7. Conclusions

7.1 Relevance

7.1.1 Important changes (Q1)

C1   The economic recession has invalidated the macro-economic assumptions and indicators foreseen at the time of OPTA programming (2007). The crisis had direct impact on the public budget, which was severely constrained in 2009 and 2010. Romania may resume growth in 2011, but without clear indication that this will happen budgetary restrictions are likely to stay in place [ref: *Section 2.2* **Para 28-34**].

7.1.2 Context (Q2)

C2   OPTA remains largely relevant for all beneficiaries and ample for addressing their current needs. It is therefore not necessary to adjust the OP for reasons of uncovered needs [ref: *Section 2.2* **Para 35-42**].

C3   The overhang of pre-accession assistance from the period 2007-08 diminished demand for OPTA resources. At the end of 2009, a series of problems that OPTA had been designed to address had already been partially solved through the deployment of pre-accession assistance and other external support. This is applies to *inter alia* coordination issues, basic training related to SI, development of an evaluation culture, general information on SI, as well as the institutional capacity of, respectively, ACIS, the AA and the CPA [ref: *Section 2.3* **Para 66, 71, 76, 116**].

7.1.3 Relevance of PA/KAI (Q3)

Priority Axis 1

KAI 1.1 – Support to the management and implementation of Structural Instruments

C4   Horizontal policies and regulations cannot be clarified and improved through OPTA without proper support by regulatory stakeholders. This implies that TA to improve public procurement or manage state aid schemes cannot be successful without validation by and the long-term involvement of institutions such as UCVPP, NARMPP and the Competition Council [ref: *Section 2.3.1* **Para 50-56**].

C5   Support for Growth Poles coordination is well justified in view of the need to ensure horizontal management of multiple interventions from several OPs [ref: *Section 2.3.1* **Para 58-59**, **Box 1**].

C6   The introduction of the 75% salary bonus was relevant in terms of keeping staff turnover within acceptable limits and attracting good experts, given the budgetary constraints caused by the economic crisis [ref: *Section 2.3.1* **Para 60-61**].

KAI 1.2 - Evaluation

C7   OPTA support for enhancing evaluation of publicly funded interventions remains relevant. However, the initial programming relied on the implementation of the NES, which encounters delays on the part of national publicly funded programmes. As a result, ECU/ACIS has remained the sole protagonist of developing an evaluation culture, itself largely restricted to SI [ref: *Section 2.3.1* **Para 66-68**].

KAI 1.3 – Horizontal training in the field of the management of programmes/projects

C8   The training activities within OPTA, as originally conceived, were based on a thorough needs assessment. However, the gap between planning and the start of training sessions

was considerable and a new assessment would be advisable. As the specialisation of the MA and IB staff increases and staff turnover remains low, the envisaged training is considered too basic. The change from basic to specific training will require the adoption of new training tools, tailored to smaller groups of experts [ref: *Section 2.3.1* **Para 70-72**].

C9   There has been virtually no training for beneficiaries, although most implementation problems are at beneficiary level [ref: *Section 2.3.1* **Para 73**].

KAI 1.4 – Functioning of OPTA MA, ACIS, the CPA and the AA

C10   Support for institutional coordination is both relevant and mandatory for successful implementation of SI [ref*: Section 2.3.1* **Para 76-77**].

Priority Axis 2

SMIS long-term needs (Q19)

C11   There are four main needs in respect of long-term SMIS development: (i) ensuring full compatibility with third party applications; (ii) enhancing date security; (iii) enabling the customisation of system menus for final users; and (iv) providing training on a continuous basis [ref*: Section 2.3.2* **Para 98-106**].

KAI 2.1 – Development and maintenance of the SMIS and its digital network

C12   Further SMIS development is required and relevant for reaching optimal functionality [ref: *Section 2.3.2* **Para 85-86**].

KAI 2.2 – Functioning of the SMIS Central Unit and its coordination network

C13   The coordination network is critical for the functioning of SMIS and requires OPTA support. The same applies to the SMIS help-desk function. The recruitment of staff on a contract basis, although welcomed in principle, is hampered by existing regulations [ref: *Section 2.3.2* **Para 88-90**].

KAI 2.3 – Training of the users, distribution of procedural guides and user manuals and information activities related to SMIS

C14   SMIS-related training and user-friendly manual preparation are important for reducing the number of errors in the system and would benefit from OPTA support [ref: *Section 2.3.2* **Para 92-93**].

KAI 2.4 – Supply of IT&C goods and services

C15   Demand for SMIS-related equipment was overestimated at the time of programming, at least for the period 2007-2011, because available pre-accession support was insufficiently taken into account [ref: *Section 2.3.2* **Para 96-97**].

Priority Axis 3

KAI 3.1 – Dissemination of general information and publicity activities regarding the Structural Instruments allocated to Romania

C16   Although three years after Romania's accession to the EU one would expect a reasonable level of public awareness of SI, available data still suggest a low level of awareness on the part of the public. The original programming, based on a 2007 needs assessment, remains valid in 2010 [ref*: Section 2.3.3* **Para 116-121**].

KAI 3.2 – Operation of the Structural Instruments Information Centre

C17   The IC for SI is the backbone of the Communication Plan and there remains a critical need for it to be set up. The lack of action to date in establishing the national information

network demands immediate steps for soliciting the active involvement of stakeholders at local level [ref: *Section 2.3.3* **Para 123-126**].

7.2.1 Coherence (Q4)

C18   OPTA is well designed and equipped with proper mechanisms to ensure coherence with the other OPs and relevant European and national policies. Coherent   principles and instruments guide the implementation of TA overall. There is nonetheless much difference between the TA activities conducted by each coordination structure and performance is variable [ref: *Section 3.2.1* **Para 132-138**].

The CCTA is essential for coordinating TA interventions. The CCTA focuses on avoiding overlap between horizontal and vertical TA and has successfully created and implemented a series of procedures in this respect. Under the guidance of the Directorate for TA of ACIS (DTA/ACIS), the coordination mechanism provides a platform for sharing concerns and identifying adequate, agreed upon solutions for problems in efficient TA implementation [ref: *Section 3.2.1* **Para 139-142**].

C19   CCTA influence on the decisions by TA units for other OPs is still limited and varies from one OP to another, mainly because of differences in institutional positioning of those units within their host entities. A number of thematic WGs may act inter alia as the CCTA's 'early-warning system' for overlap between OPTA and TA under other OPs. The WGs that are most important for TA coordination are those for, respectively, evaluation, training, communication and SMIS.

Although all WGs share the same functional philosophy, their operational modalities differ much. Some WGs have adopted proceedings more formal in character than those of other WGs and the frequency of their meetings varies. This operational variety partly explains the marked differences in effectiveness between WGs in respect of their mandates [ref: *Section 3.2.1* **Para 143**].

7.2.2 Consistency (Q5)

C20   OPTA remains a key source of funding for supporting ACIS to constantly assess the efficiency and effectiveness of recent Cohesion Policy reforms, as well as to prepare rigorously Romania's positions regarding the future policy changes. Already through KAI 1.1, OPTA provided funding for the "*Study to identify the priority reform directions for the Cohesion Policy post 2013 from Romania's perspective*". This in itself is a proof of consistency with EU developments in the field [ref: *Section 3.2.2* **Para 147-154**].

Similarly, ACIS staff was actively engaged in working groups and other debate session at EC level on the next agenda of cohesion, both before and after Barca's report[100] was launched.

C21   However, even ACIS was active and tried to stir a wider debate within the Romanian society on the Cohesion Policy reform, the echoes were very limited. This can be partially explained on grounds of novelty of such topic for the wider public or given the lack of habit, even at expert level, to participate and contribute to debates on issues of a national importance. However, OPTA leverage was also insufficiently used for this purpose. So far,

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[100]   *„An Agenda For A Reformed Cohesion Policy", Independent Report prepared at the request of Danuta Hübner, Commissioner for Regional Policy, Fabrizio Barca, April 2009;*

only one serious study was commissioned from OPTA resources, which is low by all standards, given the generous allocation available [ref: *Section 3.2.2* **Para 147-154**].

C22   The thematic WGs are not only relevant for coordinating TA and avoiding overlap, they also contribute to increased consistency of TA with wider policies for improving public administration. This applies also to the way in which OPTA interventions are correlated with OP DAC objectives and implementation. OPTA and OP DAC both deal with horizontal issues such as public procurement. Both OPs support the development of evaluation and its embedment in public policy design and implementation. Both OPs focus on training public employees. Both OPs aim at developing ICT systems within the public administration that can serve better policy execution and monitoring. Both OPs emphasise the importance of transparency in public policy, which requires adequate information and communication.

All these issues are currently addressed separately, because SI management is as seen separate from the management of other national public policies and interventions. As a result, the cooperation between OPTA and OP DAC remained rather limited at the end of 2009. Both OPs are well informed about their separate activities (through membership of Monitoring Committees, all WGs and similar venues for information exchange), but there is no common strategy for enhancing administrative capacity [ref: *Section 3.2.2* **Para 163-168**].

7.3 Efficiency

7.3.1 Mechanisms & structures (Q6)

C23   Its current organisational set up and procedures provide the basis for the proper functioning of the OPTA MA. An important factor hampering efficiency remains the lack of clear delineation between the DTA's OPTA-MA functions and its other, ACIS-related functions. Combined with understaffing, this blurring of functions undermines DTA's capacity to manage the increasing number of projects to be selected, contracted and implemented in the remainder of the programme period [ref: *Section 4.2.1* **Para 174-180**].

C24   OPTA MA staff, especially young entrants in the public administration, may reach a critical lack of motivation, if – after meeting the requirements for promotion – they are told that this is not possible for budgetary reasons. In combination with the recent decision for a 25% reduction in salaries, a promotion stop is likely to lead to resignations, especially amongst quality junior staff [ref: *Section 4.2.1* **Para 183**].

C25   Although only two minor irregularities have occurred so far, OPTA MA staff's efficiency and willingness to shoulder responsibility may be expected to suffer in the continued absence of transparent, predictable and fair procedures for dealing with irregularities [ref: *Section 4.2.1* **Para 187**].

C26   There is a need for clarifying implementation procedures at the operational level and a proper manual of guidelines, as beneficiaries consider the communication between them and the OPTA MA unclear and unstructured [ref: *Section 4.2.1* **Para 188**].

C27   There is a need for a more pro-active engagement of the OPTA MA with current and potential beneficiaries, to help them with problems in procurement and implementation and fill the project pipeline, for a more efficient and effective absorption of OPTA resources. Contracting external assistance for public procurement may be required, at least until the cooperation with UCVPP and NARMPP is reinforced [ref: *Section 4.2.1* **Para 189-192**].

C28   Efficient implementation of OPTA projects is affected by time-consuming approval and signing procedures at beneficiary level (especially in the case of ACIS, but also that of other OPTA beneficiaries). Much of the delay is due to the number of statutorily required approvals at State Secretary level [ref: *Section 4.2.1* **Para 193**].

C29   Although the MC has proven useful in planning or amending the OPTA, it does not use the possibility to involve external stakeholders (civil society and local authorities) to maximum potential.[101] Communication with external stakeholders tends to concentrate around MC meetings and is not conducted on a continuous basis. In addition, there likely exists limited capacity amongst external stakeholders to follow and contribute in more in-depth fashion to OPTA improvement [ref: *Section 4.2.1* **Para 194-202**].

7.3.2 Efficiency of PA/KAI (Q7)

Priority Axis 1

KAI 1.1 – Support to the management and implementation of the Structural Instruments

C30   Given the fact that the original allocation for KAI 1.1 amounted to nearly 25% of the total of OPTA resources, contracting and implementation under this KAI has been relatively inefficient [ref: *Section 4.2.2* **Para 209-214, Table 6**].

Out of the originally intended beneficiaries, only DAP and ECU have successfully submitted projects. Both DAP and MD are lacking the project management capacity to generate a constant flow of projects under KAI 1.1 [ref: *Section 4.2.2* **Para 215**]

C31   The TAF project, intended to be the centrepiece of a new way to handle procurement (by means of framework contracts), was vaguely defined and significantly delayed [ref: *Section 4.2.2* **Para 213-214**].

C32   Nevertheless, it is likely that KAI 1.1 resources will soon be insufficient to cover the entire 2007-13 period, because of programming amendments and substantial, continuous expenditure on staff bonuses and wages for coordinators [ref: *Section 4.2.2* **Para 209-214**].

KAI 1.2 - Evaluation

C33   The projects already approved and the pipeline for KAI 1.2 look promising, but additional contracting is delayed [ref: *Section 4.2.2* **Para 218-220**].

C34   Training, networking, publishing results and actively launching new evaluations together seem to form the solution for increased efficiency in terms of the contracting rate [ref: *Section 4.2.2* **Box 4**].

KAI 1.3 – Horizontal training in the field of the management of programmes/projects

C35   Since the start of the programme period, it is noticeable that the entire coordination mechanism for training activities – i.e. TDCU and TWG – has matured. But the institutional system is not yet sufficiently structured to face current needs, leading to slow progress of KAI 1.3 and with likely negative impact on future training activities [ref: *Section 4.2.2* **Para 227-228**; *Box 4*].

C36   Without institutional coherence of the TDCU, the targeted results could and cannot be reached. A Human Resource Unit may help it to shift from mere training coordination to more complex tasks, such as on-going evaluation of staff skills, specific staff evaluation related to SI implementation and motivational level tests. For all these tasks, horizontal

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[101] *External in the sense of not being involved in the day-to-day coordination of SI – from this perspective, the EC representatives are 'internal', rather than external.*

coordination of MAs, IBs and the other institutions involved in public servants training activities is needed. Transfer of good practice from similar entities such as ECU is likely to improve TDCU capacity [ref: *Section 4.2.2* **Para 222-228**; *Section 5.2.1* **Para 336**].

KAI 1.4 – Functioning of OPTA MA, ACIS, the CPA and the AA

C37   ACIS and the CPA have been active in respect of this KAI, providing it with a good and apposite range of projects. However, CPA already encounters significant problems during implementation, as it lacks a solid and experienced PIU. The AA case is even worse, as so far it had trouble in putting forward projects, as its current structure misses entirely a PIU. However, the AA has plans to establish such an implementation structure as soon as possible [ref: *Section 4.2.2* **Para 229-235**].

Priority Axis 2

C38   Correcting errors is difficult and leads to delays in data processing, due to the necessary security and system access modalities, combined with an insufficient number of staff for data entry and processing. Although ACIS has expressed its dissenting view on empowering SMIS coordinators with more security/access rights because potential vulnerabilities in data security, the evaluation team considers useful to set a discrete list of common errors that could be corrected directly at SMIS coordinator level [ref: *Section 4.2.3* **Para 236**, **Box 5**].

C39   At the start of the programming period, the SMIS application was not fully able to accommodate the functionalities required by SI management and implementation. This has led to substantial delay in data upload and caused input of erroneous and incomplete data. The system is now functional and operational, although it cannot yet respond to all data management and reporting needs of all MAs and IBs, partly because those entities' relevant procedures have changed since the start of the SI [ref: *Section 5.2.2* **Para 354**, **Box 6**].

C40   Even though OPTA funding may be used to hire specialised staff on a contract basis, current Romanian legislation does not allow the contract-based employment of such experts. However, allowing the hiring of contract staff with OPTA financing would enable attracting people with competences that are extremely hard to acquire and sustain under normal budgetary conditions [ref: *Section 4.2.3* **Para 241**].

C41   The help-desk application in place is functional but users prefer to phone the SMIS CU or SMIS coordinators to quickly solve any issues arising. This causes much extra work for SMIS CU staff. A communication network for SMIS users at regional level has emerged, based on common interests and in the context of training delivered at the OP's programming stage. The present informal network may developed into a formal system able to benefit from coordination and support at central level. SMIS Coordinators within the MAs and IBs act as a first help-desk level for solving issues of low to average complexity for the users within their ambit, and also ensure initial know-how transfer to SMIS users [ref: *Section 4.2.3* **Para 242-251**].

C42   The SMIS application is relatively complex, mostly due to the complexity of the programmes it is supposed to reflect. It is perceived as not user-friendly, especially by users that do not possess at least a medium level of technical competence, in general, and knowledge of ICT applications, in particular [ref: *Section 4.2.3* **Para 236**, **Box 5**].

Priority Axis 3

C43   The communication and information tools already developed have either not been used at all (media spots) or were not used to maximum efficiency (websites *www.fonduri-ue.ro* and *www.poat.ro*) [ref: *Section 4.2.4* **Para 267-275**].

As regards the www.fonduri-ue.ro portal, even if it remains, for the moment, the main tool for ACIS communication, it is not user-friendly in terms of language and ease of finding information [ref: *Section 5.2.3* **Para 373-374].**

C44   It may be possible to turn mass-media representatives into effective communication partners, by reaching out to them with specialised information and training events [ref: *Section 5.2.3* **Para 382, Box 7**].

7.4 Effectiveness

7.4.1 Progress (Q8)

C45   At the end of 2009, progress on OPTA implementation was still very weak. Although the institutional setting for managing the programme is in place, most of OPTA interventions still had not been launched or failed to finish procurement procedures [ref*: Section 5.2* **Para 282-283**].

7.4.2 Performance gap (Q9)

C46   Judging by the degree of attainment of output indicators, programme performance at the end of 2009 fell short of expectations, with the exception of the number coordination meetings at all levels and the training events provided. The number of visits to the ACIS website has exceeded expectations. For several output indicators, there was no performance to monitor, as the planned activities had either been postponed or were still under implementation [ref: *Section 5.2* **Para 282-283**].

C47   No statements can be made in respect of the attainment of result and impact indicators, because most of the projects under the various KAIs were still in the inception stage at the end of 2009 [ref: *Section 5.2.1* **Para 285;** *Section 5.2.2* **Para 353, 355, 359, 367;** *Section 5.2.3* **Para 368, 370**].

7.4.3 Influence factors (Q10)

C48   Both internal (understaffing, heavy workloads) and external (economic crisis, public procurement problems, public finances legislation, beneficiary capacity & approval procedures) factors prevented more effective OPTA implementation. Most of these factors could be only partially foreseen at the programming stage. The OPTA MA has limited control over internal factors, as its small administrative power does not provide many degrees of freedom. The OPTA MA does not have the competence to find solutions for many of the external factors. Some institutional problems can be solved at ACIS management level, while only the highest echelons of the MoPF can deal with most of the others (e.g. rescinding the need for approvals at State Secretary level) [ref: *Section 5.2.1* **Para 300**].

C49   OPTA effectiveness can much be increased through multi-stakeholder involvement, as beneficiary capacity for implementing OPTA projects is as critical as the ability of the OPTA MA to coordinate all interventions. Increasing effectiveness requires that the OPTA MA improve its own capacity. In addition, it requires the OPTA MA to work closely together with eligible beneficiaries to increase their capacity to use TA to positive effect [ref: *Section 5.2* **Para 302-306**].

7.4.4 Effectiveness of PA/KAI (Q11)

Priority Axis 1

C50   OPTA support for pole coordinators is vital in ensuring the management of interventions at local level through the different OPs, as they are defined in the NSRF. Two problems related to this type of assistance need to be solved. The first is that there are no clear performance targets at OPTA level for the interventions supporting growth pole coordination and the periodical reports at project level received by OPTA MA are too basic to monitor the overall performance of this strategic operation. The second problem resides in the fact that no pole coordinator has ultimate decision-making powers regarding growth pole development, thus they have a limited influence on the use of SI. In other words, coordinators facilitate and do not have an executive role in SI absorption [ref: *Section 5.2.1* **Para 295-297**].

C51   The decision to finance the 75% bonus for staff with functions related to SI implementation was made in 2004, at the suggestion of the EC. In 2009, the Government agreed with the EC to co-finance the staff bonus through OPTA. The bonus is a useful instrument for motivating staff to keep absorption of the EU funds at optimum levels. The bonus may however lead to tension and decrease of motivation for the public staff not contributing to SI absorption. There is a gap between potential beneficiaries under GD 595/2009 and OPTA's eligible beneficiaries, as in the case of the legal experts with relevant experience that are eligible under the first regulation and not under OPTA [ref: *Section 5.2.1* **Para 293-294**].

C52   OPTA demonstrated flexibility in 2009 when it introduced support for growth pole coordinators and additional expenditure for staff involved in managing and implementing SI. Both measures are compliant with OPTA's general objectives, but they require a substantial yearly budget, that may trigger the need for financial reallocation from other PA/KAI to KAI 1.1 until the end of the financial perspective 2007-13 [ref: *Section 2.3.1* **Para 62**].

C53   An important obstacle faced by KAI 1.1 concerns the lack of capacity at beneficiary level for proposing and implementing projects. With regard to its 2009 project in support of preparing Romania's position towards EU regional policy, DAP experienced the public procurement process as cumbersome and the quality of support received from IS/DTA as less than optimal. A similar situation applies to the Monitoring Directorate within ACIS, which has been unable so far to put forward any project proposal, mainly due to its heavy workload involved in monitoring the remaining projects financed through Phare. The AA is expected to submit projects starting in 2010, as until 2009 it still had access to pre-accession assistance [ref: *Section 5.2.1* **Para 306-308**].

Common standards (Q15)

C54   At the end of 2009, OPTA had not significantly contributed to support on horizontal issues, especially in fields such as public procurement and state aid. This is a significant vulnerability, as public procurement issues are generally considered bottlenecks, not only for the implementation of OPTA, but also that of the other OPs. All MAs and IBs look to ACIS for solutions to arrive at an efficient public procurement process. The issue of state aid also requires horizontal support, but beneficiaries see this need as less acute [ref: *Section 5.2.1* **Para 297-304**].

C55   The most critical project for the achievement of KAI 1.1 objectives – the TAF – recently saw the launch of the contracting phase for a framework-agreement for services providers. If this contract is awarded without incident, it should provide real support for the management and implementation of SI. The launch of the TAF framework-agreement

is important in that it is one of very few short-term solutions for realising more flexible and faster project implementation and procurement. However, the manner in which Lot 1 of the relevant tender for TAF is structured does not provide the right set of incentives for enhancing the internal project management capacity of eligible beneficiaries, including DAP and MD [ref: *Section 5.2.1* **Para 297-304**].

Evaluation culture (Q16)

C56   A key objective of KAI 1.2 is to achieve a common evaluation culture in Romania, but the evaluation culture concept is insufficiently detailed. There is no mechanism to monitor how OPTA contributes towards the achievement of this objective. There is a need for a monitoring mechanism that can assess the development of evaluation in Romania both qualitatively and quantitatively, and report periodically on the role played by OPTA support in reaching this KAI 1.2 objective [ref: *Section 5.2.1* **Para 309-330**].

C57   There is a clear need for evaluation training, in order to reach a critical mass of expertise that can in turn allow for better evaluations and change in the attitude towards evaluation. Training needs to be differentiated between core-evaluation staff (members of the evaluation units) and other staff that may have a stakeholder role in evaluations. Specific training on niche themes related to evaluation can be of interest for core-evaluators, while basic know-how about evaluation is of an interest for many other experts outside the evaluation units [ref: *Section 5.2.1* **Para 337-345**].

C58   The EWG is currently the best coordinated of the WGs organised at ACIS level. Support for the EWG through OPTA was very limited so far, and this hindered an even more active activity of the evaluation group [ref: *Section 5.2.1* **Para 312-315**].

C59   The visibility of SI evaluation activity is low. There is insufficient awareness of the importance of evaluation for the improvement of SI interventions and of public policy in general. Evaluation is still regarded as audit and not as a tool improve management and implementation [ref: *Section 5.2.1* **Para 324-328**].

C60   Launching new evaluations is key to improving evaluation culture. Excellence and best practice transfer come only through accumulating experience. Outsourcing of evaluation, funded through OPTA, is likely to enhance know-how transfer to ECU staff and EWG members [ref: *Section 5.2.1* **Para 330**].

C61   'In-house' evaluation is also a useful option. Evaluation units' staff can increase their practical experience by carrying out *ad hoc* evaluations of smaller dimension, thus acquiring hands-on experience in how to deliver evaluations [ref: *Section 5.2.1* **Para 330**].

        The evaluation activity at this moment is dominated by a top-down approach in which ECU plays most often the role of initiating evaluations. However, even if ECU is the formal beneficiary of KAI 1.2, and in the case of externalised evaluations is the contractual Client, there is a need for a stronger ownership feeling and more proactive role at the level of the direct beneficiaries – the structures within the MAs/IBs that receive advice on how to improve their policy (e.g. Programming and Monitoring Directorates) [ref: *Section 4.2.2* **Box 4**].

Training (Q17)

C62   KAI 1.3 progress has been less than expected, but developments during the first trimester of 2010 have crated the premises for reaching the indicators and targets assumed, conditioned to keeping the current pace [ref: *Section 5.2.1* **Para 331-346**].

C63   The TDCU has a sustained, pro-active activity for coordinating the training process, already demonstrating its usefulness in identifying and prioritising the training needs.

Nevertheless, a series of factors of legislative, institutional or procedural nature has a negative impact on its activity. At the same time, the tasks overload of each TDCU member led sometimes to a poor performance of TDCU activity. Another element influencing TDCU efficiency is the lack of HRD education of TDCU members [ref: *Section 5.2.1* **Para 336-340**].

C64 The relevant institutions (National Agency for Public Servants, Public Finance and Customs School, European Institution of Romania) and Intermediate Bodies (at least with observatory status) are not represented to the TWG, leading to a lack of transparency related to TWG initiatives and decisions and to an increased dissemination activity [ref: *Section 5.2.1* **Para 336**].

C65 The training mechanism, the TDCU and the TWG required improvement to provide a coherent framework and common tools for training needs in the field of SI. Their activity is known by all stakeholders involved, but the mechanisms to identify and prioritise training needs are still not updated, creating difficulties in collecting and consolidating the information, and risking reducing the activity efficiency of all structures involved [ref: *Section 5.2.1* **Para 341-345**].

Supporting relevant structures (Q18)

C66 KAI 1.4 progress was limited at end of 2009. The potential beneficiaries did not fully seize the opportunities provided by OPTA to meet their training needs, or their capacity of implementing more projects at the same time is quite low [ref: *Section 5.2.1* **Para 347-352**].

There were some situations where the approval and signing process was delayed; from the time of the notifying tender results until the actual signing of the contract, a period of 3-4 months passed. The contractors had their own negative influence on the delays (either because of the difficulty in providing the Contracting Authority with the Letter of Guarantee or to open a Treasury account), but most of the time, there are delays caused by the complex flow of institutional approval procedures.

Priority Axis 2

SMIS support (Q20)

C67 By end-2009, no contract had been awarded under KAI 2.1. There is a need to (re-) launch the tender procedure for TA in support of the further development of SMIS. A new contract, correlated with the coordination and usage experience accumulated to, should lead to a rapid and effective implementation [ref: *Section 5.2.2* **Para 355-356**, **Box 6**].

C68 The late start of the training courses for SMIS users caused operational delays and errors. The training sessions have been adjusted and now use real data sets, taken from the production system tests and demo runs, for greater practical relevance. Users have been regrouped, based on common areas and interest domains, improving targeting and impact [ref: *Section 5.2.2* **Para 353-367**].

C69 SMIS coordinators within MAs and IBs have benefited from supplementary training on the details of the SMIS application and its functionalities [ref: *Section 5.2.2* **Para 353-367**].

C70 The existing infrastructure at central and regional level ensures SMIS functioning within normal parameters. In the short to medium term, the number of supply contracts for equipment is likely to rise, because most SMIS equipment is nearing the end of its economic or technical lifespan [ref: *Section 5.2.2* **Para 353-367**].

C71   There is a series of connected applications developed with own resources aiming at facilitating the data uploading and management [ref: *Section 2.3.2* **Para 99**].

C72   The MySMIS application has a high potential to significantly contribute to the improvement of the quality of the projects submitted by the beneficiaries at a national level as well as of the quality of all OPs, by making beneficiaries act in a more responsible way and by offering an executive and dynamic framework for the project submitting and follow up [ref: *Section 2.3.2* **Para 101-103**]

C73   The parallel database application operated by the SOP HRD MA (i.e. ActionWeb) cannot be easily linked to SMIS, as differences exist between the data required by SMIS and ActionWeb. A single integrated information management system is bound to enhance for SI management and implementation. It is expected that further development of SMIS, funded by OPTA, will create that integrated system [ref: *Section 2.3.2* **Para 98**].

C74   The existing manuals for using the application cover mainly, but not comprehensively enough, the technical part of the application and are written in English, which makes it more difficult for users to consult them. Moreover, for the functional aspect of SMIS, the end users (the staff registering data into SMIS) express the need to have manuals guiding them step-by-step in the process of correlating the projects documents (submitted in hard copy) and the data to be uploaded in SMIS [ref: *Section 5.2.2* **Para 354 Box 6**].

Priority Axis 3

SI communication

C75   PA 3 objectives are far from being accomplished, with implementation progress very poor at the evaluation cut-off date. The reasons for not achieving the goals are related to internal issues (DSC functioning) and external issues [ref: *Section 5.2.3* **Para 368-380**].

C76   The lack of a 'spokesperson' creates confusion among the general public as regards the 'leading' institution concerning the SI. Even if the IC should be considered the key actor in the communication process related to SI, up to end-2009 no steps had been taken to create the Centre [ref: *Section 5.2.3* **Para 382**].

C77   Four possible options exists in respect of the establishment of the IC: (i) a new headquarters housing both ACIS and the IC; (ii) creating the IC as a 'greenfield' project; (ii) taking over the Infoeuropa Centre from the DEA; and (iv) creating a 'virtual IC'. Establishment of the IC needs to be supported by a series of connected communication an information tools, as initially envisaged by OPTA [ref: *Section 5.2.3* **Para 384-397**].

7.5 Impact [Strategic Questions under Article 29 of Council Regulation (EC) № 1083/2006]

7.5.1 Strategic contribution (Q12)

C78   Starting from the key aims of the NSRF 2007-13, namely to strengthen the strategic focus of Romania's Economic and Social Cohesion Policies and make appropriate linkages to the EU policy, OPTA indirectly contributes to the achievement of Cohesion Policy by assisting efficient implementation of SI interventions [ref: *Section 6.2.1* **Para 401-424**].

7.5.2 Achievements & challenges (Q13)

C79   Increasing the capacity of public and central authorities in relation to the management and control of SI is a priority identified in the NSRF. This priority is being addressed in the present programming period and is likely to have positive impact on job creation and fostering economic growth, thus contributing to the objectives of the Lisbon Agenda [ref: *Section 6.2.1* **Para 425-429**].

7.5.3 Good practice (Q14)

C80   OPTA supports multi-level participative coordination, encompassing a large number of entities involved in SI implementation. This provides the necessary conditions for an effective, efficient and transparent implementation of SI, as well as the resources for the permanent monitoring, coordination, best practice exchange and improvement of the general impact of TA under OPTA and the TA axes in the other OPs. The support provided through OPTA to the complex institutional architecture composed of several Committees and WGs can be considered good practice, in that it ensures both hierarchical and thematic coordination of SI [ref: *Section 6.2.1* **Para 430-435**].

8. Recommendations

This section summarises the main recommendations emanating from the evaluation. The recommendations are divided into five main categories: (i) coordination, (ii) administrative change, (iii) human resources, (iv) design and implementation, and (v) regulatory framework.

8.1 Coordination

R1   It is recommended that the coordination of the existing institutions (WGs, CCTA) be improved [ref: **C18, C19, C54-C61, C64, C65**], as follows:

R1.1   Apply three key principles regarding the existing coordination institutions [ref: **C18, C19**]:

❖ OP representatives in the CCTA and their respective TA units at OP level report directly to OP MA Directors. Their mandate to coordinate TA cannot be circumvented (clear leadership assignment) [ref: **C18**];

❖ OP representatives in thematic WGs and their respective thematic units at OP level report directly to OP MA Directors. Their mandate to coordinate the specific themes (e.g. evaluation, training, ICT systems, communication) cannot be circumvented (clear leadership assignment) [ref: **C19**];

❖ permanent staff (Secretariat) of thematic WGs has direct access to the ACIS Director and are so placed in the organisational set up accordingly [ref: **C19**].

R1.2   Introduce the following operational improvements [ref: **C19**]:

❖ open every thematic WG to the representatives of the permanent Secretariat of all other WGs, as observers, for the purpose of cross-fertilisation of best practice from one WG to another [ref: **C19**];

❖ enhance the mandate and the importance of the MWG by aiming to provide support for project monitoring across OPs and jointly clarify the delineation of tasks between Programming and Monitoring Departments in the case of each OP [ref: **C19**];

❖ reactivate the Financial Management and Control WG to help solve the increasing amount of activity in this horizontal area [ref: **C19**];

❖ open the thematic WGs to guests and observers from the IBs and other interested institutions, even those outside the SI management and implementation system, to ensure proper consistency between OPTA interventions and other national policies. In order to preserve the efficiency of the WG, the number of invited observers per meeting should be kept to a maximum of 10 people. The WG chair should invite different observers from one meeting to another, depending on the topic of the WG meetings. The observers should not intervene uninvited during the work of the WG, but they should have the opportunity to provide relevant feedback in a concluding session, at the end of the meeting [ref: **C19**].

R1.3   Reinforce networking through OPTA intervention, by:

❖ periodically inviting to WG meetings observers such as central & local government staff, researchers, professors, public accountability NGOs, consultancies, individual evaluators, for specific debates on evaluation-related issues [ref: **C19**];

❖ inviting as observers at least one representative of the other WGs organised at NSRF level [ref: **C19**];

❖ organising conferences and workshops on evaluation topics, with a wider attendance than the core-evaluation teams at ACIS and MA level [ref: **C19**].

R1.4   Continue efforts for improving evaluation quality by [ref: **C58-C61**]:

❖ ensuring increased know-how transfer between external contractors and internal staff of evaluation units, through special stipulations in ToR and contracts and allowing experts to attend EWG sessions [ref: **C60**];

❖ enhancing the cooperation between evaluation units and the top and departmental management of ACIS, MA and IBs by [ref: **C59**]:

❖ ensuring that evaluation units are attending all management meetings focused on horizontal issues;

❖ implementing a participatory evaluation needs assessment in the fourth quarter of each year to update evaluation plans;

❖ engaging evaluation units with programming and monitoring Departments in improving the qualitative assessment methodology within the AIRs at OP level.

R1.5 Improve operational arrangements by [ref: **C64, C65**]:

❖ expanding TWG membership, so as to involve IBs in the process of training needs identification, as observers [ref: **C64**];

❖ increasing TDCU and TWG transparency, by activating as soon as possible the official ACIS web page dedicated to training activities: www.formarestructurale.ro [ref: C65];

❖ increasing CWG pro-activity in respect of identifying solutions for correcting imbalances in the communication process, which represents one of its functions. Under ACIS guidance, the CWG might well assume more responsibilities regarding the customisation of the communication process [ref: **C65**].

R2 ACIS is recommended to enhance cooperation in the field of public procurement by supporting the Bureau for Project and Public Procurement Assistance within the DTA and facilitate closer collaboration between ACIS, the MAs and IBs, as well as the national institutions in the field of public procurement. This might encompass [ref: **C53**]:

R2.1 Prioritizing public procurement, as follows [ref: **C53**]:

❖ Increase the quality of expertise regarding public procurement within the OPTA MA and beneficiary entities, through:

o more specific training on public procurement for staff of the OPTA MA, ACIS, CPA, AA and other beneficiaries in respect of writing the technical part of ToR, drawing up budget estimates and drafting descriptions of specific requirements without restricting competition,

o enhancing IS/DTA capacity to deal with public procurement issues by enhancing the capacity of the Bureau for Projects and Public Procurement Assistance in respect of full support for the elaboration of the administrative part of ToR, the evaluation procedure and grid, the adaptation of contract templates, and contracting and selection procedures, and

o engaging external expertise through the TAF;

❖ Initiate regular discussions with NARMPP and UCVPP to find solutions for the blockages in the course of contracting, ideally through establishing a permanent Public Procurement WG;

❖ Promote and pursue more flexibility in public procurement; including the possibility to split up interventions, the use of swifter procurement methods (such as calls for offers, direct negotiation and direct contracting), and strategic measures such as the adoption of framework contracts.

R2.2 Improve public procurement procedures by making good use of TA [ref: **C53**] through:

❖ providing SMIS CU staff in charge of drafting tender documentation with training on the procurement system, to unlock as fast as possible its projects current at proposal or idea stage;

❖ designing further support SMIS not in the form of a TA contract, but as an ICT product development contract. This enables a focus on the lifecycle of the product and flexibility with regard to the technical specifications in the view of technological advances and changing user demands over that life-cycle;

❖ more widely engaging specialized and experienced consultancy services for drafting the technical and functional requirements in tender documentation, and minimising the administrative and procedural risks involved in the public procurement process.

R2.3   Improve the targeting of framework agreements for implementing OPTA projects, through better focus, clearer prioritisation and judicious separation into lots [ref: **C55**].

R3   It is recommended that the coordination between the MAs for, respectively OPTA and OP DAC be improved, through [ref: **C22**]:

❖ agreeing on a concerted effort to advocate at Government level the need to reassume the agenda put forward by the NES;

❖ reinforcing coordination with OP DAC in support of the evaluation culture in the rest of Romania's public administration;

❖ organising quarterly joint meetings between OPTA and OP DAC MA on the topic of monitoring the development of the capacity public administration overall. At these joint-meetings, it is advisable to invite other relevant institutions that are stakeholders in the process of building the administrative capacity for the public sector.

R4   It is recommended that the cooperation between the OPTA MA, the CPA and the AA be strengthened through supporting the development of dedicated PIUs (or equivalent) within these beneficiary entities and by increasing the capacity of AA and CPA as eligible beneficiaries under KAI 1.4 by [ref: **C37**]:

❖ organising quarterly meetings between the Strategies Service within DTA/ACIS and AA & ACP representatives, for a full debriefing on current projects, consultation on the project pipeline and know-how transfer in improving PMUs/PIUs for OPTA projects. During the meetings a TDCU representative should be invited to discuss progress in covering the training needs of AA and CPA;

❖ clarifying the status of the OPTA helpdesk function towards the AA and the CPA and amend the OPTA Procedures Manual accordingly. It is recommended that the SS assumes the role of help desk and acts pro-actively by initiating meetings with beneficiaries to help identifying financing opportunities in relation to their needs.

R5   It is recommended that SMIS coordination be improved and the roles of the SMIS CU and SMIS coordinators be strengthened, through [ref: **C41, C72-74**]:

❖ integrating as much as possible the functionalities for SOP HRD's ActionWeb into future versions of the SMIS application. As an interim solution, and without prejudice to the development of a single ICT system for SI management and implementation, it is advisable to create an interface that will automatically feed ActionWeb data into SMIS. This should be a two-way process. SMIS development should allow feeding data from ActionWeb, and the MA for SOP HRD should ensure that all data required by SMIS is duly provided [ref: **C73**];

❖ continuing the development of SMIS add-ons, including the prioritised implementation of the MySMIS application [ref: **C72**];

❖ translating manuals into Romanian, in parallel with the translation of the labels of SMIS application fields [ref: **C74**];

❖ organising on-line conference sessions or systematic meetings between the SMIS CU with the SMIS regional coordinators, assisted by procedures manuals in Romanian language, e-learning sessions, video tutorials, procedures for correlating SMIS with

the format of application forms, reimbursements documents and technical progress reports [ref: **C41**].

R5.1   Improve the procedures for error correction by optimising the security system and access rights, through lowering the level of authority for sending and receiving correction requests, thus allowing SMIS coordinators to correct directly a limited series of common/minor mistakes. However, the full access to the data base should be kept only at central level, to avoid even higher data inconsistency. As an alternative, ACIS could externalise error correction to a contractor, in parallel with the further development of SMIS [ref: **C38**].

R5.2   Integrate the help-desk function in a larger framework for the organisation of the community of SMIS users. It is recommended that a portal be created containing all the necessary information connected to the SMIS application: procedures, manuals, instructions, newsletters, a forum for SMIS users community; and a de-centralised help desk on at least 2 levels: one for all users, and another for OP-related questions [ref: **C41**].

R5.3   Encourage SMIS users at all levels to acquire their ICT equipment through OPTA, by accessing the dedicated funds available for this purpose [ref: **C70**].

R6   It is recommended that ACIS position itself as the communication leader for SI implementation in that it uses the communication tools already developed [ref: **C43**], by:
   ❖ signing the contract for broadcasting publicity spots without delay,
   ❖ building a user-friendly interface for www.fonduri-ue.ro for all target groups all target groups, including the general public,
   ❖ improving the www.poat.ro website to enhance transparency, by providing for each approved and contracted project a short description of objectives and planned results,
   ❖ externalisation, in due course, of websites improvement to experts with similar experience at national or European level;
   ❖ adopting the function of clearing house for information on SI implementation for all target groups [ref: **C76**];

R7   ACIS/ ECU should give priority to activities for the development of an evaluation culture, including [ref: **C60**]:
   ❖ public debates on key alternatives resulting from evaluation exercises;
   ❖ media coverage on results, including briefing media on the importance of evaluation;
   ❖ awareness campaigns on evaluation, targeting MAs and ministry departments connected to the evaluation process[102].

R8   It is advisable that ACIS advocates at top Government level for more political support in order to be able to provide better horizontal coordination and more efficient use of TA. ACIS requires a stronger power position vis-à-vis the Ministries hosting IBs/MAs. This implies that the coordination structures hosted by ACIS, such as the thematic WGs, would be able to obtain quick political commitment for implementing all decisions relevant to each line ministry. Such political support is also needed in order to cut red tape, by amending several regulatory procedures, in order to allow faster SI implementation, including at OPTA level [ref: **C79**].

R9   It is recommended that ACIS encourage and accelerate, with OPTA support from KAI 1.1, the debate on how to improve and simplify further the implementation of the Cohesion Policy. ACIS should be more active in commissioning constant research on this topic and

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[102] *In cooperation with PA 3, as it is a communication exercise at horizontal level linked to SI implementation.*

foster debate among academia and practitioners, in order to affirm Romania's position as a Member State and consolidate a critical mass of experts in the field. In terms of practical aspects, a small grants scheme can be launched for this purpose [ref: **C20-21**].

R10   It is recommended that DTA's functions related to the OPTA MA role be clearly separated from its ACIS-related functions, by reorganising the subordinated services (SS, IS, FMS) and by [ref: **C23**]:

❖ creating a separate OPTA Bureau within the FMS, dealing exclusively with MA-related functions;

❖ extracting the training coordination function from the IS, and create a proper positioning of TDCU in a separate HR Unit/Bureau under the direct supervision of the ACIS Director[103];

❖ Moving the help-desk function from the IS to the SS;

These changes raise obvious challenges, but they are absolutely necessary for an efficient OPTA implementation. The recommended new organisational charts can be found in Annexes 7 and 8. In order to achieve it, at DTA level, there is a need to amend the Procedure Manual and to hire and transfer the following staff:

❖ creating a new position of Head of OPTA Bureau within the new FMS structure dealing exclusively with OPTA MA-related functions;

❖ creating a new position of Financial Officer and engaging expertise within the FMS, acting exclusively on the beneficiary side;

❖ moving the current position of Training Officer (along with the expert in charge) from the Bureau for Project and Public Procurement Assistance within IS, to the new HR Unit/Bureau;

❖ moving one of the Project Officers positions within the IS inside the Bureau for Project and Public Procurement Assistance.

R11   It is recommended that the DAP and the MD be strengthened, in order to better cope with their responsibilities as OPTA beneficiaries, as follows [ref: **C30**]:

❖ let the DAP gain experience by building its own capacity for project implementation and prepare for the next programming period by launching its own projects, including a project for implementing a grant scheme for research studies;

❖ let the MD develop a more proactive involvement in launching its own projects, including one to providing assistance for better qualitative reporting, including GIS mapping.

R12   It is recommended to create a Human Resources Unit within ACIS with a 5+1 structure, similar to the ECU, directly subordinated to the ACIS General Director. In view of current staff restrictions, a compromise solution might be the creation of a mixed Unit for HR and Information and Communication activities, to be formed from SCD communication staff and IS/DTA training staff [ref: **C23**, **C36**, **C75**]. This would further involve:

❖ moving the Training Expert position from the IS within the DTA to the newly created structure;

❖ creating a new HR/Training Expert position and engage a new expert to fill it;

❖ creating a new HR/Communication Head of Unit position and engage appropriate management expertise to fill it.

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[103] *This recommendation will be followed-up in the evaluation of PA 1 KAI 1.3 and PA 3, as it is suggested that TDCU may form a Bureau together with the current Communication Compartment within the SCD.*

R13   It is recommended that the IC be established by using the current DEA information centre. To this end, ACIS management might well open discussions with DEA management with a view to concluding an inter-institutional agreement to transform the Infoeuropa Centre into the IC for SI [ref: **C77**]. Related initiatives might involve:

R13.1   A branding strategy, in order to find the best solution concerning the visual identity of the Centre (logo, message, name) [ref: **C77**];

R13.2   Development of instruments to support the IC [ref: **C77**], including:

> ❖ transformation of the *www.fonduri-ue.ro* portal into a platform that can be used by all targets groups;
> ❖ establishment of a call centre to record specific information requests that need a longer period of time to be answered by IC staff;
> ❖ establishing a network of regional points of information, by developing relations with reliable partners recognised at regional or local level as promoters of local initiatives;

R13.3   In the case of ACIS deciding not to take over the current DEA information centre, to have the IC headquarters meet a series of criteria in terms of location and low-threshold access [ref: **C77**].

8.3 Human Resources

R14   It is recommended that a new training needs assessment be launched, in order to allow adequate programming of training activities for the remaining duration of OPTA [**ref: C8**]. Other recommendations in this context include:

R14.1   Involve HR departments and external contractors from each MA in the need assessment process. The final objective would be to develop project fiches for the remainder of the programme duration [ref: **C65**];

R14.2   Contract external assistance for public procurement, if needed, in order to accelerate the contracting process within projects already approved for financing [ref: **C27**];

R14.3   Find a solution for hiring and keeping competent contract/temporary staff. Initiate a regulatory amendment so that contract staff will not be assimilated in terms of hiring procedures with the formal permanent staff, instead being much faster and simpler. In order to avoid abuse, contract staff should not be kept more than 2 years and should be limited to a maximum number of available contract positions [ref: **C63**].

R15   It is recommended that staff efficiency be improved by professional training, including:

R15.1   Public procurement training for OPTA MA and all OPTA beneficiaries and potential beneficiaries [ref: **C54**];

R15.2   Evaluation training for staff working within the evaluation units, as well as other MAs, IBs and ministry staff using evaluation results, involving [ref: **C57**]:

> ❖ advanced training sessions with core-evaluation staff, based on intensive techniques,
> ❖ expansion of the eligibility for training beyond core-evaluation staff from MAs/IBs and even outside these structures (ministry staff involved in decision making such as top advisors for the political management etc.) and
> ❖ amendment, as required, of the FDI;

R15.3   Niche training for small groups, highly specialised, with horizontal character [ref: **C8**];

R15.4   Training-of-Trainers sessions for SMIS coordinators [ref: **C69**].

R16   It is recommended that MC members be trained in specialised fields related to SI implementation. The DTA might provide more resources to MC members, in order to keep them more informed about OPTA development. This may be done by team-building exercises to reduce the formal walls between external and internal MC members, providing special access to the OPTA website intranet, and contracting TA to support the MC beyond organising of its half-year meetings [ref: **C29**].

R17   It is recommended to diversify training tools, giving more importance to international experience exchange activities, using study visits, personal coaching and internships. This will require amendment of the Applicant's Guide [ref: **C8**].

R18   It is recommended that training and information sessions be organised for mass-media representatives on SI topics, including [ref: **C44**]:

- ❖ the process of European funds allocation, commitment, disbursement and reimbursement;
- ❖ monitoring and evaluation indicators;
- ❖ frequent mistakes and troubleshooting;
- ❖ coordination of SI with national policies.
- ❖ Eligible activities/expenditure related to specific communication/information training need to be clarified in order to allow flexible interactive sessions with mass-media.

8.4 Design & Implementation

R19   It is recommended that new categories of beneficiary are made eligible for OPTA financing:

- ❖ public stakeholders able to help improve the public procurement framework and process;
- ❖ public stakeholders that can help release state aid schemes;
- ❖ key local structures with decisional power in respect of growth pole coordination;
- ❖ key personnel, currently outside MAs and IBs, but critical for managing public procurement or accounting related to SI, in respect of the 75% staff bonus;
- ❖ local and county authorities able to help build a national information network on SI.

R19.1   Include as beneficiaries – under KAI 1.1 – the public authorities managing the public procurement horizontal theme (NARMPP, UCVPP) [ref: **C4**]. Two possibilities exist:

- ❖ Have NARMPP and UCVPP set institutional bureaus or task-forces that will deal exclusively with public procurement issues related to SI. Partially delegate management of these structures to ACIS. Allow the staff from these dedicated bureaus to be eligible under KAI 1.1 for the 75% staff incentive, provided ACIS is approving their monthly Activity Reports; or
- ❖ Accept NARMPP and UCVPP as eligible beneficiaries under KAI 1.1, allowing them to submit projects for TA aimed at increasing their capacity to provide horizontal support for public procurement issues related to SI implementation;

R19.2   Include support for local structures managing integrated development plans, such as IDAs [ref: **C49**], by expanding eligibility for OPTA support to IDAs and their members. The immediate instrument for this action would be a set of additional provisions to projects for pole coordinators, allowing a top-up on existing content that may be used for customized support provided to IDAs and IDA members. This means that pole coordinators should be able to cover small expenditure related to IDA staff training, studies, participation to relevant events (e.g. best practice sharing among all Growth Poles), as long as it is directly linked to the growth pole development agenda.

R19.3 Regarding the bonus of 75% to legal staff involved in the management of SI financed projects, clarify the differences between the potential beneficiaries under GD 595/2009 and OPTA's eligible beneficiaries. In order to implement this solution and avoid abuse, the following procedure should be generalised as good practice [ref: **C51**]:

❖ MA and IB Directors identify legal staff outside their structures that have a critical role in the implementation of IS funded projects (i.e. managing the contracting phase with the beneficiaries);

❖ MA and IB Directors provide ACIS/SCD with a well-documented and argued case for support in aligning the motivation of such critical staff;

❖ ACIS requests the NCC to delegate the identified staff to the respective MA or IB. The rules and conditions for such delegation should be strict and all MA and IBs should be capped in terms of how much delegated staff they can receive (need and budget based approval).

An alternative and more efficient solution to expanding the OPTA-financed bonus would be to ensure equivalent performance/project management bonuses from the national budget. Ideally, a national bonus should not only cover the legal staff supporting the management of SI, but also the staff outside the MA/IB that works on the implementation of SI-funded projects for the respective ministries, as beneficiaries.

R20 It is recommended that the IS issues, as soon as possible, an Implementation Manual, detailing all obligations on the part of beneficiaries, as well as the steps included in every phase of project implementation. The manual should clarify the respective roles of beneficiaries and the IS in managing public procurement procedures and provide templates for all documents beneficiaries must submit [ref: **C27**].

R21 It is recommended to develop monitoring criteria and/or launch regular thematic evaluations for OPTA interventions that are hard to quantify, in order to [ref: **C50, C56**]:

R21.1 enable better assessment of the efficiency and effectiveness of OPTA support for Pole Coordinators [ref: **C50**];

R21.2 estimate progress in achieving the 'evaluation culture' [ref: **C56**]. It is advisable to design and implement, with OPTA support, an annual assessment concerning the development of the evaluation activity in Romania. The methodology may be based on an already existing study[104].

8.5 Regulatory Framework

R22 It is recommended that the efficiency of project approval procedures in use by MoPF and ACIS, as main OPTA beneficiary, be improved by:

❖ simplification of procedures, by adopting one of the following possible solutions [ref: **C28, C48**]:

o Complete decentralisation of approvals and signatures from the State Secretary to the ACIS Director;

o Delegation of at least the project idea approval from the State Secretary to the ACIS Director;

o Allowing the ACIS Director to approve project ideas, if the projects are part of over-arching plans already approved by the State Secretary;

o Introduction the 'tacit approval' procedure, so that if the *State Secretary* does not respond within a reasonable period of time, the request is considered approved. As a

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[104] Assessment of the evaluation culture in Romania, *study developed within Phare RO 2003/005-551.03.03.04 Project, TA for programming. Authors: Hilary Curley & Eugen Perianu.*

second best, this procedure might be applied to the State Secretary's advisors, responsible for pre-screening requests.

❖ Limitation of procedural delays at all stages of OPTA project implementation [ref: **C28, C48**], by:

- o revising institutional procedures to shorten approval lags;
- o designating certain projects as priority projects, subject to fast track procedures;
- o simplifying payment procedures towards contractors and use risk assessment to decide how much additional justification and reporting is required from each contractor;
- o improving informal communication among OPTA stakeholders in order to increase the speed of formal approval.

R23   It is recommended that legal aspects regarding the liability of public servants in case of irregularities be clarified. The DTA is advised to engage with the AA and the CPA to clarify the staff liability of staff for irregularities and the procedure for recovering repayment in the case of confirmed, malicious irregularities, so as to increase predictability. This implies a clear definition of irregularities, a clear distinction between non-intentional and malicious irregularities and a continuously updated record of irregularities, subject to periodic, independent review by the responsible Irregularity Reporting Officer [ref: **C25**].

R24   It is recommended that ACIS allows as soon as possible staff promotion, especially for young entrants in the MoPF, even if, temporarily, employment will paid more, due to the crisis. Even if unaccompanied by higher salaries, promotions may serve the purpose of enhancing morale and carry a measure of reassurance that adequate compensation will be paid once the current economic crisis is over. [ref: **C24**].