

Monitoring Report on Structural Funds Management in Romania

Elaborated within the Project

*The establishment of a national network of NGOs with the purpose of
monitoring the integrity of structural funds spending in Romania*

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Uniunea Europeană reprezintă o entitate politică, socială și economică compusă din 27 de țări. Statele Membre au decis împreună, pe parcursul unui proces de extindere ce a durat 50 de ani, să construiască o zonă de stabilitate, democrație și dezvoltare durabilă, menținând diversitatea culturală, toleranța și libertățile individuale. Uniunea Europeană își propune să împărtășească realizările și valorile sale cu țările și popoarele de dincolo de granițele ei.

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About the Project

The project *The Establishment of a national network of NGOs with the purpose of monitoring the integrity of structural funds spending in Romania* was financed by PHARE Civil Society 2005 and was conducted by Transparency International Romania during December 2007-September 2008. The project was addressed on one side to the NGOs interested in achieving expertise in the field of monitoring the management of structural funds in Romania and on the other side was directed towards public institutions developing structural funds-based programmes.

The overall objective of the project was to strengthen the role of civil society in promoting the rule of law, by means of fostering the efficient management of structural funds according to integrity standards.

The activities within the project were structured into two pillars corresponding to the specific objectives. The former one aimed at establishing a network of NGOs with the capacity of monitoring structural funds administration, with the support of foreign expertise (provided by the TI chapter experts from Member States joining EU in 2004) and national expertise offered by TI-Romania. Two instruments accompanied the tasks assumed within the first objective, namely the drawing up of a *Guide on the integrity of European funds contracts execution* and the launching of a virtual space to ensure a permanent communication among the network's members.

The latter objective consisted in establishing a mechanism of monitoring the implementation of structural funds, parallel to the public one. The monitoring activity focused on the status of preparedness of the county councils with regard to their responsibilities as beneficiaries of structural funds. The results of monitoring constituted the necessary background for debating over the instruments used and for elaborating a public policy proposal and strategy with a view to ensure the integrity of structural funds management.

The final stage of the project envisaged the organisation of a press conference in order to launch the results and the instruments used within the project.

Context

One of the challenges that Romania faces after the accession to the EU is connected to a correct and efficient management of European funds – both from the perspective of public authorities coordinating the Operational Programmes and the beneficiaries of such funds.

Once Romania became a member state of the European Union, priority policies at Community level turned into priorities at national level. Romania faces consequently challenges deriving on one side from the gaps separating Romania from other member states, and on the other side from the already existing vulnerabilities such as low competitiveness and administrative capacity, reduced physical and human capital and low innovation capacity.

One of the means to deal with such challenges consists in ensuring integrity standards in the administration of funds granted by the EU Commission.

In order to fulfil the objectives settled within the project, a network of 12 NGOs was established with the mission of monitoring the level of preparedness – from integrity and transparency standards perspective - of competent authorities responsible with the coordination, management and also implementation and spending of structural funds. The monitoring network gathers 12 nongovernmental organizations promoting values and addressing objectives such as the rule of law, public integrity, transparency, accountability and fight against corruption.

The NGO monitoring network

No.	NGO	Local Monitor	Counties being monitored
Development region 1			
1.	Consumer Protection Association Botoșani	CĂJVĂNEANU RADU ȘERBAN	Botoșani, Suceava, Neamț
2.	Equal Chances for Women Iași	DINA LOGHIN	Iași, Bacău, Vaslui
Development region 2			
3.	Pro Democracy Association Club Focșani	CIPRIAN BOBEICĂ	Buzău, Vrancea, Galați
4.	Pro Democracy Association Club Brăila	MARIANA BÂTCĂ	Brăila, Tulcea, Constanța
Development region 3			
5.	“Târgoviște towards Europe” Association	RALUCA ANTONE	Argeș, Dâmbovița, Prahova
6.	Civitas 2005 Association	PAUL NICOARĂ	Teleorman, Giurgiu, Călărași, Ialomița
Development region 4			
7.	Dominou Craiova Association	CĂTĂLIN PETRESCU	Dolj, Olt, Vâlcea, Gorj, Mehedinți
Development region 5			
8.	NGO Centre for Resources in Oltenia CRONO	ALEXANDRU CLAUDIU PANĂ	Arad, Timiș, Caraș-Severin, Hunedoara
Development region 6			
9.	The Centre for Counselling Citizens Cluj	ANCA LESPUC	Bihor, Sălaj, Cluj, Bistrița Năsăud, Maramureș, Satu

	Napoca		Mare
Development region 7			
10.	Pro Democracy Association Club Braşov	CARMEN ANDREEA RĂCHITEANU	Sibiu, Braşov, Covasna
11	Sustainable Sighisoara Association	HANS HEDRICH	Alba, Mureş, Harghita
Development region 8			
12	Urban Transition Association Bucharest	DIANA CULESCU	Ilfov, General Council of Bucharest

The Monitoring Methodology

A preliminary objective of this network was to monitor the management of the structural funds by public authorities in the period January 2007- august 2008, with the purpose of obtaining a primary analysis of the integrity degree in the use of structural funds in Romania.

In this sense, we set up a pilot-monitoring methodology, based on the public mechanism of monitoring that is used by local coordinators on the level of those development regions they belong to. This monitoring strategy took the following instruments:

- Transmission of information requests on the basis of the 544/2001 Law regarding the *free access to information of public interest*. Local coordinators transmitted about 100 information requests to 41 County Councils, 8 Monitoring Committees, Regional Committees of Strategic Planning and Correlation, Regional Development Associations and Management Authorities.
- Consulting the internet pages of the public authorities subject to monitoring.
- Watch on local press
- Taking part to Monitoring Committees and Regional Committees of Strategic Planning and Correlation meetings.

Putting into practice the monitoring strategy on petition rights related to:

- The right to a good administration- transposed in the Accession Treaty, and in the Chart of Fundamental Rights of the European Union (art. 41).
- The 161/2003 Law regarding the incompatibilities and conflicts of interest.

The monitoring process aimed at the evaluation of the respect of integrity standards with regard to the management of structural funds not only by ***the public institutions and authorities at the national level*** that are competent in the coordination and management of the structural assistance, respectively Management Authorities, the Authority for Coordination of Structural Instruments, Evaluation Committees, Regional Development Council, Intermediate Organisms and the Authority of Certificates and Payment , but also by the

eligible beneficiaries of the unredeemable financing from the local public administration, County Councils and Intercommunity Development Associations.

Subjects of the monitoring process

Monitored institutions categories:

- Eligible beneficiaries and focus-groups at the local and regional level: County Councils as individual beneficiary, partner beneficiary and/or as partaker in Intercommunity Development Associations (215/2001 Law, republished).
- Intermediary organisms at the regional level: Regional Development Associations (26/2005 Law).
- Management Authorities and central level beneficiaries;
- Monitoring Committees, Evaluation Committees, Regional Committees of Strategic Evaluation and Correlation from the frame of Operational Regional Program.

Types of employees in the public sector:

- Public servants and contractual employees from the management institutions, beneficiary institutions, intermediary organisms
- Those designated/selected in the Evaluation Committees, Monitoring Committees, and Regional Committees of Strategic Evaluation and Correlation.

The object of the monitoring process

- Fulfillment of the attributions, in accordance with the rules in force, by the institutions responsible of the management and implementation of the structural funds.
- Respect of integrity standards by the actors involved in any of the management process of the structural funds' stages: programming, implementing, evaluation, monitoring.

Aspects under monitoring

Monitored organism	Object of monitoring
Management Authority	<ul style="list-style-type: none"> • Selection and evaluation criteria of the Management Authority's projects • List of accepted projects • Reports subsequent to the control making on the field • Reporting transmitted to the Payment Authority with regard to the undue or unused sums • Respect of the Partnership Principle, in the programming, implementing, evaluating and monitoring stages – organization of public consultations, information instruments used in those public discussions, the feedback resulted from them during the set up of the Operational Programs, the constitution of the Monitoring Committees (the members' selection, and work procedures) , the organization of the public communication activity – the information made available, their updating, and the way they are useful to focus-groups. • Make sure the public, mass media and the beneficiaries are informed throughout public consultations and other media of information. • Intermediate evaluation of the Operational Programs • Set up of Monitoring Committees: the public announcement of the MC's member selection, with the respect of the Partnership Principle. • Employment of the independent evaluators, responsible of the technical and financial assessment.
Monitoring Committee	<ul style="list-style-type: none"> • Monitoring Committee's configuration– respect of the representation principle of both partners and authorities. • Examination and approval of the criteria selection set up by MA, by the first 6 months from the authorization of the Operational Program. • Periodical analysis of the progress in the accomplishment of the Program's objectives on the basis of MA's documents and recommendations. • Meetings' minutes.

Regional Committees of Strategic Evaluation and Correlation (RCSEC) and Regional Development Councils	<ul style="list-style-type: none"> • RCSEC configuration – holder and alternate members, their signed declarations: Name, Surname, profession, studies, their Interest declarations. • Configuration of Regional Development Councils, their decisions. • List of priority projects to be financed in the Operational Program, corresponding to the regional development objectives. • Regional development strategy 	<p>Information regarding the set up and the configuration of RCSEC can be found on the websites of the RDA. http://www.nord-vest.ro/genpage.aspx?pc=por_CREES.aspx These Committees are formed, nominated and revoked by decisions of the Regional Development Councils</p> <p>The list of the submitted projects in the Operational Projects is established by Decision, after the strategic evaluation. This evaluation supposes the verification of the correlation with the regional development strategy. It's a public document that can be found on www.adrvest.ro.</p>
Intermediate Organisms	<ul style="list-style-type: none"> • The evaluators of the technical and financial eligibility of the projects submitted by the solicitors – the interest declarations, name, surname, profession, studies. • The respect of transparency and information principles regarding the release of the projects request. • Reports following the verifications on the field, to the beneficiaries'-request to access public information. 	<p>The intermediate organisms monitor technically and financially the projects submitted by the solicitors and supervise the execution of the financed projects through the structural funds.</p>
Beneficiary – County Councils, Intercommunity Development Associations.	<p style="text-align: center;"><u>Project elaboration</u></p> <p><u>Request</u></p> <ul style="list-style-type: none"> • Project Portfolio at the county's level • County's Development Strategy 	<p><u>Observation</u></p> <p>It should be taken into consideration the eligible projects for financing by structural funds FEDR, FSE (officio public information - County Council)</p> <p>It should be taken in view the correlation between the objectives of the respective projects and development purposes at the county and regional level.</p>

Beneficiary – County Councils, Intercommunity Development Associations. County Councils as individual beneficiary, partner beneficiary or/and in partnership with Intercommunity development Associations (215/2001 law, republished)	<ul style="list-style-type: none"> The list of the projects that: are being elaborated, that are already set up, those that have been accepted or rejected, those initiated by the County Council, and eligible for financing by the structural funds. 	<p>The list of the projects that have been submitted for financing can be claimed by information request.</p>
	<ul style="list-style-type: none"> Copy of the financing application submitted to the Intermediary Organism/ Management Authority in the Operational by the County Council. 	<p>The applications for the relevant projects (having the appropriate documentation) can be asked for by information request. The application can be submitted by the solicitor (County Councils) to the Management Authority or the intermediate Organism, depending on the Operational Program in which the financing is offered. Financing applications are protected by copyright, and they can be accessed after approval.</p>
	<ul style="list-style-type: none"> Number of public consultations which took place during the project elaboration in the Operational Program, the participants and the minutes of those meetings. 	<p>Local public administration as major beneficiary of the financing through structural funds is due organizing public consultations during the planning and elaboration stage, as well as during the implementation period. Subsequent to the consultations, it can be analyzed the way in which the recommendations made during the consultations have been taken into consideration, only if that information is available in the meetings' transcriptions.</p>
	<ul style="list-style-type: none"> Copy of the Evidence Note or of the Report comprising the needs, used in the set up of the budget-expenses section. 	<p>Identification of the correspondence between community needs and the objectives of the project submitted to financing/ financed.</p>
	<ul style="list-style-type: none"> Evidence Note or approval paper for the amount of liquidities in order to make available the financial resources needed for the implementation of the County Council's project in the shortest delay possible. 	<p>Early financial supply needed for the project implementation (- 544/2001 law is used to the setting up of the budget, income section).</p>
	<p><u>Project implementation</u></p>	
	<ul style="list-style-type: none"> Documents referring to the co-financing confirmation of the approved project in the Operational Program 	<p>Identification of the co-financing means (if and how the financial resources needed for project implementation were identified, if there was a co-financing plan- document that is attached to the financing application)</p>

Beneficiary – County Councils, Intercommunity Development Associations. County Councils as individual beneficiary, partner beneficiary or/and in partnership with Intercommunity development Associations (215/2001 law, republished)	<ul style="list-style-type: none"> County Council's Decision of approval of the expenses estimated in the project submitted to financing by the Management Authority throughout the Operational Program 	Document that is attached to the financing application.
	<ul style="list-style-type: none"> Feasibility Study for the works of construction/rehabilitation mentioned in the project. 	Document that is attached to the financing application.
	<ul style="list-style-type: none"> Copy of the Partnership Agreement signed by the Council and the partner as solicitor for the project implementation through the Operational Program. 	Total sum of the partnerships, of the socio-economic associates- partner institutions, commercial companies, statement of assets, declaration of interests, if the promotion of the partnerships with civil society is encouraged.
	<ul style="list-style-type: none"> Annual Program of Public Acquisitions (PAAP) 	Officio public information
	<ul style="list-style-type: none"> Public Acquisitions contracts: participant companies, their owners (statement of assets), compliance with the procedures regarding public acquisitions for the implementation of the project financed through the Structural Funds. (Annual Program of Public Acquisitions, award and competition documentation, correspondence regarding public auctions; public acquisition contracts, reports regarding the monitoring of the public acquisition contracts' award)¹. Number and cost of the subcontracted services (eligible expenses complying with the eligibility rules of the operating costs through the Operational Program, 759/2007 Decision, information included in the partnership agreement). Information and communication measures used in the project promotion and in the increasing citizens', beneficiaries' and focus groups' awareness- information panles, promotion and information events, radio and TV shows (contractual duty). 	
	<u>Project monitoring</u>	
	<ul style="list-style-type: none"> County Council's Decision regarding the designation of the person representing the institution as a member in the Monitoring Committee of the Operational Program. 	Officio public information (statement of assets, declaration of interests)
<u>Evaluation-Reporting</u>		

¹ Ion GEORGESCU, Codru Vrabie, *Instrumente de Monitorizare a Achizițiilor Publice*, Centrul de Resurse Juridice și Institutul de Politici Publice, Ed. Corneliu 2006, București.

Beneficiary	<ul style="list-style-type: none"> • Copy of the progress reports submitted by the County Councils as a beneficiary of the financing of the project implementation, to the Intermediate Organism. 	These are submitted along with the progress reports and previsions related to financial fluctuations of the following trimester.
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Results of the monitoring of structural funds management

January 2007- August 2008

I. General conclusions

According to the data given by the Ministry of Economy and Finances, who is responsible for coordinating the non-reimbursable assistance given by the EU, through the Authority for Coordinating Structural Instruments, until June 15th 2008 within the 7 Operational Programmes, there have been 1287 projects submitted, totalling 15,065 thousand millions Lei, out of which 281 were approved. The data doesn't distinguish between the Operational Programmes, fields of intervention or categories of beneficiaries.

Like previously mentioned, the authorities of the local public administration, one of the major beneficiary of non-reimbursable financing starting 2007, are eligible to depose financing requests within 5 of the 7 Operational Programmes, except the Operational Programme for Technical Assistance and the OP for Sectorial Transport. Due to the delays in the appointing stage, the deposal of the first financing requests has been done in April 2007 and contracting the beneficiaries started at the beginning of 2008.

One of the OP which can deliver information regarding the contracted projects until August 15th 2008 is the Regional OP, however AM POR hasn't developed annual reports with regards to the standards of efficiency, relevance and solid financial management reached during the process of implementing a FEDR. Another OP which is in an advanced stage, unlike other OPs in which the financing requests have been launched very late (May 15th for the Sectorial OP for Developing the Administrative Capacity) is the Sectorial OP for Environment. The Management Authority for the Sectorial OP for Environment, the Ministry

for Environment and Lasting Development had elaborated the annual report for implementing the OP in 2007. As a result, structural funds have not accessed in a very low level during the first year, a first evaluation of the preparedness of the local authorities in effectively implementing these funds being premature.

What can be approached at this level is:

1. **Identifying that vulnerable stage**, of actors exposed to the risks of corruption – on the basis of the accumulated experience of other states which have entered the EU in 2004 and also by Romania in the first year after joining the EU.
2. **pointing out the negative impact which corruption and fraud** can have over the economic and social development of local communities – this being the general objective of the projects carried by the local public authorities.

Analyzing the entire management process of the OPs, composed of 4 stages (1. Programming Stage – preparing the strategic documents, establishing the priorities at a national, regional and zonal level and correlating the needs with these priorities and ensuring the implementing of the proposed objectives -, 2. Launching the financing requests, evaluating and selecting the financing offers, 3. Implementing, executing the financing contracts and 4. Monitoring and evaluating the development of the financing contracts, general conclusions, as well as some specific ones for regional development areas) it can be noticed that a low number of financing contracts has been signed by local public authorities as beneficiaries.

In the Programming stage the risk of corruption is relatively low, taking in consideration the limited role that the local authorities has as most decisions at this stage are taken at a central level by the Management Authorities. Any abnormality which may appear is related to the abuse of power by public officials who may promote non-corresponding and non viable developing objectives in order to promote their own interests. In order to reduce such risks politics should be limited in establishing priorities, the administrative attributions need ensure an adequate implementing of the development strategy, while monitoring closely this process.

Therefore, out of the small number of projects laid down for financing by the local authorities – County Councils , the low administrative capacity can be deduced – the lack of experience in administrating projects by local authorities, high bureaucracy, low information level it

confronts caused a prolonged process for identifying necessities and developing the projects necessary for their communities. Furthermore, despite certain initiative for informing and consulting carried by the Management Authorities, there is no constant and comprehensive dialogue between the MA and the potential beneficiaries. There have been noted certain deficiencies in awarding co-financing which determined the protraction of sequent procedures needed in depositing financing requests. Another important element in the programming stage regards informing and consulting the final beneficiaries of projects carried out by authorities, activities which are largely neglected by the County Councils.

The County Councils are the main institutions watched by local monitors and are therefore in various development stages of elaborating the documents, evaluating and approving the development projects which their communities advance. Despite the information available to the public - whether complete in some cases or outdated in most – a very important component which should accompany that of informing but which is lacking is public consulting. Local public administration, as a major beneficiary of financing through structural funds, has the duty to organize public consulting while during the planning and developing stages of the project as well as in all subsequent stages of implementing.

We must mention the publishing of a guide addressing local public administration, part of the „Informing for integrity ” campaign from 2006 carried out by the Ministry for European Integration, the actual MDLPL. The guide offers information regarding the projects financed through the Regional Operational Programmes, eligibility criteria, project samples as well as the stages of preparing a project.

With regards to the stages of launching the financing requests, evaluation and selection, the results of the monitoring notice the lack of transparency and the almost non existent information tools which characterize the actions taken by local authorities as eligible beneficiaries of structural funds. The financing requests are deposited by solicitants at the Management Authorities or the Intermediate Entity afferent to the OP. The ones responsible for selecting the projects are the Management Authority and the Intermediate Entity, the level of centralization is very high, resulting in a direct influence over the decision taking parameters.

A first abnormality regards the approved and signed financing contracts whose beneficiaries are the County Councils as they are not seen as information of public interest and therefore information related to these projects are either missing or lacking details. Due to the closed circle in which the evaluation and selection procedures take place, the low level of public communication and deficiencies in the communication between solicitants and AM-OI there is a series of vulnerabilities which can appear, first of all related to the conflicts of interests and incompatibilities, unclear issues regarding the selection of independent assessors and contracting consultants.

With regards to the transparency of selecting independent assessors, the Management Authority for the Sectorial OP for Developing Human Resources has started to look into giving more value and impartiality to the process of evaluating the projects financed from the European Social Fund; therefore, between 15.01.2008-28.02.2008 AM POSDRU launched an initiative to build a database for future independent evaluators from the projects financed by FSE.

II. Specific conclusions on the 8 development regions

1. Development Region 1 North-East

Neamț, Botoșani, Suceava, Bacău, Iași, Vaslui counties

- The lack of information on the institutions' websites, information not brought to date usually
- Not all the County Councils have elaborated Development Strategies
- Project portfolios exist in each county
- The least considered aspect by the County Councils in project administration are the public debates and the respect for the partnership principle
- There is no information concerning the composition of the Monitoring committees and of the CRESCs

At the First's Development Region level, the mandatory public debates preceding the project elaboration for the local authorities, from all the 6 counties taken into consideration, only at the Neamț County Council existed information about a public debate to take place before 21.05.2008, concerning the Local Action Plan – Local Agenda 21, the Prior Projects Portfolio for the Local Agenda 21 – Neamț county, and the Lasting Development local plan for the Neamț county – local Agenda 21.

For the Botosani and Suceava County Councils it could not be identified on their website any information regarding the organization of public debates referring to the programmatic documents or to the projects from which the two local authorities benefit.

At the programming stage - consisting in preparing the strategic documents, prioritizing at a national, a regional, and a zone level, matching the needs with these priorities, and assuring the implementation of the proposed goals – two of the County councils have elaborated Development Strategies, i.e. Neamț and Suceava, core documents identifying development goals for the county level and correlating them with the regional and national ones. More than that, based on these goals, the objectives are set and the financing requests are elaborated for the Operational Programmes.

Despite the fact that at the monitoring time, the Botosani County Council was elaborating a Development Strategy, the institution has a portfolio of eligible projects for the Operational Programmes.

Projects portfolios

In the frame of the Medium Operational Program there are two projects yet to be put in for financing, that require finalizing the needed documentation as well as the Decisions regarding the constitution of two Intercommunity Development Associations. At the Regional Operational Program level, there is a number of five projects one of which was put in for financing at ADR North-East in December 2007. The project has a total value of 89.536.769 EUR and it consists in modernizing eight county roads and a regional route, the Priority Axis 2, the Intervention Domain 2.1; the contracting proceedings of the projectors were already finalized for four commercial societies.

From the information available on the Suceava County Councils website, there is a projects portfolio but among these there are not included projects that could be financed with structural funds, a differentiation between the different financing types not being available. The same situation is encountered in the Neamt County, the projects portfolio consisting in 12 projects for which the information concerning the financing source was not being disposable.

The Bacau County Council is holding in this moment a portfolio of three eligible projects for the structural funds, those being evaluated in the CRESC NE meeting from July 2008, the conclusions being that two projects were approved for financing, the third being included on the waiting list. One of the approved projects aims to rehabilitate and modernize a county road, the Bacau and the Vaslui counties being associates in this project.

As for other projects, the beneficiaries from the local public administration do not identify in time the financing sources requested for the application documentation; the same issue is also present in the next stages of identifying co-financing sources, this lack of planning could bring to a faulty project implementation.

At the same moment with the Government decision no. 1424 from December 2007 it is introduced the Multi-annual technical assistance program for helping the local public authorities in preparing projects aiming at a public financing from the Regional Operational Programme 2007-2013. As a consequence, Bacau County Council obtained financing for

preparing the technical-economic documentations necessary for the access to Axis 2 funds, POR.

From the information made available by the Iasi County Council on the institution's website it results a number of three eligible projects for POR, Axis 2, approved by the management authority and being in course of contracting, for which the beneficiary is the Iasi County Council; another project endorsing Axis 3 is to be implemented in 2008, in this project the Iasi County Council being partners with the Iasi General Direction for Social Assistance and the Child's Protection.

2. Development region 2 North-East

Braila, Galati, Tulcea, Constanta, Vrancea, Buzau Counties

Following the information requests formulated in the base of the Law No. 544/2001, the institutions that responded in the legal deadline were the Braila County Council, the Ministry for Environment, Waters, and Lasting Development, as well as the Braila City Hall.

At the Braila County Council level, the "Restructuring and Enlargement of the Viziru, Cuza-Voda, Mihai Bravu county road" project approved for financing within the Regional Operational Programme on the 30th of May 2008, with a budget of 64.799.496.88 lei, has a winding history. Congruently with the information provided by the Braila County Council, it results that this project was forwarded in 2004 to the Direction for Strategies, European Integration, and International Relations within the Braila County Council for financing within the Phare CES 2004-2006 Programme, for Regional Infrastructure Development. The project was approved by the Regional Council for Regional Development and included in the reserve projects list, being proposed for a structural funds financing. These results were made public at the end of 2005. In June 2006, Braila County Council benefited from a financing from the Ministry for European Integration's budget meant for technical assistance in the application process to the POR funds. In 2007 the "Restructuring and Enlargement of the Viziru, Cuza-Voda, Mihai Bravu county road" project was put in for financing, the contract being signed in July 2007.

The copy of the financing request was not made public despite the co-sign of the contract by the beneficiary and the Management Authority, Braila County Council arguing that this type of information was not of public interest. In what the mandatory public debates are concerned, in the evaluation phase existed “two announces published in the public spaces of the country-halls of each of the involved villages”, public announces consisting in the request for the environment approval. Braila County Council undertakes though activities of information and publicity after the financing contract is signed.

A project approved for financing within the Regional Operational Programme is “Modernizing the transportation infrastructure in the Murighiol-Uzlina-Dunavat-Lacul Razim touring area” having as a beneficiary the Tulcea County Council. Tulcea County Council makes available the financing request for this project which has as a main goal the lasting development of the tourism and of the business environment from the South-East area of the Tulcea County by improving the region accessibility to the Danube Delta, one of the main activities of the project being to assure the visibility and the information for the direct and indirect beneficiaries as well as for the authorities involved in the project. As for the public debates, Tulcea County Council organized at least three consultings in the preceding stage of the project’s elaboration, mentioning that this was put in for Phare 2003 financing, although the transcripts the public debates are not available.

In what the activity of the Association for Regional Development South-East is concerned, it can be argued that it exists a low transparency level, and that the information is not disseminated in an operational and understandable for the interested ones manner. The Development of the South-East Region is closely linked thus with the transparent management of the information and with the public debates about the real necessities. More than that, allocating structural funds and the insufficient knowledge of the contract terms can lead to corruption.

3. Development Region 3 south-Muntenia

Arges, Dambovita, Prahova, Teleorman, Giurgiu, Calarasi, Ialomita Counties

Within the Decision no. 4 from 28 February 2008, adopted by CRESC South-Muntenia, it is approved the list of the projects proposed for financing within the Regional Operational Programme 2007-2013 for the South-Muntenia region, put in the order of their strategic evaluation. On the South-Muntenia ADR's website are published both the Decision no. 4 of CRESC as well as its appendix : Appendix 1 – the list of the projects deposited at the CRESC South-Muntenia Secretary to be strategically evaluated in the February 2008 period, decreasingly ordered by the grade received at the technical and financial evaluation; and the Appendix 2 – the list of the priority projects to be put in for financing with the Regional Operational Programme according to the CRESC South-Muntenia meeting from 28.02.2008.

At the Intermediate Entity level representative for this region, the Pitesti Intermediate Entity POS Environment – Region 3 South-Muntenia does not have its own website. On the official OIR POS DRU South-Muntenia page there is no information concerning the persons that evaluate the technical and financial eligibility of the projects deposited – there are not mentioned the name, profession, declaration of interests. It is referred in this sense the official POS DRU website were an announce concerning the construction of a database with independent evaluators exists. According to this announce, in the 15.01.2008-28.02.2008 amount of time, The Management Authority for the Sectorial Operational Programme – Human Resources Development is creating a national level database with potential independent evaluators in order to give an extra value and impartiality to the process of evaluating projects to be financed by the European Social Fund. The goal is to select from this database independent evaluators for the projects forwarded to the Sectorial Operational Programme – Human Resources Development². Despite this initiative, neither the database nor the independent evaluators' selection procedure was published on the website yet.

As about the information about the call for projects on the OIR POS South-Muntenia website the information is up to date. Also, on the 23rd of May 2008, on the website was published the list of the beneficiaries whose projects were selected for financing within POS

² <http://www.fseromania.ro/evaluatori-independenti-fse-fse.html#e1>

DRU following the evaluation of the projects received after the call for strategic papers launched on the 15th of February 2008³.

At the Teleorman, Giurgiu, Calarasi, and Ialomita counties level, the result of the County Councils websites' monitoring ascertained the low interest of these authorities to furnish up to date information regarding the projects in progress proposed to their local communities.

As a consequence of the request for information of public interest, Teleorman and Ialomita County Councils offered information regarding the approved or the to be approved projects for financing. Ialomita County Council has a priorities agenda for 2008-2009 in the framework of which are elaborated sectorial strategies; the *Consolidation and modernization of the county road DJ 201B km 0+000 – km 19 + 000, Ciocchina – Orezu – Rasi* being one of the approved projects for financing within the structural funds.

Teleorman County Council answered our requests and offered information about the projects approved and to be approved for financing from the structural funds. There are two approved projects, the rehabilitation of the DJ 701 and of the DJ 506 and four other projects to be elaborated.

Arges, Dambovită, and Prahova County Councils make available information regarding the development strategies in course at a sectorial or at a county level, except Arges County Council. Dambovită County Council also detains a strategy concerning “Maintaining and increasing the integrity in the Dambovită County in the 2008-2010 period”.

4. Development Region 4 South-West Oltenia **Dolj, Olt, Valcea, Gorj, Mehedinți Counties**

As a result of the websites' of the representative entities in implementing the structural funds performed monitoring in the Development Region 4 the conclusions show that it exist a relatively low grade of transparency regarding the implementation mechanism, the persons evaluating the technical and financial eligibility of the projects forwarded by the solicitants, or the employment manner of the independent evaluators responsible for the technical and financial evaluation.

³ <http://www.fseromania.ro/proiecte-fse.html>

The monitoring of the main local, regional and national newspapers, quotidian papers, and periodicals revealed a major interest in publishing subjects dealing with the manner to obtain, implement, and monitor the projects carried in the framework of various operational programmes if we are to consider the large number of media appearances analyzing these issues.

From the daily press monitoring, it clearly resulted a relatively large level of mistrust from the part of the beneficiaries regarding the strictness and the correctness of the evaluation made by the public institution authorized in these issues.

At Forth Development Region level, it can be said that the public institutions may benefit from the structural funds because they have the instructed personnel, the expertise in accessing the pre-adhesion funds, as well as the financial resources that can become favorable premises in successfully implementing future projects.

The evaluation and selection process for the financing documentation proposed within the operational programmes it is not sufficiently transparent, information concerning the evaluators' capacity, experience or expertise not being available.

5. Development Region 5 West

Timis, Arad, Caras Severin, Hunedoara Counties

At the Fifth Development Region level, the County Councils' monitoring showed that the projects' stage situation it is closely similar to the one present in the other development regions.

In what Timis County Council is regarded, a first conclusion concerning the projects portfolio makes reference to the existence of three approved projects. Even so, after the transmitted requests, it resulted that these projects are in a process of evaluation the consequence being that the information about these projects can not be made public until the end of the selection procedure, in this period the confidentiality clause being active.

Hence, information linked with the needs rapport utilized to elaborate the budget was not available, the answer at this request being that making publicly available this kind of information would bring to a complication of the acquisition procedure, because the participant at the auction would know the maximum amount of money supported by the

acquaintant and could calibrate his offer in a manner which will lead to a non-loyal competition if the others do not detain the same kind of information. Regarding the public debates, Timis County Council mentions that this activity is not mandatory in the stage preceding the projects' deposit the motivation being that the public debates are necessary subsequently, in the implementation process, before obtaining notices, agreements, and authorizations.

6. Development Region 6 North-West

Bihor, Bistrita Nasaud, Cluj, Maramures, SAtur Mare, Salaj Counties

Bihor County Council elaborated "The Development Plan of the Bihor County 2007-2013"⁴. This plan was elaborated in the framework of the "Partnership for development" project, coordinated by the Bihor County Council and it represents the final outcome of a process of public consulting and debate having as a theme the Bihor county's lasting development, a process involving local administration, institutions, non-governmental organizations, specialists in various fields, civil society representatives, independent individuals, animated by the common interest in making a contribution at the county's lasting development within specific activities, debates, specialized meetings, punctual interventions on various problems of a common interest. Regarding the eligible projects for financing within the structural funds, at the Bihor County's level there is a number of 6 projects to be put in for financing.

Bistrita Nasaud County Council published The County's strategy for the development priorities 2007-2013. This strategy was approved within the County Council's Decision no. 85 from the 20th December 2007, and it contains the action planning in various fields for Bistrita Nasaud. After requesting the Bistrita Nasaud County Council's project portfolio it was observed a number of 16 eligible projects for structural funds financing, one of these being deposited for evaluation and financing within the POR.

Cluj County Council elaborated The Cluj County's Development Plan for 2007-2013 containing the projects portfolio for the county level, approved within The Cluj County Decision no 39/28.02.2008. The documents are available on the institution's website at the address: <http://www.cjcluj.ro/hotarari/1/2007/2>. The Cluj County Council elaborated and deposited for

⁴ The plan was approved within the Bihor County Council's Decision no. 155 from 31st October 2007

financing within the Regional Operational Programme 2007-2013 three projects concerning the infrastructure modernization for a tourism purpose, the restoration of an Art Museum and the rehabilitation and modernization of a hospital.

Within the Maramures County Council Decision no. 21 from 21.02.2008 it was established the Special Department for the projects with an international funding created by re-organizing the Regional Development Direction. This department has as a main goal the international financed projects' initiation and running. At the Maramures County Council's level it exists a project proposed for financing within the POR, regarding the rehabilitation of a county road route.

The Satu-Mare County Council detains general information concerning the structural funds allocated to Romania between 2007 and 2013 but not related to the projects in progress or proposed for financing. From the Satu-Mare County Council's Decisions results that there are several projects that have as a financing source the PHARE CBS Programme.

At the Salaj County Council's level it was elaborated The county development plan 2007-2013 which also includes a large projects portfolio corresponding to various operational programmes.

7. Development Region 7 Center

Alba, Mures, Harghita, Sibiu, Brasov, Covasna Counties

While monitoring the Development Region 7, more precisely the Mures County, a series of problems regarding the non-governmental sector representation in the Regional Committee for Strategic Evaluation and Correlation were identified. Based on the Law no. 544/2001, several requests for information were addressed to the Development Agency ADR Center, their response justifying the legal base for nominating the NGO representative for Mures County within the CRESC and also the CRESC composition. The response could not offer though a legal explanation for the NGO representative's nomination, whom was nominated in 2007 directly by the Mures County Council's President, ms. Lokodi Eموke, and consequently not according to the legal procedures.

As a consequence of the multiple requests for information transmitted in the mid-July 2008, County Council's President disposed the designation of a new NGO representative

within the CRESC ADR Center. This fact itself underlined that the procedure of nominating the NGO representative was trespassed within the framework of these entities with a crucial role in the process of evaluating and selecting the financial requests. Hence, the elections' outcome was the nomination of a new NGO representative, Zoltan Hajdu, Focus Eco Center Targu-Mures's president, and of a surrogate member, Koreck Maria, from the Divers Association.

Following the participation of one of the local coordinators as a guest at the CRESC meeting from 19 august in which were validated the new members' mandates, on the agenda were included the presentation of the activities held by ADR Center and the strategic evaluation of six projects. All of the six debated projects were approved to be financed by the CRESC. The critique that the Mures NGO representative advanced argued the confidentiality declaration to be signed by the CRESC's members and also that the strategically evaluated projects do not respect closely the strategic and prospective purposes, the proposed solution in this sense being that the NGO's must assume a more active role in elaborating sustainable development visions corresponding to the community's needs. The result of the press monitoring was a great number of articles concerning the European funds, and especially the structural funds, the articles often having an informative character, and less being an analytical or a reflective critique of the integrity in the structural funds expenses.

From the Brasov, Covasna, and Harghita, only the Brasov County has a section – not brought to date though – dedicated to projects were their objectives and the main activities are specified for the county's projects (the deposited and to be elaborated ones).

8. Development Region 8 Bucharest Ilfov Ilfov County and Bucharest

After the institutions' websites monitoring from this region, the following conclusions can be drawn:

On the ADR Bucuresti-Ilfov's website the CRESC Bucuresti-Ilfov members list cannot be retrieved. Actually, on that website no information regarding this entity is to be found (organizing and functioning regulations, transcripts of the meetings etc.). also, on the website there is no information about the priority projects to be financed within the POR.

The members' list of the Council for Regional Development Bucharest-Ilfov still contains the name of mr. Adrieian Videanu even if he was already been replaced as a mayor by mr. Sorin Oprescu a fact that proves that the list was not brought up to date. On the website the decisions took by CDRBI from 01.02.1999 are present. The most recent decision uploaded to the website it is the no. 91 from 08.04.2008. For the 1st January 2007 – August 2008 period the decisions are numbered from 81 till 91. there also technical problems that block the access to the information referring to the decisions adopted by the Council for Regional Development Bucharest-Ilfov from 1st January 2007 until now. On ADR Bucharest-Ilfov website it cannot be found the Development strategy for the Bucharest-Ilfov Region.

At the beneficiaries' level, on the Bucharest City Hall' website the information is extremely poor in what concerns the activity of the Bucharest General Council. Also, in the information presented on the www.pmb.ro site there is no clear differentiation between the sections regarding the General Mayor's activity and those concerning the Bucharest's General Council. The information concerning Bucharest's Development Plan for the 2007-2013 also lack, as well as those about the eligible projects for financing within the structural funds. The technical problems in accessing the Ilfov County Council's website also block the access to the most part of the presented information. This made impossible accessing the "Strategies, Programmes, Prognosis" section. On the County's website no information concerning the eligible projects for financing within structural funds is to be found.

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