

REPORT
ON THE MANAGEMENT OF THE CIVIL
SERVICE AND CIVIL SERVANTS
FOR 2006

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CHAPTER I

THE ADMINISTRATIVE CONTEXT OF THE DRAFT OF THE REPORT ON THE MANAGEMENT OF CIVIL SERVANTS AND CIVIL SERVICE POSITIONS

Considering the European context and the need for development of the Romanian administrative sector, the reform of the public administration aims to **improve the management in the public sector and to make the public administration more efficient**. In order to achieve the estimated results, **a stable and politically neutral body of professional civil servants** has been considered necessary to establish, resulting from the need to fulfil the criteria of accession into the EU.

Though the reform of the civil service in Romania is not considered to be exclusively related to the process of integration, the accession provided the opportunity to focus the efforts toward **the acceleration of the imminent legislation and administration changes**. Therefore, in this field, 2006 was mainly marked by **the conclusion of the preparations meant to ensure Romania's capacity to assume the statute of EU member state, beginning with January 1, 2007**.

Consequently, this report includes, besides the information regarding the **management of the civil servants and civil service positions during 2006, the main evolutions in the reform of the civil service, as resulting from the implementation of the measures that were a priority from the accession perspective**.

1.CIVIL SERVICE REFORM FROM THE PERSPECTIVE OF THE ADMINISTRATIVE REFORM LEADING TO ROMANIA'S ACCESSION TO THE EU

1.1. ASSESSMENTS OF THE PUBLIC ADMINISTRATION AND CIVIL SERVICE IN ROMANIA; RELEVANT LANDMARKS ALONG ROMANIA'S PROCESS OF ACCESSION INTO THE EU

Historically speaking, the landmarks in Romania's process of accession into the EU trace back to 1993 when, in Copenhagen, EU member states decided that the associated states in Central and Eastern Europe can become EU member states at the time they meet the necessary economical and political criteria. Consequently, on February 1st, 1995 the European Agreement enters into force, and **Romania forwards the Request of Accession to the EU on June 22nd, 1995**.

In July 1997, the European Commission adopts Agenda 2000, including the Opinion on Romania's claim of accession to the EU. In **November 1998**, following the official launching of the enlargement process, **the European Commission publishes the first report on Romania's progresses in fulfilling the accession criteria**.

In **December 1999**, the European Council of Helsinki decided to start negotiations of accession with Romania and officially launched, in **February 2000**, the process of negotiation for Romania's accession to the EU. The European Councils in Copenhagen (December 2002), Salonic (June 2003) and Brussels (December 2003 and June 2004) reconfirm the support from the part of the EU member states for the conclusion of the negotiations in 2004, of the Accession Treaty in 2005, and the effective accession on January 1st, 2007.

On April 13th 2005, on the basis of the reports concerning Romania's efforts in the process of accession to the EU, **the European Parliament passed the assent procedure, and the Accession Treaty is signed on April 25th, 2005**. Henceforth, Romania gets the statute of observer of the EU

institutions activity, being involved in the process of drafting the Community legislation, yet without the right of vote.

On **October 25th, 2005**, the European Commission publishes the **first Comprehensive Monitoring Report for Romania**, confirming the Romanian progresses in terms of internal preparations, as well as the measures to be taken in order to obtain the statute of EU member state on January 1st, 2007.

As regards the **effective progresses made between 2000 and 2005**, according to EU reports, the mentions made concerning the **political criteria – in the field of public administration**, have evolved from “*the development of the democratic institutions need at their basis a comprehensive program of reform of the public administration. Special attention needs to be paid to correlating the decentralized responsibilities with the allocation of a sufficient volume of financial and human resources on the local level*” (**year 2000 Report**), and “*serious concerns exist about the lack of progresses in the achievement of the strategic reform of the public administration*” (**year 2001 Report**) to “*the launch of a major programme of administrative reform represents a significant progress, but ensuring a successful implementation must be considered a priority*” and “*There have been important evolutions regarding the launch of the reform in the public administration: the establishment of an inter-ministry Committee for administrative reform, the Unit for reform in the public administration within MAP, other inter-ministry structures, the draft of a programme of recruitment of young professional managers in civil servant positions. These initiatives can significantly contribute to the improvement of the public administration quality, if sustained by a clear strategy*” (**year 2002 Report**). The **2003 Report** focused on the strengthened capacity of the institution responsible with administration reform – CUPAR, the Central Unit for Public Administration Reform – “*whose personnel has been upsized and now is able to carry out the activities of diagnosis and modernization of the public administration*” while in **2004** it focused on the legislative measures meant to achieve administration reform. In the **May 2005 Monitoring Report**, the European Commission appreciates that “*Romania meets the political criterion to become a member of the EU and this criterion has been met all the way through since 1997*”, though there are some important problems in the field of drafting normative acts, of civil servants wages and of the career structure, as well as that of the coordination of the professional training of the human resources within the public administration.

As regards the **management of the civil servants and civil service positions**, if in **2002** the conclusions of the European Commission report looked forward to the drafting of “*a large number of secondary regulations concerning the civil service: discipline committees, performance assessment, probationary period, the functioning of the parity committees, the management of the recruitment examination*”, in **2003** they appreciated that “*in March 2003 a revision has been adopted with regards to the Civil Servants Statute together with the principle by which the mechanism of recruitment is competitive and based on transparency, professional merit and equal access. Of important significance is the fact that the NACS – the National Agency of Civil Servants has been given the possibility to use the judicial system for the implementation of the laws regarding the civil service.*”

In general, the Civil Servants Statute represents a considerable improvement of the previous legislation and a legal basis for the professionalization of the civil service, though some further amendments will be necessary”.

The **2004 and 2005** have positively appreciated the obtained results, reiterating the necessity to continue the reform of the management of the civil service and civil servants. **As a final year of efforts for accession, 2006 was to keep the following issues within the plan of priority measures:**

- establishment of a unitary pay system for the civil servants;
- improvement of the human resources planning within the public institutions and authorities;
- development of a professional body of public managers, trained at the level of European standards of performance;

- consolidation of the process of professionalization of the civil service;
- improvement of the procedure of promotion and assessment of the civil servants, within their career development;
- increase the mobility of the civil servants within the public administration;
- increase the capacity of prevention and resistance to corruption amongst civil servants.

1.2. THE MAIN LANDMARKS IN THE IDENTIFICATION OF THE ADMINISTRATIVE CONTEXT OF THE MANAGEMENT OF THE CIVIL SERVICE IN 2006

Considering the necessary activities to continue the reform process and the conclusion of the preparations in order to ensure the capacity to assume the statute of EU member state, beginning with January 1st, 2007, **the main landmarks in the identification of the administrative context of the management of the civil service and civil servants in 2006 were the following:**

- In order to *ensure the premises of the reform of the civil service in Romania*, **the competences in the field of management of the civil service and civil servants were amended;** thus, the following laws entered into force: on July 19th, 2006, Law nr. 251/2006 amending Law nr.188/1999 regarding the Statute of Civil Servants; on August 15th, 2006, Government Decision nr. 1000/2006 regarding the organization and functioning of the National Agency of Civil Servants.
- In order to *establish a unitary pay system for the civil servants*, the National Agency of Civil Servants has continued its collaboration with World Bank experts, within a programme called “*Consulting services for the establishment of a unitary pay system*”. Within this programme, the National Agency of Civil Servants has drafted the **Law regarding the unitary pay system and other rights of the civil servants**. Furthermore, the Inter-ministerial Commission for the completion of the policy of establishment of a unitary wage system for civil servants decided to empower the National Agency of Civil Servants (according to the minute concluded during the Commission meeting in December 20th, 2006) to forward to the Romanian Government the proposal of public policy regarding a unitary pay system for civil servants.
- With regards to *the improvement of the management of human resources*, **a pilot – project initiated in 2005 was completed, dealing with job evaluation.**
- In the field of *human resources planning within public institutions and authorities*, Order nr. 7660/2006, approving the Instructions for drafting the Manpower Plan for civil servants, improved the **reporting structure and modalities**, bringing significant results mainly at the level of the regulation of the National Manpower Plan for civil servants for 2007. On the same purpose, the development of the integrated informational system continued for the human resources within the public administration.
- As regards the development of a body of professional public managers at EU standards of performance, the efforts of accession of the outcome resulting from the implementation of the Young Professionals Scheme and of the “Romanian Government” Special Scholarship project within the system of the civil service has led to the **explicit integration of the position of public manager within the framework of the general civil service positions in Romania, as “another specific position”**.
- *To improve the procedure of promotion and assessment of the civil servants, and to increase their mobility within the public administration*, in order to adapt the Romanian system to the

European standards, **the drafting of the secondary legislation concerning the organization and development of the civil servants' career has required assistance from European experts, through two projects financed from the European budget** – one run through the National Agency of Civil Servants and the other through the Ministry of Administration and Interior (now Ministry of Interior and Administrative Reform).

- *To increase the capacity of prevention and resistance to corruption within the civil service, the draft of amendment and completion of Law nr. 7/ 2004 with regards to the Code of Ethics of the Civil Servants entered the procedure of approval by the Parliament; it contains some measures specific to the field¹.*
- *The field of equal opportunities for women and men focused on both **integrating the gender perspective in the programming, drafting, implementing and assessing of all public policies** and on **the impact on gender of the reform of the pension system**, including the perspective of legislative harmonisation to the Community acquis.*

Another landmark considered relevant for the administrative context of the performance of the civil service management in 2006 is *the conclusion of the period for which the Strategy for reform acceleration in public administration 2004 – 2006 -approved by Government Decision nr. 699 / 2004- was drafted.*

CHAPTER II

MANAGEMENT OF THE CIVIL SERVICE AND CIVIL SERVANTS IN 2006

In accordance to the law, **for the creation of a professional, stable and impartial body of civil servants, the National Agency for Civil Servants (NACS) was established in 2000, as a specialized organism of the central public administration** with the mission of ensuring the implementation of the Government programme in the field of management of the civil service and civil servants. **In order to accomplish its mission, the institution mentioned above has duties in the following fields:**

- a) regulation of the civil service;
- b) management of the civil service and civil servants;
- c) professional training of the civil servants;
- d) management of programmes within the civil service;
- e) monitoring and control of the civil service and civil servants related activities;
- f) representation.

The modality of action is detailed in the Regulation organization and functioning of the NACS, approved by Government Decision and updated in 2006.

As regards the area of competency of the institution responsible with the management of the civil service and civil servants, it **mainly refers to the juridical regime of the general civil service positions** and the work related **rapports** of the civil servants occupying these positions. **For the specific civil service positions** regulated by special statutes (such as the special statute civil servants within the specialized structures of the Romanian Parliament, the civil servants called public managers, special statute civil servants within the National Customs Authority, or the public institutions of national defence, public order and national security, etc), **the managerial competence**

as regards these civil servants belongs to the initiating authorities and institutions, with the assent of the NACS.

At present the management of the human resources is organized and performed, within each public institution and authority, by a specialized office directly collaborating with the NACS.

Meanwhile it is to be mentioned that, in 2005, the Report on the management of the civil service and civil servants established such priorities for 2006:

- **The implementation of tools necessary for the modernization of the human resources management** at both central and local levels.
- **The increase of the administrative capacity of the National Agency of the Civil Servants** in order to achieve an efficient management of the civil service and of the civil servants
- **The elaboration of the draft of normative act concerning a unitary pay system** for the civil servants
- **The amendment of Law nr. 7/2004** regarding the Code of conduct of the Civil Servants, on the basis of the conclusions of the monitoring reports, in order to increase the capacity of prevention and resistance to corruption within civil service
- **The development of the monitoring tools** for the implementation of the provisions in **Law nr. 7/2004** regarding the Code of Conduct of the Civil Servant, of the disciplinary procedures, the regime of the conflict of interests and incompatibilities
- **The amendment and, if necessary, the draft of the secondary legislation regarding the civil service and civil servants** regarding to the provisions of the Law amending and completing Law 188/1999 regarding the Statute of the Civil Servant, republished, with further amendments.

Consequently, this report is focused on the management of the civil service and civil servants between January 1st, 2006 and December 31st, 2006 and is based upon the values of the indicators followed at the level of the National Agency of Civil Servants, as an institution in charge with managing the civil servants and the civil service positions. The report aims to establish the degree in which the objectives and the priorities established at the beginning of the reference period were reached.

2.1. REGULATION OF THE CIVIL SERVICE

During the reference period, **the regulating activity in the field mainly focused on the amendment and completion of Law 188/1999 regarding the Civil Servants Statute, republished, with further amendments, of Law nr. 7/2004 regarding the Code of conduct of the Civil Servants, on the elaboration of the draft Law on the unitary pay system and other rights of the civil servants, as well as on the process of establishing the draft of the secondary legislation.**

The drafts normative acts regarding the civil service and civil servants, elaborated within the National Agency of Civil Servants during 2006, after the entry into force of Law 215/2006 amending and completing Law 188/1999 regarding the Civil Servants Statute were the following:

1. Draft law regarding the unitary pay system of the civil servants;
2. Draft law amending and completing Law nr.7/2004 regarding the Code of conduct of the Civil Servants;

3. Draft Government Decision regarding the norms of organization and functioning of the parity committees and the conclusion of the collective agreements;
4. Draft Government Decision regarding career management and high-ranking civil servants mobility;
5. Draft Government Decision regarding the organization and functioning of the contest committee recruiting high-ranking civil servants and of the appeal committee upon the contest for hiring high-ranking civil servants;
6. Draft Government Decision regarding the norms of organization and functioning of the discipline commissions;
7. Draft Government Decision regarding the professional training of the civil servants;
8. Draft Government Decision regarding the National Manpower Plan for civil servants in 2007.

To these projects add up a series of **normative acts issued for the implementation of the provisions in the Statute of the Civil Servants**, namely:

1. *NACS President Order nr. 9055/2006* for the establishment of the modality of scoring qualifications and the approval of the Performance Criteria for the evaluation of the individual professional performance of the civil servants in 2006;
2. *NACS President Order nr.7660/2006 approving the instructions for the draft of the National Manpower Plan for civil servants;*
3. *NACS President Order nr.7101/2006 regarding the delegation of the competency to organize contests for hiring civil servants with leading positions;*
4. *NACS President Order nr.7100/2006 regarding certain measures necessary for the organization and running of the recruitment contests for the vacant execution positions;*
5. *NACS President Order nr.968/2006 approving the Framework Regulations for the organization of the examination for the promotion to a higher class of the civil servants hired for civil service positions requiring lower level education, or completing a form of long- or short-term high education in the specialization wherein they perform their activity;*
6. *NACS President Order regarding the Regulation of Interior Organization and Functioning of the National Agency of Civil Servants.*

From the point of view of **the strategic planning at national level**, important landmarks were **the draft of two public policy projects** – one regarding the unitary pay system of the civil servants and the other the professional training of the civil servants. To these were added the various inter - institutional collaborations, according to the **areas of competency of the public institutions and authorities in the field of civil service**, ranging from, for example, legislative initiative regarding the establishment of specific civil service positions to the harmonization of the special statutes or the regulation of distinct career systems.

Another landmark in the identification of the regulating activities consists in **the accomplishment of the duty of advisory institution of the National Agency of Civil Servants**. Although theoretically all normative acts setting measures in the field of civil service or referring to civil servants must have the NACS opinion, in practice the process is only partially completed. There still exist public institutions and authorities who do not solicit an opinion, according to the law, for their legislative

initiatives; in this respect a better monitoring process is necessary from the competent institutions in order to seize these aspects and take appropriate measures.

During the reference period, using **the opinion requests, as well as those for analysis and the observation notes and proposals on drafts of normative acts** as a starting indicator in the identification of the number of normative acts in the field of civil service or other related fields, by types of drafts according to the hierarchy of normative acts, the following conclusions can be drawn:

1) Mostly **drafts normative acts** have been elaborated and forwarded to analysis. Compared to the situation at the national level, according to the EU Commission monitoring reports, **the civil service faces the general tendency of limitation of the regulation process consisting in Government ordinances and emergency ordinances.**

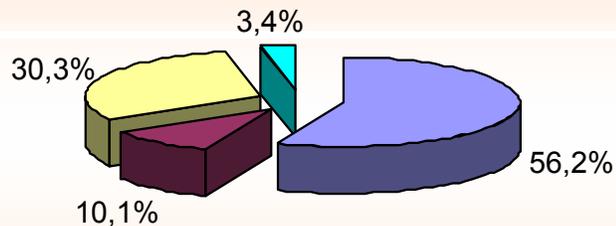
2) **Most drafts concerned the organization and reorganization of the public authorities and institutions, and the organization and performance of activities in the field of public administration,** with impact also on the juridical regime applicable to the civil servants within the respective public institutions or authorities, or, as the case may be, on the juridical regime of the persons responsible with performing those activities subject to regulation.

3) Given the nature of the subject of the regulation, **the draft normative acts regarding the statute of the civil servants and the special statutes** have pertained **exclusively to the level of primary legislation** – laws, ordinances and government emergency ordinances.

4) As regards the **measures taken in the exercise of the prerogatives of public power** (such as the declaration and control of fortunes, the conflict of interests, as well as the regime of incompatibilities for the persons who have been part of the power structures of the communist regime, assuring equal opportunities for women and men, norms of granting certain salary rights, the implementation of the system of e-administration, etc.), **they were established in a relative balance at the level of primary legislation** (58.3% of the drafts) and **secondary legislation** (41.7% of the drafts).

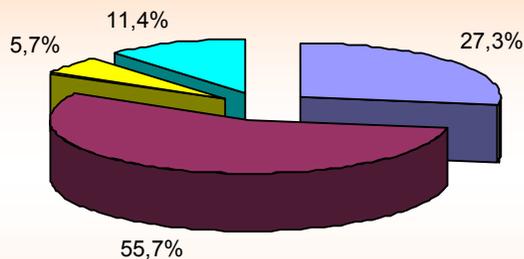
5) As **the organization and reorganization of public institutions and authorities, and the organization and performance of activities in the field of public administration respectively,** also with impact on the juridical regime applicable to the civil servants within the respective public institutions or authorities, or, as the case may be, on the juridical regime of the persons responsible with performing those activities subject to regulation, **about 2 thirds of the drafts of normative acts pertained to the primary legislation, the rest being secondary legislation acts** - drafts of government decisions and other normative acts issued by the leading staff of various public institutions and authorities, according to their institutional competencies.

**Proposals of legislation, updating,
amendment and completion
of the normative framework in force
during the reference period**



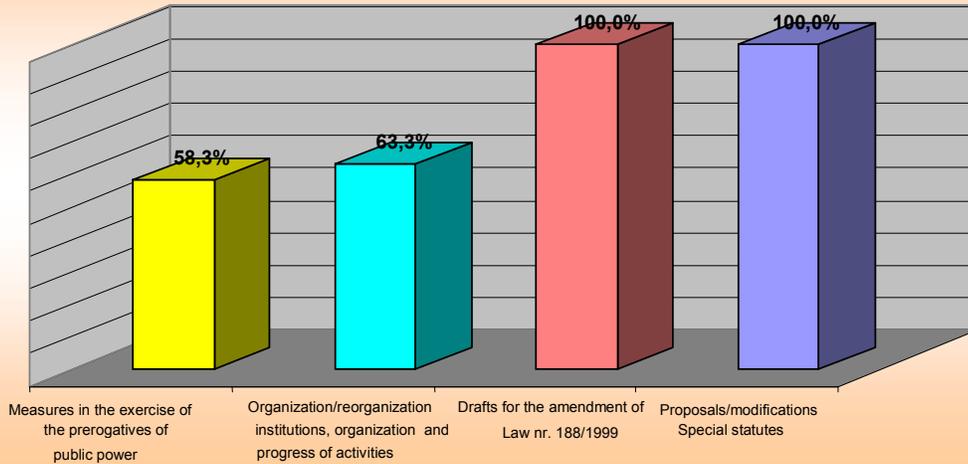
- Draft laws/ legislative initiatives
- Draft Government ordinances and emergency ordinances
- Draft Government Decisions
- Draft orders with normative character

**Draft normative acts
in general fields of regulation**

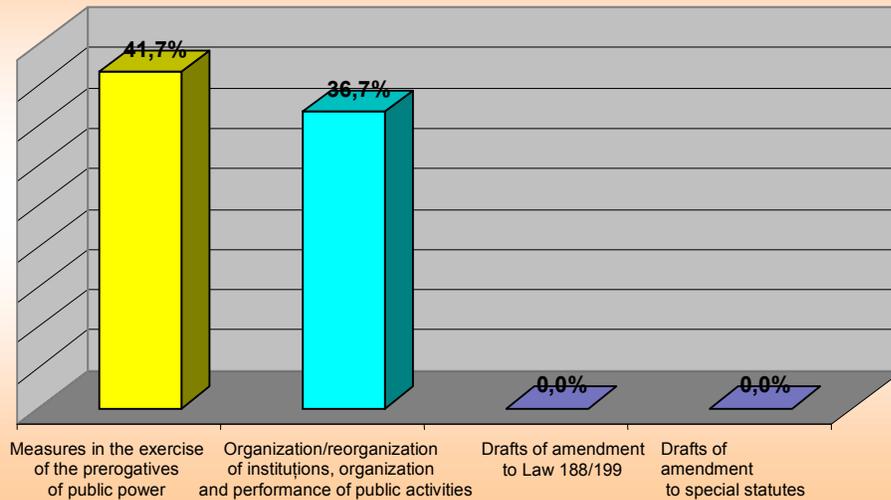


- Measures in the exercise of the prerogatives of the public power
- Organization and reorganization of public institutions, organization and progress of activities in the field of public administration
- Drafts for amending Law nr. 188/1999
- Proposals of normative acts regulating special statutes

**Draft normative acts pertaining to the level of primary legislation,
compared to the total number of drafts received**



**Draft normative acts pertaining to the level of secondary legislation
compared to the total number of drafts received**



To conclude, year 2006 can be considered a year visibly affected, including in the field of the civil service, by the political and administrative preparations to ensure Romania's capacity to fully assume the statute of EU member state.

2.2. MANAGEMENT OF THE CIVIL SERVICE AND OF THE CIVIL SERVANTS

2.2.1. INVENTORY OF THE CIVIL SERVICE POSITIONS AND CIVIL SERVANTS

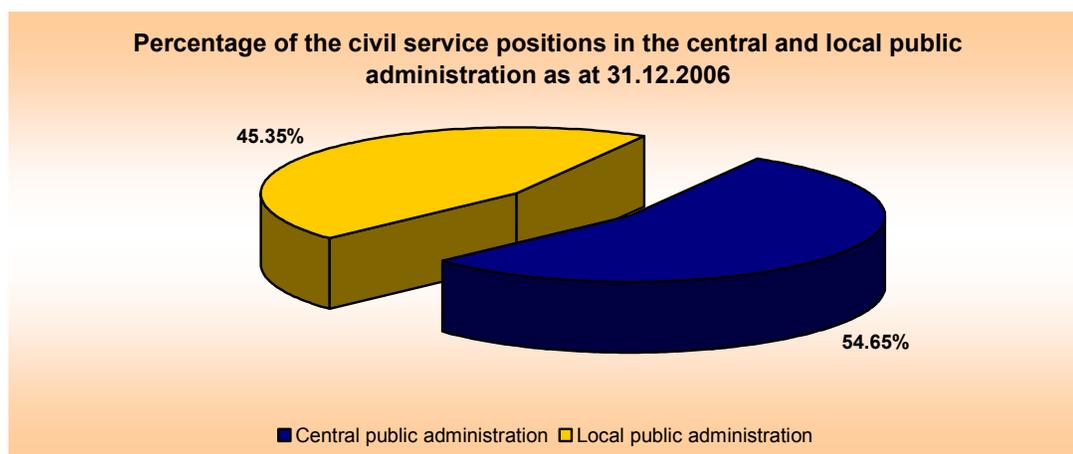
At the end of 2002, the National Agency of the Civil Servants (NACS) created a **database with information on the structure of the civil service positions and of the civil servants' body in Romania**, which was then updated successively during 2003, 2004 and 2005 in order to assure its compatibility with the legal stipulations in action. About 4500 public authorities and institutions were involved in this process of successively updating the above database.

The statistic analyses carried out on the basis of the information submitted on magnetic support by the public authorities and institutions are influenced by a series of **specific features of the public administration**, such as: its own inertia (delays in transmitting the updated data), limited resolution (the existence of an objective tolerance with regards to the real condition of the system), the presence of some errors inherent to the process of filling in a huge volume of data, etc. In spite of all these, the possible quantitative differences do not bring about qualitative changes of the system, so that the validity of the data remains within acceptable limits.

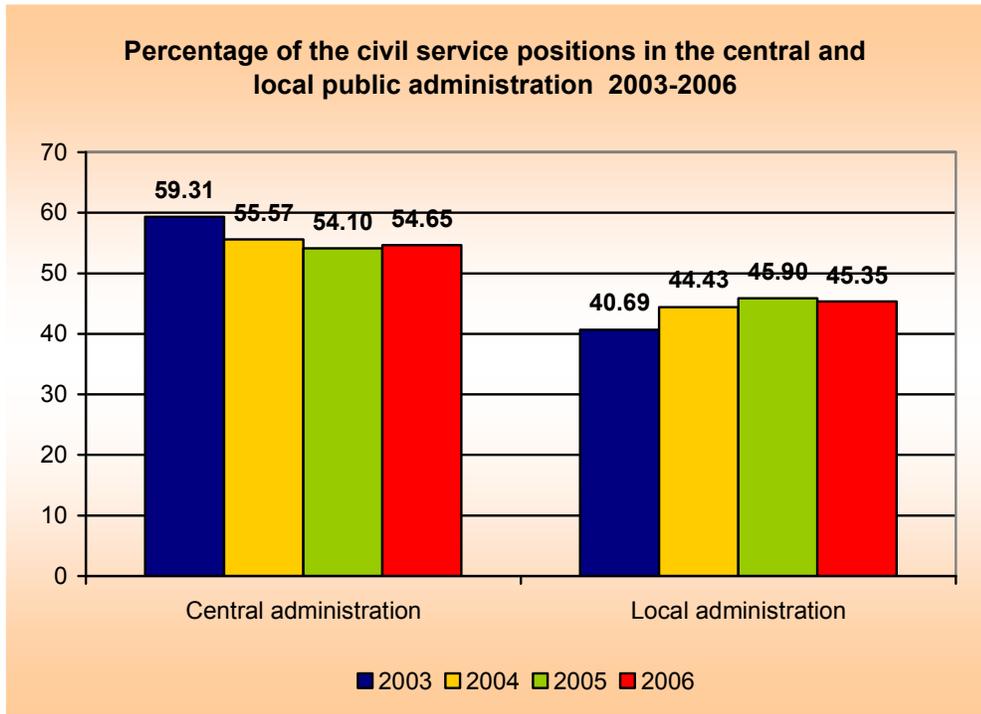
The statistic analysis shown below was done using both the data submitted on magnetic support by the public authorities and institutions, during the period 01.01.2006 – 01.02.2007, and the data collected by NACS during the period 2003 – 2005.

1) Aspects concerning the structure of the civil service positions

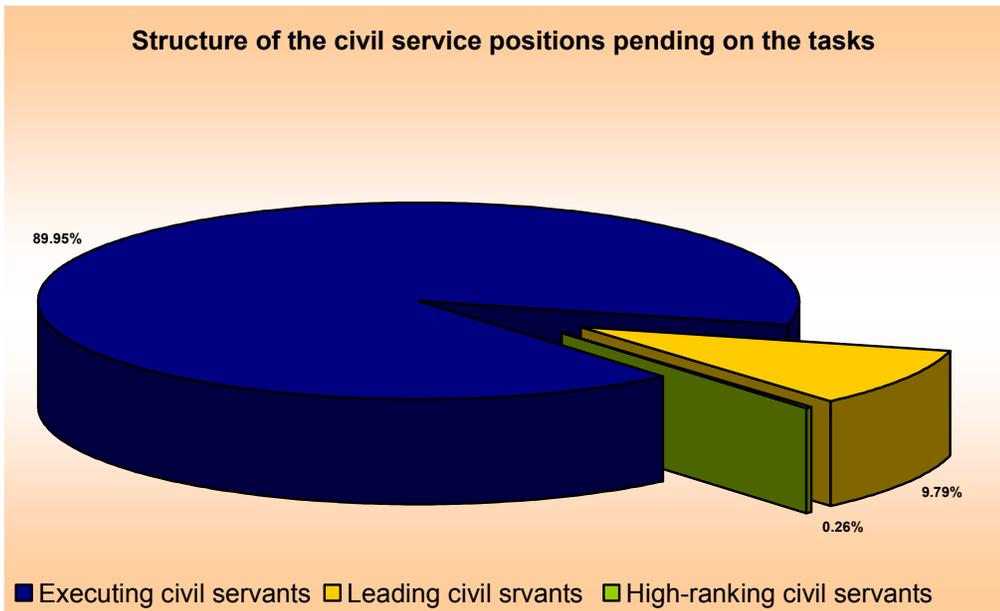
On the basis of the data submitted by the public authorities and institutions during 2006 and the month of January 2007, **the total number of public positions** within the public administration in Romania as at 31 December 2006 was 128514, out of which 70232 civil service positions within the central public institutions and the decentralized civil services, and 58282 within the own administrative staff of the county councils, local councils and other local public authorities.



In comparison to the period 2003 – 2005, during the reference period, a **decreasing tendency of the number of civil service positions within the central public administration** was registered (from 59,31% in 2003, to 54,65% in 2006) in parallel to the **increase of the percentage characterizing the civil service positions within the local public authorities**. The slight increase of the percentage of civil servants within the central public administration during the period 2005 – 2006 is due to the legislative changes of this period, a process of administrative decentralization of the period 2003-2006 being therefore noticed for the whole ensemble.



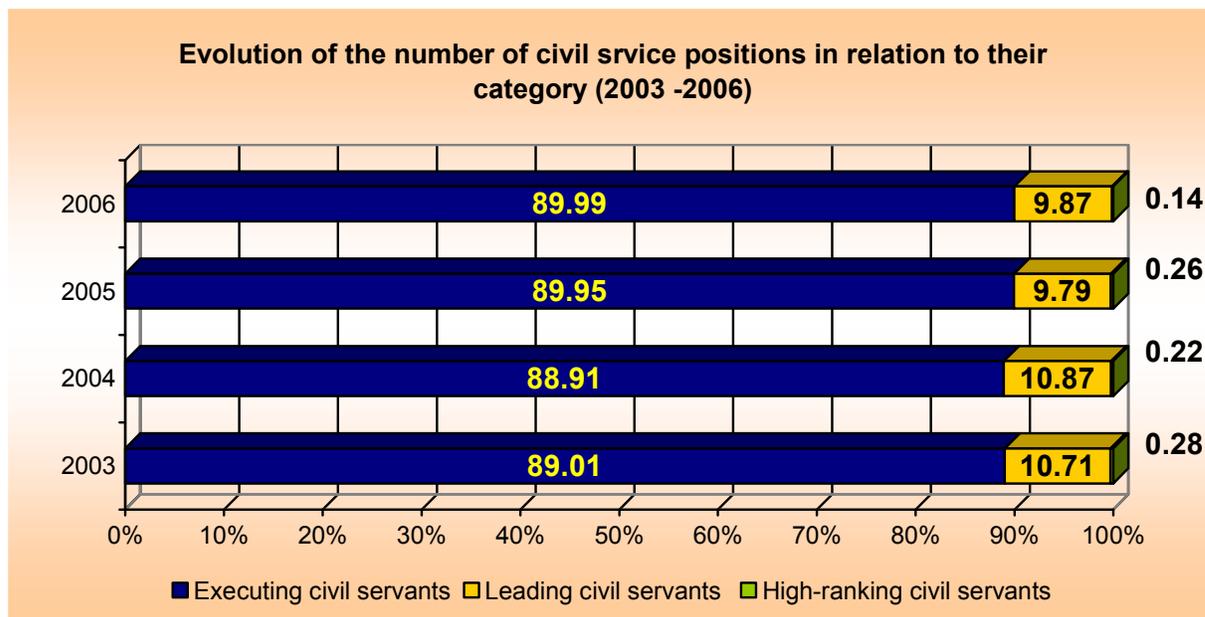
As for the tasks of each civil service position, 115650 (89,99%) were **executing** civil service positions, 12686 (9,87%) **leading** civil service positions and 178 (0,14%), civil service positions belonging to the category of **high-ranking civil servants**. The considerable percentage of the executing civil service positions in the total number of civil service positions (9 out of 10 are executing civil service positions)



Similar percentages are also noticed in the case of the analysis of the **number of civil service positions grouped into** central public administration and local public administration.

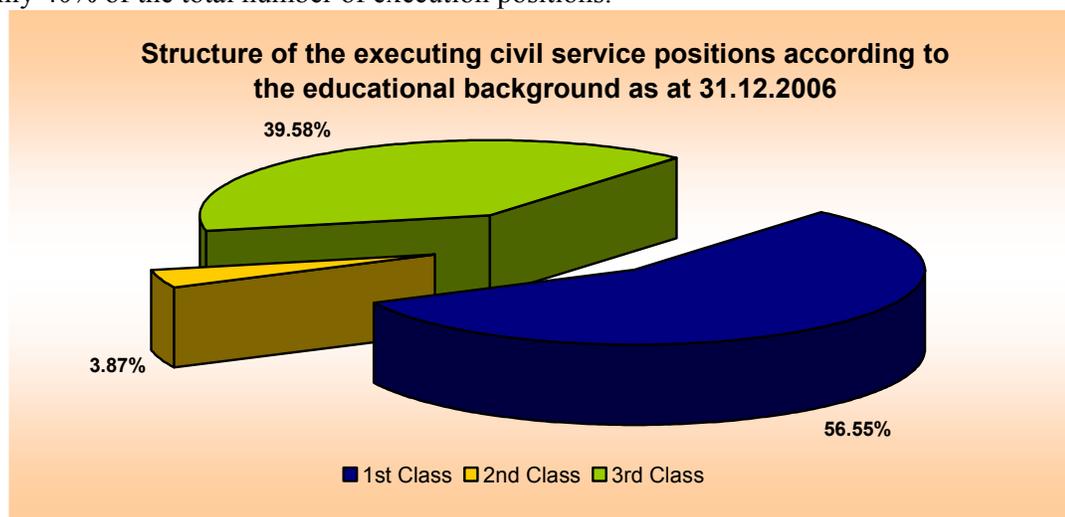
The comparative situation indicated the **tendency of maintaining the 9 to 1 relation** between the number of executing civil service positions and leading civil service positions, respecting the percentage of maximum 12% for the leading civil service positions as foreseen in Law no. 188/1999.

The decrease of the number of civil service positions within the category of high-ranking civil servants is due to the legislative changes – the civil service positions of general director and secretary of the county are not part of this category).

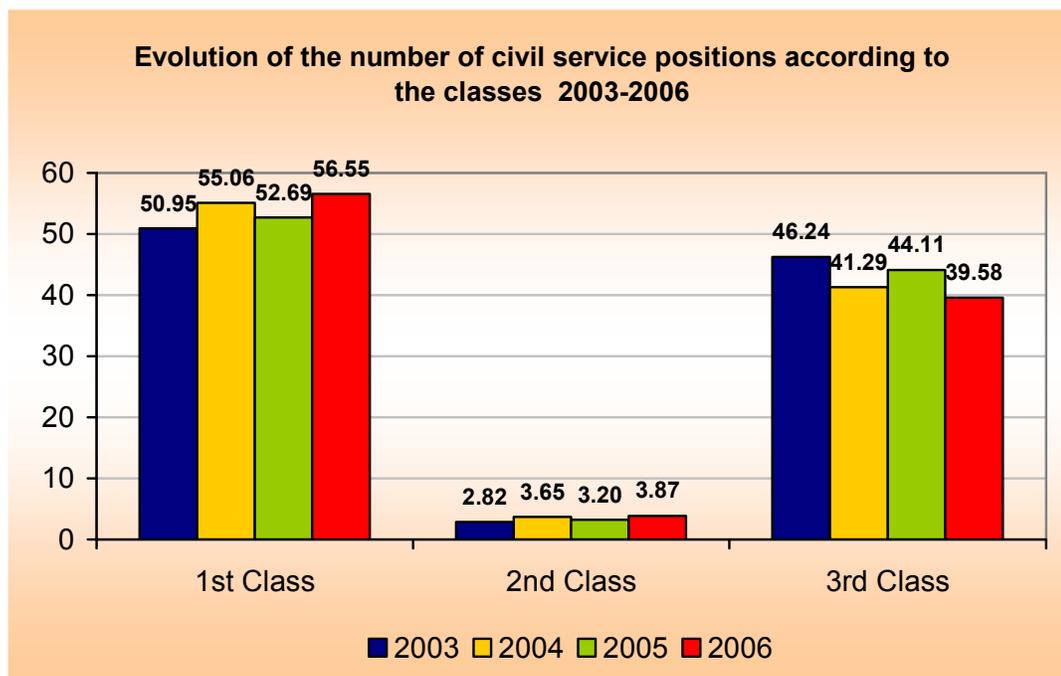


As for the educational background, out of the total of 115650 executing civil service positions, during the reference period, 65400 were civil service positions of the 1st class (long-term higher education), 4476, civil service positions of the 2nd class (short-term higher education), and 45774, civil service positions of the 3rd class (high-school graduates).

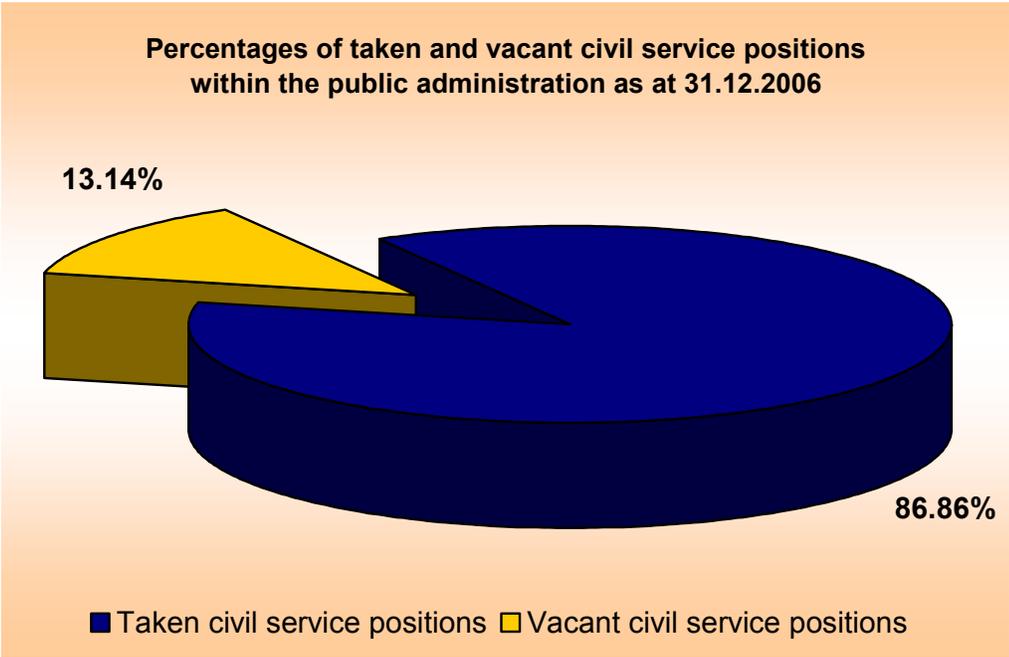
One can notice the **considerable percentage of the civil service positions of the 1st and 2nd classes** (higher education) (ca 60%), while the civil service positions of the 3rd class (high-school graduates) are only 40% of the total number of execution positions.



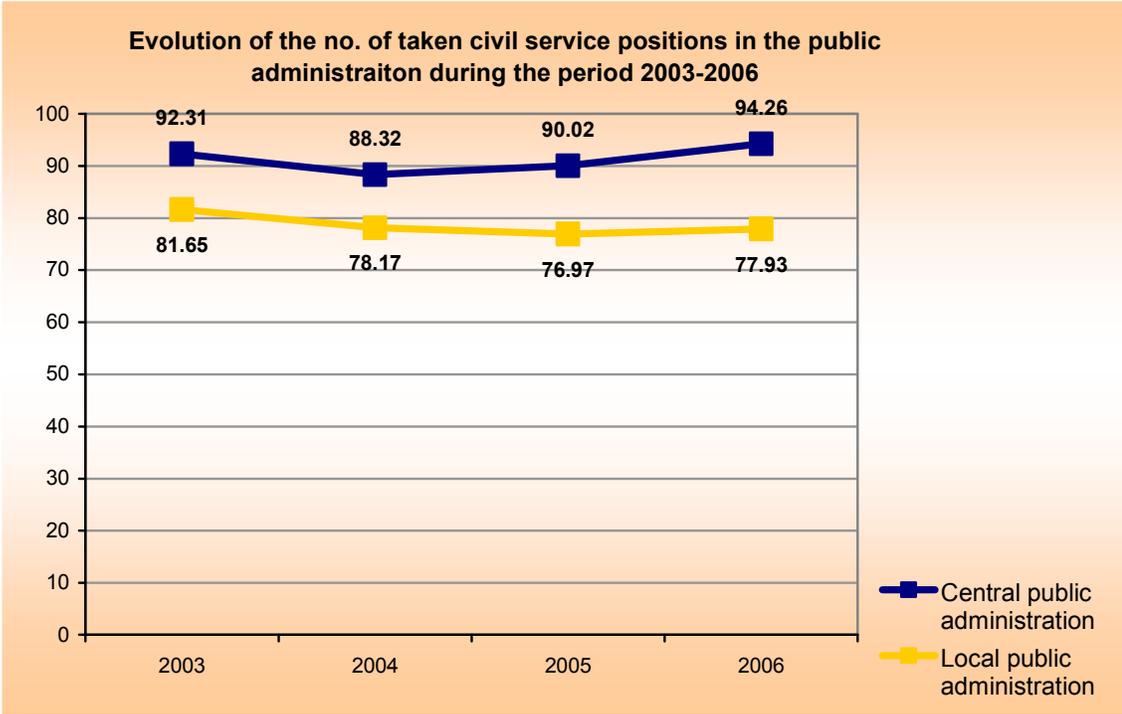
With regards to the evolution during the period 2003 – 2006, one can notice an increase of the percentage of civil service positions of 1st and 2nd classes.

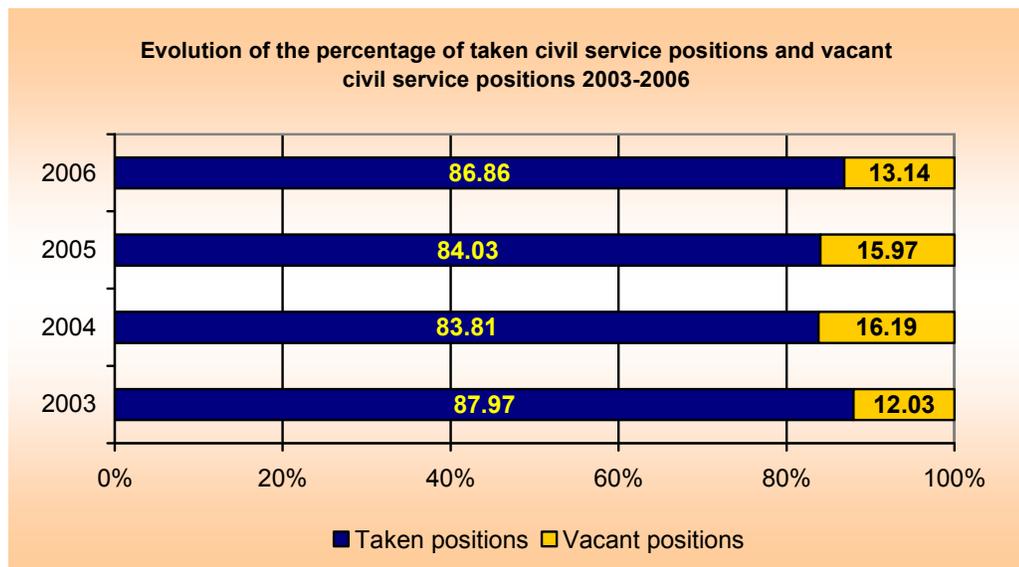


From the point of view of the **degree of occupation of the civil service positions**, there were 16890 vacant civil service positions (13,14%), while the remaining 111624 (86,86%) were taken. One can notice a **lower percentage of vacant civil service positions within the central public authorities and institutions (5,74%)** compared to the one of the local public authorities (22,07%). This situation requires special measures to be taken in order to increase the degree of attractiveness of vacancies within the above public institutions.



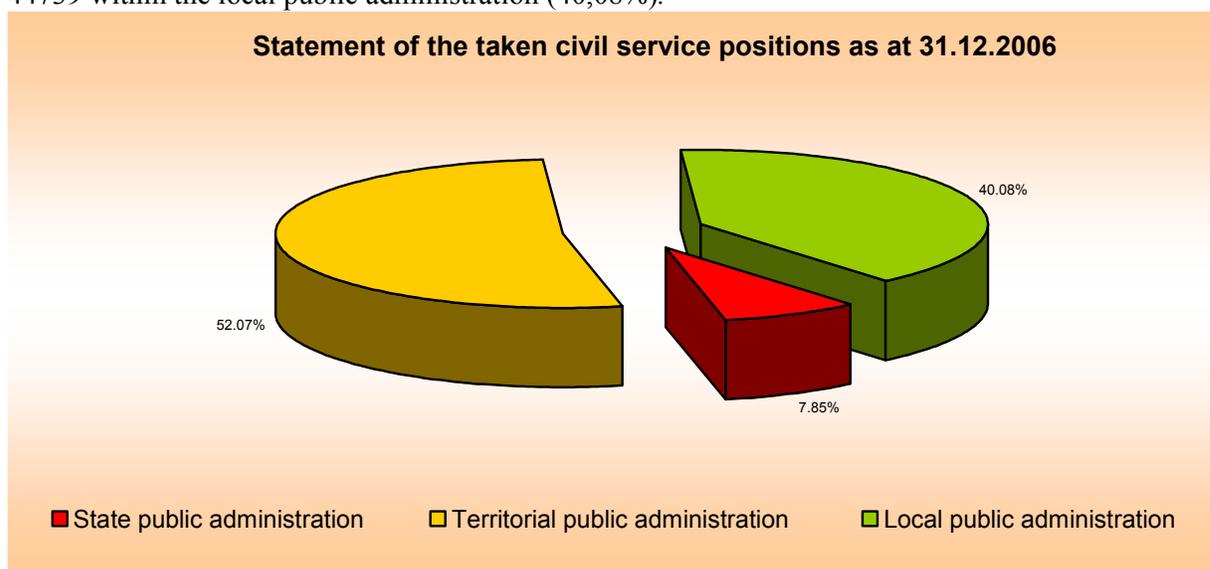
In comparison to the previous years, a decrease is noticed, from 87,97% to 83,81%, of the percentage of taken civil service positions during the period 2003 – 2004, followed by an increase during the period 2005 - 2006.





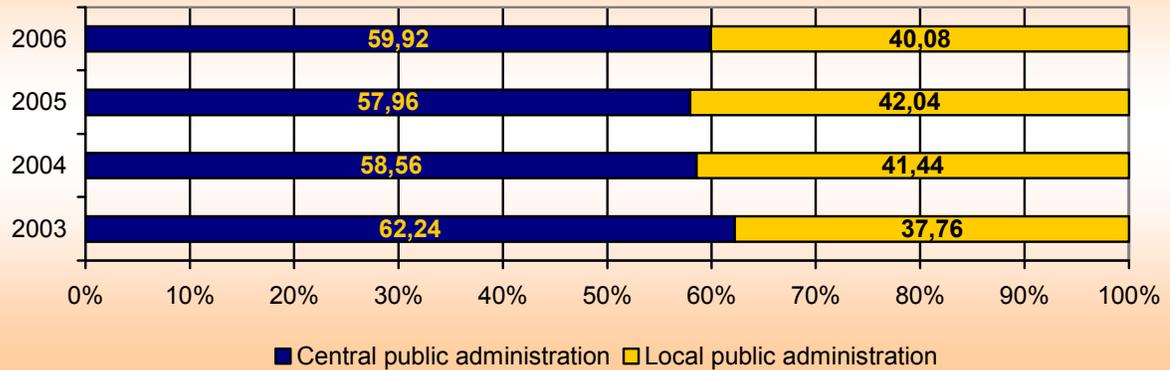
2) Aspects concerning the dynamic of the civil servants' body

As at 01.04.2006, **the total number of civil servants** was 111624, out of which 8762 working in the State public administration (7,85%), 58123 within the territorial public administration (52,07%) and 44739 within the local public administration (40,08%).



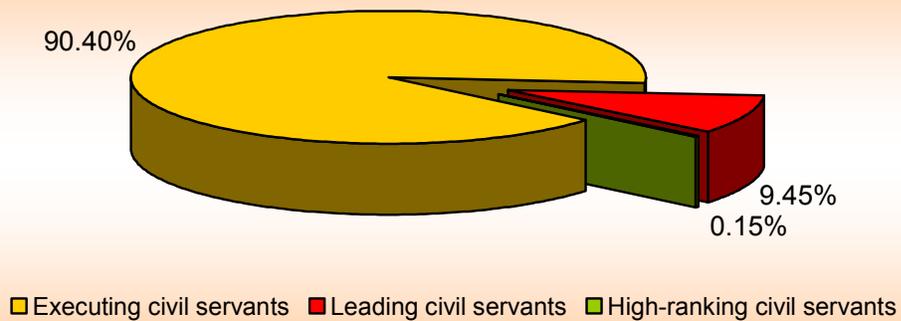
In comparison to the previous years, one can notice **an increase of the number of civil servants within the local public administration** (from 37,76% in 2003 to 40,08% in 2006), mainly due to the efforts carried out for the decentralization, enhancing the relation between the administration and the citizens, and development of the proximity services.

Comparative statement of the number of civil servants in the public administration (2003-2006)

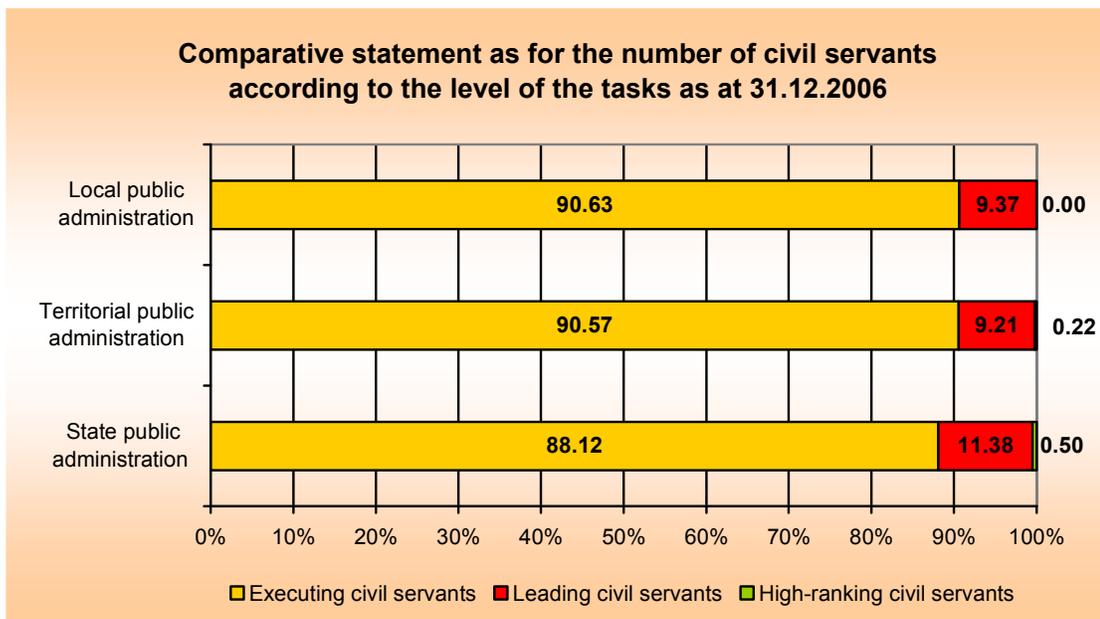


As for the level of the tasks, on the whole public administrations, 100911 servants hold executing civil service positions (90,40%), 10543 leading civil service positions (9,45%) and 170 were part of the category of high-ranking civil servants (0,15%).

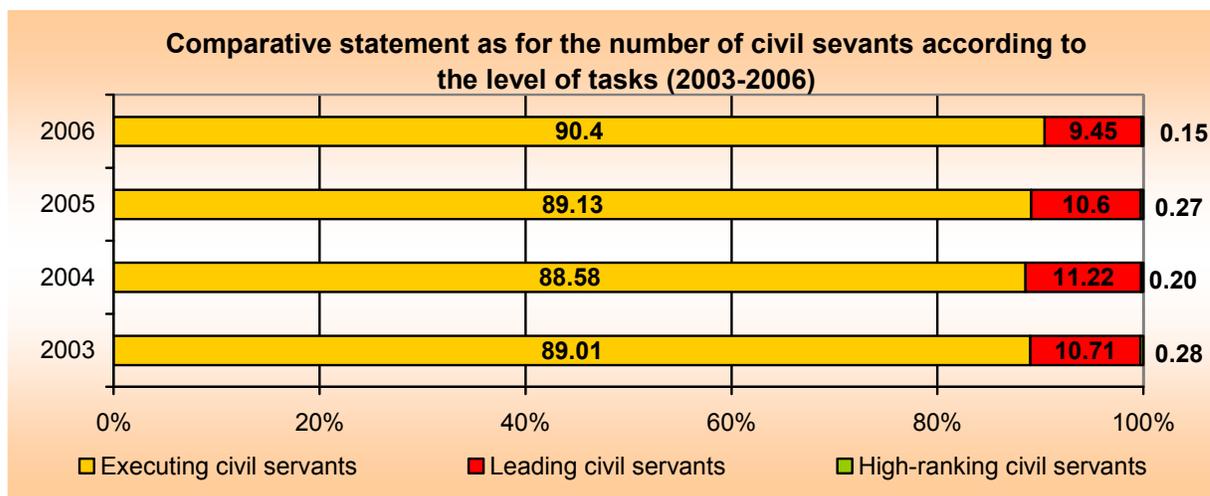
Statement of the taken civil service positions according to the level of tasks



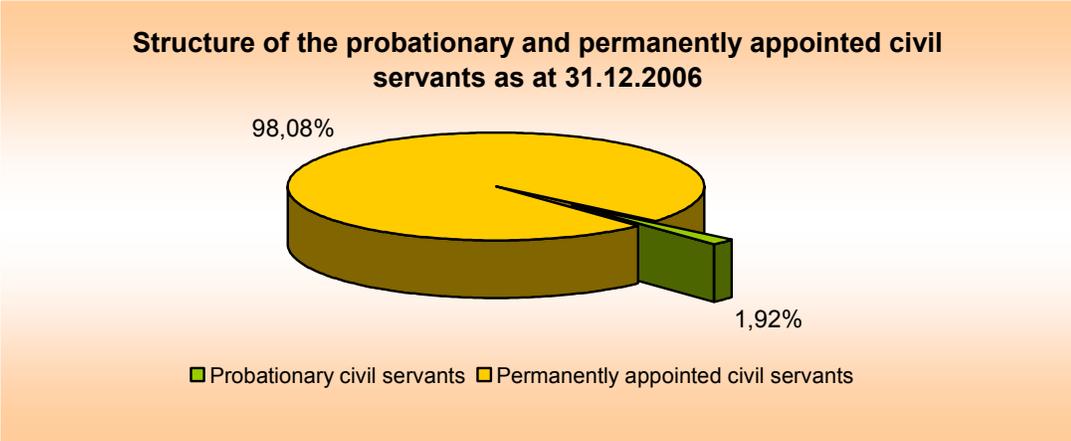
Rather similar percentages are also identified at the level of the various categories of public authorities or institutions.



As for the **evolution of the percentage of civil servants for each particular category**, during the last four years, no major change has been recorded. One can notice the considerable percentage of the executing civil servants (about 9 out of 10 servants) and the concern of the public administration authorities for maintaining a rather constant percentage of leading civil servants (respecting the maximum percentage of 12% of leading civil service positions as stipulated in the Civil Servants' Statute).



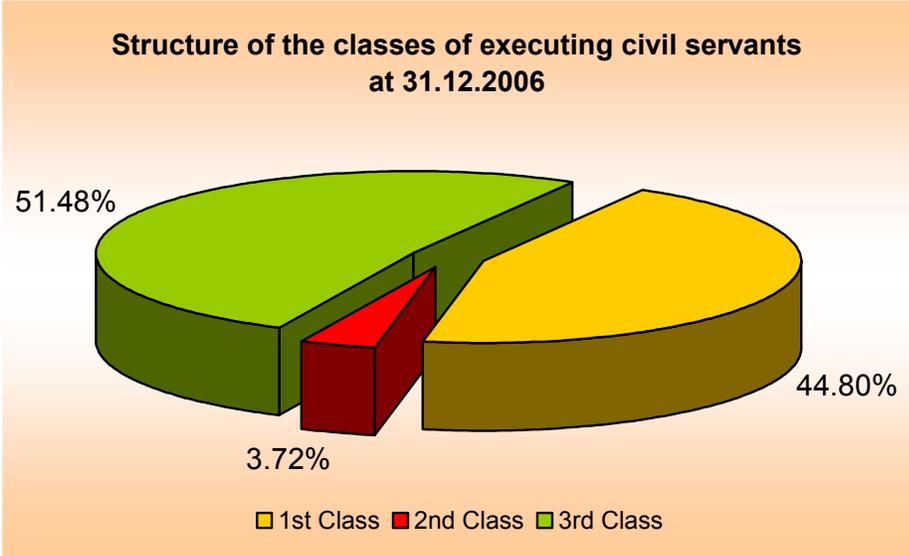
As for the classification of the civil servants in probationary and permanently appointed, one can notice **the extremely low percentage of probationary civil servants at the level of the public administration in general** (ca 2% of probationary civil servants).



As for the **variation of the percentage of probationary civil servants during the period 2003 – 2005**, one can notice a **slight increase** during 2004 (from 1,48% in 2003 to 2,19%). This increasing tendency could not yet be maintained so that the **variation of the number of probationary civil servants is insignificant as a whole** (in 2005 it is of 1,78% and in 2006, of 1,92%).

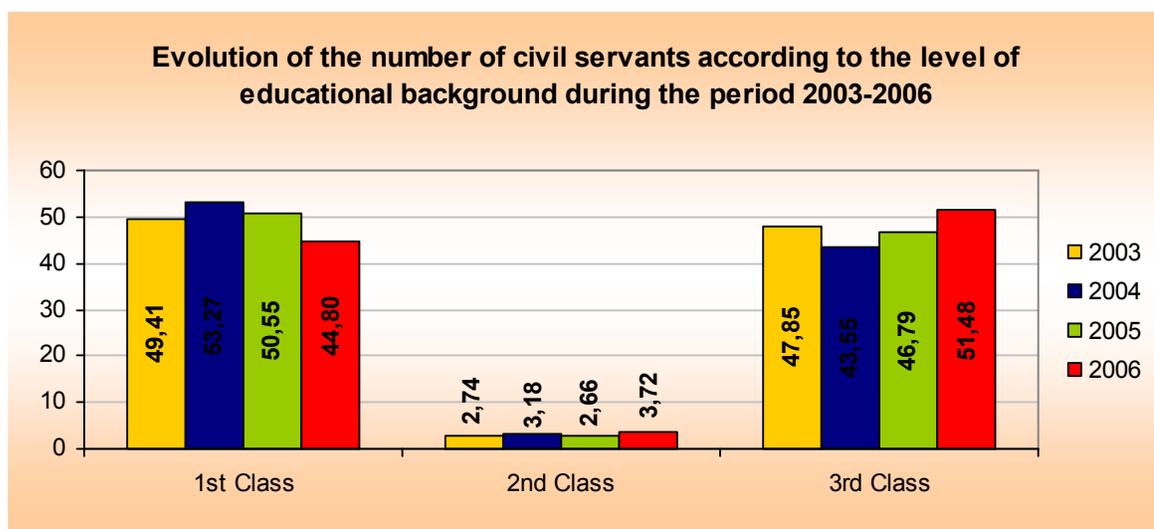
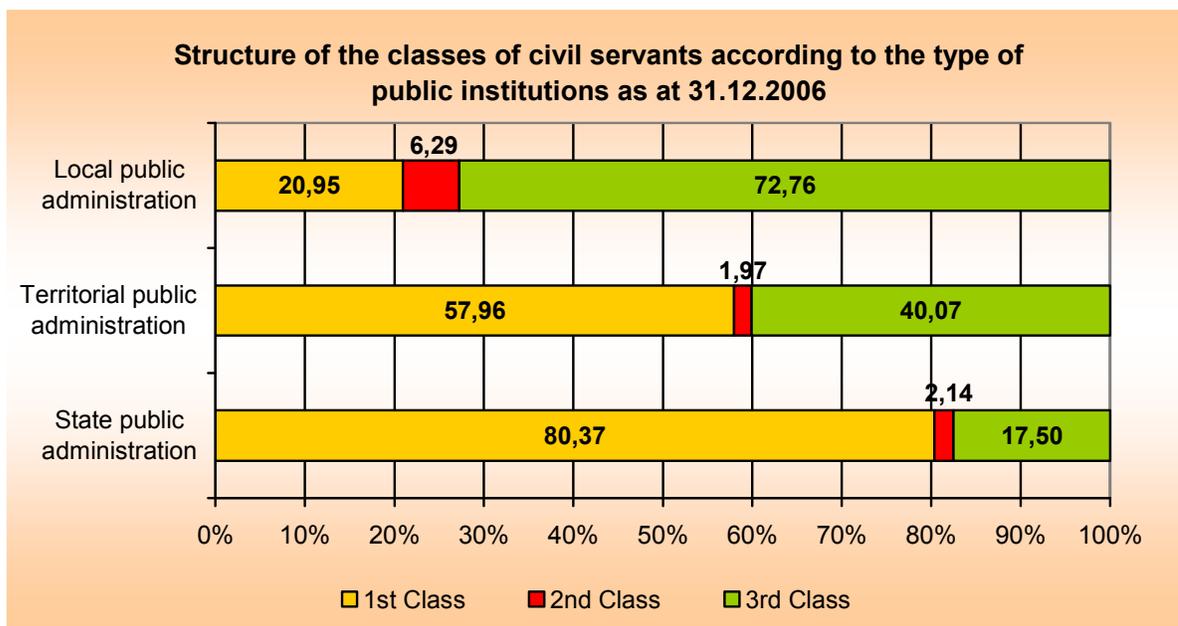
3) Aspects concerning the professional training of the civil servants

From the point of view of the level of the educational background, one can notice that, out of the total of 100911 civil servants with execution role, 45212 civil servants have attended long-term higher education (44,80%), 3754 short-term higher education (3,72%), and 51945 are graduates of high-schools or post-high-school institutions (51,48%).



The grouping into categories of public authorities and institutions points out the **relatively high percentage of civil servants with higher education background within the own staff of the central public administration institutions** (8 out of 10 civil servants) and **within the territorial public administration** (7 out of 10 civil servants are graduates of higher education institutions). The degree of professional training decreases in the case of the local councils and other authorities of the local public administration (only 3 out of 10 civil servants are graduates of higher education

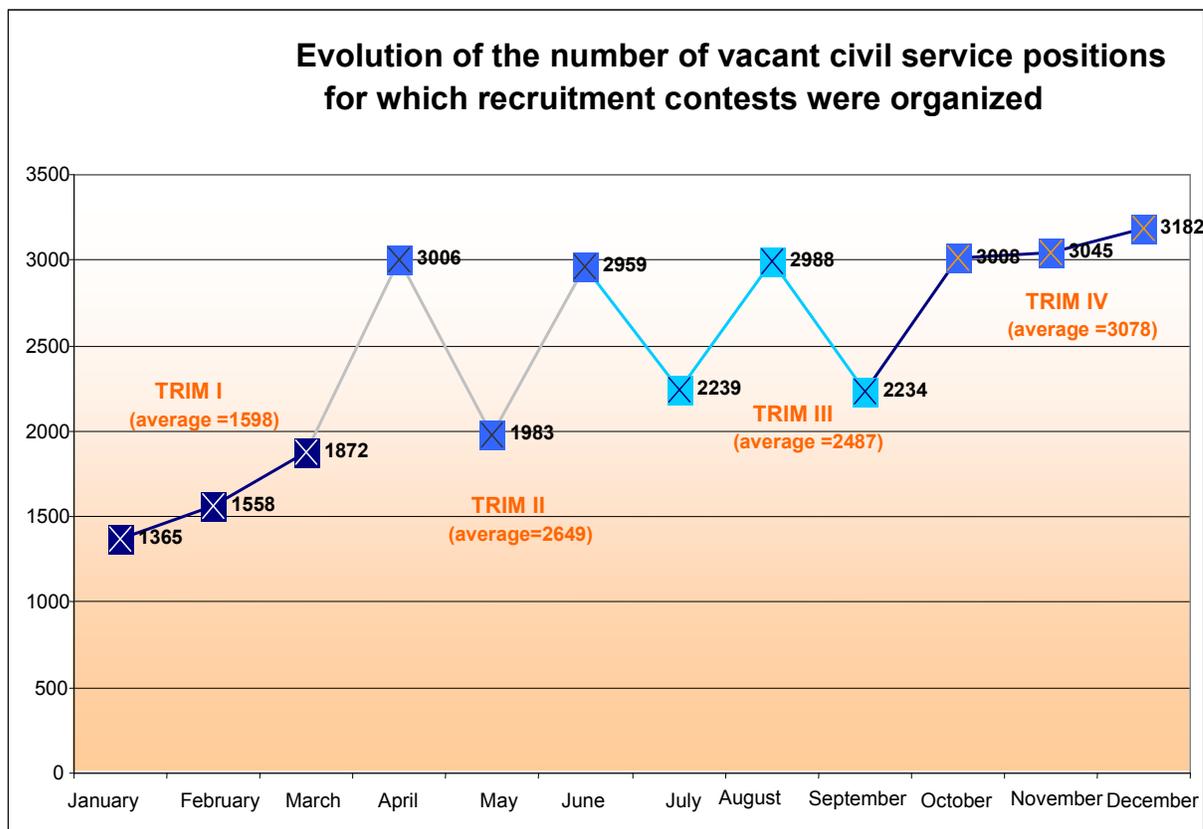
institution), situation which is due to the absence of both a highly qualified manpower market and of an attractive remuneration and compensation package of the potential employees.



2.2.2. MANAGEMENT OF THE ADMINISTRATIVE PROCEDURES

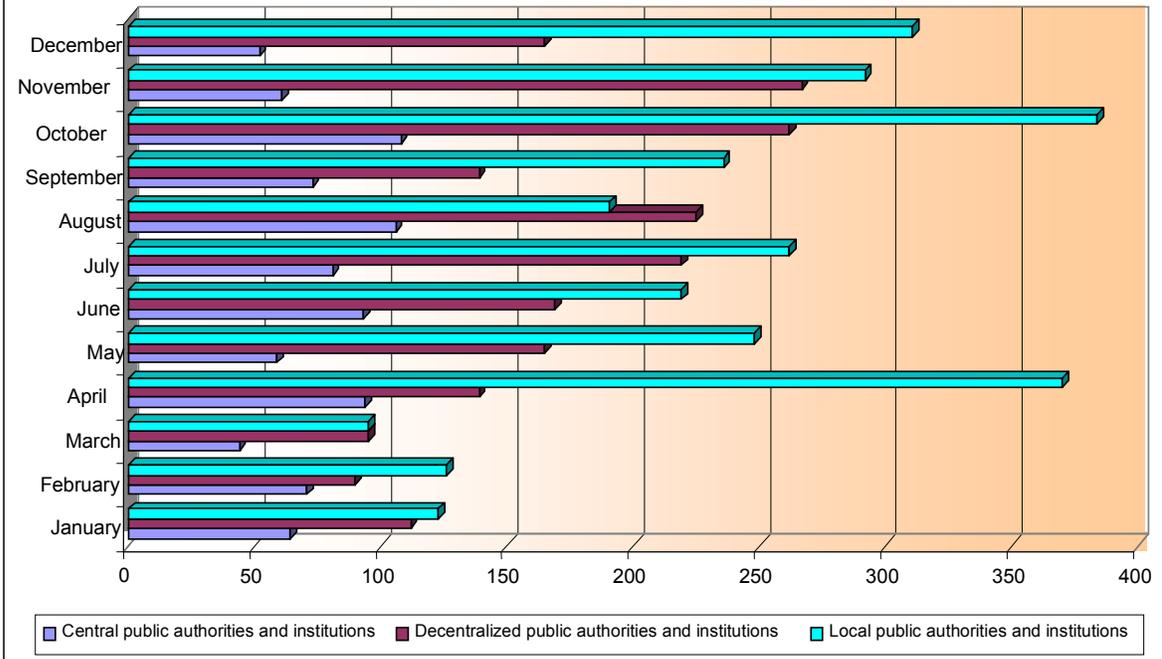
During 2006, the activity of organization and implementation of the contests was based on the *Government Decision no. 1209/2003 concerning the organization and development of the careers of civil servants* and of the *Government Emergency Ordinance no. 1/2006 concerning some measures for increasing the administrative capacity of Romania for the integration into the European Union*. On the basis of the procedure foreseen into the above normative papers, 6897 favorable resolutions were issued in order to organize the contests for the vacant civil service positions, the evolution of the situation from one period to another being as follows:

1) Recruitment contests

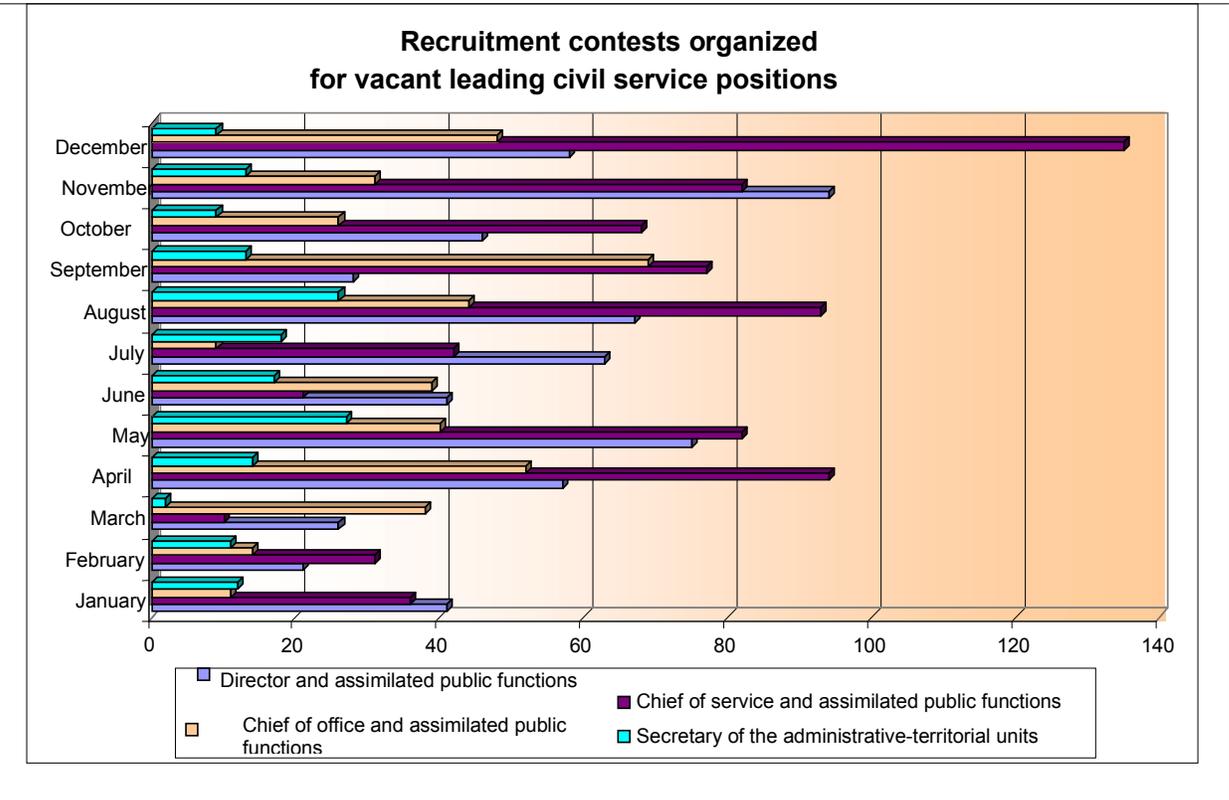


With regards to the detailed organization and implementation of the recruitment and promotion contests, according to the types of public authorities and institutions and, to types of civil service positions, respectively, during the period January-December 2006, the following situation was recorded:

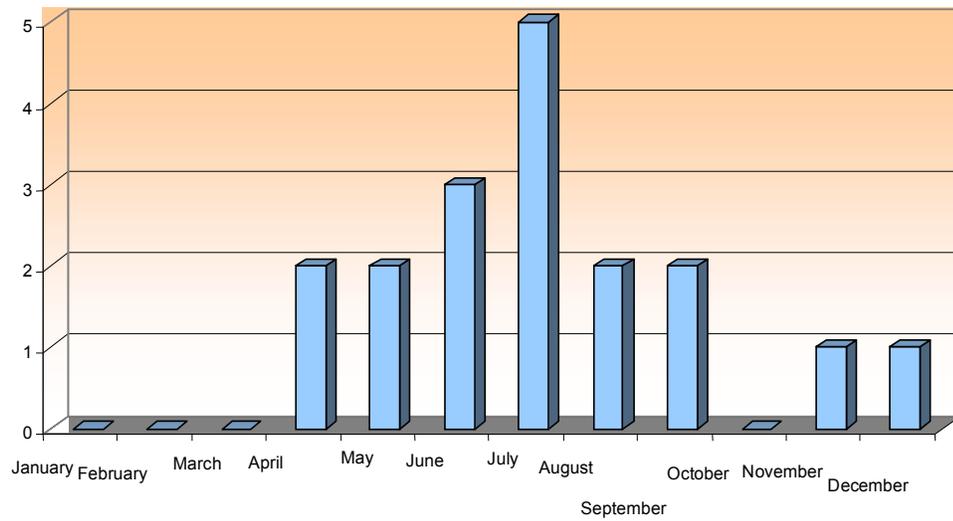
Recruitment contests organized for vacant civil service positions



Recruitment contests organized for vacant leading civil service positions

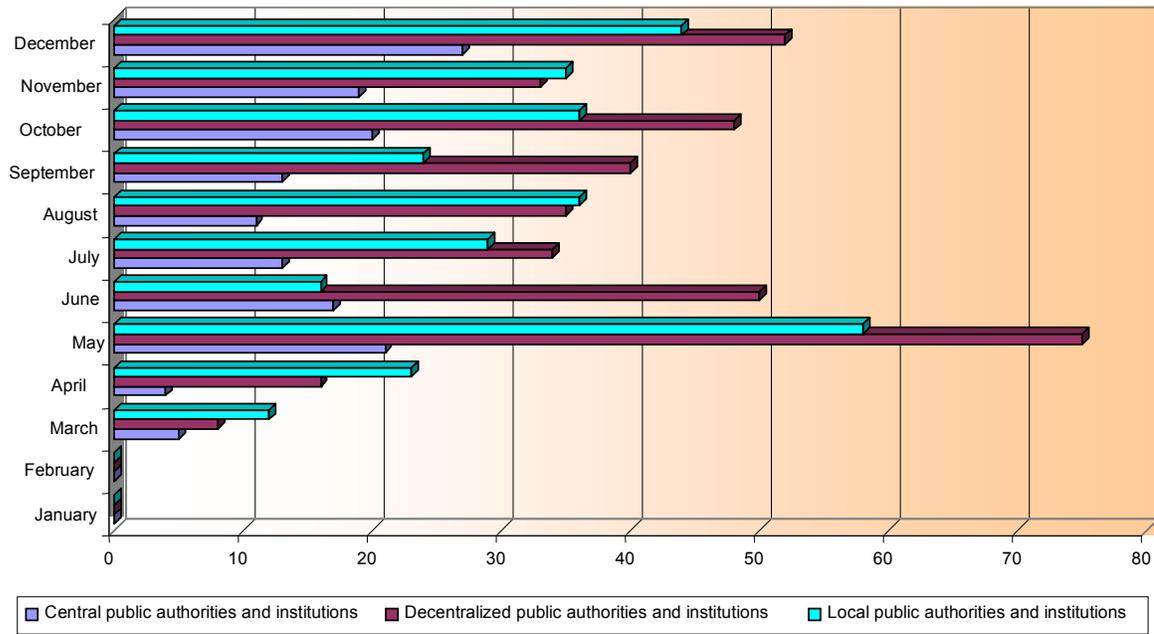


Contests organized by the Judging Panel for the recruitment of high-ranking public positions

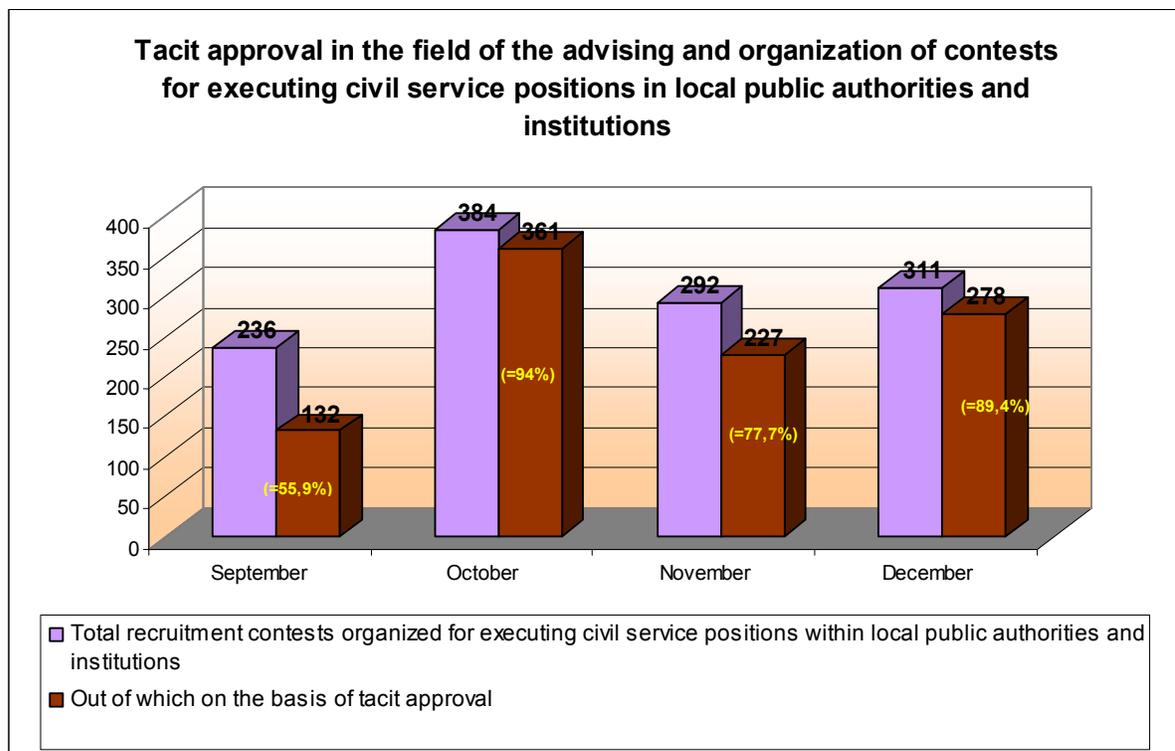


2) Promotion contests

Promotion contests for executing civil service positions



As a result of the regulation¹ of the use of the **tacit approval in the field of the advice and organization of contests**, starting with the month of September 2006 the following evolutions were recorded:

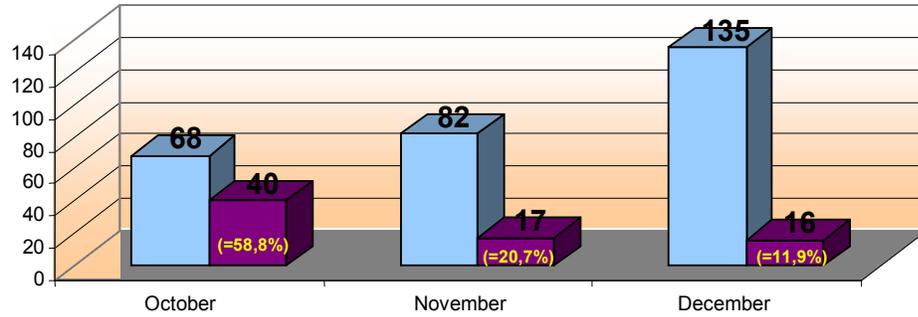


Similarly, starting with the month of October 2006, the result of the **transfer of competences**² towards the public authorities and institutions within the local public administration is as follows:

¹ According to art. 51² par. (2) and (3) of Law no. 188/1999 concerning the Statute of Civil Servants, as republished, with the later amendments and completions, in the case of the organization of the recruitment contest for the vacant public positions within the local public administration by the authorities and institutions whose organization chart includes the concerned positions, they have the obligation to inform the National Agency of Civil Servants 10 days before the procedure of the organization and implementation of the contract is being initiated. In case the Agency notices that certain legal conditions concerning the organization and implementation of the contests are not met, it decides the postponement or the cancellation of the organization and implementation of the contest. The absence of a decision as for the postponement or the cancellation of the organization and implementation of the contest is assimilated to the tacit approval.

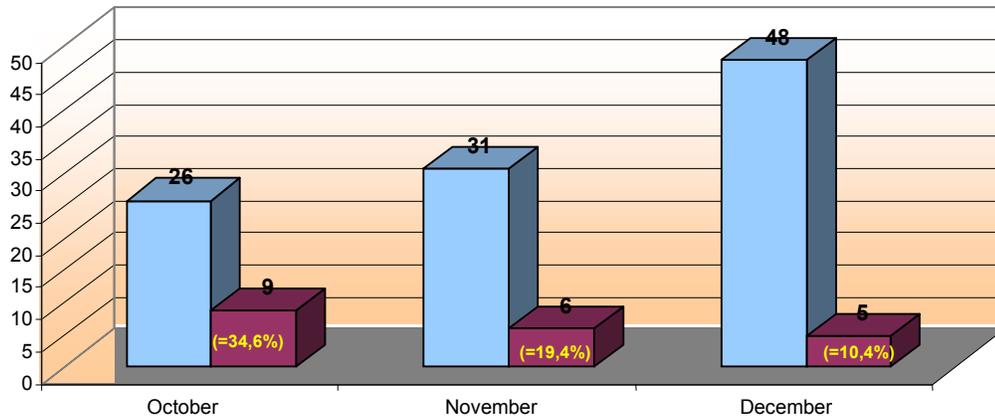
² In accordance with the Order no.500/2007 of the President of the National Agency of the Civil Servants concerning the transfer of the competence of organizing recruitment contests for filling the vacant leading civil service position.

**Transfer of the competence towards the local public authorities and institutions,
for the organization of contests for filling the leading civil service positions,
of chief of service and assimilated civil service positions**



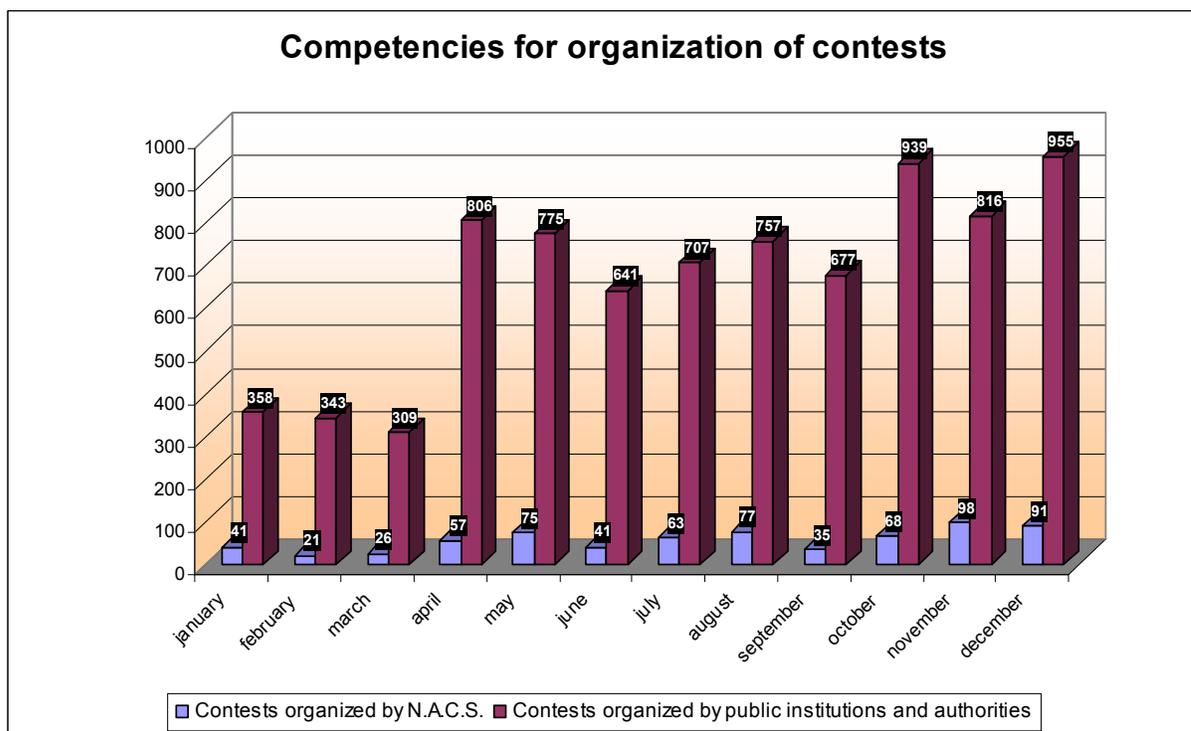
- Total number of recruitment contests organized in local public authorities and institutions for the leading civil service positions of chief of service and assimilated public positions
- Out of which on the basis of the transfer of competence

**Transfer of the competence towards the local public authorities and institutions.
for the organization of contests for filling the leading civil service positions,
of chief of office and assimilated public positions**



- Total number of recruitment contests organized in local public authorities and institutions for the public positions with leading role chief of office and assimilated public positions
- Out of which on the basis of the transfer of competence

With regards to the **competence**, in conformity to the legal stipulations, as for **the organization and implementation of recruitment contests**, during 2006 the contests were organized and implemented as follows:



By correlations with the data from the previous year and the results of the regulatory activity, **the conclusions** that appear to be relevant for the year 2006 are the following:

- **The increase of the vacant civil service positions** in view of increasing the administrative capacity of Romania within the European Union as well as the **decrease of the legal deadlines** in accordance with the Government Emergency Ordinance no. 1/2006 **determined a constant increase of the number of recruitment contests for civil service positions during the reference period**, so that during the month of August, the number of the contests reached the double of the one for the month of January, and in the month of November the triple. Analyzing the same period of 2005, according to the report on the management of the civil service position during that period, a similar increasing tendency can be noticed in the number of contests, towards the end of the application period of Law no. 130/2005 which is also which reduced the legal deadlines for the organization of the contests. Thus, although during the period January-August 2005, the number of organized contests was of 2132, at the end of the year it reached 5778.
- **The stipulations of the Emergency Government Ordinance no. 1/2006**, which limit the cases where the vacant civil service positions may be filled by contest, **did not lead to the decrease of the number of contests at the level of the public administration in Romania**, which indicates that there is a **large fluctuation of personnel within the public authorities and institutions**.
- **At most 10 % of the recruitment contests are organized by NACS**, their number having a **decreasing tendency starting with the month of September**, by the application of the provisions of the Order no. 7101/2006 of the President of the National Agency of Civil Servants as for the transfer of the competences of organization of contests for the leading civil service positions, of chief of service and chief of office, and by limiting the fields where it is NACS which organizes the contests for the leading civil service positions within the authorities of the local public administration;

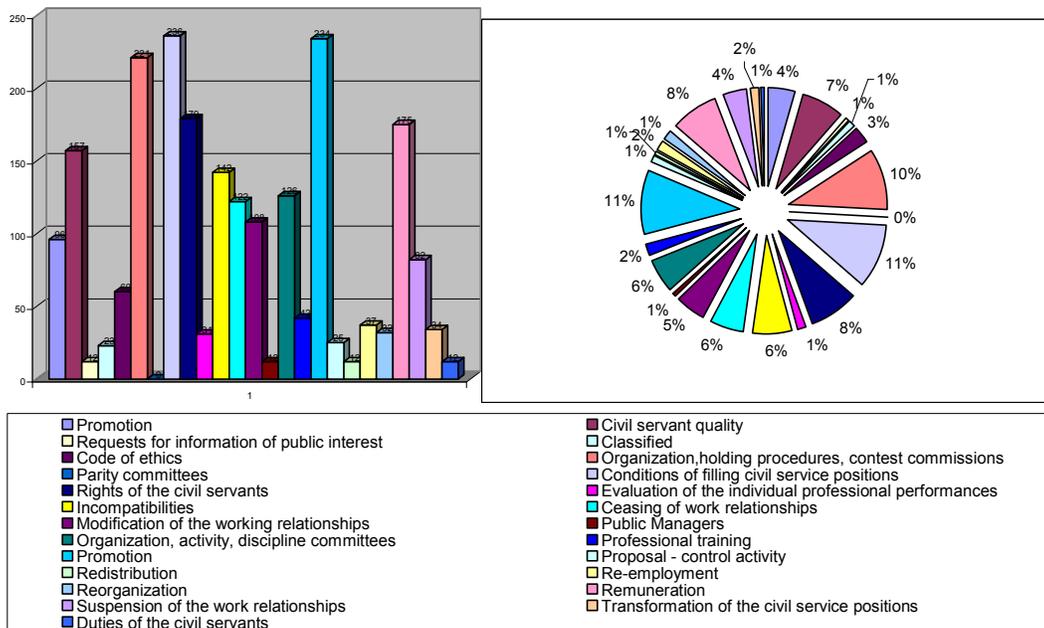
- **The contests for being promoted to a higher professional degree required in 2006 the existence of an advice for contest and the availability of a vacant position on which the civil servants may participate.** This condition is to be eliminated starting with 2007, from the date of application of the provisions of art. 55 of Law no. 188/1999 republished as amended and completed by Law no. 251/2006.
- **The degree of decentralization** of the procedures, for organizing and carrying out the contests, registers and is especially to continue registering an **increasing tendency**.

2.3. MONITORING AND CONTROL OF THE ACTIVITIES CONCERNING THE CIVIL SERVICE AND CIVIL SERVANTS

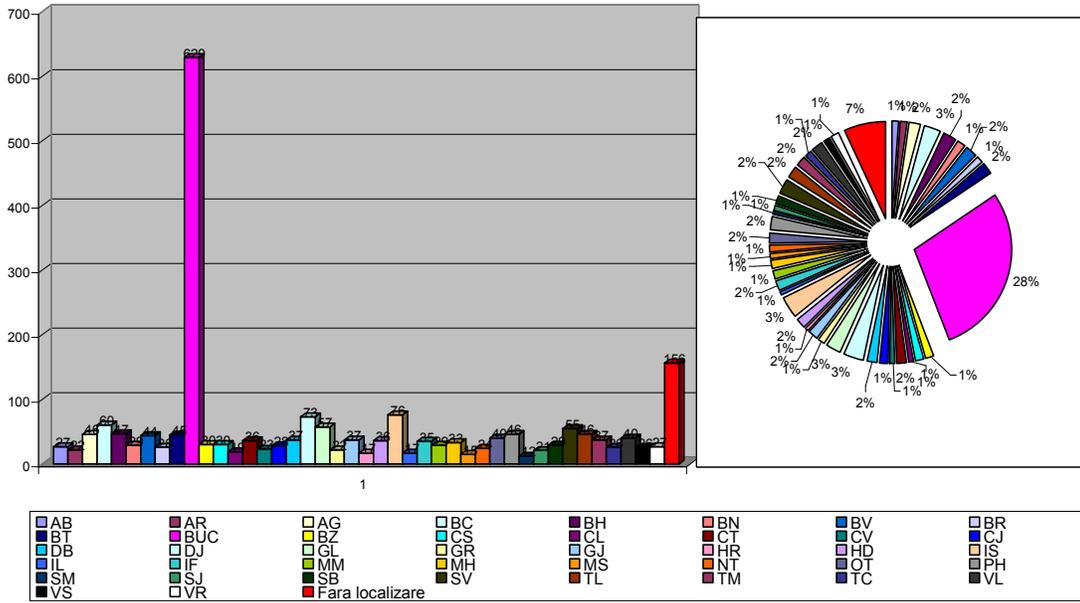
2.3.1. MONITORING AND EVALUATION OF THE APPLICATION OF THE LEGISLATION CONCERNING THE CIVIL SERVICE S AND CIVIL SERVANTS

The main source of information, analysis and documentation for this domain was represented by the petitions addressed during the reference period to the National Agency of Civil Servants, given its quality of institution responsible for the management of civil servants and civil service positions in Romania. The total number of petitions submitted was **2210**, differently distributed according to the **fields of interest, counties of the country** and monitored target groups – **public authorities and institutions of the central and local administration, civil servants, trade unions and citizens.**

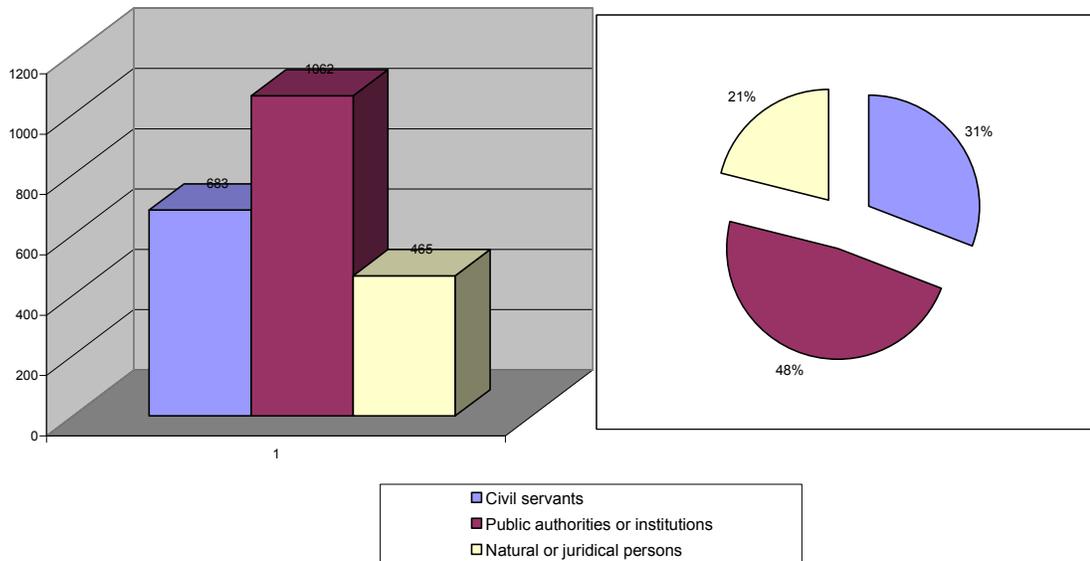
Distribution of the petitioners according to the fields of interest - year 2006



Distribution of the petitions according to the counties – year 2006

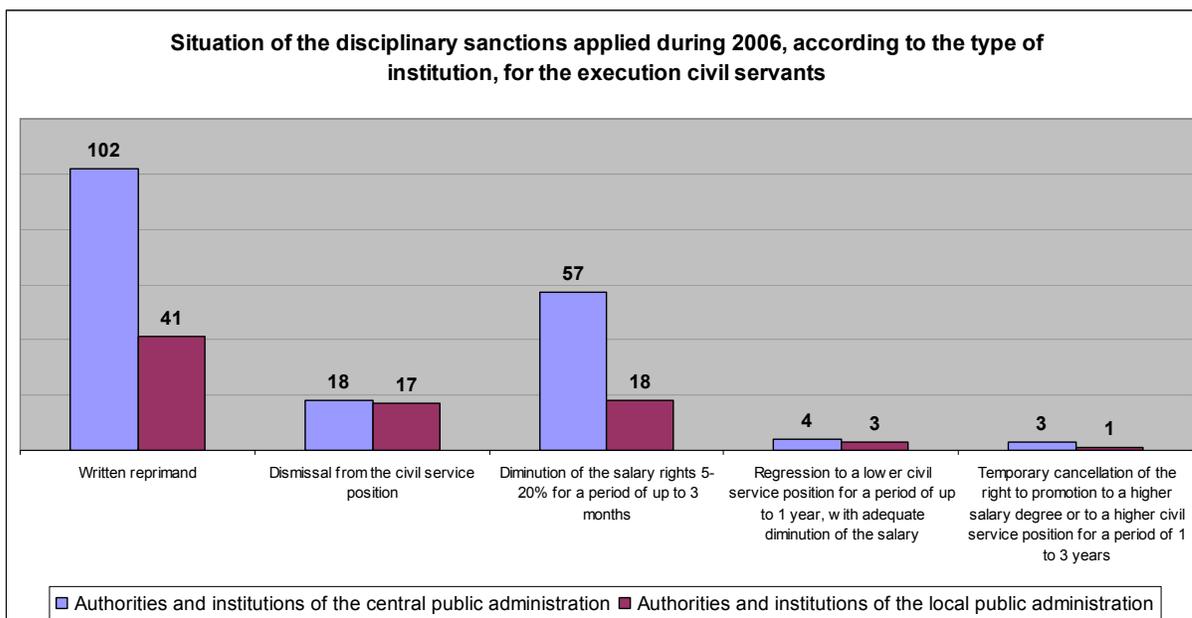
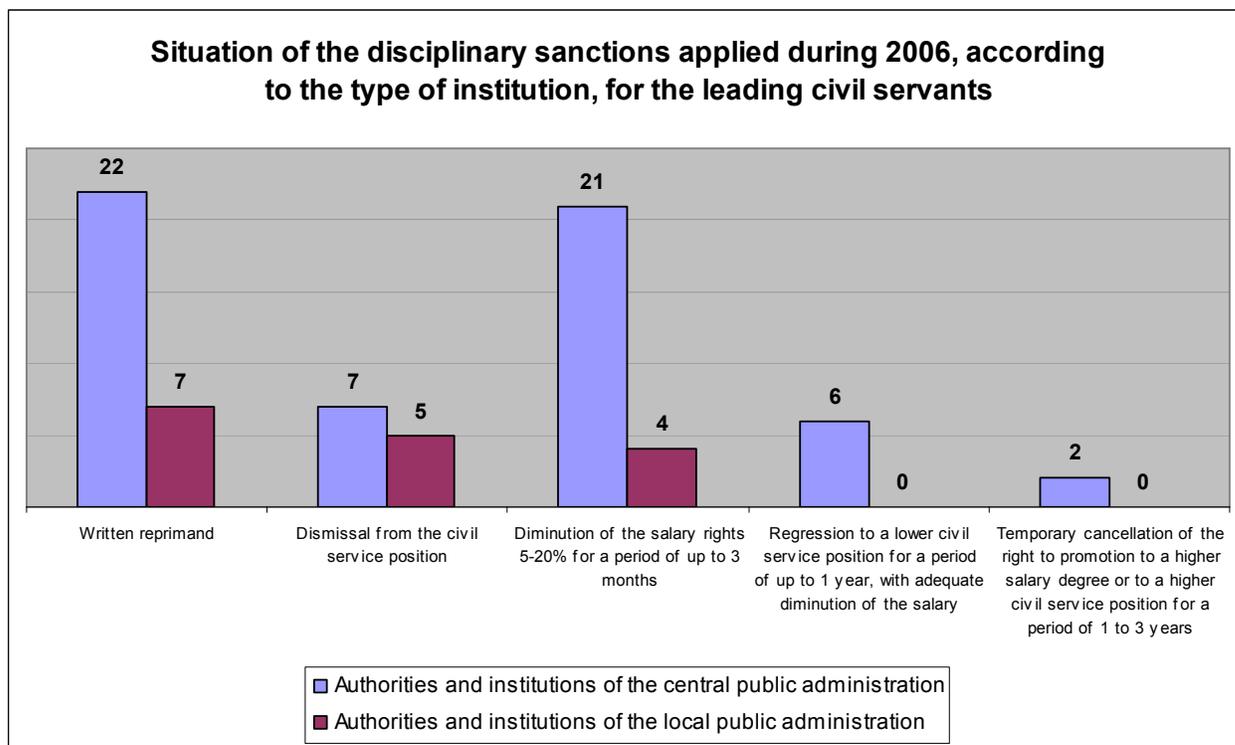


Distribution of the petitions according to the petitioners - year 2006



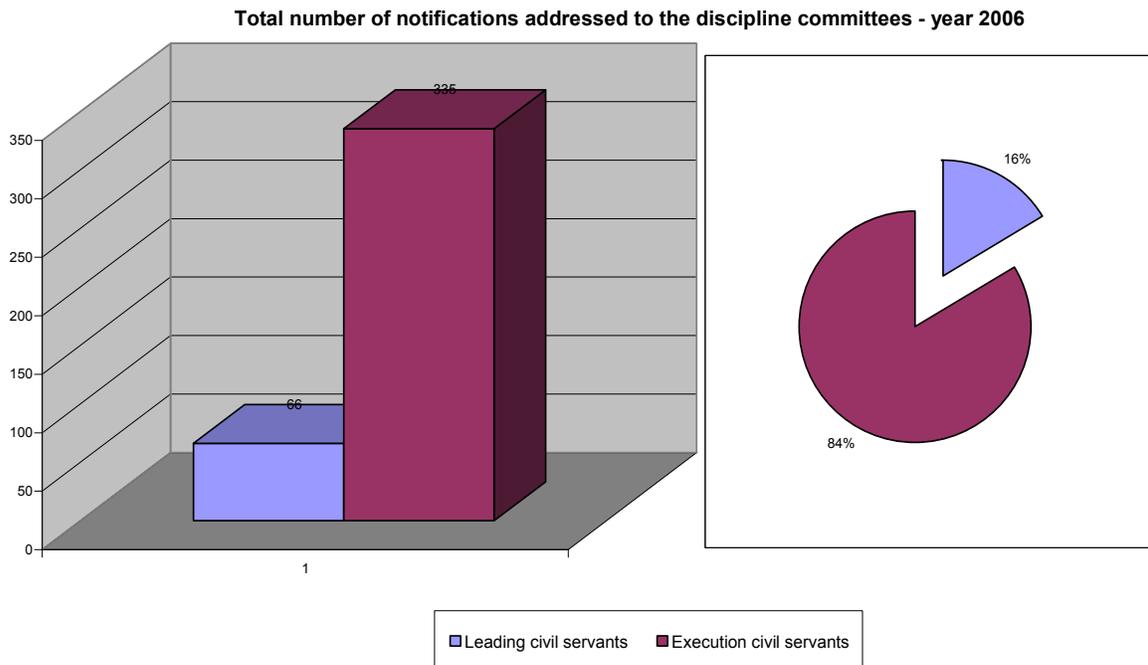
The monitoring of the indicators was done with the help of models sent for completion to the public authorities and institutions, in order to identify and analyse the causes which determine the norms of conduct, as well as the possible measures for the increase of the degree of awareness of the civil servants with regards to the risks of not respecting the legal norms in action. For the year 2006,

as a result of the analysis of the data received from the public authorities and institutions, with regards to the disrespect of the provisions of Law no. 7/2004 and Law no. 161/2003 with its further amendments and completions, in the central and local administration, the following conclusions were reached:

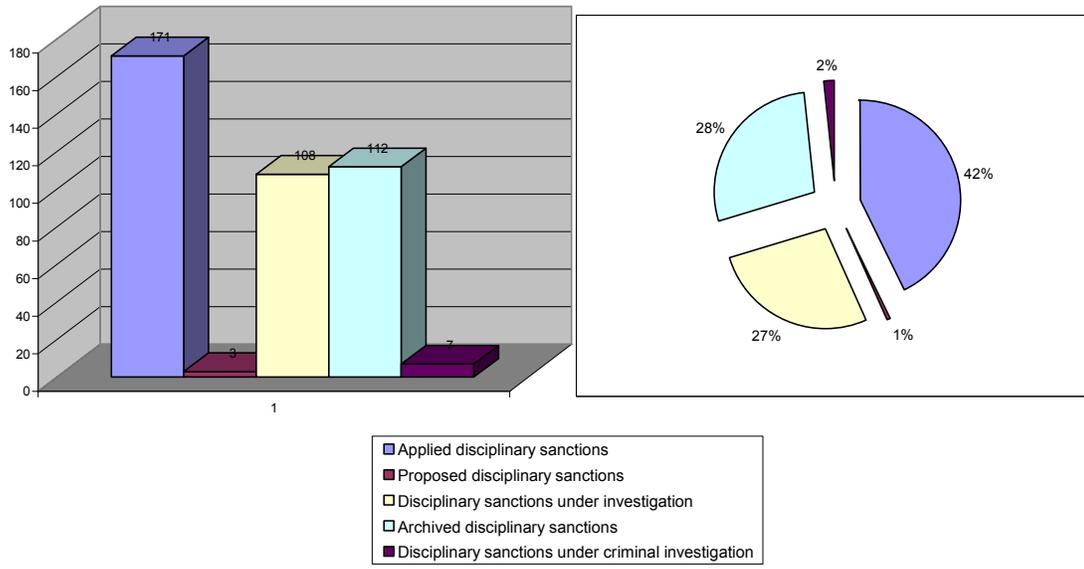


a) With regards to the general numeric aspect:

- ✓ At the level of the public authorities and institutions within the central and local public administration, there were a total number of **401** notifications addressed to the discipline committees, out of which **66** against leading civil servants and **335** against execution civil servants.
- ✓ Out of the total number of notifications addressed to the discipline committee, disciplinary sanctions were applied in **171** cases, disciplinary sanctions were proposed in **3** cases, and **108** cases are still under investigation, in **112** cases the final decision was to archive the notifications while **7** such notifications were forwarded for criminal investigations.



Situation of the notifications addressed to the discipline committees - year 2006

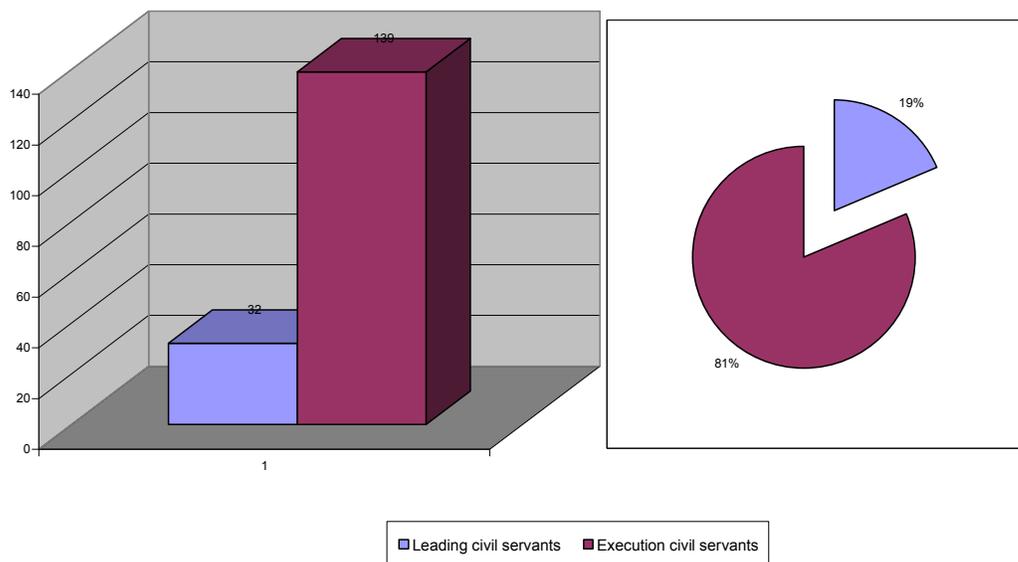


Out of the reported data, according to the standard monitoring format, the result is that the deeds which were forwarded for criminal investigation refer to two civil servants from the category of the leading civil servants, and in the case of an execution civil servant, it was proposed to point out the case to the organisms in charge of the criminal investigation.

b) With regards to the category of civil servants with an accrued risk of committing disciplinary misbehaviours:

out of the total of 171 applied disciplinary sanctions, 32 were applied to leading civil servants and 139 to execution civil servants.

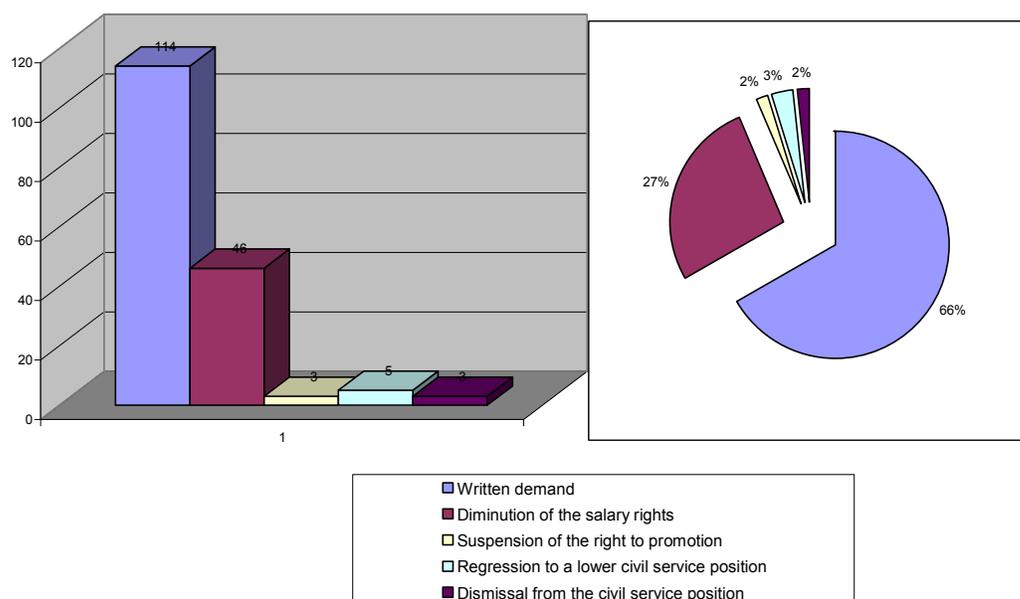
Disciplinary sanctions applied on categories of civil servants - year 2006



c) with regards to the type of the applied disciplinary sanction :

- ✓ the sanction consisting in the written reprimand was applied to **29** leading civil servants and in **143** cases to execution civil servants
- ✓ the sanction consisting in the diminution of the salary by 5 – 20% for a period of up to 3 months was applied in the case of **25** leading civil servants and of **75** execution civil servants
- ✓ the sanction consisting in the temporary cancellation of the right to promote to a higher salary degree or in a higher civil service position, for a period of 1 to 3 years, was applied in the case of **2** leading civil servants and **4** execution civil servants
- ✓ the sanction consisting in the regression to a civil service position of a lower rank for a period of at most 1 year, accompanied by the adequate reduction of the salary, was applied in the case of **6** leading civil servants and **7** execution civil servants
- ✓ the sanction consisting in the dismissal from the civil service position was applied in the case of **13** leading civil servants and **35** execution civil servants

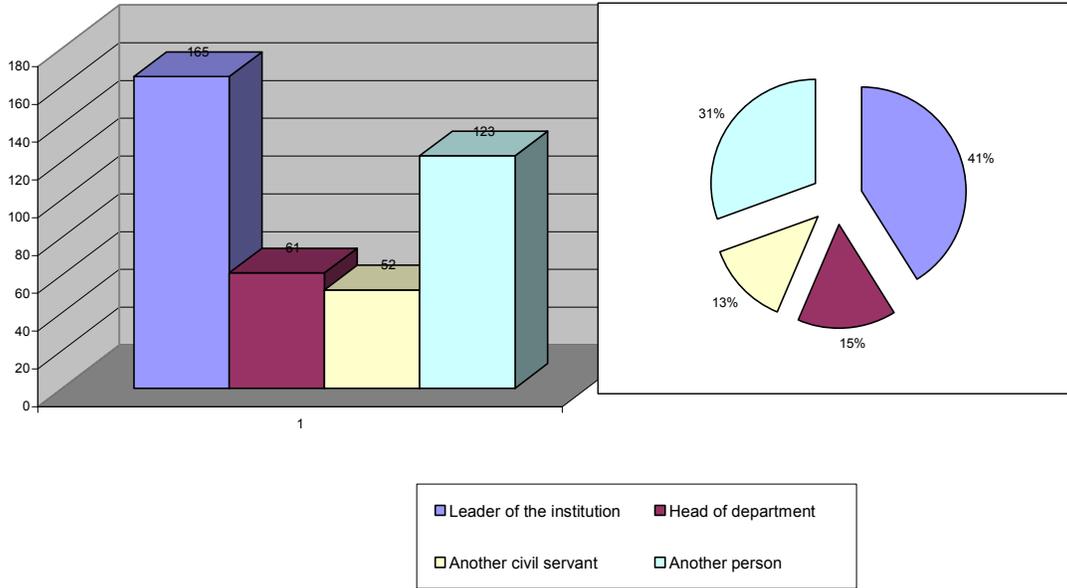
Types of disciplinary sanctions applied by the disciplinary committees - year 2006



d) With regards to the capacity of self-notification of the public authorities and institutions as for the cases of infringement of the norms of ethics and the regime of the incompatibilities and conflict of interests:

- ✓ notifications addressed to the leader of the institution – **165** cases
- ✓ notifications formulated by the head of the department– **61** cases
- ✓ notifications formulated by another civil servant– **52** cases
- ✓ notifications formulated by another person– **123** cases

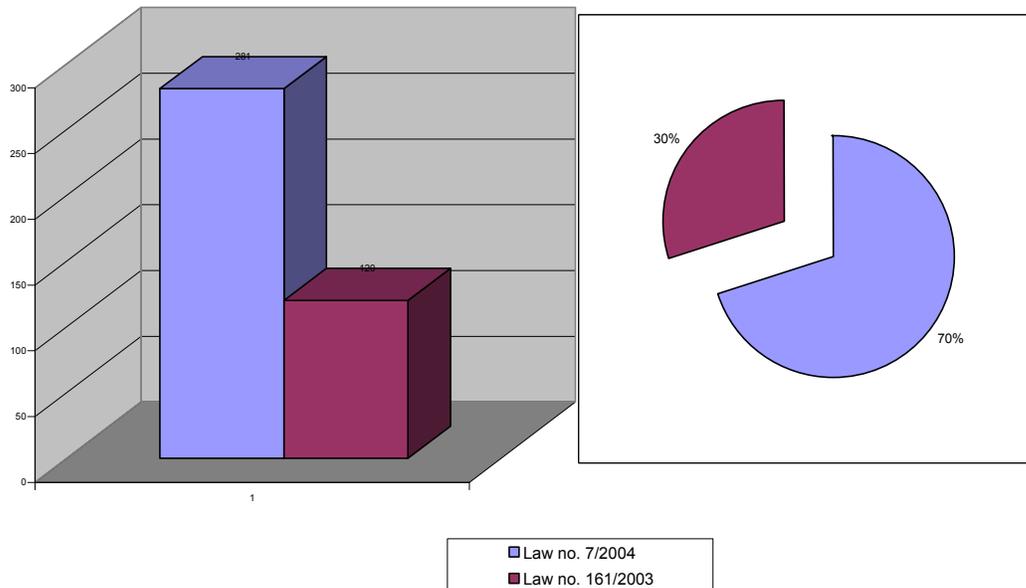
Categories of persons having notified the discipline committees - year 2006



e) With regards to the frequency of the notifications of the infringements of the Code of ethics and of the regime of incompatibilities and conflict of interests at the level of the public authorities and institutions:

- ✓ notifications concerning the infringement of the Code of ethics– **281** cases
- ✓ notifications concerning the infringement of the regime of the conflict of interests and incompatibilities – **120** cases

Infringed normative act - year 2006



The conclusions resulting from the activity of monitoring the application of the Code of ethics and the aspects pointed out as problematic in its application were **capitalized in proposals for the amendment and completion brought to the Law no. 7/2004**. In fact, the analysis of the information collected on the basis of the models forwarded for being filled in by the public authorities and institutions, which include both quantitative and qualitative data, resulted into quarterly reports, published on the web-site of the National Agency of the Civil Servants.

The interest in improving the professional and ethical standards of the civil servants, which is not limited to monitoring the implementation of the norms of ethics and to the measures taken in the case of the infringement of such norms, **was also directed, during 2006, to other actions of public debate, information and awareness with regards to the risks of infringement of the norms of ethics**. The necessity of such actions resulted from the analysis of the data produced during the monitoring of the causes favouring the infringement of the norms of conduct by the civil servants, mainly linked to the **insufficient knowledge of the Code of ethics**. In fact, the results of the project carried out in this regard³, visible both in practical achievements (the Corps of public observers, Training of trainers activities, the Guidelines of implementing procedures for the Code of Ethics, the Day of the Open Doors) and in the success in changing the mentality, support the extension of the future activities to the establishment of an efficient public-private partnership in order to assure a qualitative performance of the public administration and to improve the relationship between the citizen and the public administration.

The main general conclusions resulting from the data obtained during the monitoring process evaluated the **degree of knowledge of the legal provisions**, as well as the **degree of involvement of the public authorities and institutions in raising the awareness regarding the norms of ethics**. Thus, it was noticed that Law no. 7/2004 and the regime of the conflict of interests and incompatibilities were not enough known, mainly due to the **insufficient efforts in raising the awareness** at the level of the public authorities and institutions. The latest information shows a reduction of the cases of infringements of the Code of ethics and a **reinforcement of the applied disciplinary sanctions**, during the reference period. **Progresses were registered with regard to the level of acknowledging the legislation, to the awareness of the risks of infringing the norms of ethics, the regime of the conflict of interests and of the incompatibilities and the involvement of the leaders of the public authorities and institutions in notifying the situations of infringements of such legal provisions**.

³ In partnership with “Assistance and Programmes for Sustained Development – Agenda 21” Association, ANFP has run a common project called **Transparency and ethics in public administration**, between November 2005 and November 2006, aiming to institute a series of monitoring mechanisms and procedures for assessing the modality in which the **Law regarding the Transparency of the Decision Process in public administration** and the **Law regarding the Code of Conduct of the civil servants** are implemented and obeyed at the local level. The project has supported the efforts of the Romanian Government to achieve an effective public administration reform, in order to set up a transparent, predictable, responsible, adaptable and efficient civil service.

2.3.1. PERFORMING THE CONTROL FUNCTION

Specialty administrative control performed by the Agency is a legal control of the administrative acts from the civil service field, which is not based on subordinating rapports. Canceling the administrative acts controlled can be decided only by the contentious business court.

The National Agency of Civil Servants, by a specialized control, is entitled to offer a specialty guidelines obligatory for the controlled bodies, including regarding to the re-establishing of the legality of the issued administrative acts.

The control activity of the Agency during 2006 applied through performing the **64** controls from which 5 are thematic.

345 addresses corresponding to the monitoring activity of the civil service were conceived as answers to the request of some public institutions and bodies, natural persons, legal persons of private law, as well as for ensuring the implementation of the measures or recommendations from the control reports of the National Agency of Civil Servants.

The unexpected controls were performed, either as a consequence of some claims or introductions made by natural or legal persons, or as a consequence of some information exposed by mass-media, or as a consequence of the initiative of the president of the National Agency of Civil Servants.

The main scopes of the control activity were:

- Verification of the documentation on which the obtaining of the approval for civil service is based;
- Verification of the structure of the civil service positions;
- Verification of the way of enforcement of the provisions of art. 2 item (3) of Law no. 188/1999 regarding the Statute of the Civil Servant, republished, including the subsequent amendments and completions;
- Verification of and guidance for the public authorities and institutions regarding the way of observing the legislation related to the appointment and the re-assignment of civil servants, and their proper remuneration;
- Verification of the procedure regarding the organizing and the development of the contests addressed to the civil servants for occupying the vacant civil service s by recruitment and promoting;
- Verification of the procedure regarding the assessment of the individual professional performances of the civil servants;
- Verification of the way in which the civil servants left either the public authority or institution, or the civil servants' body;
- Verification of the constitutive documents of a professional file, in particular of the description job sheets, of the individual professional performance assessment sheets, of the interest and wealth statements, of work books / labor records, of the administrative acts for appointing, suspending, liberating/ discharging someone from the civil service , and respectively, the administrative acts regarding the modification of work rapports;
- Verification and guiding of the way of constituting and functioning of the disciplinary commissions and of their activity;
- The control regarding the regime of incompatibilities and interest conflicts;
- Verification of the way of observing the general principles and conduct norms of the civil servants.

The most frequent misbehaviors and infringements of the legal provisions regarding the civil service and public servants have as subject the following:

- approval of the civil service positions and appointment in civil service positions;
- re-assignment procedure of high-ranking civil servants;
- remuneration of civil servants;
- non-up-dating the interest and wealth statements;
- juridical regime of the incompatibilities and the interest conflicts;
- organizing and developing the contests for occupying the civil service positions;
- constituting and functioning way for the disciplinary commissions and the working procedure of this commission;
- filling and up-dating the professional files and the other files requested by the human resources department.

The main observations made by the control teams regarding the application of the normative acts regarding the civil service field, are the following:

- 1) Existence of some non-concordances between the existing documentation of the National Agency of Civil Servants on which based the obtaining of the approval for civil service s and the documentation released by some public authorities or institutions;
- 2) Unjustified diminution of the importance of the professional file transposed in the lack of description job up-dating, of the individual professional performance assessment sheets, of interest/incompatibility and political police activity statements of the civil servants, as it is set forth by the law, and in the filling of the work books without observing thoroughly the legal provisions;
- 3) Improper management of the civil service positions due to the lack of understanding of the idea of civil servant; infringement of the provisions of art. 2 item (3) letter a) – h) of Law no. 188/1999 regarding the Statute of civil servants, including the subsequent amendments and completions; refusing to appoint in civil service of the personnel developing activities specific to a civil service;
- 4) Failing to re-assignment the civil servants within due term and realizing of some promotions in civil service positions by re-assigning in a civil service position;
- 5) Appointing some civil servants without observing the procedure of organizing and developing contests/exams for occupying the civil service positions, provided by the Government Decision no. 1209/2003 regarding organizing and developing civil servant careers;
- 6) Occupying some public high-ranking positions by a temporary promotion previous to the ANFP approval;
- 7) Non-observing the work procedure of disciplinary commissions constituted within the public authorities and institutions and severe deficiencies regarding the disciplinary sanctioning provisions/decisions/orders which lead, most of the time, to their canceling in court.

As coercion measures and actions, due to the controls performed, recommendations with a general nature were made (e.g. verification and control of the civil servants re-assignment) and were established coercion measures and actions, obligatory specialty guidelines such as: fulfillment of the provisions of Law no. 161/2003 *regarding some measures ensuring the transparency of performing the public titles and positions as well as of business environment, and preventing and sanctioning corruption*, including the subsequent amendments regarding the regime of incompatibilities and the

interest conflicts, respectively the fulfillment of the provisions of the *Government Emergency Ordinance no. 2/2006 regarding the regulation of payment and other rights of the civil servants for 2006*, approved by the *Law no. 417/2006*, the filling and up-dating way of the professional files and of other human resource acts. Were identified and high-lighted also, procedure vices related to the contest, respectively, exams organizing and developing for occupying the civil services, and related to the work procedure of the disciplinary commissions and to the drafting of the administrative acts for disciplinary sanctioning.

As result of the control activity upon the application of the provisions regarding the civil service and civil servants, developed accordingly to the regulated competences, appeared the following **conclusions**:

1. **The collaboration between the National Agency of Civil Servants**, as institution responsible with ensuring the management of civil services and civil servants, and the **public authorities and institutions** subordinated to the ministries, respectively, between the Agency and public local administrative authorities **was not and further is not direct**, as art. 22 of Law 188/1999 regarding the Statute of civil servants, republished, including the further amendments, provides, **this fact resulting in the appearance of deficiencies in implementing the legislative measures in the field of civil servants and civil service**.
2. **Human resources departments** have not managed all the time the acts contained by the professional file of the civil servants and the work books accordingly to the legal provisions, due either to some **deficiencies in professional training of civil servants belonging to the above mentioned departments**, or to the fact that **they could not notify the effects of the non-observing of legal procedures to the managers of the public authorities and institutions**.
3. **Control is an important function of the management of the civil service and the civil servants**, necessary both for the **efficient application of the provisions of the Statute of civil servants and of the related secondary legislation**, and for **elaborating some methodological guidelines and establishing some coercion measures** able to lead to a coherent and efficient management of the civil service and the body of civil servants.
4. **The results of control activity can constitute some proposals of amendment and completion of the legislation** regarding the civil service and the civil servants, able to **improve significantly** from qualitative point of view, **the results assessed during the regulatory process**.

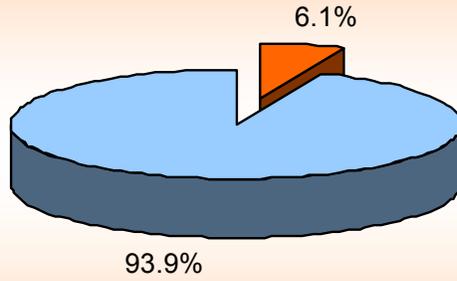
2.4. REPRESENTATION ACTIVITY

2.4.1. COURT REPRESENTATION ACTIVITY

During 2006, court representation activity, based on the active suing quality of National Agency of Civil Servants, was as it follows:

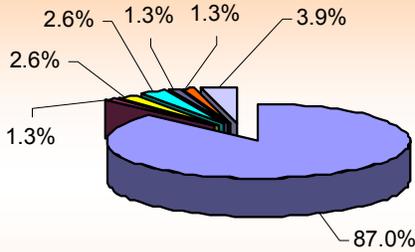
- *Files solved in 2006*

Files solved in 2006



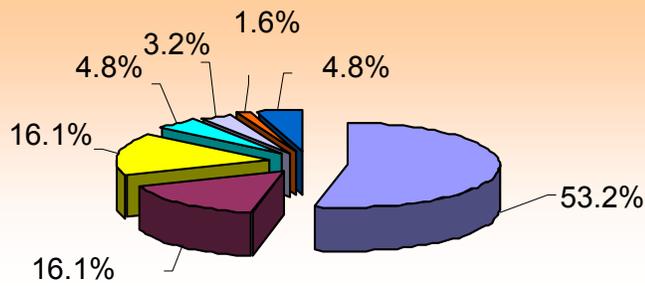
- where ANFP (National Agency of Civil Servants) had the legal capacity of petitioner
- where ANFP (National Agency of Civil Servants) had the legal capacity of defendant

Files solved wherein the ANFP was defendant



- Won
- Partly won
- Quit
- Suspended
- Sue was retracted
- ANFP sentenced out of cause
- Lost

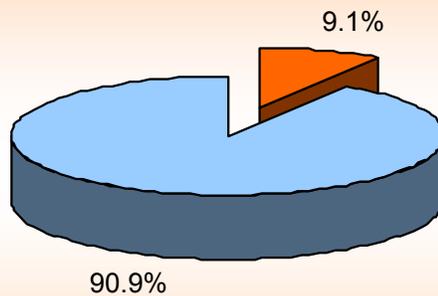
Won by fields of the file subject



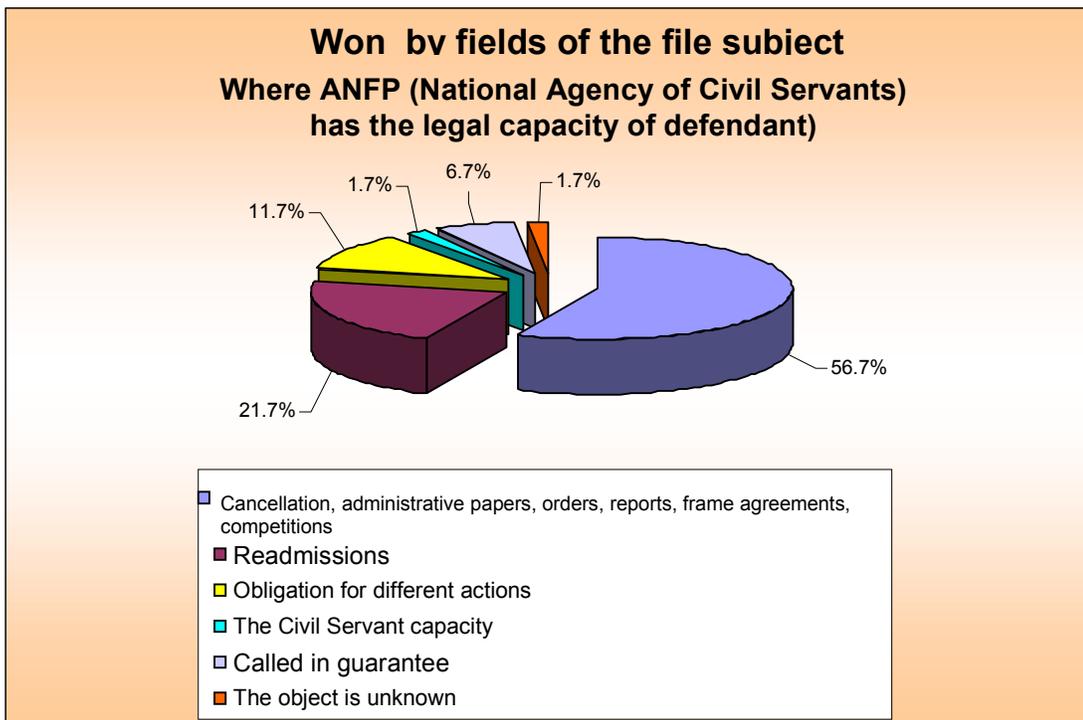
- Cancellation, administrative papers, orders, reports, framework agreements, competitions
- Readmissions
- Obligation for different actions
- The civil servant capacity
- Suspension/contestation process
- Suppression of disciplinary sanction
- Others

• *Files on roll at the end of 2006*

Files on roll at the end of 2006



- Where ANFP (National Agency of Civil Servants) had the legal capacity of petitioner.
- Where ANFP (National Agency of Civil Servants) has the legal capacity of defendant.



During 2006, as result of the representation activity, the following conclusions can be formulated:

- 1) In most of the causes where the procedural quality was performed, the institution responsible with the ensuring of the management of civil service positions and civil servants was sued as plaintiff, the percentage of situations where Agency was **the claimant** not exceeding 10%;
- 2) From the causes judged, more than 4/5 was decided **in favor of the Agency**;
- 3) From the fields subject of the claims presented in front of the courts during the reference period, most of them were the **demands of canceling administrative documents**, (administrative acts, orders, reports, framework agreements, contests), and **the re-assignments and the enforcement of the plaintiff to different actions specific for the field of public function** (enforcement of establishing/transforming positions, enforcement of granting approval, enforcement of solving the transfer, etc.);
- 4) Taking into account the above-mentioned, it can be considered that the **level of knowledge about the specific of the activity, of the limit of competences and the field of civil service** can be considered, generally, **able to raise issues for the application of the legal provisions**.

2.4.2. COLLABORATIONS WITH PARTNERS FROM THE COUNTRY AND FROM ABROAD

During 2006, the collaborations with partners from the country or from abroad were transposed in:

- Internal and international collaborations for enhancing the administrative capacity and for improving the quality of the management of public administration in general, and of civil service and civil servants in particular;
- Identifying and implementing instruments able to facilitate the management of the civil service system;
- Establishing contacts and identifying potential partners in view of further collaborations within the field analyzed, for promoting the image of the Romanian body of civil servants as a professional body, politically neutral, having professional abilities at European standards.

EUROPEAN COLLABORATIONS

The Committee for Regional and Local Democracy – The Commission of experts in public ethics and participative democracy (organized within the Council of Europe)



European Public Administration Network
- a network of representatives of the member states, having the responsibility to increase the quality in the administrative act, created within the European Commission

Support for the improvement of the leadership and administration systems in East and Central Europe

(**SIGMA** - joint initiative OCDE/CCET and CE/Phare, whose declared mission to « sustain the development of a series of functional and efficient institutions capable to promote the market economy, to represent a basis for the democratic multi-system parties leadership systems and to apply public strategies).

During 2006, the contacts at European level were the following:

- 1) Regarding the collaboration with **SIGMA**:
 - Having support for the debates of the Operational Program – Development of Administrative Capacity, and especially for the initiatives to be financed by the European Social Fund;
 - Having support for elaborating the necessary specific documents for developing projects within the field of the reform of civil service, financed by European funds.
- 2) Regarding the collaboration with the **European Network of Public Administration**:
 - Participation, as members, to the meetings of working teams constituted within the network of the following domains:
 - a) *human resources management (Human Resources Management)*

During the reference period, the main discussion was related to aspects regarding the decentralization and the responsibility of civil servants in the member states of European Union, and to the presentation of future projects of the network;
 - b) *improving the quality of the regulatory process (Better Regulation)*

During the reference period, the main discussion was related to unifying the quality standards of the regulatory process at communitarian level, and to the diminishing of the administrative expenses, especially by simplifying the administrative procedures.
 - b) *innovative Public Services Group (Innovative Public Services Group)*

During the reference period, the main discussion was related to the potential of improving the satisfaction level of the beneficiaries of public services in general.
- 3) Regarding the collaboration with the **Committee for Regional and Local Democracy – Experts Commission within public ethic field and participative democracy field**:
 - participation to the Meeting of the Committee for Regional and Local Democracy, the field subject of discussions being the level of participation and involvement of the citizens in the local decisional process (for Romania relevant in this field was the result of the survey "Perception of civil service to the citizens");
 - participation to the meeting of the leading committee of LR-DP – European Council, the fields discussed being the local ethic policies, the satisfaction level of the beneficiaries in the relationship with the local authorities and the utilization of communications and information technology.

OTHER PARTICIPATIONS IN INTERNATIONAL EVENTS

The first European summit concerning the modernization of the public administration (held at Speyer, Germany)

The final reunion of the CAF System Regional Implementation Project (held at Budapest, Hungary)

Conference „The reform of the regulation process in practice– experiența noilor state membre UE“
(held at la Warsaw, Poland)



Conferința privind Relansarea Strategiei de la Lisabona
(organizată la Valencia, Spania)

Masa rotundă regională, pe tema funcției publice (organizată la
Pristina, Kosovo, de către Comisia Independentă de Supervizare din
Kosovo (IOB), împreună cu misiunea OSCE în Kosovo)

During 2006, were also established programs and they were developed, resulting from several **bilateral cooperation with states from Europe and Asia**. The objective followed was identifying and initiating new projects and partnerships regarding the promotion of management instruments in public administration in general, and especially in civil service, and the Know-how exchange, especially with institutions and bodies similar with those from Romania, and **results** were:

BILATERAL COOPERATION

CZECH REPUBLIC

The object of the cooperation: experience exchange in public administration, so as to develop common projects

THE REPUBLIC OF ALBANIA

The object of cooperation: discussing certain aspects related to the reformation and regulation of the public administration system

FRANCE

The object of the cooperation: French culture promotion and the development of linguistic competences



THE MOLDAVIAN REPUBLIC

The object of cooperation: discussing certain aspects related to reformation of public service, the Romanian administrative system and the occupation standards in the Romanian public administration so as to develop common projects

JAPAN

The object of cooperation: developing the competences and the knowledge of the public servants
– *Young Leaders Program*, organized by the National Institute of Political Sciences Graduates in Japan

The bilateral cooperation represented for the involved parties, an opportunity of an expertise exchange and of identifying good practices, and also, a base for further collaborations, with impact upon the quality of the results obtained from the process of ensuring the management of the civil service and civil servants.

Regarding the collaboration with partners from the country, a project with significant results was initiated, elaborated and implemented during October 2005 – October 2006, in partnership with the association “Assistance and Programs for Stable Development – 21st Agenda” and the Romanian Television Company, being financed from European funds by PHARE Program 2003 – Consolidating the civil society from Romania.

The scope of the project was the increase of quality of civil service at the local level to satisfy the needs and the requests of the citizens and the community, and the general scope was defined as being the ensuring of the decisional transparency and of the professionalism in performing

the civil service for 400 civil servants from Bucharest and from *Bacău, Prahova and Timiș* counties.

The specific scopes followed within the project were:

- Building civil society's monitoring instruments regarding the implementation of specific legislation related to civil service and civil servants;
- Forming 36 formers for accelerating the implementation process of specific legislation in Municipality of Bucharest and in the counties contained in the project;
- Improving the communication between the public institutions and authorities and the beneficiaries of the services provided by these above-mentioned, by proclaiming the Day of Open Gates;
- Encouraging the voluntary activities on the behalf of the community by training 30 volunteers, representatives of the civil society;
- Multiplying and extending the project within other 10 counties.

The main activities of the project aimed the following categories:

- 36 civil servants having managerial positions representing the 3 Local Councils at county level and the 2 Local Councils at district level for Bucharest;
- approximately 400 operative civil servants from the above-mentioned counties districts of the Municipality of Bucharest;
- 30 volunteers – representatives of civil society – members of Group of Monitors for the civil service ;
- approximately 3000 citizens contacting directly the civil servants who will benefit from public services during the project period;
- approximately 10.000 persons, considered target group of the TVR debates and shows.

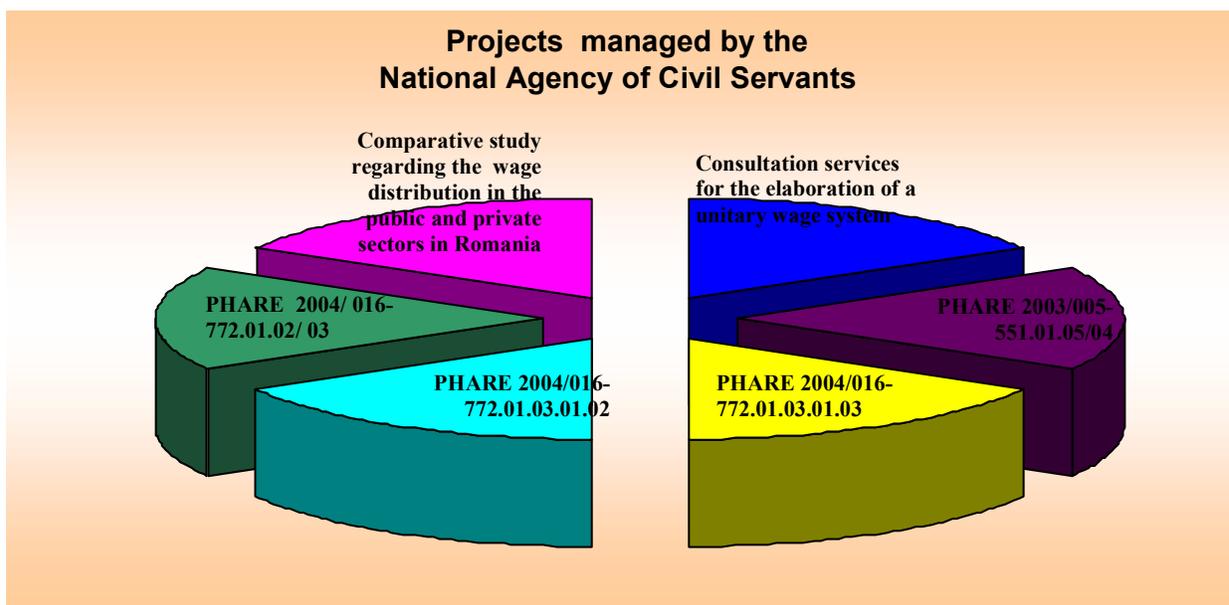
The structures of the public administration contained in the project were:

- ✓ The City-Hall and the Prefecture of the Municipality of Bucharest;
- ✓ The Local Councils of 2nd and 3rd district;
- ✓ 3 Local Councils of the counties of: Bacău, Prahova and Timiș;
- ✓ 3 municipal city-halls: Bacău, Ploiești and Timișoara;
- ✓ 6 city-halls and Local Councils at commune level (two for each county).

2.5. PROGRAMS MANAGEMENT OF CIVIL SERVICE FIELD

Benefiting from technical and financial assistance took into account, during the reference period, the continuing of the efforts of reforming and modernizing the civil service system in Romania.

During 2006, the projects for the field of civil service and for connected fields with external assistance, consisted in the implementation of PHARE Program and of the two programs financed by the World Bank.



- **PHARE project 2004/016-772.01.03.01.02 „Implementation of civil service reform”** – technical assistance

Program main scopes aimed: Reviewing the selection, assessment and promoting systems based on individual performance and implementing the recommendations in view of their improvement, developing the institutional capacity of the National Agency of Civil Servants, implementing the strategy of informational system for managing the human resources within the civil service, implementing the new remunerating system for the civil servants.

The project started in December 2006, developing on a period of 12 months.

The total amount allocated for this project is of Euro 1,803,500.

- **PHARE project 2004/016-772.01.03.01.03 „Modernizing the management of human resources within the civil service from Romania – creating the integrate informational system”** – investments

The main scopes of the program are the purchase, the delivery, the configuration, the installing and the testing by the contractor of the Management Informational System of Human Resources (hardware and software), administrated by the National Agency of Civil Servants.

The agreement was executed on November 30th , 2006, and it will started officially on January 15th , 2007 when the administrative order will be issued by OPCP. The project will develop on a period of 10 months.

The total sum allocated for this project is of Euro 1 948 255, from which the national co-financing part is of Euro 487 06. 75 Euro, and PHARE financing part is of Euro 1 461 19.25.

- **PHARE project 2004/ 016-772.01.02/ 03 – „The Observer of prefect institution”**, which develops resulting from the partnership between 21st Agenda, National Agency of Civil Servants and Romanian Radio Company.

The project aimed the increase of the involvement level of the civil society in ensuring a good governing at local level. For this purpose, the project proposes the building of instruments of monitoring the implementing way of Law no. 340/2004, for eliminating the involvement of the political factor within the act of administration and the corruption phenomena generated and kept by this above-mentioned involvement. The project will be applied as pilot in county of Arad, Constanța, Harghita, Iași and in Bucharest and will involve citizens, civil servants, NGO and mass-media representatives (about 10 000 persons, direct and indirect beneficiaries). The main activities are related to the incorporation of the Observer of prefect institution as structure of the civil society and to the organizing of a coherent set of actions like public consulting, interviews, opinion polls, radio shows, presenting all of them European patterns offering, at the end of the project, a number of proposals able to ensure, generalizing, reaching the European level of standards within the public administration from Romania.

The project will be disseminated within other 10 counties. The main partner is the National Agency of Civil Servants.

The total amount related to the project is of Euro 57,510.

- **PHARE project 2003/005-551.01.05/04 „Transparency and ethic within public administration”**.

The project develops during a year, starting in October 2005, and its main results aimed:

- constituting and training a public observers body having as main attribution monitoring the civil service , until December 2006;
- forming 36 civil servants from communication and PR departments of public local administrative structures (prefecture, county council, local council and city-hall), belonging to the 4 locations where the project developed (Bucharest, Bacau county, Timis county and Prahova county), as ethic councilors;
- realizing the opinion poll “**Perception regarding the civil service, to the citizens**”;
- elaborating the **Manual of implementing procedure of Conduct Code**;
- 16 public debates organized by the TVR, having as theme the presentation of the general norms of professional conduct of the civil servants;
- organizing the “**Day of the Open Gates**” for creating opportunities of mutual meeting and constructing of a better communication system between the civil servants and the citizens;
- organizing the final conference having the theme “**A new mentality in performing civil service**”.

WORLD BANK – the total amount financed is Euro 380,275

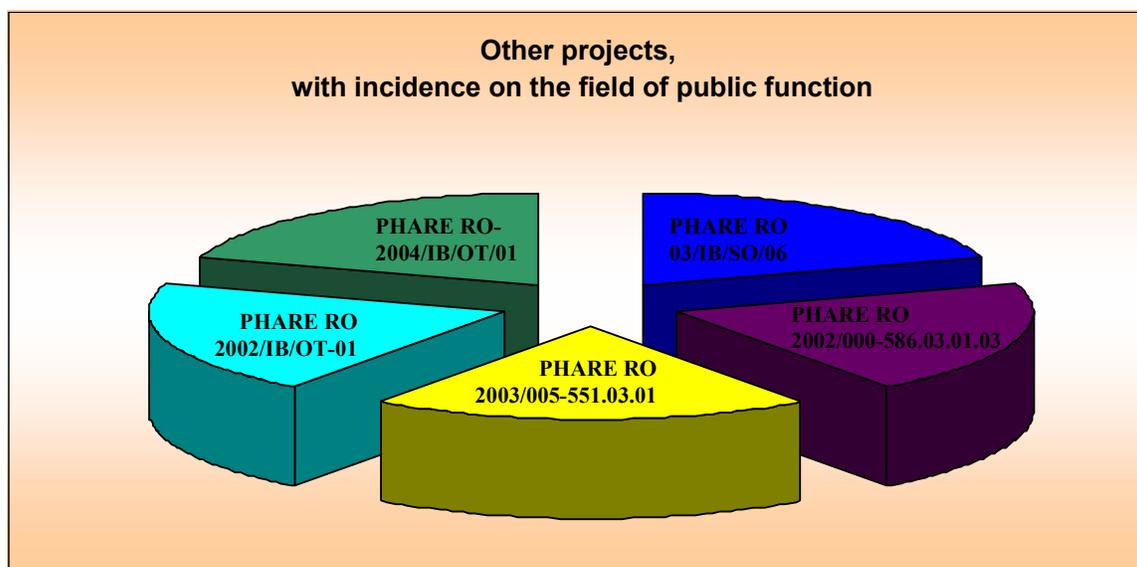
- **The comparative survey regarding the remuneration within the public and private field in Romania.**

For elaborating this survey, was concluded an agreement with the consultancy company Hay Group S.A. This survey intended to offer a compared perspective regarding the existing remunerating system in Romania, within the public and the private field. On 03 May 2006 the experts of Hay Group S.A. handed-in to the beneficiary the database and software used in elaborating the survey (Hay Remuneration Assistant) and offered to the beneficiary training for using the survey.

- **Elaborating the unitary system of remunerating the civil servants**

The National Agency of Civil Servants concluded the agreement with the consultancy company Bannock, transformed latter in DAI Europe Ltd, for realizing the project “**Consulting Services for elaborating a unitary system of remuneration**”. The main scope of the project was granting to the National Agency of Civil Servants the necessary assistance for elaborating the project for the law regarding the unitary remunerating system of the civil servants, and the secondary strategy and the implementing strategy of this system.

To these projects are added other projects too, considered relevant for the analyzed field because of the impact upon the system and instruments of managing the civil services and the civil servants.



- „The Young Professionals Scheme - Developing the Corps of Professional Public Managers” – PHARE RO 2003/005-551.03.01 (responsible for UCRAP implementing)
- „Formation within training, monitoring and assessing projects fields and Management of the life cycle of the project” - PHARE RO 2002/000-586.03.01.03 (implementing responsible is the Ministry of Public Finances – AMCSC)
- „Strengthening of the Institutional capacity of the Romanian administration for realizing the financial de-centralization” – PHARE RO2002/IB/OT-01 (program for institutional brotherhood - Collaboration Protocol between Ministry of Administration and Internal Affairs and the Ministry of Public Finances)
- „ Strengthening the institutional capacity of Social Inspection”- PHARE RO 03/IB/SO/06 (Institutional brotherhood program – Ministry of Labor, Social Solidarity and Family – General Inspection of Social Affairs, France)

- PHARE RO-2004/IB/OT/01 – 3rd component – **Re-defining the competences of the Prefect's Institution** – Development of secondary legislation and of the procedures regarding the high-rank civil servants, category identified separately by the Statute of civil servants.

2.6. PROFESSIONAL IMPROVEMENT OF THE CIVIL SERVANTS

In January 2006, the National Agency of Civil Servants elaborated and transmitted to a number of 28 public authorities and institutions, two **questionnaires** having as purpose to realize a diagnosis of civil service system. The **target groups** were represented by the **civil servants belonging to the human resources departments**, for the first type of questionnaire (expected result: *identifying the perception of the target group regarding the main difficulties related to satisfying the needs of professional formation in public administration, including the possible improvements to be made*), and respectively, **by the civil servants and the leaders of central public institutions and authorities**, for the second type of questionnaire (expected result: *identifying the target group perception regarding the regulations specific for the civil service management and the civil servants, including from the perspective of improving the existing normative framework*). 18 central public institutions and authorities, respectively 6 high-rank civil servants, 77 leading civil servants, 422 operative civil servants of Ist class and 97 operative civil servants of IInd and IIIrd class answered the request of the Agency.

Based on the analyzing of the system, the registered results of the implementation of the measures planned within different strategic and programming documents from the national level, the recommendations received as result of the reports of monitoring the integration process, the amendments brought by Law no. 188/1999 regarding the Statute of Civil Servants, re-published, and the results of processing the received answers, was elaborated **SWOT analysis of human resources training system of the public administration**. Accordingly to those identified already, the strong points, the weak points, the opportunities and the threats identified within this field, are:

1. Strong points

- there is a defined and operating institutional framework to ensure the training of human resources in public administration, generally, and of civil servants, especially;
- the existing legislative framework and the strategic and programming documents at national level are referring specifically, to the training of public administration human resources;
- accordingly to the assessing and monitoring reports, both internal and external, the field of training the public administration human resources does not represent an issue, it is only a system needing improvements;
- within the public administration system, there are qualified human resources able to ensure a real improvement of the training system for public administration human resources.

2. Weak points

- actually, there is not an integrate vision about the training system, the decisional competences or the strategic planning of public administration human resources, at component levels;
- the analysis of training needs, the selection of contracting versions, respectively, the assessing of the impact/benefit, are poorly represented at the level of beneficiaries, as stages of purchase cycle of training services;
- the position of the providers of training services on the market is relatively distortional, the competitive advantage being granted mainly by the belonging to a certain category, respectively by the relationship with certain public institutions and authorities, and subsidiary by the quality offered, respectively by the rapport price-quality;

- even there are several pre-defined marks⁴, we cannot speak actually, at the level of training services for public administration civil servants, about a system of unitary qualitative standards.

3. Opportunities

- from financing point of view, at internal level there is regulated the obligation of financial planning necessary to the training of the own personnel for each credit coordinator; at external level, European funds are already allocated for training the human resources from Romanian public administration;
- extension of the market of training human resources from Romanian public administration subsequent to the integration of Romania within European Union (including the assessed impact of this extending upon the internal market);
- Strengthening of the market capacity by developing the private providers;
- amendment of the normative framework regarding the civil service and its management.

4. Threats

- deformed perception of the market and of the positioning of different categories of providers on the training services market;
- risk of segmentation of the market depending on the influence areas;
- the diversity of the components of the training system for human resources of public administration, generally, and of providers of training services, especially, generating failure risk in identifying and implementing an integrate mechanism of monitoring and assessing.

⁴ The Strategy for continuous training of civil servants that is currently in order, defines the structure and the percentage of the training methods; also, there are occupational standards for trainers and trainers pf trainers with professional competencies and evaluators with professional competencies; currently, but only, exclusively within the adult professional training system there are attesting methodologies or accreditation methodologies of the training and the trainers programmes. The issues is that the adult training is based only on the occupational standards, that is an inexistent term of reference when dealing training for public administration.

Subsequently, for fulfilling the obligation of regulating this field, was elaborated in the conditions provided by the *Regulation regarding the elaboration, monitoring and assessing the public policies at the level of public authorities and institutions of central public administration*, approved by GD no. 775/2005, **the proposal of public policy regarding the professional training of civil servants from Romania**

PURPOSES PROPOSED THROUGH THE PUBLIC POLICY REGARDING THE PROFESSIONAL TRAINING OF THE ROMANIAN CIVIL SERVANTS

General purposes:

The creation and the development of a formation system for the public administration, able to assure the premises of the reform of the administrative system, and, generally, of the civil service.

Specific purposes:

1. Definition of the normative framework regarding the professional training within the public administration

2. Creation and development of the management instruments of the professional training within the public administration

3. Standardization of the perception of the beneficiaries of the training market for the public administration

1. Normative instruments:

- Decision of the Government regarding the professional training of the public servants
- Other normative acts, for the application of the decision of the Government regarding the professional training of the public servants

2. Strategic instruments:

- Acceleration strategy of the reform within the public administration or the similar document elaborated by the Ministry of the Interior and Administrative Reform
- Strategy regarding the continuous training of the public servants
- Human resource strategies and policies, elaborated approved on the level of authorities and

A first result of this hereby process, developed during the entire reference period, has been represented by the end and submission of the decisional transparency procedures, in the last month of 2006, of the **project of the decision of the Government regarding the professional training of the public servants.**

2.7. COMMUNICATION

1) Institutional communication

During 2006, **the specific purposes established and followed during the communication** have been the followings:

- Increase of visibility of the responsible institution, according to the law, with the assurance of the management of the civil service s and of the public servants, in report with the specific activities;
- Improvement of the relationships with the direct and indirect beneficiaries of the activities specific to the civil service s and to the public servants;
- Strengthening of the institutional credibility.

The target groups taken into consideration, generally, within the communication activity, are the followings:

- Civil servants registered within public authorities and institutions;
- Public authorities and institutions;
- National civil society (NGOs, representative syndicates, professional associations);
- International organizations;
- Mass-media;
- Citizens.

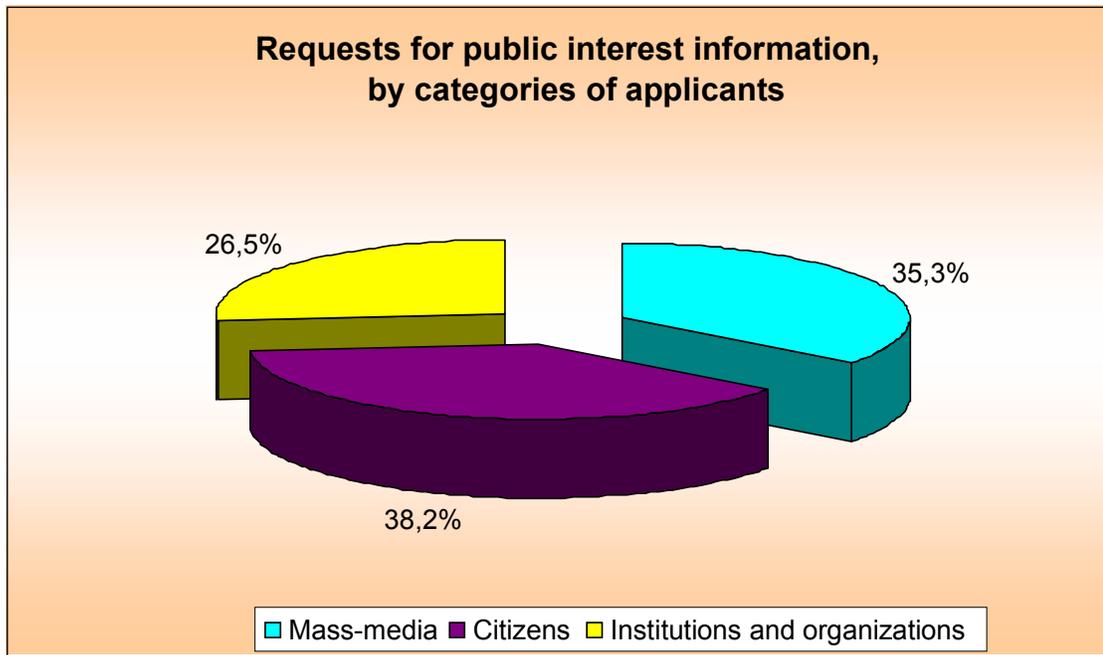
For the promotion of an image to concretely and objectively reflect the management activity of the civil service positions and of the public servants, during 2006, there have been accomplished the following **activities**:

1. Provision of public interest information, as a response to the requests addressed to the institution responsible with the insurance of the management of the civil service and civil servants.
2. Launching of a new site of the institution responsible with the insurance of the management of the civil service and civil servants
3. Press conference organization, press release and press material elaboration, image Analysis.

Therefore:

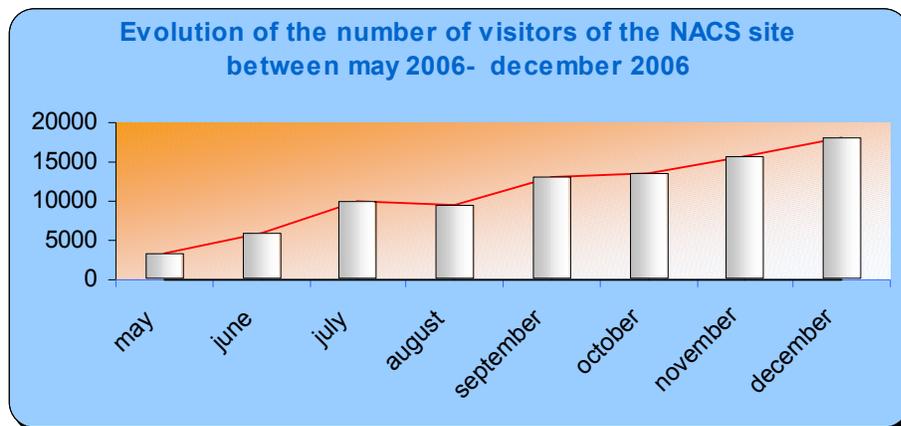
Provision of the public interest information

According to Law no. 544/2001 regarding the free access to the public interest information, a number of **34 requests** have been answered within legal terms. For most of these requests, the requested information regarded data concerning the legislation on the contests regarding the occupation of the civil service positions and, respectively, clearances regarding the legislation for the civil service and civil servants, the distribution on applicant categories being as it follows:



Launch of the new site

In may there has been launched the new site of the National Agency of the Public Servants, competent institution, according to the law, with the assurance of the management of the civil service s and of the public servants. During 2006, this was permanently updated with information regarding the evolution of the body of civil servants, the contests organized by ANFP, the appearances within legislation or the proposals regarding the elaboration of the normative acts applicable within the field of civil service – explaining, during the 8 months from the launching, the number of visitors in progressive increase:



Since the moment of launching and up to November 2006, **most of the accessing activities on the entire reference period**, a number of 337 visitors have been registered on May 23rd, 520 visitors on May 31st and, respectively, 796 visitors on November 20th.

Public events, publications and press materials, image analysis

- **Public events**

- **Press conference:** among the mediated events of this kind, a special place is held by the conference *A new mentality within the performance of the civil service* organized by the National Agency of the Public Servants and the Association Assistance and Programs for Lasting Development - 21st Agenda within a project financed by the European Union, by PHARE funds for the development of the civil society. Within this event, there have been presented the results of the project, as well as the mechanisms and the monitoring procedures of the way in which the provisions of two significant laws for the administration reform process – The Law regarding the decisional transparency within the public administration and respectively, the Law regarding the Code of Conduct of the public servants - are accomplished and applied on national level.

- **Public debates** along the normative act projects regarding the organization and the administration of the civil service positions and of the body of civil servants: among the events of this kind, a special amplitude can be recognized with the debates organized for the completion of the *Law no. 251/2006 for the change and addition of the Law no. 188/1999 regarding the Statute of Civil Servants*, respectively designed for the completion of the project of the *law regarding the standard salary system of the civil servants*.

- **Publications and press materials**

- After elaboration and approval, *the Report regarding the management of the civil service and of the civil servants for 2005* has been transmitted to printing and multiplication, under brochure form, in 700 copies in Romanian language and 300 copies in English language in November 2006. Subsequently, there have been performed ample dissemination actions, having as purpose the increase of the interest degree and information degree within the target groups.

- *Procedure Handbook for the implementation of the Code of Conduct* representing one of the relevant results of the project *Ethics and transparency within public administration*, project sustained from funds of the European Union, through PHARE 2003 project – Strengthening of the civil society in Romania, around **2,200** handbooks being designed to the public authorities and institutions from the central and local public administration.

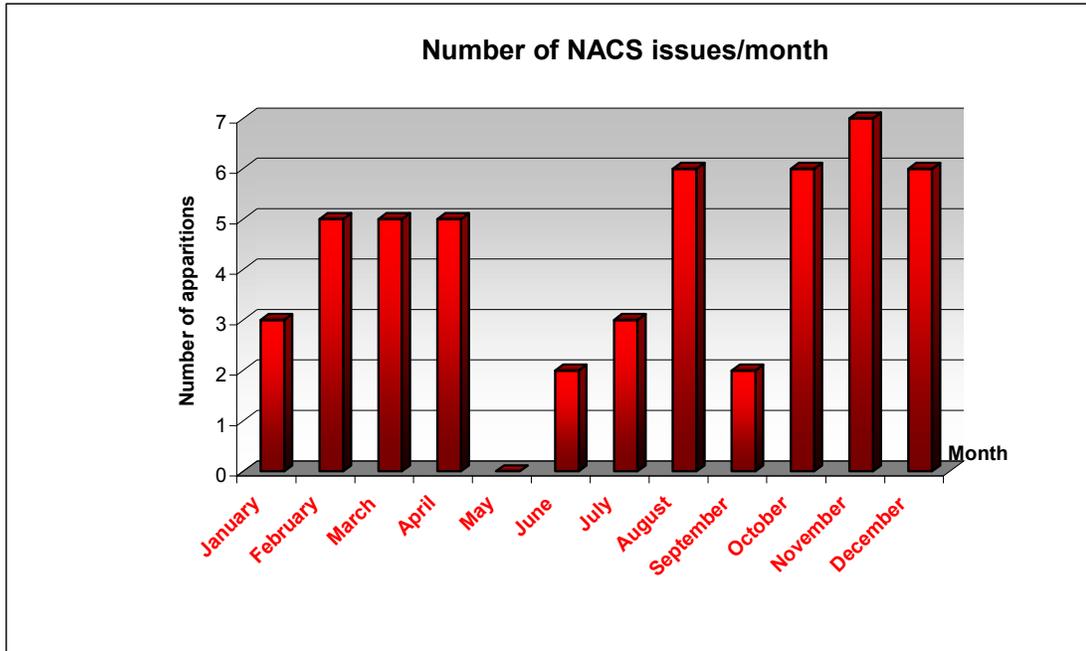
- **Press release:** during 2006 there have been transmitted to the mass-media **a number of 10 press releases** regarding the changes and / or clearances regarding the domain of the civil service from Romania. These have shown in a priority manner the evolution of the elaboration of the standard wage system of the public servants, the inclusion of the prefects and the sub-prefects within the high public servants, the organization and the development of press conferences, as well as the launching of a new site of the National Agency of Civil Servants.

- **News:** during 2006, there have been transmitted both to mass-media, and to the target-public, through specific means of information and communication, **a number of 63 news** including news regarding the legislation or proposals regarding the elaboration of the normative acts with applicability within the civil service s and the public servants field.

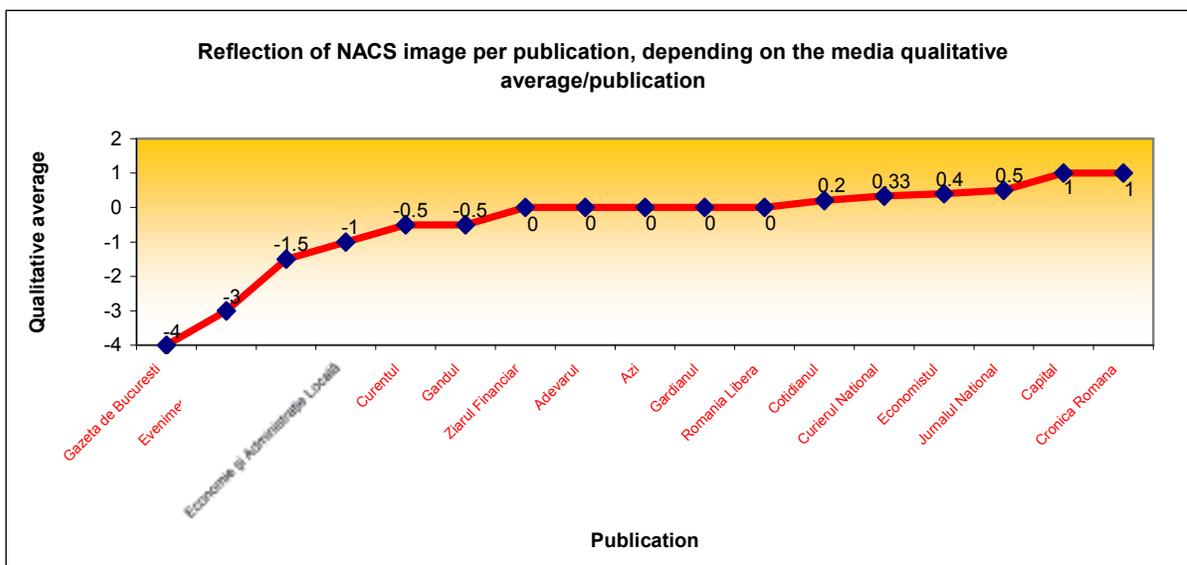
- At the beginning of 2007, based on the data collected, analyzed and synthesized during 2006 from the mass-media publications, the *national Administration Portal* as well as from the NACS site there has been elaborated **an image analysis of the National Agency of Civil Servants for 2006**, whose conclusions provided the following aspects:

a) Results of the quantitative analysis

- From the point of view of the **number of monthly issues** of NACS in the written press, it can be observed that most of the issues regarding the NACS activity were registered in November, followed by the months of August, October and December.

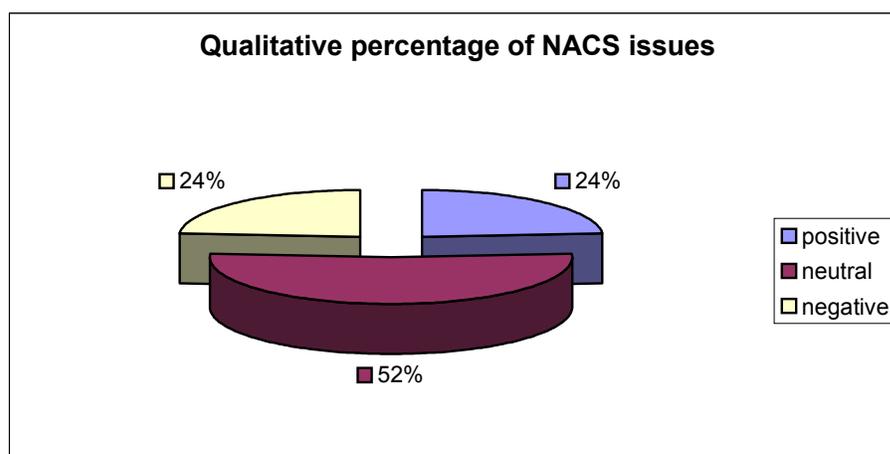


- The interest of the press was especially directed on the debate of the civil servant wage law project, a theme that has drawn the interest of the press during the entire period between October-December 2006. Another theme that drew the attention of the press within this period was the one of the ethical counselor, considered some kind of a „Big Brother” of the civil servants. In August, a series of articles appeared, dedicated to the amendment of the Status of civil servants and NACS reorganization.
- Regarding the **number of articles concerning the NACS / publication**, it can be observed that the most receptive newspapers to the information regarding NACS were “Cotidianul” and “Economistul”, with 5 issues about NACS, followed by “România Liberă”, “Gardianul”, “Gândul” and “Curentul”, each with 4 issues. On the opposite side, publications that manifested a low interest in the information concerning NACS were “Evenimentul Zilei” or “Ziarul Financiar”.



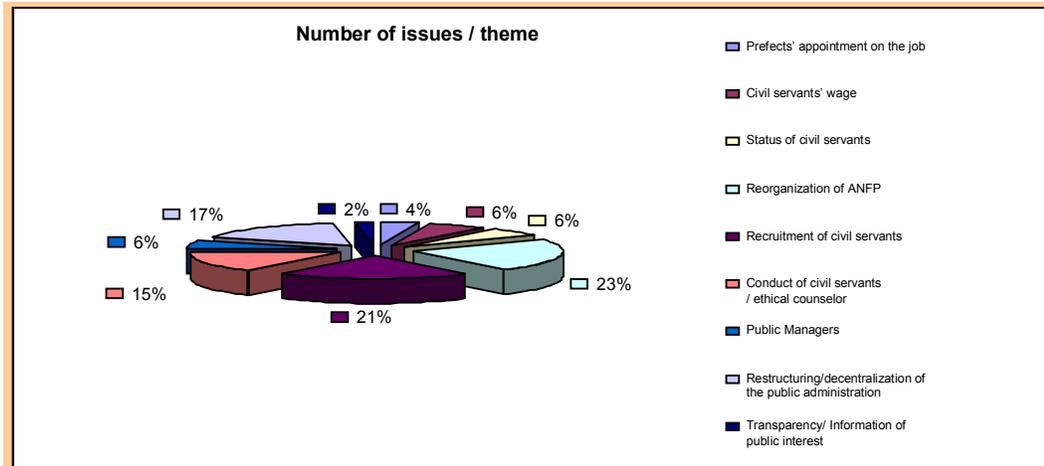
b) Results of the qualitative analysis

- From the **qualitative** point of view, most favorable approaches concerning aspects regarding the management of civil service functions and civil servants were those of the publications “Capital” and “Cronica Română”, and the most unfavorable approaches were those of “Gazeta de București” and “Evenimentul Zilei”. Positive references from “Cronica Română” concerned the fields of prefects depoliticizing and the reorganization of the National Agency of Civil Servants, and the ones from “Capital” regarded the organization and development of the contests organized at the Agency of Payments and Interventions in Agriculture from February. Positive approaches are also found in the “Jurnalul Național” and “Economistul”, where there are presented the announcements transmitted by the Agency regarding the institution’s reorganization, as well as its legal mandate.
- As a general observation on qualitative plan, it can be observed that most of the references to the competent institution in the field of provision of civil service functions and civil servants management (52%) are yet neutral as it results from the situation presented below:

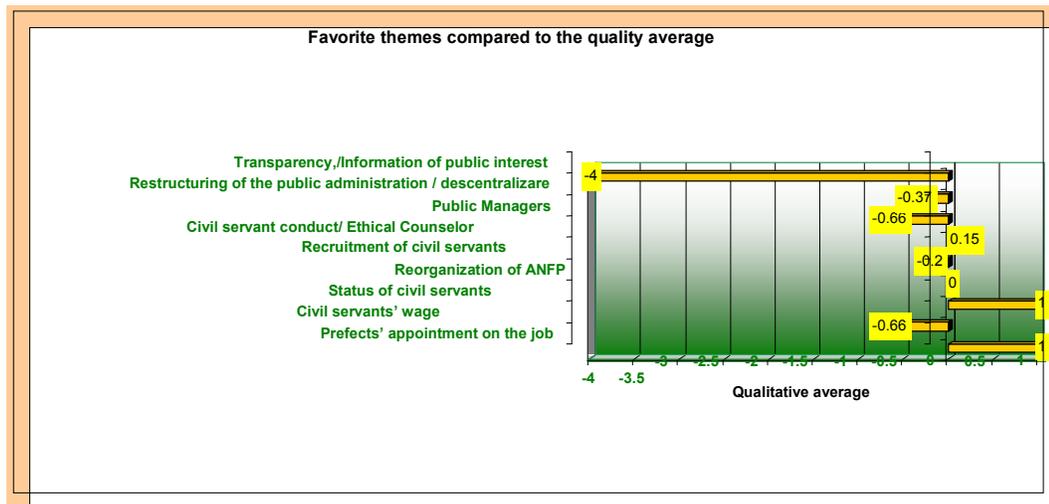


- Regarding the **favorite themes** concerning the NACS activity, it can be observed the fact that most of the issues during 2006 aim the Agency’s reorganization, recruitment of civil servants

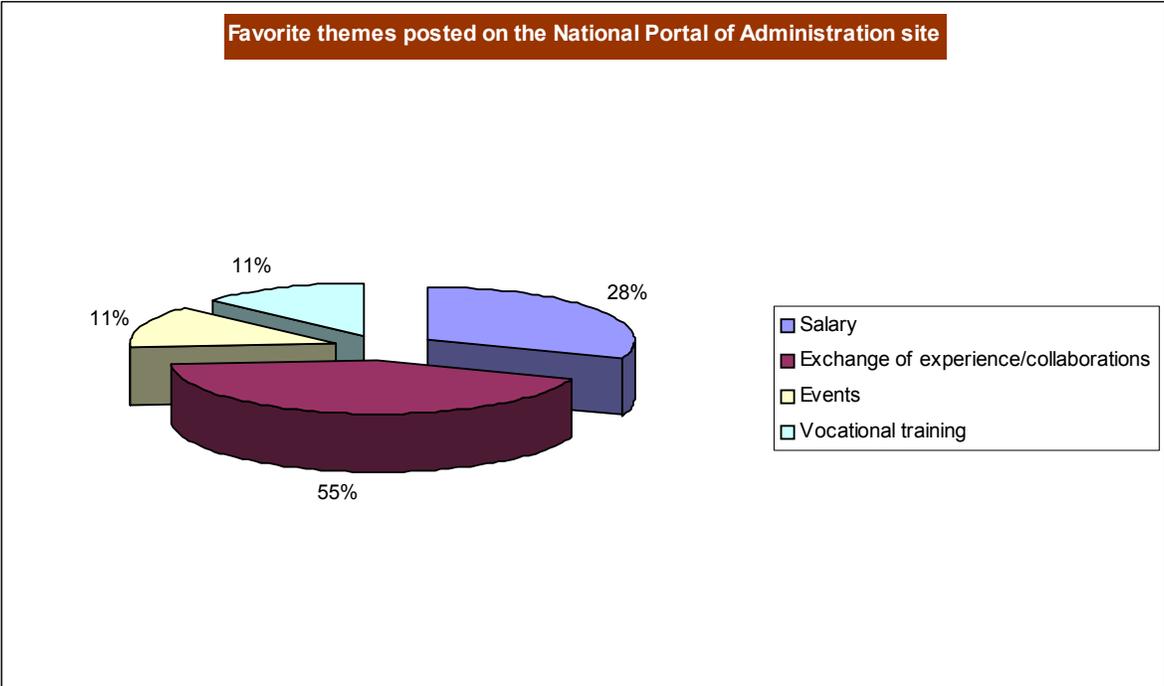
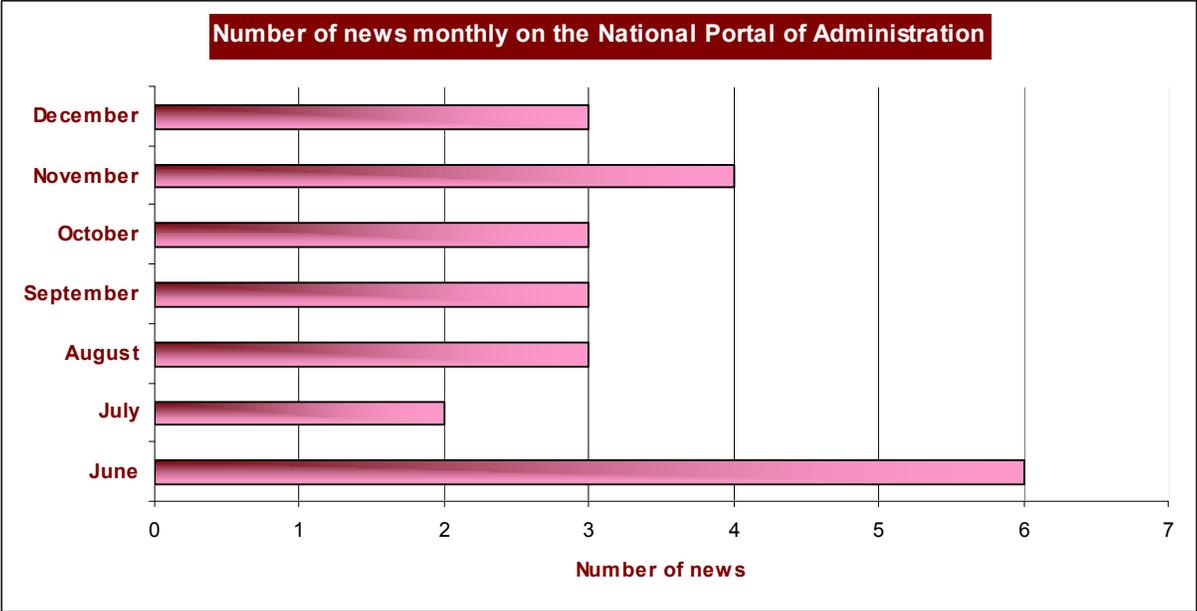
and the conduct of civil servants. Other themes aimed by the press are the amendment of the Statute of civil servants, the wage of civil servants or public managers.



- Regarding the **favorite themes depending on the publication**, the analysis relieves the fact that a special interest granted to the theme of the civil servants' salary was given by the publications "Curentul", "Curierul Național", "Economistul" or "România Liberă", while "Adevărul" or "Cotidianul" are especially interested in the theme of civil servants' conduct. **The most significant months in the approach of favorite themes** mentioned are July for the theme of reorganization of the National Agency of Civil Servants and, respectively December, for the one concerning the ethical counselor.
- Regarding the **way the favorite themes were treated by journalists**, it can be observed the fact that the most negatively perceived theme by the publications analyzed is the one of the transparency and information of public interest, while the most positively reflected themes are the appointment on the public position(job) of prefects and amendment of the Statute of civil servants. In rest, qualitative variations are pretty insignificant from one theme to another.

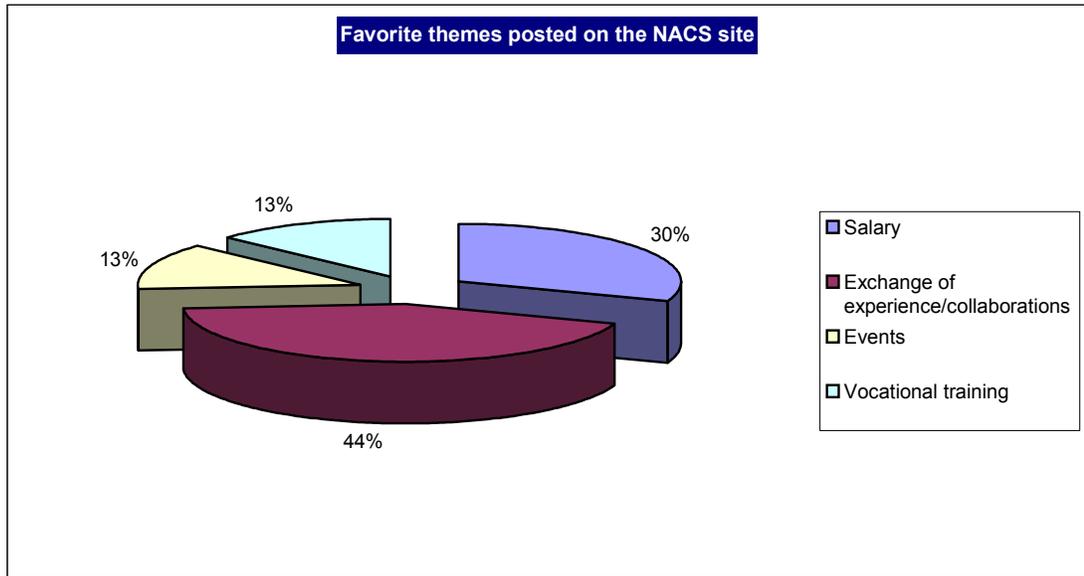


- ✓ Regarding the news posted on the *National Portal of Administration*, most of them in the field subjected to the analysis occur in June and July and, respectively, November, with favorite themes the exchange of experience and NACS collaborations, as well as the civil servants' salary.



- Regarding the news posted on the NACS site (www.anfp-map.ro) most of the issues are in October, followed by September and November (Annex 9). Regarding the favorite subjects

on the NACS site, in a proportion of 44% refer to visits and exchange of experience of NACS personnel, and in a proportion of 30%, to the aspect of civil servants' salary system. **Error!**

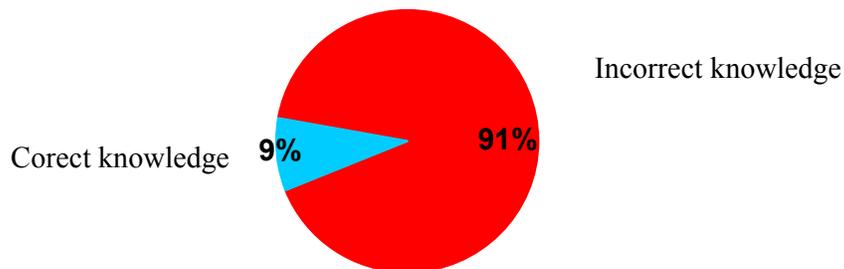


In the future, it is wished that this type of activities constitute **the analysis base for the image indicators**, as a more and more important aspect in the field of institutional communication.

2) Perception on civil servants

After a opinion poll carried out by IRSOP through the „*Transparency and ethics in public administration*” programme the results were the following:

How many people know and how many don't know what a civil servant is?



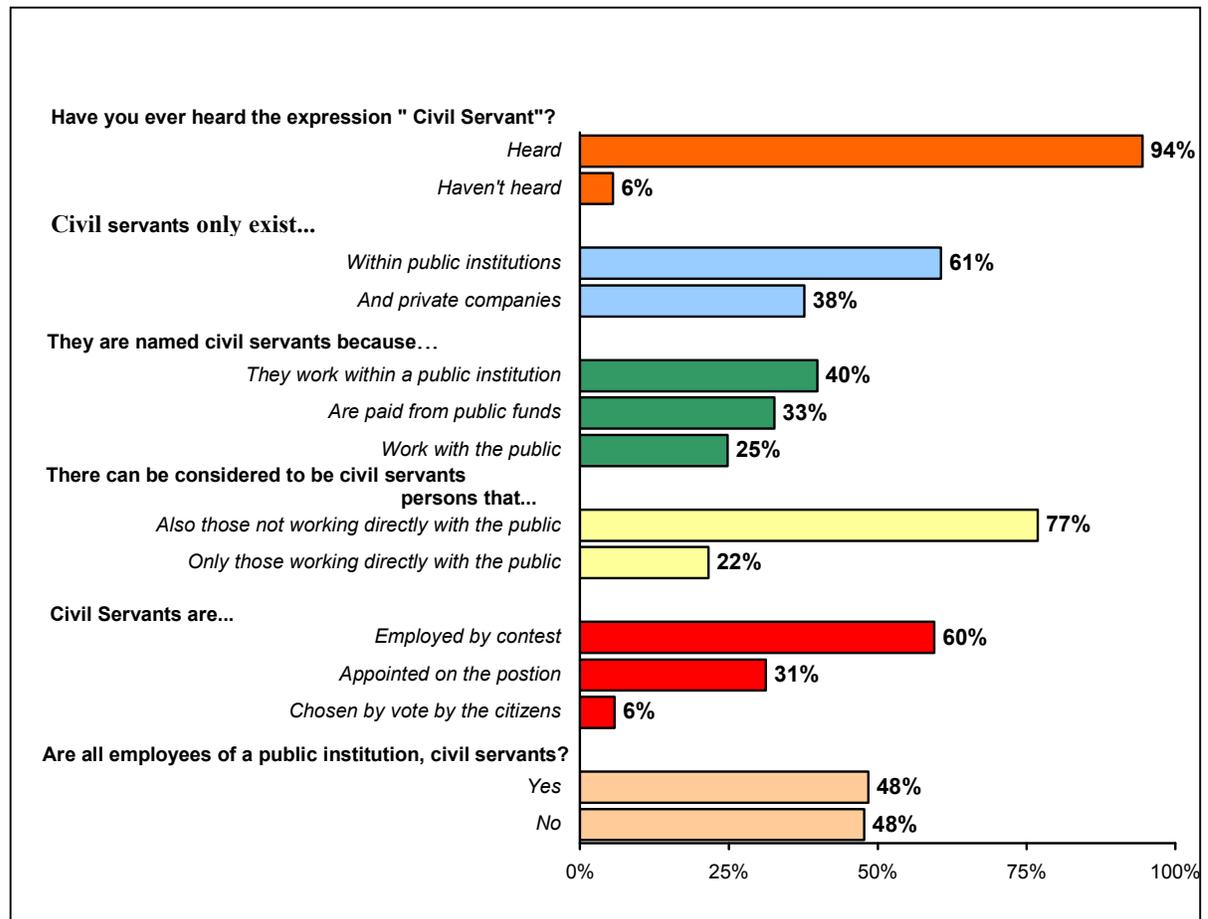
Correct knowledge

- Civil servants only exist within state institutions
- They are called civil servants because they work within a public institution
- Civil servants can be also considered those who are not working with the public
- They are employed by contest / appointed on the job
- Not all the employees of a public institution can be considered civil servants

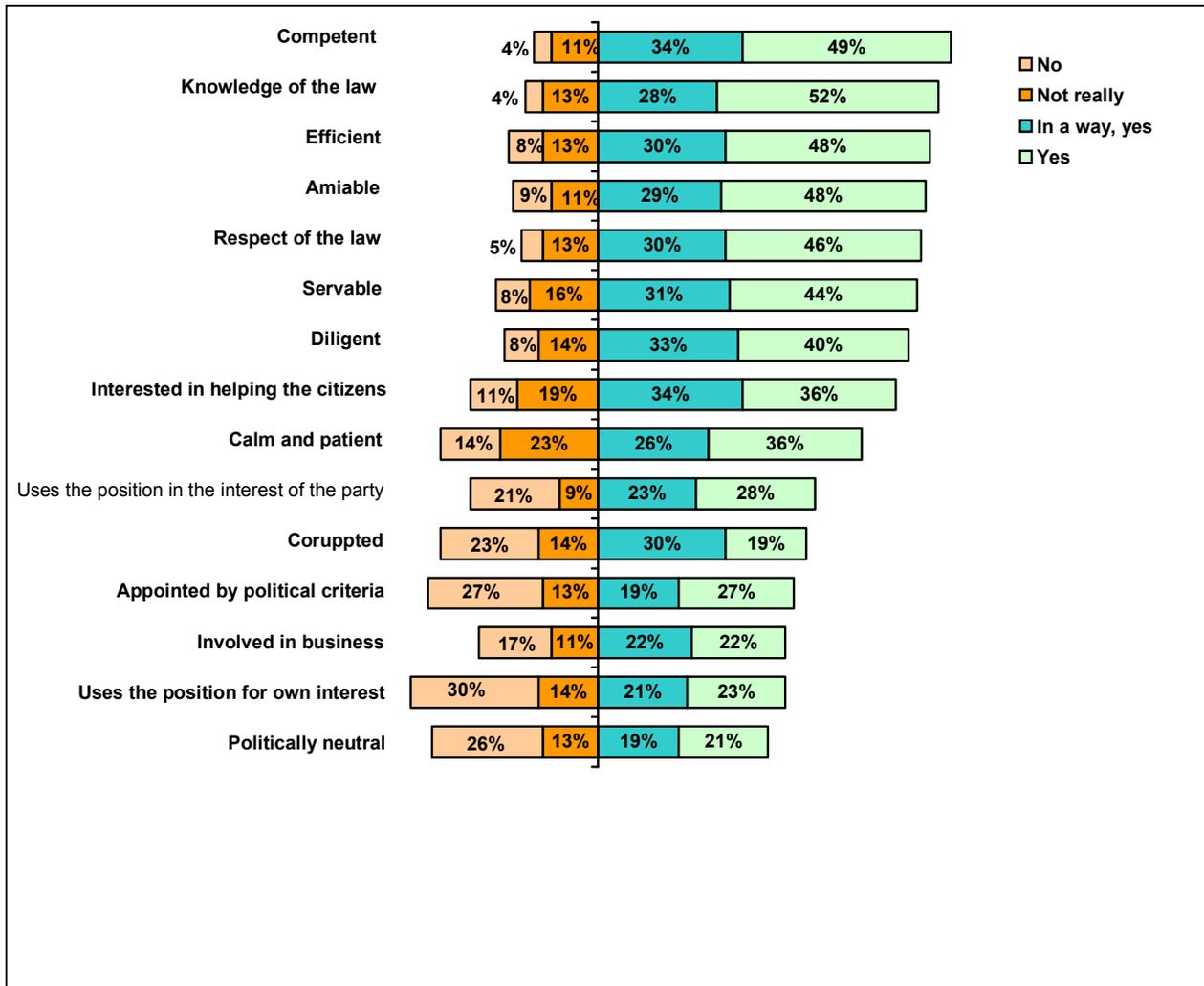
Only 10% of the interviewed people know the notion of civil servant correctly. Among the most frequent confusions, most of them concern the insufficiency of knowing the differentiation of this category among the existing legal regimes in Romania.

Also, in the opinion of interviewed people the image of the civil servant is characterized as follows:

The most frequent confusions



Public image of the civil servants



CHAPTER III

CONCLUSIONS

3.1. CONCLUSIONS OF THE ACTIVITIES DEVELOPED IN 2006

In comparison with the priorities set forth by the *Report regarding the management of civil service positions and civil servants for year 2005*, based on those presented in this report, it can be concluded that most of the objectives set forth during last year were achieved.

Therefore:

- **There were created, administered and implemented the instruments necessary for the modernization of human resources management** on central and local level, with an accent on the decentralization of the processes afferent to the provision of civil service functions and civil servants management.
- **The administrative capacity of the National Agency of Civil Servants was significantly improved** in order to achieve an efficient administration of the public functions and the body of civil servants.
- Although the process was not yet completed, significant progress was registered in the **elaboration of the normative act project regarding the establishment of a standard wage system** for civil servants.
- **Law no 7/2004** regarding the Code of conduct for civil servants **was changed and completed**, including based on the conclusions of the monitoring report in order to increase the capacity of prevention and resistance against corruption among civil servants.
- **There were created, administered and periodically subjected to the public attention the results of the utilization of instruments of monitoring** the implementation of the provisions of Law no 7/2004 regarding the Code of conduct of the civil servants, disciplinary procedures, the regime of the conflict of interests and incompatibilities.
- **The Law for changing and completing Law no 188/1999** regarding the Statute of civil servants, republished, with its further changes and completions **entered into force, most of the normative acts constituting the secondary legislation being subjected to the decisional transparency process at the end of 2006.**

3.2. PLANED EVOLUTIONS

Within Romania's public administration's reform process, the improvement of the **civil service system** represents a fundamental objective, stated by the *Governing Programme* for 2005-2008 period, the *National Plan for Development* 2007-2013 (the forth priority in national development „development of human resources, promotion of occupation and social inclusion and administrative capacity enforcement), and the *National Strategic Reference Framework and by the Government's updated Strategy regarding acceleration of the public administration reform for 2004 – 2006*.

The planning period 2007-2013 – the civil service in the context of development of the administrative capacity

In Romania's case, enforcement of the institutional capacity was identified as one of the main priorities. Pre-adhering programmes aimed expressly this aspect, the PHARE programme being this way an opportune financing instrument and applicable to the development and modernization needs of activities specific to the enforcement of the institutional capacity of the reform in civil service system in Romania. The European Commission insisted on investment in this area of intervention even after the adherence, the administrative and institutional capacity enforcement becoming this way the priority of the *European Social Fund for the scheduling period 2007-2013*. according to this requirement specific to the Operational Programme – the Administrative Capacity Development was drawn up in order to essentially contribute in achievement of thematic priorities „Construction of an efficient administrative capacity” within the National Strategic Reference Framework and in order to observe the priorities in the *communitarian Strategic Orientations regarding cohesion*, within which administrative capacity development is imposed and in this context the civil service modernization/reform.

In this context, the potential of attracting funds by external financing is estimated, including by projects in partnership with the civil company, expressly aiming the process of participation of the citizens or visibility actions regarding public institutions.

Other provisioned projects: TAIEX and projects of the European Council

A relevant aspect of the Romania's process of adherence to the European Union is the collaboration with the cu European institutions, **accessing special funds dedicated to different intervention areas**. In this regard the public institutions in Romania, with attributions in institutional capacity enforcement area, can collaborate with different European institutions/bodies for development, promotion and modernization of the civil service. Therefore, during 2007 there will be possible to submit financing/collaboration requests within programmes like: **TAIEX- the programme for Technical Assistance and Information Exchange of the European Commission**, aiming to assist member states for the application and harmonization of the European legislation. Nevertheless, other relevant instruments are represented by the **financing programmes of the European Council**, managed by the Center of Expertise of EC Secretariat, sustaining the member states in order to implement the public policies as well as for sustaining the development of practical instruments necessary for the modernization of public administration /civil service, and from the general coherence and visibility point of view.

Development of the civil service 2007-2010

In order to provide the coherence and continuity of the effort of modernizing the public administration, during 2007 the Strategy of development of the civil service will be completed and approved, as integrant part of the new Strategy regarding the acceleration of reform in public administration. The new strategy of development of the civil service to be part of the Strategy regarding the acceleration of reform in public administration 2007-2009, shall comprise permanent as well as objectives in progress. This way new action priorities and directions will be set forth, according to the evolution of the institutional and legal environment in Romania and according to the new status of the EU Member State.

Practically, **the objectives proposed for the period 2007-2009** on level of institution with competence in provision of public functions and civil servants management are defined as follows:

- ***Elaboration of the normative framework specific to the civil service and civil servants:***
 - *Elaboration of normative act projects in the field of civil service*

- ***Development of the institutional capacity of NACS for the provision of the management of civil service and civil servants***
 - *Elaboration and implementation of instruments increasing the Agency's activity efficiency*
 - *Vocational improvement of the NACS personnel*
 - *Creation of the normative and methodological framework regarding the activity of inspection and control, observation and application of contravention fines*
 - *Elaboration and management of external assistance programmes developed by NACS*
 - *Organization of international events and promotion of partnership.*
- ***Modernization of human resources management within civil service in Romania.***
 - *Creation of the integrated electronic system*
 - *Implementation of the standard wage system*
 - *Provision of career management civil servants (signing, monitoring, and contests)*

Evolutions, European tendencies influencing the activity of public institutions with attributions in the field of the reform of the civil service system in Romania

- Continued implementation of the Community acquis into the Romanian legislation in fields of incidence including on civil service and civil servants field in Romania, for the harmonization of the national legislation with the European one, in fields like: free population mobility (mobility of the European public function) or the application of the principles of equality in chances (including special norms regarding framing the people with physical disability in public function or the institution of the flexible programme for the support of young mothers/people having several children, etc);
- Partnerships and collaborations with different similar public institutions in the Member States and candidate states, as well as other international collaborations able to support the improvement of the civil service and civil servants management.

ANNEXES

Regulation on civil service

I.1.

Proposals of regulating, bring up to date, modifying and completion of current legislation within the period of reference, whence:							
Draft laws /law initiatives		Draft Government Ordinances and Emergency Government Ordinances		Draft Government Decisions		Draft Normative Orders	
number	% from total	number	% from total	number	% from total	number	% from total
50	56,2%	9	10,1%	27	30,3%	3	3,4%

I.2.

Draft normative acts, by domains								
Type of normative act	Measures in exercising public authority prerogatives		Organizing and reorganizing public institutions, organizing and carry out activities in public administration area		Proposals for modification of Law 188/1999		Proposals for modification of regulations regarding special statutes	
	number	% from total	number	% from total	number	% from total	number	% from total
Total	24	27,3%	49	55,7%	5	5,7%	10	11,4%
Primary legislation (laws, emergency Government ordinances, Government ordinances)	14	58,3%	31	63,3%	5	100%	10	100%
Secondary legislation (Government decisions, orders, decisions)	10	41,7%	18	36,7%	0	0%	0	0%

Management of civil service positions

Situation of civil service positions

1) Aspects regarding civil service positions structure

II.1.1.

Weight of civil service positions from Romanian central and local public administration at 31.12.2006		
Civil service positions	Number	Percentage
Central public administration	70232	54,65
Local public administration	58282	45,35
Total	128514	100,00

II.1.2.

Weight of civil service positions from Romanian central and local public administration from 2003 to 2006				
Civil service positions	Annual percentage			
	2003	2004	2005	2006
Central public administration	59,31	55,57	54,10	54,65
Local public administration	40,69	44,43	45,90	45,35

II.1.3.

Structure of civil service positions by attributions						
Category of civil service positions	Central public administration		Local public administration		Total	
	Number	Percentage	Number	Percentage	Number	Percentage from total
Execution civil service positions	63916	91,01	52483	90,05	115650	89,95
Leading civil service positions	6138	8,74	5799	9,95	12686	9,79
High-ranking civil service positions	178	0,25	0	0,00	178	0,26
Total	70232	100,00	58282	100,00	128514	100,00

II.1.4.

Evolution of civil service positions number from 2003 to 2006				
Category of civil service positions	2003	2004	2005	2006
Execution civil service positions	89,01	88,91	89,95	89,99
Leading civil service positions	10,71	10,87	9,79	9,87
High-ranking civil service positions	0,28	0,22	0,26	0,14

II.1.5.

Execution civil service positions structure, by educational level, at 31.12.2006		
Execution civil service positions	Number	Percentage
Class I	65400	56,55
Class II	4476	3,87
Class III	45774	39,58
Total	115650	100,00

II.1.6.

Evolution of civil service positions number by classes, from 2003 to 2006				
Execution civil service positions	2003	2004	2005	2006
Class I	50,95	55,06	52,69	56,55
Class II	2,82	3,65	3,20	3,87
Class III	46,24	41,29	44,11	39,58

II.1.7.

Weight of civil service occupied and vacant positions at 31.12.2006						
Civil service positions	Central public administration		Local public administration		Total	
	Number	Percentage	Number	Percentage	Number	Percentage
Occupied civil service positions	66204	94,26	45420	77,93	111624	86,86
Vacant civil service positions	4028	5,74	12862	22,07	16890	13,14
Total	70232	100,00	58282	100,00	128514	100,00

II.1.8.

Evolution of occupied and vacant civil service positions from 2003 to 2006				
Civil service positions	Annual percentage			
	2003	2004	2005	2006
Occupied civil service positions	87,97	83,81	84,03	86,86
Vacant civil service positions	12,03	16,19	15,97	13,14

2) *Aspects regarding the dynamics of civil service*

II.1.9.

Situation of occupied civil service positions at 31.12.2006		
Occupied civil service positions	Number	Percentage
State public administration	8762	7,85
Territorial public administration	58123	52,07
Local public administration	44739	40,08
Total	111624	100,00

II.1.10

Comparative situation of occupied civil service positions from 2003 to 2006				
Civil servants	Annual percentage			
	2003	2004	2005	2006
Central public administration	62,24	58,56	57,96	59,92
Local public administration	37,76	41,44	42,04	40,08

II.1.11

Situation of occupied civil service positions by level of attributions		
Category of civil service positions	Number	Percentage
Execution civil service positions	100911	90,40
Leading civil service positions	10543	9,45
High-ranking civil service positions	170	0,15
Total	111624	100,00

II.1.12.

Comparative situation regarding civil service positions by level of attributions at 31.12.2006						
Civil service positions	State public administration		Territorial public administration		Local public administration	
	Number	Percentage	Number	Percentage	Number	Percentage
Execution civil service positions	7721	88,12	52644	90,57	40546	90,63
Leading civil service positions	997	11,38	5353	9,21	4193	9,37
High-ranking civil service positions	44	0,50	126	0,22	0	0,00
Total	8762	100,00	58123	100,00	44739	100,00

II.1.13

Comparative situation regarding civil service positions by level of attributions from 2003 to 2006				
Category of civil service positions	Annual percentage			
	2003	2004	2005	2006
Execution civil service positions	89,01	88,58	89,13	90,40
Leading civil service positions	10,71	11,22	10,60	9,45
High-ranking civil service positions	0,28	0,20	0,27	0,15

II.1.14

Situation of debutant and definitive civil servants at 31.12.2006		
Category of civil servants	Number	Percentage
Debutant civil servants	1937	1,92
Definitive civil servants	98974	98,08
Total*	100911	100,00

* Execution civil servants

II.1.15.

Comparative situation regarding the number of debutant and definitive civil servants from 2003 to 2006				
Category of civil servants	Annual percentage			
	2003	2004	2005	2006
Debutant civil servants	1,48	2,19	1,78	1,92
Definitive civil servants	98,52	97,81	98,22	98,08

3) Aspects regarding the professional training of civil servants

II.1.16.

Structure by classes of execution civil servants at 31.12.2006		
Classes of execution civil servants	Number	Percentage
Class I	45212	44,80
Class II	3754	3,72
Class III	51945	51,48
Total	100911	100,00

II.1.17.

Structure of civil servants by classes, at 31.12.2006						
Civil servants	State public administration		Territorial public administration		Local public administration	
	Number	Percentage	Number	Percentage	Number	Percentage
Class I	6205	80,37	30513	57,96	8494	20,95
Class II	165	2,14	1037	1,97	2552	6,29
Class III	1351	17,50	21094	40,07	29500	72,76
Total	7721	100,00	52644	100,00	40546	100,00

Management of administrative procedures

II.2.1.

PERIOD		Total number of vacant civil service positions for which recruitment contests were organized	Quarterly average
1 st quarter	January	1365	1598
	February	1558	
	March	1872	
2 nd quarter	April	3006	2649
	May	1983	
	June	2959	
3 rd quarter	July	2239	2487
	August	2988	
	September	2234	
4 th quarter	October	3008	3078
	November	3045	
	December	3182	

II.2.2.

Recruitment contests organized for execution civil servants positions in:			
Month	State public authorities and institutions	Territorial public authorities and institutions	Local public authorities and institutions
January	64	112	123
February	71	90	126
March	44	95	95
April	94	139	370
May	59	165	248
June	93	169	219
July	81	219	262
August	106	225	191
September	73	139	236
October	108	262	384
November	61	267	292
December	52	165	311

II.2.3.

Recruitment contests organized for leading civil service positions in:				
MONTH	Director and assimilated civil service positions	Head of unit and assimilated civil service positions	Head of office and assimilated civil service positions	Secretary of administrative-territorial units
January	41	36	11	12
February	21	31	14	11
March	26	10	38	2
April	57	94	52	14
May	75	82	40	27
June	41	21	39	17
July	63	42	9	18
August	67	93	44	26
September	28	77	69	13
October	46	68	26	9
November	94	82	31	13
December	58	135	48	9

II.2.4.

Recruitment contests organized for high-ranking civil servants in:											
Jan.	Febr.	March	April	May	June	July	August	Sept.	Oct.	Nov.	Dec.
0	0	0	2	2	3	5	2	2	0	1	1

II.2.5.

Promotion contests for execution civil servants in:			
Month	Central public authorities and institutions	Territorial public authorities and institutions	Local public authorities and institutions
January	0	0	0
February	0	0	0
March	5	8	12
April	4	16	23
May	21	75	58
June	17	50	16
July	13	34	29
August	11	35	36
September	13	40	24
October	20	48	36
November	19	33	35
December	27	52	44

II.2.6

Results of application of provisions regarding the procedure of tacit approval in the field of contest organization			
MONTH	Total number of recruitment contests organized for execution civil service positions within local public authorities and institutions	Whence based on tacit approval	Whence based on tacit approval (in percentage from total)
September	236	132	55,9 %
October	384	361	94,0 %
November	292	227	77,7 %
December	311	278	89,4 %

II.2.7.

Results of application of provisions regarding the delegation of competencies to local public authorities and institutions, for head of unit and assimilated civil service positions			
MONTH	Total recruitment contests organized in local public authorities and institutions for head of unit positions	Whence based on delegation of competencies	Whence based on delegation of competencies (in percentage from total)
October	68	40	58,8 %
November	82	17	20,7 %
December	135	16	11,9 %

II.2.8.

Results of application of provisions regarding the delegation of competencies to local public authorities and institutions, for head of office and assimilated civil service positions			
MONTH	Total recruitment contests organized in local public authorities and institutions for head of office and assimilated positions	Whence based on delegation of competencies	Whence based on delegation of competencies (in percentage from total)
October	26	9	34,6 %
November	31	6	19,4 %
December	48	5	10,4 %

II.2.9.

Competencies in the contests organizing and running		
MONTH	Contests organized by NACS	Contests organized by public authorities and institutions
January	41	358
February	21	343
March	26	309
April	57	806
May	75	775
June	41	641
July	63	707
August	77	757
September	35	677
October	68	939
November	98	816
December	91	955

Monitoring and control related to the civil service and civil servants activities

III.1.1.

Main type of problems by areas, identified through petitions addressed to NACS	
Area	No. petitions
Advancements	96
Civil servant statute	157
Public interest information request	12
Solved petitions	23
Code of ethics	60
Organization and activity of contest committees	221
Parity committees	0
Occupying conditions for civil service positions	236
Civil servants' rights	179
Individual professional performance assessment	31
Incompatibilities	142
Service reports ceasing	122
Service reports modification	108
Public managers	12
Organization and activities of disciplinary committees	126
Professional training	42
Promotion	234
Proposals-control activities	25
Redistributions	12
Reappointments	37
Reorganization	32
Payment	175
Work relationships suspension	82
Transformation of civil service positions	34
Civil servants' obligations	12
TOTAL	2210

III.1.2.

Repartition of petitions by counties in 2006						
No.	County	Petitions in 2006		No.	County	Petitions in 2006
1.	AB	27		23.	HD	36
2.	AR	22		24.	IS	76
3.	AG	46		25.	IL	17
4.	BC	60		26.	IF	35
5.	BH	47		27.	MM	29
6.	BN	29		28.	MH	33
7.	BV	44		29.	MS	15
8.	BR	26		30.	NT	24

9.	BT	45
10.	BUC	629
11.	BZ	30
12.	CS	30
13.	CL	19
14.	CT	36
15.	CV	23
16.	CJ	28
17.	DB	37
18.	DJ	73
19.	GL	57
20.	GR	22
21.	GJ	37
22.	HR	17

31.	OT	40
32.	PH	46
33.	SM	12
34.	SJ	21
35.	SB	29
36.	SV	55
37.	TL	46
38.	TM	37
39.	TC	26
40.	VL	40
41.	VS	26
42.	VR	27
43.	No location	156
TOTAL		2210

III.1.3.

Repatriation of petitions by categories of demanders in 2006	
Civil servants	683
Public authorities and institutions	1062
Natural and legal persons	465
TOTAL	2210

III. 1.4.

Type of civil service positions	Type of sanctions	No. sanctions	
		Central institutions	Local institutions
Leading civil service positions	Written reprimand	22	7
	Dismissal from civil service positions	7	5
	Diminution of salary rights with 5-20% for a period of maximum 3 month	21	4
	Regression to an inferior civil service position for a period of maximum one year, with corresponding diminution of salary rights	6	0
	Suspension of salary grades advancement rights or, if it is the case, of promotion in the civil service positions from 1 to 3 years	2	0
	Total	58	16
Execution civil service positions	Written reprimand	102	41
	Dismissal from civil service positions	18	17

	Diminution of salary rights with 5-20% for a period of maximum 3 month	57	18
	Regression to an inferior civil service position for a period of maximum one year, with corresponding diminution of salary rights	4	3
	Suspension of salary grades advancement rights or, if it is the case, of promotion in the civil service positions from 1 to 3 years	3	1
	Total	184	80
General total		242	96

III.1.5.

Total number of notifications addressed to the disciplinary committees by categories of civil servants in 2006	
Leading civil servants	66
Execution civil servants	335
TOTAL	401

III.1.6.

Stage of intimations addressed to the disciplinary committees in 2006	
Applied disciplinary sanctions	171
Proposed disciplinary sanctions	3
In process of official examination	108
Solved	112
In stage of criminal examination	7
TOTAL	401

III.1.7.

Sanctions applied by the disciplinary committees in 2006	
Leading civil servants	32
Execution civil servants	139
TOTAL	171

III.1.8.

Types of sanctions applied by the disciplinary committees in 2006	
Written reprimand	114
Diminution of the salary rights	46
Temporary cancellation of the right to promotion	3
Regression to a lower civil service position	5
Dismissal from the civil service position	3
TOTAL	171

III.1.9.

Categories of persons who addressed to the disciplinary committees in 2006	
Institutions managers	165
Departments managers	61
Other civil servants	52
Other persons	123
TOTAL	401

III.1.10.

Normative acts infringed in 2006	
Law nr. 7/2004	281
Law nr. 161/2003	120
TOTAL	401

Representation activities

Instance representation activities

IV.1.

Situation of solved cases	No. of cases	Domains of cases objects	No. of cases
• Trials in which NACS had respondent quality			
Gained	67	Cancellation of administrative acts, orders, reports, frame agreements, contests	33
		Reappointments	10
		Obligation to different actions	10
		Civil servant quality	3
		Contests suspension/appeals	2
		Disciplinary sanctions erasing	1
		Others	3
Partially gained	1	Obligation to transform civil service positions	
Suspended	2	Obligation to solve transfers	1
		Contests cancellation	1
Trial renunciation	2	Obligation to give notification	1
		Reappointments	1
Action against NACS withdraw	1	Contests cancellation	1
NACS out of case	1	Administrative acts annulment	1
Lost	3	Contests cancellation	3
• Trials in which NACS had claimant quality			
Gained	2	Obligation for civil service positions establishment	1
		Appointment cancellation decisions	1
Lost	2	Appointment cancellation order	1
		Contests cancellation	1

IV.2.

Situation of listed cases	No. of cases	Domains of cases objects	No. of cases
Trials in which NACS had respondent quality	60	Cancellation of administrative acts, orders, reports, frame agreements, contests	34
		Reappointments	13
		Obligation to different actions	7
		Civil servant quality	1
		Collateral action	4
		Object unknown	1
Trials in which NACS had claimant quality	6	Obligation for civil service positions establishment	3
		Contests cancellation	3

Professional training for civil servants

V.1.

No. crt.	List of public authorities and institutions where were sent questionnaires in January 2006
1.	National Agency for Roma minority
2.	National Sport Agency
3.	National Agency for Youth
4.	Nuclear Agency
5.	Agency for Governmental Strategies
6.	Romanian Agency for Foreign Investments
7.	National Authority for Small and Medium Enterprises and Cooperation
8.	National Authority for Consumer Protection
9.	Chancellery of the Prime Minister
10.	Competition Council
11.	National Audiovisual Council
12.	Court of Accounts
13.	National Institute of Statistics
14.	Ministry of Administration and Interior
15.	Ministry of Foreign Affairs
16.	Ministry of Agriculture, Forests and Rural Development
17.	Ministry of National Defense
18.	Ministry of Communication and Information Technologies
19.	Ministry of Culture and Cults
20.	Ministry of Economy and Commerce
21.	Ministry of Public Finances
22.	Ministry of European Integration
23.	Ministry of Justice
24.	Ministry of Environment and Waters Management
25.	Ministry of Labor, Social Solidarity and Family
26.	Ministry of Health
27.	Ministry of Transports, Constructions and Tourism
28.	General Secretariat of the Government

V.2.

Nr. crt.	List of public authorities and institutions and representatives of civil society consulted in the process of elaborating the policy proposal regarding the professional training for civil servants
1.	National Agency for Manpower
2.	National Institute of Administration
3.	Ministry of Administration and Interior (Central Unit for Public Administration Reform)
4.	Ministry of Public Finances
5.	Ministry of European Integration
6.	Ministry of Labor, Social Solidarity and Family
7.	General Secretariat of the Government
8.	Federative Alliance of Civil Servants Union SED LEX
9.	Association of chief architects of the counties
10.	Association of Economic directors within the county councils
11.	Association of Municipalities of Romania
12.	National Association of IT experts in the public administration
13.	Cities Association from Romania
14.	General Secretaries within the County Councils from Romania
15.	Federation of Local Authorities from Romania
16.	Federation of Professional Association of legal councilors "Federația Pro Jure România"
17.	National Federation of Unions from the Local Public Administration
18.	Civil Servants National Union
19.	National Union of the Romanian County Councils
20.	Romanian Association for Transparency <i>Transparency International Romania</i>
21.	Romanian Training Institute

Communication activities

VI.1.1.

Requests of public interest informations			
TOTAL	Mass-media	Citizens	Institutions and organizations
34	12	13	9

VI.1.2.

Nr. crt.	List of mass-media publications monitored in 2006, in order to elaborate the image analysis
1.	Adevărul
2.	Azi
3.	Capital
4.	Curentul
5.	Curierul Național
6.	Cronica Română
7.	Cotidianul
8.	Economie și Administrație Locală
9.	Economistul
10.	Evenimentul Zilei
11.	Gardianul
12.	Gazeta de București
13.	Gândul
14.	Jurnalul Național
15.	România Liberă
16.	Ziarul Financiar
17.	Ziua