



SIGMA

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Creating Change Together

Experience of Romania in using Regulatory Impact Assessment on the EU level

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- Bringing the national legislation in line with the EU acquis;
 - RIA during the pre-accession period;
 - Institutionalization of RIA;
 - RIA performance;
 - Concluding remarks;
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- Bringing the national legislation in line with the EU acquis

THE EUROPEAN ACCESSION AGREEMENT 1995;

COPENHAGA EUROPEAN COUNCIL 1993: *i.a.* acceptance of the Community *acquis*;

THE NEGOTIATIONS ON ROMANIA ACCESSION TO THE EU: 2000- 2004;

THE ACCESSION TREATY: 2007;

Law no. 24/ 2000 on the legislative technique-explanatory note;

2001 Government Decision on Social Dialogue;

Law 544/2001 on free access to public information;

Law 52/2003 on decisional transparency in public administration;

October 2003: The first amendment of the Romanian Constitution;

TITLE VI Euro-Atlantic Integration

Article 148 -Integration into the European Union;

- the constitutional legal framework for Romania's accession to the EU;
- **precedence of the Community acquis;**
- **a constitutional tool to foster the harmonisation of the national legislation with the EC legislation.**

Starting with 2003, Romania has followed an **annual legislative program for the accession to EU;**

In 2004, the Law on the legislative technique was amended and it has become mandatory for all national measures of transposition to make an identification **reference to the EC normative act/s to be transposed;**

Government Decision 50/2005 introduced the **correspondence (correlation) table -compulsory instrument for all the transposition measures-motivating the decision to take or not EU requirements, in particular optional provisions (MS may);**

GD 775/2005 for approving the regulation on procedures for drafting, monitoring and evaluation of public policies at central level (in particular financial impact).

March 2006: methodology for the assess of national normative acts transposing /applying EC legislation;

2005-2007 “Marathon” for bringing the national legislation in line with the EC requirements;

- 2005: the Accession Treaty had been signed;
- MEI have analyzed and endorsed more than 900 normative acts with EC relevance out of which over 200 transposed the acquis;
- 2006: more than 300 normative acts with EC relevance has been adopted;

Internal Market Scoreboard

July 2007: The transposition deficit of Romania was higher than the EC average (5.2%).

“It will undoubtedly require important additional efforts from the two new Member States to absorb the backlog of directives and they are invited to give this task the utmost priority”.

By December 2007, the deficit was improved: Romania reached a 91,40% transposed directives.

■ RIA during the pre-accession period

http://www.ier.ro/index.php/site/page/pre_accession_impact_studies;

2001-2005 the European Institute of Romania coordinated a series of three projects on the impact of Romania's accession in the European Union (Pre-Accession Impact Studies - PAIS): Phare RO 9907-02-01: Pre-Accession Impact Studies;

- support the public authorities in the accession negotiation process;
- evaluations based on empirical approach or econometrical models ;
- Costs-benefits analysis;
- institutional or legislative proposals;

2001 PAIS I – AD HOC Studies

- environment protection;
- transport ;
- capital account ;
- public accountancy system;
- administrative capacity;
- the impact on the national budget of the property rights of non-residents and stateless;

2002 Impact Assessments I – PAIS I

- The free movement of goods and services (Free movement of financial services and Free movement of persons);
- Agriculture;
- Public Utilities;
- Trade and EU customs tariffs and trade policy;
- Transport;
- Indirect taxation;
- State aid policy; EU cohesion policy;
- The Romanian social insurance system and EU accession; Options for reducing Romanian social insurance contributions; Options for reducing Romanian social insurance contributions;

Impact Assessments I – PAIS II: 2002-2005;

[http://www.ier.ro/documente/Studiideimpact_PaisII/Sinteze_Pais2_en.pdf;](http://www.ier.ro/documente/Studiideimpact_PaisII/Sinteze_Pais2_en.pdf)

A Chapter-by-Chapter Assessment of the Conformity of the Romanian legislation with the Acquis Communautaire;

Impact Assessments I – PAIS III: 2004-2007;

[http://www.ier.ro/documente/Studiideimpact_PaisIII/Sinteze_Pais3_en.pdf;](http://www.ier.ro/documente/Studiideimpact_PaisIII/Sinteze_Pais3_en.pdf)

The absorption capacity of the EU funds;

Competitiveness;

Public administration reform;

Performance in the context of the Lisbon Agenda: success stories, institutional design;

Agricultural sector: implications upon the system of payments;

Elements of a Romanian strategy in the post-enlargement EU;

The required directions for EU's institutional development (deepening) related to its horizontal development;

An assessment of the recent economic, social, legislative and institutional outlook in the new MS;

■ Institutionalization of RIA

General Secretariat of Government represents the responsible institution, since 2003;

According to national legislation each public policy is required to undergo an impact assessment.

The institutional system had been created and within every ministry a public policy unit had been established.

The IAs need to contain quantifications of impacts, also alternatives.

GSG publishes on their website http://www.sgg.ro/docs/File/UPP/doc/raport_ian_dec2007.pdf fair monitoring reports concerning the quality of IAs.

November 2007: Assessment of Regulatory Management Capacities in Romania

Prepared by SIGMA;

- “massive inflation of regulations in a culture that already had a tendency to over regulate”.
- “it is time to slow down and take stock”.
- “focus on quality assurance”.
- “develop Better Regulation tools”.

National strategy on better regulation at the level of central administration 2008-2013

- Introduction of full RIA (economic, social and environmental), ex-post IA and the enhancement of the consultation and dialogue with the stakeholders;
- The measurement of the administrative costs and the reduction of the administrative burdens: Introducing the Standard Model Cost;
- The enhancement of the relationship between the central administration and business.
- The simplification of the administrative procedures;
- Legislative simplification;
- The improvement of the activity and organizational framework of the regulatory and control agencies and authorities;
- Improved application of the EU law, introduction of RIA starting with the “mandate”;

■ RIA performance

Government Decision no. 115/2008 introducing the requirement to elaborate a RIA for the Romanian national positions presented at EU level (Council working groups or COM working groups);

2008 Pilot on measuring administrative costs and reduction of administrative burdens-The used tool was the STANDARD COST MODEL (SCM).

It has been assessed the national measure transposing Council Directive no.89/391/CEE.

2009 Methodology for RIA in the field of Health;

2010 Romanian manual for measuring administrative costs for businesses:

http://www.sgg.ro/docs/File/UPP/doc/17.06.2010_manual_en.pdf;

■ Concluding remarks

The legal framework has been created.

RIA nevertheless exists mainly on paper;

There is an evident legalistic mentality;

“Black letter laws”;

Legal transplants;