experts.

Ministries co-operate in the preparation of draft legislation by means of special groups made up of representatives of ministries and other specialised administrative bodies. These groups are formed through decisions of the relevant minister(s) and typically include secretary-generals from the relevant ministries and experts.

The initiating body must invite comments on draft legislative proposals from all relevant ministries and other authorities of central public administration. Following interministerial consultations, the proposal is forwarded to the General Secretariat of the Government, and is considered by the Secretariat’s Legal Directorate and also by the Legislative Council. Only if these steps are followed can a proposal be included on the agenda of a government meeting.

### **3.7. *Central Non-Ministerial Bodies***

The central, non-ministerial administrative bodies include:

- Agency for Small and Medium-Sized Enterprises
- Central State Office for Special Problems
- Department for Child Protection
- National Agency for Communications and Information Technology

- National Agency for the Development and Implementation of Reconstruction Programmes for Mining Areas
- National Agency for Mineral Resources
- National Agency for Regional Development
- National Agency for Science, Technology and Innovation
- National Agency for State Reserves
- National Authority for Tourism
- National Commission for the Control of Nuclear Activities
- National Commission for Prognosis
- National Commission for Statistics
- National Office for Cinematography
- National Office for Land Registration
- National Press Agency ROMPRES
- Office of Fair Trade
- Romanian Agency for Development
- Romanian Copyright Office
- Romanian Office for Legal Measurements
- State Office for Consumer Protection
- State Office for Inventions and Trademarks
- State Secretariat for Handicapped Persons
- State Secretariat for Religious Denominations
- State Secretariat for the Romanian Revolutionaries of December 1989

A *national agency* is a specialised body of central public administration subordinated to the Government. It has responsibilities in a specific domain of national interest. National agencies are headed by presidents with dignitary rank. An *agency* is a specialised body of central public administration that has direct or delegated responsibility and is subordinated to a ministry. Agencies are headed by director-generals, who are dignitaries. National agencies and agencies are created by statutory law or by governmental decisions. Commissions are created through governmental decisions or decisions of the Prime Minister.

### **3.8. *Executive Budgeting Processes***

The principles of the budgetary process are regulated by the Constitution, Law no. 72/1996 on public finances, and the annual laws for the approval of the state budget.

The National Public Budget comprises a complex system of budgets, including the state budget, the state social security budget, the local budgets, the special funds budgets, the state treasury budget and the budgets of other autonomous public institutions. The Government draws up the annual state budget, the state social security budget, the special funds budgets, as well as the annual general accounts for their

execution and submits them to Parliament. After approval, the Government is responsible for the implementation of the budgetary provisions. The Ministry of Finance leads this process.

The Government leads executive activity regarding public finances, regularly analyses the national economic and financial situation and the implementation of the National Public Budget, and takes measures to ensure a balanced budget.

The state budget is prepared on the basis of annually updated methodological principles issued by the Ministry of Finance and follows a timetable established by law. According to Law no. 72/1996 on Public Finance, the main steps in the preparation of the state budget are as follows:

1. The main budget-holders must communicate and submit to the Ministry of Finance by 1 June of each year proposals for changes in revenues and expenditures for the state budget, the state social security budget and the special funds budgets for the coming year, in accordance with the methodology established by the Ministry of Finance. Following the scrutiny of proposed revenues and expenditures and discussions concerning the maximum level of permissible budgetary expenditures, the final budget submission must be made to the Ministry of Finance by 1 August. Detailed explanatory statements in support of revenues and expenditures must accompany these submissions.
2. On the basis of these submissions, the Ministry of Finance draws up drafts of the state budget, the state social security budget and the special funds budgets. They are submitted to the Government by 25 September, together with the draft budgetary Bill.
3. After the Government has examined and approved the draft submissions, the Government submits, by 10 October, the draft state budget, social security budget and special funds budgets to Parliament for approval, together with the budgetary Bill. The Government's submission must be accompanied by a report setting out the economic and financial conditions and their implications for public finances.
4. The budgets are approved by Parliament, with voting on the budget as a whole, and on individual chapters, articles, and main budget-holders.

The preparation and implementation of the budget is based on the budgetary principles of unity, universality, balance, reality, annualization and publicity.

During the implementation of the budget, the provisions of the annual budgetary law may be modified through amending laws.

Local budgets for communes, towns and counties are part of the State Budget and are regulated by the Finance Law, the Local Administration Law and the Local Taxes and Duties Law. They are prepared by the permanent delegation at county level, and by the mayor at town or communal level. They must be approved by county or local councils, and are implemented by the permanent delegation in the case of counties, and by mayors in the case of communes and towns.

### **3.9. *Advisory and Consultative Arrangements***

Ministries may form advisory committees to support ministerial policy-making. An example of such a committee is the Interministerial Group for Public Administration Reform, headed by the Prime Minister and made up of the secretaries of state from the Ministries of Finance, Justice, and Labour and Social Protection and from the Departments for Central Public Administration Reform, Local Public Administration and European Integration in the Office of the Government, and the President of the

National Agency for Communications and Information Technology. The purpose of this interministerial group is to improve the Government's capacity to elaborate sound and coherent policies on public administration, to co-ordinate decision-making and implementation, and to improve communication both within central public administration and between the latter and other public and private bodies involved in administrative reform.

## **4. Executive Linkages**

### **4.1. *The Executive and the Presidency***

The basic function of the President is set out in article 80 of the Constitution. His main executive function is to ensure the observance of the Constitution and the proper functioning of public authorities. He is called upon to act as a mediator between the state powers, as well as between the state and society. According to article 92 (1) of the Constitution, the President of Romania is the Commander-in-Chief of the armed forces and presides over the Supreme Council of National Defence. He may, with prior parliamentary approval, declare general or partial mobilisation, take defensive measures in the event of an armed aggression against the country, and declare a state of siege or state of emergency.

There are several formal ways of communication between the President and the Government. The President may consult with the Government about urgent or extremely important matters. He may participate in meetings of the Government that address issues of national interest with regard to foreign policy, defence, or public order and, at the request of the Prime Minister, other matters. Informally, the President meets the Prime Minister weekly or whenever necessary. If required, he also discusses with the Office of the Government the adoption of laws, either before the Bills are submitted to Parliament or prior to their promulgation.

To a large extent, communication between the Presidency and the Government is achieved at the level of counsellors, i.e. between presidential counsellors and counsellors of the Prime Minister and state counsellors. A state counsellor from the Office of the Presidency is specifically responsible for relations between the Presidency and the Government and regularly takes part as an observer in meetings of the Government, without speaking or voting rights.

The Office of the Presidency assists the President in the performance of his duties.

The President's Office is directly subordinated to the President and ensures the communication between the President and the heads of departments, other presidential staff and other institutions of the state.

### **4.2. *The Executive and Parliament***

The Department for Relations with Parliament in the Office of the Government bears the main responsibility for executive linkage with Parliament. It is headed by a secretary of state. Ministries and the Government as a collegiate body communicate with Parliament through this department. The department has asked ministries to nominate a person responsible for liaison with the department to ensure better communication between the Government and Parliament. As a result, the flow of communication between the executive and Parliament is improving. In this process, the General Secretariat of the Government is also involved.

The main means through which the Government informs Parliament of its activities are ordinary addresses and hearings of the Prime Minister, ministers, the Secretary of State for Relations with Parliament, and

representatives of other institutions subordinated to the Government. These addresses and hearings take place during plenary sessions and meetings of the standing committees and special committees. Another important means of information are the responses to parliamentary questions and interpellations. Parliament periodically receives reports from the Government and other public bodies. For instance, at the end of each parliamentary session, the Department for Relations with Parliament draws up a synthesis of legislative activity that sets out the background of legislation adopted since 1996, and contains data on parliamentary questions, interpellations, political declarations, and other means of information.

The department also regularly informs Parliament of the legislative priorities of the Government, according to the government programme. In accordance with these priorities, the standing bureaux of the two parliamentary chambers establish their daily agendas, noting those legislative initiatives for which the Government has requested an emergency procedure under article 74 of the Constitution. Decisions and emergency decisions issued by the Government are also debated in Parliament, according to the Constitution and the standing orders of the two chambers. The Secretary of State for Relations with Parliament is invited and participates in all meetings of the standing bureaux of the two chambers to ensure executive / legislative co-ordination.

The main means of parliamentary control include:

- Political declarations: one hour per week is dedicated by each of the two chambers to allow members of Parliament to express their opinions on the Government's activities.
- Questions: they are addressed to ministers or representatives of other institutions subordinated to the Government.
- Interpellations: they are addressed to the Prime Minister, ministers or representatives of other institutions subordinated to the Government, and are intended to generate debate on major subjects linked to the main policies pursued by the Government.

Parliament holds weekly meetings for answering questions and interpellations. Parliament may also create committees of inquiry to investigate the activities of the Government. The Government can also be controlled through simple or confidence motions that entail thorough discussion of governmental activities.

#### **4.3. *The Executive and Political Parties***

Law no. 27/1996 on Political Parties, and subsequent amendments, stipulates that political parties may associate with one another on the basis of an association protocol and may form political alliances.

The present governing coalition was established during the election campaign in 1996. The coalition, made up of the Democratic Convention of Romania (CDR), the Social Democratic Union (USD) and the Hungarian Democratic Union of Romania (UDMR), united the main political currents in Western Europe since World War II, namely Christian democracy and liberalism, represented by the CDR, and social democracy, represented by the USD. The coalition has a common government programme intended to further economic reform, consolidate the democratic system, and expedite European integration. To co-ordinate coalition activities, a committee for political co-ordination and a committee for co-ordination of parliamentary activity were created in 1996.

The Law on Political Parties determines the main rules governing party funding and expenditure. Political parties may receive income from membership dues, donations and legacies, other activities, and subsidies from the state budget in accordance with the annual budget law.

#### **4.4. *The Executive and Organised Civil Society***

The central executive seeks advice from organised civil society in the early stages of preparing draft legislation. The process of consultation is part of the partnership policy of the Government. Ministers may convene consultative councils with NGOs.

The Consultative Council of the Prime Minister for relations with NGOs works within the Office of the Government and promotes partnerships between the executive and NGOs at local and central levels. This consultative body is not limited to participating in the preparation of specific pieces of legislation, but is also responsible for formulating a national strategy in this domain. The Department for Social Dialogue works within the Office of the Government and promotes partnership between the executive and NGOs at local and central level. Persons responsible for co-operation with NGOs were appointed at the level of prefectures and county councils. There are also departments responsible for relations with civil society bodies in about 40 per cent of the ministries and national agencies.

Before the submission of draft legislation to Parliament and the adoption of other types of legislation, the eight employers' confederations and the five trade union confederations are officially consulted through the Economic and Social Council. The latter provides advisory opinions. The Economic and Social Council was established on the basis of Law no. 109/1997 as a tripartite, autonomous body of public interest, with the objective of promoting social dialogue between the Government, trade unions and employers, and thereby promoting social peace. The council is made up of 27 members, nine from each group. The Government is represented by secretaries of state. The council analyses the economic and social situation of the country and makes proposals concerning the restructuring and development of the national economy, labour relations, privatisation, income and wage policy, social protection and health protection, and education and research.

Governmental Decision no. 851/1997 on the methodology concerning the preparation of draft legislation to be submitted to the Government constitutes a legal basis for official consultation during the preparation of draft proposals.

#### **4.5. *The Executive and the Media***

There are various means by which the Government informs the mass media of its activities. These include: press conferences, which are called whenever necessary; briefings, which take place weekly or after important events; press visits; interviews; meetings with the heads of newspapers, TV stations, radio stations, and press attachés of Romanian diplomatic missions abroad; workshops, seminars, programmes, and other governmental actions; printed information materials and materials on magnetic and optical storage (audiotapes, videotapes, compact discs); press releases, press information, and press statements.

The responsible bodies for relations with the press include: Department of the Government Spokesperson and Media Relations (Governmental Decision no. 77/1998); Department for Public Information (Governmental Decision no. 970/1998); and spokespersons and press offices within ministries, government agencies and prefectures, which are established on the basis of decisions of the heads of the respective institutions.

The Spokesperson of the Government is the head of the Department of the Government Spokesperson and Media Relations and holds the rank of secretary of state. The Department is part of the apparatus of the Prime Minister and is directly subordinated to him. The Department comprises two directorates: the Operational Communications Directorate, which writes press releases, press information and press statements; and the Directorate for Relations with the Mass Media, which transmits official messages to the mass media, accredits journalists and facilitates their activities.

The Department for Public Information is the information service of the Government. It is part of the apparatus of the Prime Minister and is directly subordinated to him. The department is headed by a secretary of state. The department has two directorates. The first, the Directorate for Internal Communication and Strategy, has three sectors: monitoring and synthesis; analysis, strategy and inter-ministerial communication; and a production and broadcasting studio. The second is the Directorate for External Communication. The Department for Public Information is the co-ordinator of all activities of communication and public information concerning ministries, prefectures and other institutions directly subordinated to the Government.

Co-ordination is achieved on the basis of a communication and public relations strategy approved by the Prime Minister in accordance with the government programme. This strategy is established during the meetings of the Interministerial Communications Group. The group has at its disposal electronic communication means. The press has access to these meetings.

The Government has a Website that is managed by the Department for Public Information. The address is <http://www.guv.ro>. This site covers: the detailed structure of the Government (including the Prime Minister, ministries and agencies); the government programme; the Constitution; the legislative calendar; press releases, newsletters, and *Agenda 2000*; the national anthem, arms and flags. It also includes a short history of Romania and updated general information on the country. The Government site provides extensive links to other institutions.

## **5. Subnational Government**

### **5.1. *Decentralised State Administration***

For purposes of regional development, Romania is divided into eight development regions, established by Law no. 151/1998. However, these regions have not yet had any impact on the administrative structures of the country.

Deconcentrated state administration exists at county and local levels. Several ministries maintain their own subordinated administrative entities at the levels of counties and local authorities. For example, the Ministry of Finance has general directorates for public finance and financial control at the county level and financial administrations at the level of local authorities. The Ministry of National Education has education inspectorates, and the Ministry of Health maintains public health directorates.

In Romania's 40 counties and in the city of Bucharest a prefect represents central government. The prefect supervises the legality of self-government activities of local and county councils and of mayors. To ensure respect for the law, the prefect may go to court to challenge decisions of local and county authorities, except those concerning day-to-day management. However, no hierarchical relationship exists between the prefects on the one hand, and the local and county councils and mayors on the other. The prefect may demand a mayor's suspension from office in case of impeachment for having wilfully committed a criminal offence and where criminal proceedings have begun while the mayor has been remanded in custody. The suspension may be ordered only at the request of a court or of the Public Prosecutor's Office.

The prefect supervises decentralised public services of the ministries and other central agencies within his prefecture. In the performance of his duties, the prefect may issue orders of a technical or sectoral nature. Orders of the prefect are countersigned by the heads of the relevant sectoral bodies and services subordinate to him.

The prefect submits an annual report to the Government on the general, economic, social, cultural and administrative state of the county. He also delivers an annual report to the county council or to the General Council of the City of Bucharest, respectively, on the activities of the administrative units of ministries and other central bodies within the prefecture.

## **5.2. *Regional Government***

There is no elected regional self-government in Romania. Law no. 151/1998 on the regions does not create regional self-government, but gives county councils the right to establish a development region, comprising the territory of several counties.

## **5.3. *Local Government***

Elected communal, town and county government is defined in the Constitution (articles 120 and 121) and in Law no. 69/1991 on local public administration (with subsequent amendments)

Article 120 identifies elected local councils and mayors as the public administration authorities by whom local autonomy in communes and towns is exercised. Local councils and mayors act as autonomous administrative authorities and manage public affairs in communes and towns. According to article 121, the county council is the public administration authority co-ordinating the activity of the communal and town councils and carries out public services of county-wide interest. This provision is further detailed in article 63 of Law no. 69/1991, according to which county councils also organise and manage county public services and approve their operating rules and regulations, adopt programmes and forecasts for the county's economic and social development and monitor their implementation, and adopt the county's own budget and the final accounts of the financial budgetary year.

Local councils and mayors are elected for a four-year mandate. Local councils are established in 2 685 communes, 181 towns and six sectors of the city of Bucharest. Communal and town councils are made up of councillors elected through universal and free elections, and by direct, secret ballot, in accordance with the Law on Local Elections. The number of councillors is established by a prefect's order, depending on the number of citizens in the respective commune or town, as reported by the National Commission for Statistics.

Local councils have the right to organise their own public services in order to exercise and manage the powers and responsibilities established by law, within the limits of the relevant legal provisions and available financial resources.

Local councils have the right to take initiatives and decisions in matters of local interest, except where they fall under the competency of another public authority. In particular, the local council: elects from among the councillors one (or several) deputy mayor(s); approves the local budget, its administration and implementation; approves credit transfers and the way in which budgetary reserves are used; approves loans and the final budget accounts; establishes local taxes, as well as special taxes for a limited time period, in accordance with the law; manages the property of the commune or town; and exercises the rights provided by law in respect of the public service corporations which it has established.

The mayors and the General Mayor of Bucharest are the heads of the local public administration and are accountable to the local council. The mayor represents the commune or town in relations with domestic or foreign, legal or natural persons and before the courts.

The main responsibilities of the mayor are:

- to ensure observance of citizens' fundamental rights and freedoms, provisions of the Constitution and laws of the country, decrees issued by the President of the Republic, governmental decisions, documents issued by ministries and other authorities belonging to the central public administration, and the county council's decisions;
- to ensure the implementation of the local council's decisions. If he considers a decision to be illegal, the mayor informs the prefect within three days of noticing its irregularity;
- if deemed appropriate, to propose to the local council to vote for a referendum on issues of special local interest and, on the basis of the council's decision, to organise the referendum;
- to draw up the budget proposal and the closing budgetary accounts and to submit them to the council for approval.

The mayor, deputy mayor, and secretary of the commune, town or city (Bucharest), together with the staff of the local council, represent the local executive, a public institution with permanent activities implementing the decisions of the local council and solving current problems of the respective local community.

In counties, the public administrative authority is the County Council. County councils have between 37 and 45 members. As a permanent working body, the county council elects a permanent delegation that is responsible for running the county administration and for implementing its decisions. The chairman of the county council oversees the county administration.

The finances of communes, towns and counties are managed according to the law and in accordance with the principle of local autonomy. Local public administration authorities have the right to own sufficient resources in accordance with their competencies, and they can freely manage them. Local public administration's revenues consist of resources collected within their territory and other sources, notably central financial transfers. The distribution of revenues from taxes and transfers from the state budget, annually established by the law on the state budget, falls under the responsibility of the county council, together with the general county directorate for public finances and state financial control. This is carried out after consultation with mayors and communal and town local councils.

## **6. Personnel Management**

### **6.1. *Legal Bases and Principles of the Public Service***

The reform of the human resources management system is still in its initial stages. A draft Civil Service Law has been submitted to Parliament and adopted by the Chamber of Deputies. For the time being, there are no special rules applicable to civil servants and there is no single body that deals with human resources management. The Civil Service Law is intended to establish a permanent, competent and politically neutral civil service and to introduce a career system.

In future, the main legal bases that will regulate the status of civil servants will include: the Civil Service Law (currently under consideration in Parliament); Law no. 154/1998 regarding the system for the establishment of basic salaries in the budgetary sector and emoluments for incumbents of dignitary offices; and the specific statutes governing different professional categories (including, e.g., public personnel in education, magistrates, health service and the police).

According to the new law, the main personnel categories in the public sector will include: civil servants, to be appointed in accordance with the Civil Service Law; different professional categories holding specific statutes, e.g. those working in education, magistrates, health service and the police; employees with labour

contracts; and employees employed under civil law conventions. The principles that will govern civil servants are to include: effectiveness and efficiency; freedom from prejudice, corruption, power abuse and political interests in the selection of civil servants, who are to be chosen exclusively on the basis of their competence; equality of opportunities in the admission to, and promotion within, the civil service corps; and stability in the civil service.

## **6.2. *Personnel Management***

At present, personnel management is highly decentralised, as ministries and other central public administration bodies, as well as local public administration authorities, draw up their own personnel policies. In future and in accordance with the provisions of the new Civil Service Law, a national agency for civil service management will be established. This agency will be responsible for developing personnel policy and human resources principles common to all public institutions.

For the time being, decisions on employment and promotion are taken at the level of individual institutions. Thus the heads of ministries and other public entities have a great deal of discretion over decisions on recruitment and promotion despite some legal requirements, such as competitions and examinations. In future, in accordance with the Civil Service Law, the National Agency for Civil Service Management will have the task of unifying the system of personnel management.

## **7. *Administrative Oversight and Control***

### **7.1. *Internal Oversight and Control***

Internal administrative oversight and control are exercised by all public administration bodies through supervision in order to ensure the legality and proper implementation of administrative actions. At the local level, the prefect, as representative of the Government, exercises control in regard to the legality of administrative actions of local and county authorities.

Internal control is regulated by Law no. 30/1991 and Governmental Decision no. 720/1991, which include the obligation that all public institutions organise two forms of control over the public funds that they administer: preventive financial control and financial control of the payments made using public funds. Governmental Decision no. 97/1998 gives to the State Treasury the competence to control payments made using public funds, including from the state budget, social security budget, special funds budgets, local budgets, and funds constituted from external loans and aid, as from the moment when money orders are submitted to the State Treasury. This control extends to the legality, compliance and regularity of payments and of supporting documents.

In addition, there exist several specialised review and control bodies:

- Department for Control, which is directly responsible to the Prime Minister: It has review and supervisory functions in the following areas: budget appropriations; external balance of payments; use of government or government-guaranteed grants and loans; public indebtedness; protection of state property; government procurement; surveillance measures within ministries; and investigation of complaints made to the Prime Minister or to the Government concerning irregularities in the work of central and local administrations and other public institutions.
- State Financial Control Division and the Financial Police, which are established by law and are accountable to the Ministry of Finance: The State Financial Control Division checks and

verifies: the management and use of central budget funds allocated to central and local bodies of public administration and to institutions financed from the budget; investment funds; and operations of commercial companies or other economic agents with regard to the fulfilment of their financial and tax obligations towards the state. The Financial Police are a military financial control body checking the enforcement of tax legislation and customs regulations. They are entrusted with preventing tax evasion and smuggling, and ensuring compliance with commercial standards.

- Commercial Control Corps, organised at county level, form part of the prefectures and supervise business activity and service provision.

## **7.2. External Audit and Control**

Under article 139 of the Constitution, the Court of Audit is an independent state institution entrusted with exercising control over the establishment, administration and use of the financial resources of the state and of the public sector. It submits an annual report to Parliament on the accounts of the National Public Budget, including cases of mismanagement.

Law no. 94/1992, amended by Law no. 99/1999, gives the Court of Audit the power to control the establishment and use of public funds. Its main responsibilities lie in *ex post* control of the annual general accounts of the state budget, the state social security budget, local budgets, special funds, treasury fund accounts, the annual account of the state public debt, and the situation of governmental guarantees for internal or external credits received by other legal persons. The Court of Audit also has *ex ante* administrative responsibilities. Thus it must be consulted prior to the establishment of new agencies subordinate to ministries or to the Government.

Both chambers of Parliament may request the Court of Audit to open an investigation or to carry out an audit of specific aspects of the financial operations of the Government or other public entities. The jurisdictional competence of the Court of Audit is specified by law.

The members of the Court of Audit are appointed by Parliament, are independent and may not be removed from office.

## **7.3. Public Redress**

An ombudsman institution, the People's Advocate, has been established in accordance with articles 55-57 of the Constitution, Law no. 35/1997 on the organisation and operation of the People's Advocate, and subsequent implementing provisions of October 1997. The People's Advocate is appointed to defend the rights and freedoms of citizens in their relations with public authorities. In his activity, the People's Advocate is independent from any public authority. He acts either *ex officio* or in response to individual complaints. The Senate appoints the People's Advocate for a term of office of four years.

The Constitution requires public authorities to give to the People's Advocate all necessary assistance in the performance of his duties. One such duty is to submit a report annually, or on request, to Parliament. The report may contain recommendations on legislation or other measures for the defence of citizens' rights and freedoms.

To improve the relations between public administration and citizens, a special unit dealing with citizens' administrative problems was established in 1998 within the Department for Public Information of the Government. This office is open six days a week. The aim of the office is to enhance citizens' trust by

ensuring the availability of public authorities to resolve their problems, reducing delays in dealing with citizens' claims, and improving co-ordination between administrative authorities.

Turning to the court system, it should be noted that in Romania there are no specialised administrative courts. However, administrative court sections have been established within the Supreme Court of Justice, the county courts and the Court of the City of Bucharest. Under Law no. 29/1990 on Administrative Disputes, the first instance in such disputes is the county court or the Court of the City of Bucharest. The Administrative Disputes Chamber of the Supreme Court of Justice hears appeals. The law makes available to natural and legal persons an effective instrument of legal action against any improper conduct of administrative authorities. Before going to court, the person whose rights are prejudiced must first request the responsible authority to compensate for damages suffered. If the complainant is not satisfied with the way the request is handled, legal action may be instituted. The court has the power to annul the action or to recognise the claim and decide on compensation for the damages caused.

Judges are independent and subject only to the law. They are appointed by the President of the Republic on the proposal of the Higher Council of the Judiciary. Judges may not hold any other public or private office, except in higher education.

## **8. Administering European Integration**

### **8.1. *The Institutional Framework of EU-Related Policy-Making***

The most important decisions regarding the strategies, programmes, assistance agreements and institutional organisation for European integration are taken during government meetings on the proposal of the Minister for European Integration.

In 1995 the Interministerial Committee for European Integration was established. Its president is the Prime Minister and the executive president is the Minister-Delegate for European Integration. The role of this committee is to ensure the discussion of European integration issues at interministerial level. The committee prepares analyses, provides advice and proposes basic guidelines for European integration to the Government. The Department for European Integration, the Ministry of Foreign Affairs and the Ministry of Industry and Trade support the secretariat of the committee.

The Department for European Integration provides the interface between European institutions and national administrative bodies dealing with European integration issues. The department co-ordinates policies on European integration and the non-reimbursable assistance granted to Romania. The department was established in 1993 within the Office of the Government and is directly subordinated to the Prime Minister. Since 1996, it has been headed by the Minister-Delegate for European Integration.

At the level of Parliament, the Commission for European Integration covers European integration issues. This commission represents Romania at the meetings between the Parliamentary Joint Committee and the European Union.

The European Institute in Romania will start its activities in 1999 with a view to supporting administrative institutions in their accession preparations. This institute will carry out impact analyses, manage the training of personnel in European integration issues and negotiations, and provide translations of relevant legislation.

## **8.2. *Managing the Approximation of Laws***

In each domain of the *acquis communautaire* initially identified in the “White Book” and subsequently analysed through the screening exercise, Romania has adopted new laws partially or wholly approximated to EC legislation. The Legislative Council, a consultative specialised body, checks the compatibility of Bills and legislative proposals with EC legislation. At central level, this monitoring is carried out with the help of a database on approximated legislation -- the “Harmonogram”. The database is managed by the Department for European Integration and is integrated into the general database administered by TAIEX.

Sectoral teams are in charge of the preparation and pursuit of legislative approximation. Together they form a national team headed by the national co-ordinator for the harmonisation exercise, who has the rank of secretary of state in the Department for European Integration. The latter department also functions as the secretariat of the national team.

## **8.3. *Implementing the *acquis communautaire****

Chapter 4 of the National Programme for Romania’s Accession to the EU refers to public administration reform. It was drawn up under the co-ordination of the Department for Central Public Administration Reform. Sub-chapter 4.2 refers to the programme for strengthening the administrative capacity for the application of the *acquis communautaire*. The formulation of this chapter followed a sectoral approach to all domains of the *acquis*.

Governmental Decision no. 114/1999 updates the National Programme for Romania’s Accession to the EU. It is co-ordinated at national level by the Department for European Integration in collaboration with the Ministry of Finance and the Department for Central Public Administration Reform.

## **9. *Plans for Reform and Modernisation***

The Department for Central Public Administration Reform, subordinated to the Prime Minister, was established through Governmental Decision no. 976/1998 to promote reform and modernisation of central public administration. The department is responsible for the preparation, co-ordination, organisation and evaluation of strategies for administrative reform.

Its main responsibilities are:

- to analyse, co-ordinate and assist institutional reform strategies and programmes;
- to elaborate programmes for improving the relations and communication among administrative bodies and between public administration and citizens;
- to analyse and advise on legal provisions concerning state administrative services and to propose simplification measures;
- to promote, organise and ensure the proper operation of the public administration and human resources management;
- to prepare regulations regarding grades and job classification in public administration;
- to establish and upgrade a professional development system for civil servants;
- to assist in the management of state public property and to propose measures for its strengthening and development.

The Department for Central Public Administration Reform co-operates with the Department for Local Public Administration in the reform of public administration.

Among the draft laws concerning public administration reform that are currently under consideration in Parliament, it is worth highlighting the Civil Service Bill, the Bill regarding the organisation and functioning of the Government and ministries, and the Bill on public services.

## 10. Key Statistics

### 10.1. Budgetary Data

#### ROMANIA — GENERAL CONSOLIDATED BUDGET 1999 Programme (in billions of lei)

	State Budget	Local Budget	State Social Security Budget	Unemployment Fund	Health Fund	Health Social Security Fund	Risk & Accident Fund	Special Fund for Developing and Modernising Customs	Special Fund for Energy Development	Special Fund for Modernising Roads	Special Fund for Insured Protection	Special Fund for Tourism Promotion & Development	Special Fund for Civil Aviation
<b>Total Expenditure</b>	93 384.4	16 363.4	37 264.3	6 333.0	777.6	11 368.2	1 520.5	450.1	1 792.5	2 000.0	34.5	59.8	62.0
Public Authorities	3 661.3	2 204.4											
Defense	7 854.2												
Public Order & National Safety	6 435.5												
Education	10 654.3	4 022.1		36.0									
Health	3 692.3	76.5			777.6								
Culture and Sport Activity	1 480.5	700.2											
Social Welfare, Children Allowances and Pensions	7 147.6	1 254.3	36 720.2	5 850.4			716.5						
Other Social Expenditures			45.2				754.1						
Medical Services and Medication						10 769.9							
Community Amenity Affairs and Housing	1 807.3	4 165.2											
Environment	449.5												
Mining, Chemical, Energy and other Industrial Branches	2 078.4								1 792.5				
Agriculture, forestry	4 892.0	467.0											
Transportation and Communication	6 816.3	3 327.5								2 000.0			62.0
Other Economic Affairs and Services	1 210.5										34.5		
Research Affairs	914.8												
Other Expenditures	460.5	136.4	388.9	296.6		598.3	49.9	450.1				49.8	
Transfers	5 418.4												
Interest	23 948.0	0.5	110.0										
Reserves	122.1												

	State Budget	Local Budget	State Social Security Budget	Unemployment Fund	Health Fund	Health Social Security Fund	Risk & Accident Fund	Special Fund for Developing and Modernising Customs	Special Fund for Energy Development	Special Fund for Modernising Roads	Special Fund for Insured Protection	Special Fund for Tourism Promotion & Development	Special Fund for Civil Aviation
Loans	730.9			150.0								10.0	
<b>Total Current Expenditure</b>	84 633.3	13 406.6	37 142.4	6 132.6	565.0	11 268.2	1 520.5			1 668.1	34.5	46.8	27.6
Goods and Services	26 041.6	8 389.5	941.2	279.8	565.0	11 268.2	804.0			1 668.1		46.8	27.6
Wages and Salaries	19 140.1	3 014.6	24.5	87.4	1.2	392.3	3.0			175.0			1.2
Other Goods and Services	6 901.5	5 374.9	916.7	192.4	563.8	10 875.9	801.0			1 493.1		46.8	26.4
Subsidies	3 683.3	3 328.6											
Bonuses	80.9												
Transfers	23 307.2	1 688.5	36 201.2	3 865.2			716.5				34.5		
Reserves	172.1												
Interest Payments for Public Debt	23 948.0												
Reform Expenditures	7 400.2			1 987.6									
Capital	3 497.9	2 947.0	9.5	38.4	212.6	100.0		450.1	1 792.5	331.9		3.0	34.4
Loans	730.9			150.0								10.0	
Repayments of External Loans	3 052.9												
Interest Payments for External Loans	1 412.1	0.5	2.4	12.0									
Repayment of Loans from Thesaurus Fund		9.3											
Repayments of Internal loans	33.2												
Interest Payments for Internal Loans	24.1		110.0										

1) To be eliminated: transfers from the state budget (5360.6 billion lei), from the State Ownership Fund (3717.0 billion lei), and amounts received by the health social security fund from other budgets (308.9 billion lei).

## 10.2. *Personnel Data*

At present and in accordance with the provisions of Law no. 154/1998 regarding the system for the establishment of basic salaries in the budgetary sector and emoluments for dignitaries, the functional hierarchy of public personnel is as follows:

- personnel in specialised positions;
- personnel in specific positions;
- personnel in executive positions;
- personnel in the administrative/secretariat area, communal services management, maintenance, repairs and services.

For each category, there are differentiated scales of professional grades and steps.

It is also useful to distinguish between:

- personnel within the apparatus of the central administrative authorities and institutions, as well as decentralised state services;
- personnel within the apparatus of local public administration authorities and institutions (counties, towns and communes).

Sectoral distribution — data as of 31 May 1999:

- Personnel in public administration: 140 500
- Personnel in education: 408 300
- Personnel in health and social assistance: 303 300