

GOOD GOVERNANCE IN THE VISION OF THE NATIONAL PLAN FOR RECOVERY AND RESILIENCE

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Abstract: *Good governance is a goal for all European states, but the method of implementation is different from state to state. This study aims to observe what is, in the view of the Romanian Government, the way to reach good governance, analyzing the Recovery and Resilience Plan (RRP) which Romania developed in 2021 and which it is currently implementing. What are the measures proposed in this Plan? Do Romanian governors act in convergence with the objectives set at Union level? We will establish this at the end.*

Key words: *good governance, RRP, public sector reform.*

1. Introduction

The concept of "**good governance**" appears for the first time in the governance reform concerns in 2001 in the "White Paper of the European Governance" (European Union), thought as a set of rules, methods and principles of governance targeting transparency, participation, responsibility, efficiency and transparency of decision-making processes.

The new understanding of European governance implies a multitude of actors, including those from the private sphere and those of the civil society, being appropriate instruments and new resources in the design of public policies, favouring citizen participation, becoming an instrument for consolidating the legitimacy of those policies. Good governance involves a number of elements such as **openness and responsiveness, transparency, compliance, effectiveness, efficiency and accountability.**

Good governance is a goal for all European countries, but each state sets its own path for its realization. Considering the socio-economic and political situation in which the European states are after going through the pandemic, good governance has become a goal of the governments of the member states of the European Union, because it can contribute decisively to improving the quality of the life of citizens, by providing modern, transparent, efficient and available public services.

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Therefore, The European Union decided to set up a temporary financial instrument, titled #NextGenerationEU, for the period 2021-2027, with the intention of providing support to member states in order to cope with the challenges caused by the Covid19 Crisis and its economic consequences. The Recovery and Resilience Mechanism (RRM) is the main pillar of #NextGenerationEU. The purpose of the Recovery and Resilience Mechanism is to provide support for investments and reforms essential for sustainable recovery and to change for the better the economic and social resilience of EU Member States.

For the purpose of using this financing instrument, each EU member state has to draft its own **Recovery and Resilience Plan** (RRP), a document establishing the priorities and reforms required for recovery and sustainable growth. This refers to a package of public investments and reforms that must be implemented by 2026 and is based on **6 main pillars**: the transition to a green economy; digital transformation; smart, sustainable and inclusive economic growth; social and territorial cohesion; institutional health and resilience; children, young people, education and qualifications.

The RRP must intervene with reforms and investments in the following areas: transport, environment, energy, energy efficiency and green transition, climate change, development of urban settlements, capitalization of cultural and natural heritage, tourism, agriculture and rural development, health, education, business environment, research, innovation, digitalization, improvement of the built fund.

All these reforms imply that Romania better its governance, in order to truly register progress both in economic development and in the public sector modernization.

2. The Concept of Good Governance in the Vision of the European Union and in the Vision of the Government of Romania

In the European Union's vision, the expression "European governance" means "the set of rules, procedures and practices that are related to the manner of exercising the powers in the European Union (EU)". The EU goal is to re-enforce democracy at EU level and to bring citizens closer to the EU institutions. The following principles underlie European governance:

1. opening up and ensuring the EU institutions' transparency;
2. involvement of the civil society in decision-making;
3. the formulation and implementation of consistent and well-managed policies;
4. providing a clear, steady and predictable regulatory framework that supports economic growth and job creation;
5. observance of the principle of proportionality and the principle of subsidiarity;
6. ensuring that each EU institution and member state explains and assumes responsibility for its actions in the EU;
7. contributing to the debate concerning global governance with the purpose of perfecting the functioning of international institutions"(European Union, Glossary of summaries, 2023).

In the 2nd Part of the National Recovery and Resilience Plan of Romania, we find **Component 14, called "Good Governance"**, within the field of intervention entitled

"Public Sector Reform, Growing the Justice Efficiency and Strengthening the Capacity of Social Partners". Implementation of the Component 14 is the responsibility of the Ministry of Investments and European Projects and the Ministry of Justice.

The national goal in this field is "**to perfect governance** under the conditions of a predictable, substantiated and participative system for decision-making, so as to ensure the provision of quality public services, by a body of professional and well-trained civil servants, who respond adequately to the challenges, needs and expectations of citizens and the business environment". In this manner it will be solidified resilience and the ability to adapt to the green and digital transition, acting in convergence with the goals set out at the European Union level.

The specific goals pursued are the following:

1. An optimum coordination, development and implementation of government policies, grown transparency and trust in the public sector.
2. Efficient management of human resources in the public sector.
3. A coherent remuneration policy in the public sector, correlated with a sustainable accomplished performance in the long term (fair unitary remuneration).
4. Consolidation of the independence of the judicial system by bettering access to justice and increasing the efficiency of the judicial system.
5. A more efficient national system for public procurement, including by solidifying the administrative capacity of contracting authorities/entities, in a flexible and coherent legal framework.
6. Improving the formulation processes of public policies / public decisions through consultation of stakeholders.
7. Augmenting the resilience of state companies following the operationalization of corporate governance principles. (National Recovery and Resilience Plan of Romania, 2021).

3. Recent Steps Taken by Romania to Achieve Good Governance

The legislation clarity is an indispensable aspect of a modern administration, and this also implies maintaining the accessibility of regulations applicable to the administration, despite the changes made to them. The adoption of stable codes over time is likely to increase citizens' confidence in the continuity and durability of legal regulations.

Through the adoption of the Code of Administrative Procedure, along with the Administrative Code, the normative framework applicable to both the administration and the beneficiaries of its activity is completed. Through the codification process it is intended to ensure legislative coherence in the field of procedural administrative law and, on the existing elements validated over time as effective, in order to be built a new form of the normative framework, clearer, more concise, effective, coherent and complete.

The expected results consist in the removal of legislative technical dysfunctions, interpretability and applicability of the legal rules in the fields of interest of the code, in ensuring legislative coherence, clarifying certain concepts regulated differently in the current legislation, improving some current legal provisions, covering the legislative

vacuum in certain areas, as well as in the simplification of both the general legislation in the matter and the special one, through the need to adapt and align to some general principles and rules common to the entire administrative system, with a limited number of exceptions imposed by the specific nature of some fields.

In order to substantiate the Code of Administrative Procedure, in the period from April 2018 to April 2022, there have been carried out by the specialized structure within the Ministry of Development, Public Works and Administration – Directorate for Strategies and Reforms in Public Administration, with the support of the consultancy contracted abroad, some analyses and studies, which found a number of dysfunctionalities of the legislation applicable to administrative procedures. As a result, "goals and guidelines of the overall concept of the Code of Administrative Procedure regard:

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a) the regulation of the manner in which decisions are made in the public administration, in terms of respecting the rights of natural or legal persons, as well as the public interest;

b) ensuring the information and participation of all stakeholders in making administrative decisions;

c) decreasing bureaucracy, bringing the administration closer to the citizen, including by underlining its computerization process;

d) streamlining the means of action of the public administration through the coherence, predictability and accessibility of the procedures;

e) ensuring the stability of administrative procedures and, indirectly, the predictability of the act of public administration;

f) regulating the way of carrying out the administrative and jurisdictional control exercised over the administration, as a guarantee of the legality of its activity and engaging the forms of liability, corresponding to the committed anti-social acts" (Government Decision no. 946/2023).

Furthermore, Section 8.2.8. from the normative act regarding the approval of the preliminary theses of the draft Code of Administrative Procedure is entitled **Public Governance**. In this section it is specified that, in order to ensure good administration and a democratic administrative decision-making process, the regulations aiming at decisional transparency will be carried out with the unaltered preservation of rights and guarantees of access and civic space for citizens, legally constituted organizations and other stakeholders and will pursue to enlarge the capacity to perform these obligations by public authorities and entities assimilated to them, under conditions of efficiency and effectiveness.

The same normative act presents the preliminary structure of the Code, with the mention that it may undergo certain changes during the drafting process, according to the law. We should mention the Title XI, entitled **Public Governance Procedures**, which will include the unitary regulation of decision-making transparency and other methods of communication among public authorities and institutions and interested factors concerning the elaboration and adoption of administrative acts and strategic documents, as well as provisions regarding the management and evaluation of the performance of public authorities for enhancing their responsibility.

Also, in the sense of achieving good governance, it should be mentioned the adoption of Government Decision no. 831/2022 for the approval of the Methodological Norms for the application of Law no. 52/2003 on decisional transparency in public administration. The purpose of these methodological rules is to standardize and harmonize the procedure for ensuring decisional transparency at the public authorities and institutions level, without limiting their possibility to establish additional activities for facilitating citizens' access to the processes of drafting normative acts and making administrative decisions.

Within this legislative act, in Chapter III, titled Transitional and Final Provisions, it is envisaged the foundation of an online platform (www.e-consultare.gov.ro), within 18 months from the coming into force of the methodological rules. The General Secretariat of the Government develops the functionalities of the www.e-consultare.gov.ro platform and adopts, by order, the rules for publishing in this platform the information and documents provided for in Article 10 par. (1) and Article 11 paragraph (1). from GD no. 831/2022 for the approval of the Methodological Norms for the application of Law no. 52/2003 regarding decision-making transparency in public administration.

All these relatively recent legislative undertakings reveal the concern of the Romanian state to accomplish the commitments it assumed in the relationship with the European Union. The 2021-2027 Partnership Agreement and the 16 programs (8 national/sectoral programs and 8 regional programs) approved by the Commission in 2022 were developed in accordance with the "European Semester", European directives and national development needs, as well as with the purpose of building synergies and ensuring complementarity with the priorities included in the National Recovery and Resilience Plan (PNRR).

4. Conclusions

As regards the way the European government has influenced the governance in Romania, we can put forth the following:

- the institutions' transparency is a basic element at both levels, being consolidated through a number of goals, such as the one concerning "improvement of the processes of wording public policies / public decisions by consulting the stakeholders" and the one regarding the "efficient management of human resources in the public sector";
- the goal of "a better coordination, elaboration and implementation of government policies" is convergent with the European one of "enunciation and implementation of consequent and well-managed policies";
- ensuring a clear, steady, and predictable regulatory framework that supports economic growth and job creation represents the European objective that is also applicable to Romania, being found in the specific goals of achieving the "good governance" component.

Notwithstanding, analysing the **Recommendation of the EU Council regarding the National Reform Program of Romania for 2023, which includes an opinion of the Council regarding the Convergence Program of Romania for 2023**, we note the following:

- On May 10, 2023, Romania presented its Convergence Program for 2023, and on May 11, 2023, the National Reform Program for 2023. In order to consider the connections between the two programs, they were evaluated at the same time. The 2023 National Reform Program mirrors biannual reporting carried out by Romania regarding the progresses recorded in implementing its recovery and resilience plan. According to the EU Council, the growing risks of incurring delays in the plan implementation are due to the **weak governance and limited capacity of the public administration**. Addressing these issues, including by ensuring adequate human resources, is a key condition for an enhanced coordination of the plan and for the timely accomplishment of investments.
- The systematic and effective involvement of local and regional authorities, social partners and other relevant stakeholders remains important for the successful implementation of the NRRP,
- There are required economic and employment policies adequate to the new conditions of humanity, to ensure the fulfilment of the EU goals.
- The European Union Council recommends that, in 2023 and 2024, **Romania undertakes actions to ensure effective governance and to solidify administrative capacity in order to enable the continuous, fast and constant implementation of the recovery and resilience plan.**

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