

Project Background

The project ***“Evaluating the contribution of Structural Instruments to ensuring Romania’s conformity with the Acquis Communautaire”*** was conducted under the terms of the Subsequent Contract no. 6/23/2/18.02.2013, of Lot 1 – “Evaluation of the Structural Instruments between 2011 -2015” of the Framework Agreement between the Ministry of European Funds (the ‘Contracting Authority’) and the Consortium led by CPD Ltd. (‘the Beneficiary’).

The evaluation was conducted by the consortium of companies consisting of CPD Ltd. (Estonia), the consortium leader, NTSN CONECT (Romania) and GEA Strategy and Consulting (Romania).

The evaluation commenced on 18 February 2013 and was concluded on 29 November 2013. The contract duration was extended by 3 months. The reason for extension was the unavailability of all data needed to support the analysis asked for through Terms of Reference (ToR).

Project Objectives

The **general objective** of this project is to contribute to the consolidation of the capacity to coordinate the implementation of Structural Instruments and to developing an appropriate administrative system through actions aimed at ensuring a common level of experience and know-how amongst all parties involved.

The **purpose of this evaluation** is to provide for decisional and policy-making bodies, as well as to programme managers, pertinent information and credible analysis regarding the contribution of Structural Instruments to fulfilling the Transitory measures stipulated by article 20 from the Protocol regarding conditions and commitments for the Accession of The Republic of Bulgaria and Romania to the European Union, as well as referring to new parts of the acquis added post accession of Romania to the EU.

The main target groups identified in the ToR are as follows:

- The Ministry of Foreign Affairs (Department for European Affairs)

- The Ministry of European Funds

- The Ministry of Transport

- The Ministry of Environment and Climate Changes

- The Ministry of Economy

- The Ministry of Public Finance

- The Management Authorities for: SOP Transport, SOP Environment, SOP Increasing Economic Competitiveness

Scope of the project

Although the title of the evaluation is ***“Evaluating the contribution of Structural Instruments to ensuring Romania’s conformity with the Acquis Communautaire”*** the scope is considerably wider and also includes considerations of the contributions made towards conformity by investments from other sources, the consequences of non-conformity and to identify where future investments can be made through Structural funds.

The **evaluation is asked to focus on a specific subsection of the utilisation of Structural Instruments (SI), i.e. the contribution and potential contribution towards compliance with the acquis and, historically, the contribution of investments from other sources.**

There need be no specific defined correlation between any particular intervention and specific legislation. The SI interventions have a wider purpose and objectives which, if pressed, could be

described in as 'convergence'. In this sense, it is coincidental that a specific intervention corresponds to specific legislation. However, particularly for the environment and transport transition measures laid out in the Accession Treaty, it is evident the 2007 – 2013 Structural Instrument programming had provision for targeting support to help meet the Treaty obligations. In respect of acquis introduced post-accession, and after the 2007 – 2013 programming exercise had been completed, the correlation of interventions with acquis compliance targets would be logically more coincidental, although much was foreseen and provision had been made.

Therefore, **the evaluation had to identify which interventions corresponded to which community legislative provision.** The ToR required that an **inventory of community legislation**, specified in the Accession Treaty and introduced post-accession, was prepared and of these provisions which could be supported by Structural Instruments. The Inventory (covering significant number of Directives and Regulations) was prepared by the project evaluation team and is part of the Inception Report. For the thousands of legislative acts the majority were of an administrative nature and, as such, there was the potential that compliance could be supported by the Sectoral Operational Programme Administrative Capacity Development (SOP ACD). This observation was not informative. As the funding requirements and allocations were plotted against the respective legislative requirements, it became apparent that the greatest investment was still required in the environment and transport areas subject to transition measures in the Accession Treaty. Particularly, for the environment acquis, community legislation had been introduced post-accession which set higher targets for the areas where transition measures had been negotiated. Also, the significant investment needs for compliance with the energy acquis become apparent. Therefore, most of the evaluation resources became absorbed primarily in those areas: energy, environment and transport.

Methodological approach

The principles underlining the approach used are presented below:

- Compliance with the ToRs
- Combining quantitative and qualitative methods
- Participative approach
- Focus the evaluation process towards achieving the project objectives

Details of the Methodology used to answer to the four evaluation questions are presented in the Annex 3.