

## ROMANIA

### KEY FACTS AND FIGURES

Key Facts and Figures in Romania						
<b>Overview</b>	<b>Total procurement</b> 15,980,000,000€		<b>Procurement % GDP</b> 11%		<b>2013 GDP</b> 144,282,200,000€	<b>Contracting authorities</b> 13,524
<b>Procedures applied</b>	<b>Open</b> 77%	<b>Restricted</b> 1%	<b>Negotiated procedure</b> <b>with call</b> 6% <b>no call</b> 16%		<b>Competitive dialogue</b> 0%	<b>Direct award</b> 0% <b>Other</b> 0%
<b>Share of contract notices by buyer</b>	<b>National</b> 29%		<b>Regional/local</b> 19%		<b>Body governed by public law</b> 9%	<b>Other</b> 43%
<b>Contract type</b>	<b>Services</b> 34%		<b>Works</b> 8%		<b>Supplies</b> 59%	<b>Framework agreement</b> 42%
<b>Ex ante conditionality criteria as of 2014</b>	<b>EU rules</b> Not met		<b>Transparency</b> Not met		<b>Training</b> Not met	<b>Admin. capacity</b> Not met
<b>E-procurement adoption</b>	<b>E-notification</b> Mandatory		<b>E-access</b> Mandatory		<b>E-submission</b> Mandatory	<b>Uptake rate</b> 6%
<b>Perceived corruption</b>	<b>Corruption widespread in society</b>			<b>Corruption widespread in procurement</b>		
	<b>Businesses</b> 91%		<b>Individuals</b> 93%		<b>At national level</b> 64%	<b>At local/regional level</b> 59%
<b>TED indicators</b>	<b>Value of tenders</b> 4,612,543,166€		<b>Of total procurement</b> 29%		<b># contract notices</b> 3,755	<b># contract awards</b> 3,951
<b>Other indicators</b>	<b>Received single bid</b> 31%		<b># days for decision</b> 50.7		<b>Price only criteria</b> 90%	<b>MEAT criteria</b> 10%
	<b>Won by foreign firms</b> 1%		<b>Related to EU funds</b> 4%		<b>Joint purchase</b> 1%	<b>Central purchasing</b> No

For more detailed descriptions and links to sources for the above data, please see Section 4 of the report

### Summary of public procurement system

Romania's budget relies more heavily on EU funds than most MS due to its comparatively low level of economic development as measured by GDP per capita. Since Romania joined the EU in 2007, significant changes have been introduced in the public procurement system<sup>viii</sup>. The Romanian governmental system is strongly centralised, including in procurement matters. Despite its high level of centralisation, this system remains quite complex and involves numerous different institutions whose competences are not clearly distributed.

Administrative capacity is an issue at all levels of government. Even the public procurement regulatory and control bodies organised at the central level are often understaffed and receive limited training on public procurement matters. At the same time, the regulatory environment is fast-changing. As a result, the application of procurement practices can vary substantially over time and across institutions, making the system difficult to efficiently oversee. Corruption as well as budget constraints are perceived to be significant barriers to achieving greater value for money in the procurement system.

### DESCRIPTION OF FEATURES

#### Legal features of the public procurement system

Romania transposed the public procurement Directives before its accession to the EU through Emergency Government Ordinance EGO 34/2006. Since then, this primary legislation has been subjected to multiple and substantial amendments. Frequent changes have also affected the secondary procurement legislation, such as Romanian Government Decision GD 925/2006<sup>xxx</sup>, and other binding regulations.

Romania applies different rules to procurement above and below EU thresholds. Direct award is allowed for small value contracts under EUR 30,000 for services and 100,000 for works. Simplified procedures can be applied for contracts between EUR 30,000 and

EUR 134,000 for supplies and services and EUR 134,000 and EUR 5,186,000 for works.

While open procedures are by far the most commonly used, accounting for approximately three quarters of all contracts, Romania also makes higher than average use of negotiated procedure without publication, framework agreements and e-auctions<sup>xxxii</sup>. The use of e-auctions for approximately 7% of contracts in particular marks Romania as unique among central and eastern European countries, where they are otherwise rare.

### ***Institutional system***

Numerous institutions have relevant roles and responsibilities in the field of public procurement. Until recently, there were three main bodies: the National Authority for Regulating and Monitoring Public Procurement (*ANRMAP*), the Unit for Coordination and Verification of Public Procurement (*UCVAP*), and the National Council for Solving Complaints (*CNSC*). With the passage of Government Emergency Ordinance No. 13 of May 20, 2015<sup>i</sup>, the *ANRMAP* and the *UCVAP* are set to merge into a single National Public Procurement Agency (*ANAP*) within the Ministry of Finance.

Once established, the newly created *ANAP* will be the primary procurement body in Romania, being responsible for legislative and policymaking, executive and oversight functions. The latter includes the *ex-ante* controls of all tender documents before publication on the country's e-procurement portal, regardless of their value or procedure. In contrast to the *ANRMAP*, the new *ANAP* will have a much less centralised structure, which should allow it to better serve the diverse needs of the different regions of the county.

The *CNSC* is the first instance administrative body with jurisdiction over public procurement. It aims to guarantee the compliance of contracting authorities with the legislation through the resolution of complaints submitted by any person, who claims that their rights or legitimate interests were violated by an act of the contracting authority. It has the power to annul the action adversely affecting the complainant, to annul an awarding procedure or to oblige a contracting authority to take corrective action. Both contracting authorities and complainants can challenge *CNSC* decisions before the Court of Appeal of the county in which the contracting authority is located. The appeal against a *CNSC* decision is final and binding for all parties involved. Moreover, Romania recently instituted a strict time limits on remedy procedures: no more than four months from filing to ruling, the shortest in the EU.

The main oversight body concerning public procurement is the Romanian Court of Accounts. It conducts *ex post* audits of the planning, management and use of public sector financial resources including via public procurement. It reports findings and irregularities to *ANRMAP/ANAP*, and the National Anticorruption Directorate (*DNA*), which controls and, when justified, apply the corresponding sanctions. Within the Court of Accounts, the Audit Authority is in charge of external audit of EU co-funded projects and also controls public procurement procedures with its own competences.

In addition, the Competition Council, an autonomous administrative body aimed at protecting and stimulating competition in Romania, undertakes another type of control of public procurement through the Bid Rigging Module (BRM). The BRM analyses the control reports of *ANRMAP/ANAP*, *CNSC* and the Romanian Court of Auditors to identify potential anticompetitive practices in public procurement procedures. Based on their findings, the BRM conducts investigations of selected cases in collaboration with the above-mentioned institutions and can sanction irregularities with fines applied to contracting authorities.

Other institutions involved in the regulation, implementation, control and sanctioning of public procurement include the National Management Centre for the Informational

Society, the EU funds Managing Authorities, the Authority for Certifications and Payments, the DNA, the National Integrity Agency (ANI), and the Department for Fight Against Fraud. Each one contributes to the monitoring and enforcement of public procurement as well as initiating and amending legislation, but responsibilities are not clearly delineated.

### **Key issues that have a bearing on administrative capacity**

**Human resources:** At the national policy and oversight level, detailed breakdowns of responsibility and skill levels are published as part of the annual activity reports of organisations such as the National Court of Accounts, the CNSC and both components of the ANAP. Their staffs are composed of civil servants including mainly economic and technical counsellors, legal advisers, and administrative staff. Staff levels are frequently criticised as too low given the responsibilities these bodies have.

For instance, the ANRMAP used to perform the *ex-ante* verification of all awarding documents in the country and had the obligation to review such documentation within two weeks of submission. Delays frequently approached twice that duration, resulting in systematic delays in the public procurement process. Furthermore, lack of clarity and accuracy in guidance provided to contracting authorities who have submitted documents in need of amendment often created additional delays. This was also attributed to shortfalls in administrative capacity. In addition to *ex-ante* controls of all contracts, the ANRMAP had other responsibilities, including *ex-post* controls. In 2013, the ANRMAP had a total staff of 139<sup>ii</sup>. Similarly, the 91 employees of the CNSC struggle to deal with the procedural 5,739 complaints received in 2013<sup>xxii</sup>.

In addition, the majority of contracting authorities do not have sufficient and trained human resources to define selection criteria, prepare tender documents, evaluate offers and guarantee a sound execution of contracts<sup>xxx</sup>.

Adding to the issue of understaffing is the lack of expertise in specific public procurement matters. As a result, contracting authorities frequently rely on outside consultants to prepare tender documents. However, outside consultants come with their own issues such as lack of impartiality. Furthermore, work carried out by consultants is not always embraced by the authority, further limiting their added value. Similar difficulties often appear during the implementation phase.

**Structures:** The ANAP and the National Court of Accounts share responsibilities for designing, implementing and controlling public procurement policy, with the Ministry of European Funds (MFE) competent for regularity control of EU funded projects and therefore are the main providers of training programmes, guidelines and dissemination events in this field.

**Training:** The ANRMAP used to organise training courses through a specialised department dedicated to public procurement practitioners and other stakeholders such as appeal court judges, and regularly provided advice to contracting authorities when conducting controls of tender procedures. This practice will be continued by the ANAP, which will assume responsibility for training its own staff and the broader contracting authority population through methodological guidance. The ANAP has already reinstated a helpdesk service for both contracting authorities and economic operators via the ANRMAP's website, although it still needs to be worked out and fed with future guidelines.

Public procurement is also one of the priority areas of the National Court of Accounts' training programme, as well as the MFE's improvement strategy. A number of courses are organised each year focusing either on the general implementation of the public procurement law, procurement audit or in the application of EU funds-specific rules<sup>iii</sup>.

Moreover, an on-going technical assistance project called “Support for the staff involved in the management of structural instruments in order to optimise the public procurement system” aims to ensure the dissemination and exchange of information concerning the use of public procurement by the staff managing EU funds at all levels, including managing authorities, intermediate bodies, certifying authorities, audit authorities and beneficiaries. It includes specific training programmes on the use of EU funds through public procurement and the organisation of working groups between both components of the *ANAP*, the *MFE*, the Audit Authority and Managing Authorities<sup>iv</sup>.

**Systems/tools:** The central authorities operating in public procurement have developed guidelines and standardised tender documentation for the use of contracting authorities at all levels. In addition, the *MFE* has created a guide on the main risks of using EU funds through public procurement for contracting authorities<sup>v</sup>. Some standardised tender documents are also already available for infrastructure projects in the environment and transport sectors. Furthermore, the *ANRMAP* has drafted standardised awarding documentations, forms and template contracts in various sectors, such as road modernisation, supply of milk and software, and work supervisory serviced.

### **E-procurement**

Since 2006, contracting authorities are obliged to conclude 40% of their annual public procurement contracts worth more than EUR 30,000 through electronic methods, either through end-to-end procurement procedures or through direct acquisitions via the electronic catalogue<sup>vi</sup>. Fully electronic procurement from notification to submission did amount to EUR 1.05 billion in 2011, or 6.2% of total procurement<sup>vii</sup>. While this figure was only half the EU average, it actually puts Romania ahead of many other MS. One factor might be the interest among the business community. In 2012, 19% of enterprises used e-procurement to access tender documents, well above the EU average of 13%. The extensive use of e-auctions in Romania should be highlighted as they represent roughly three times the value of contracts processed with e-submissions in the same year<sup>vii</sup>. In 2014, 45,283 procedures amounting to EUR 21.9 billion were carried out exclusively online<sup>viii</sup>. In the same year, an average of 22% of the total procurement process was made entirely through electronic means.

Under the supervision of the Ministry of Communications and Information Society, the Digital Agenda Agency of Romania is the public institution in charge of e-government and thus is responsible for the national Electronic System for Public Procurement (*SEAP*). *SEAP* is an e-procurement platform that works as a portal for all public institutions to acquire supplies, services and works electronically. Public operators and tenderers must register with *SEAP* every two years and pay a fee in order to get digital certificates for authentication in the system and e-signature. *SEAP* functionalities include e-publication of contract notices and tender documentation, facilitating interoperability with the EU Official Journal, and e-submissions of tenders<sup>ix</sup>. *SEAP* also enables contracting authorities to carry out direct purchase electronically. In 2014, acquisitions amounted to a value of approximately EUR 14 billion<sup>viii</sup>.

The strategic objectives regarding the development of e-procurement are defined in the National Strategy on Digital Agenda for Romania, which established the target of increasing the use of *SEAP* up to 60% of public procurement procedures in 2014<sup>x</sup>. The Digital Agenda for Romania also aims to support the improvement of e-auctions through the development of new functionalities in *SEAP*.

### **Corruption**

Fraud, corruption and conflicts of interests are major concerns in public procurement in Romania. The perception of corruption is one the highest of the EU, with 91% of respondents saying that corruption is widespread, well above the EU average of 75%<sup>xi</sup>.

According to the World Bank governance indicators, Romania is ranked last among EU countries regarding control of corruption and government effectiveness<sup>xii</sup>. The payment of kickbacks is the most frequent cited form of corruption within public procurement processes, followed by bid-rigging and conflict of interests<sup>xiii</sup>.

In addition, a report on the efficiency and transparency of public procurement in Romania, elaborated in the framework of a cross-country project co-funded by OLAF, pointed out recently that public procurement strongly lacks transparency at all stages of tender procedures<sup>xiv</sup>. First, during the identification of needs by the contracting authority, irregularities mainly consist in the disclosure of confidential information to certain competitors, introduction of hidden clauses to favour a tenderer or to increase the price of a contract. The selection of procedures also often limit competition with excessively short timeframes, the use additional fictitious bidders or by extending invitations to firms unlikely to submit competitive bids.

The report also highlights infringements in contract awarding, in particular disqualification of competitors without legal grounds, awarding to companies that do not meet the criteria, exerting influence on the selection committee, or in modifying bidding documents after the completion of the procedure. Fraud also occurs during the contract execution, mostly through the payment for non-existent activities or the lack of sufficient inspections of the delivery leading to lower quality services, supplies or works. To date, conflict of interest is defined more narrowly in Romanian law than EU standards, limiting the government's ability to combat it. However, this will be addressed with the transposition of the 2014 public procurement Directives<sup>xv</sup>.

Nonetheless, there have been some positive developments. A promising initiative is an IT-based system of *ex-ante* checks called "Prevent" that is being developed by the National Integrity Agency (ANI) to identify conflicts of interest in the award of public contracts. All civil servants involved in procurement procedures will be required to submit relevant personal details to identify any possible conflict of interests. These data will be integrated with the existing SEAP platform so that the system automatically analyses and detects possible issues and reports them to contracting authorities. In its first phase, Prevent will be applied only to EU funds, with expansion to include all public procurement to follow<sup>xvi</sup>.

The National Anticorruption Strategy 2012-2015 (NAS) defines the major objectives to foster integrity and good governance in all public institutions. It is based on the results from the two previous anti-corruption strategies and on an extensive public consultation that involved more than 500 public and private stakeholders. The NAS is focused on the strict application of the existing legislation and the monitoring and evaluation of its corresponding action plan<sup>xvii</sup>. The latter combines prevention and prosecution measures aimed at increasing the level of anticorruption education among public employees, the effective use of administrative controls and the prevention of conflict of interests in public procurement.

### **Europe 2020 Agenda**

The Romanian procurement system is being used to promote strategic goals in line with the Europe 2020 agenda primarily in environmental policy. The Ministry of Environment recently developed a Green Procurement Action Plan, making Romania among the last MS to do so<sup>xviii</sup>. The Action Plan sets up targets for the application of green criteria in the purchase of certain product types, including cleaning products and services, construction, lighting equipment, ecological food products and drinks, furniture, IT equipment and paper. The National Environmental Protection Agency issues an annual monitoring report on the use of green procurement. The report is based on the information registered in the national e-procurement platform and on the self-reporting made by contracting authorities<sup>xix</sup>. The Ministry of Environment also organises dissemination events and conferences on green public procurement as well as training programmes for public procurers in central and local administration.

As in the majority of MS, Romania lacks a dedicated national innovative public procurement policy strategy. Nevertheless, innovation itself is often mentioned as a general criterion, including via quality and effectiveness and the use of best available technologies<sup>xx</sup>. In addition, SMEs currently win 59% of public contracts above thresholds and thus do not seem to be significantly disadvantaged in Romanian public procurement procedures<sup>xxi</sup>.

Finally, in the social policy domain, every public tender is legally required to include minimum social requirements regarding employment protection and working conditions that are in force at national level<sup>xx</sup>. As a result, the majority of contracting authorities do use social considerations in tender documents, putting Romania just ahead of the EU average.

### ***Irregularities and findings of national Audit Authorities***

Both CNSC and the National Court of Accounts' recent annual activity reports point out that many irregularities detected in public spending deal with procurement. The CNSC reports that more than two thirds of all public procurement procedures carried out in Romania were subject to complaint in 2013. Almost 40% of the complaints were about public procurement contracts financed by European Funds<sup>xxii</sup>. In 2014, 1,581 challenges were submitted and resolved by the CNSC in respect to EU-funded procedures, and 2,172 challenges in respect to non-EU funded projects.

The most frequent types of irregularities include unjustified use of awarding procedures which would normally be applied as exceptions, dividing a contract into several smaller contracts to avoid procurement procedures, ignoring rules on transparency, especially those regarding the publication of the awarding notice in the period specified by law, as well as inadequate and subjective use of criteria during the evaluation of offers<sup>xxiii</sup>.

The National Court of Accounts reports that most of the financial corrections applied to EU-funded programmes are due to non-compliance with the public procurement legislation<sup>iii</sup>. The main deficiencies relate to the application of restrictive qualification and selection criteria, non-compliance of the winning tender with the criteria of the tender documentation, non-compliance with the publicity and transparency requirements, award of additional addendums to the same contractor by negotiation in breach of the legal provisions on unpredictability, and non-compliance with the principle of equal treatment. When relevant, the National Court of Accounts reports its findings on non-compliance with public procurement legislation to criminal prosecution authorities. 17 cases were identified by the Audit Authority in 2013.

What is more, Romania is identified by the EC as a target country in need of a specific action plan to address public procurement weaknesses. Indeed, many financial corrections and reservations have been applied to Romanian EU-funded programmes in the past years because of public procurement irregularities and suspicion of fraud and collusion in the awarding of public contracts<sup>xxiv</sup>.

### ***Outlook***

Romania adopted a comprehensive National Strategy for Public Procurement in 2015. A detailed operational action plan was annexed to the strategy, in order to increase the likelihood of success, and as foreseen in Romania's 2014 Partnership Agreement with the EC.

In the long term, the outlook is mainly focused on a number of initiatives designed for improving administrative capacity.

First, to tackle the challenges in administrative capacity, a Strategy on Strengthening the Efficiency of Public Administration 2014-2020 has been adopted as part of a

broader, on-going reform of public administration<sup>xxv</sup>, together with an Action Plan for its implementation<sup>xxvi</sup>. The strategy seeks to clarify mandates and competences between the central and local levels, to modernise management processes and to reduce bureaucracy and simplify procedures for both citizens and enterprises. In addition, a National Strategy for Professional Training in the field of public procurement<sup>xxvii</sup> will aim at reinforcing capacities of contracting authorities<sup>xxviii</sup>.

Second, an increase in the number of *ANAP* employees is envisaged in the foreseeable future. In fact, the new legislative package for the implementation of the new Directives will provide the possibility for the *ANAP* to revert to specifically authorised contractors. Romanian legislators also plan to introduce a new profession, the public procurer, which will be organised on three occupational levels: management, expert and counsellor. A centralised list of all professionals bearing the title of public procurers will be held initially by the *ANAP*, and, later on, by an independent professional body, similar to a bar association. The *ANAP* will then be able to revert to contractors when permanent staff proves insufficient.

## **ANALYSIS**

### ***Strengths***

Since its accession to the EU, Romania has made some improvements in the legislative and regulatory framework of public procurement, and is constantly pursuing further reforms to improve the overall system. For instance, the creation of a joint working group gathering both components of the *ANAP*, as well as the *CNSC* to work on instructions and guidelines to harmonise the interpretations of national and European legislation on specific sensitive issues.

In recent years, Romania has also made some progress in fighting corruption, and in bringing a greater number of cases to trial and ultimately, conviction. In addition, several mechanisms have been created to detect possible conflict of interests at all stages of public procurement procedures and to identify and sanction fraudulent practices. The *NAS* is presented as a good practice at the global level by Transparency International and represents a strong framework for reforms as it takes into consideration the lessons learned and failures from the past and emphasises coordination as well as monitoring and evaluation.

Finally, the centralised set up of the e-procurement system seems to be adapted to stimulate the use of a common tool, *SEAP*, by contracting authorities and bidders to achieve the ambitious targets fixed at national level.

### ***Weaknesses***

Despite the progress made in recent years, public procurement in Romania continues to be a subject of concerns<sup>xxx</sup>. Procurement legislation is generally considered to lack coordination and consistency, and to require frequent revisions. Secondary legislation and implementing regulations are often seen as contradicting the primary laws, resulting in inconsistent implementation. This inconsistency makes it difficult for honest practitioners and potential suppliers to keep up with the regulations, while making it easier for those with ulterior motives to manipulate the system.

The same holds true for the institutional set-up, which is composed of multiple actors with often overlapping responsibilities, resulting in inefficient operations and inconsistent decisions and guidance to contracting authorities. The absence of clear and practical guidelines interpreting the law is a source of uncertainty for both public practitioners and bidders<sup>xxix</sup>.

Administrative capacity is another core challenge for Romania whose structural reforms and absorption of EU funds are often delayed by the lack of implementation

capacity and unstable structure of public administrations. The progress in tackling the lack of trained staff in public procurement has so far been limited<sup>xxx</sup> and the administrative burden for bidders is still one of the highest in the EU<sup>xxxi</sup>. Furthermore, even though the fight against corruption has become a national priority, there is still a high resistance to integrity and anti-corruption measures at political and administrative levels. The lack of a strong complaint resolution mechanisms, and of effective enforcement of court decisions also remains problematic<sup>xxx</sup>.

### **Recommendations**

- **More coherent legal structure:** Romanian procurement practitioners are hobbled by a complex, frequently changing and often even contradictory legal structure that confounds honest brokers as it creates opportunities for others to take advantage.
  - Enact fundamental reform of the procurement legal structure to streamline procedures and provide a more coherent legal framework.
  - Limit the frequency of future legal changes to once annually or less; changes should be preceded by stakeholder consultations and impact assessments to reduce the need for later adjustments; implementation should be preceded by the publication of comprehensive guidance materials.
  - Update the legal definition of conflict of interest to be more in line with EU norms.
- **Tackling corruption:** Curbing corruption in procurement is a significant priority for the Romanian government, but progress has been modest to date.
  - Increase and the harshness of penalties and strengthen enforcement efforts to deter abuse of the procurement system, and fight perception of non-prosecution, and increase confidence in the fairness of the system.
  - Develop a complaint resolution mechanism that can better address violations of procurement rules and standards, including the power to overturn improperly awarded contracts.
  - Encourage the more effective enforcement of court decisions.
  - Develop prevention and control mechanisms to prevent and detect high-level corruption such as setting up a code of conduct.
- **Improve administrative capacity:** Understaffing and lack of sufficiently skilled personnel is a limiting factor for many contracting authorities, as well as for the regulatory and control bodies at central level.
  - Offer training, and ad-hoc support through a dedicated call centre to contracting authorities who often struggle to adhere to qualitative procurement procedures.
  - Produce clear and practical guideline materials to reduce uncertainty for both public practitioners and bidders, such as step by step methodologies for the use of the different procedures and sector-specific procurement information.
  - Encourage greater use of centralised purchasing services by local authorities.
- **ANAP > ANRMAP + UCVAP:** The implementation of the consolidated procurement agency *ANAP* is an opportunity to introduce reforms to ensure that the new agency can not only rationalise the responsibilities of its predecessor agencies, *ANRMAP* and *UCVAP*, but also improve upon them.
  - Strengthen the independence of *ANAP* by creating a firewall between it and the MoF, including by eliminating political appointment of its leadership.
  - Replace blanket *ex ante* controls with targeted reviews to maximise efficiency.
  - Strengthen enforcement powers, including the ability to halt procedures.
- **Reduce the cost of bidding:** The high administrative burden discourages economic operators from competing for public contracts, weakening competition.
  - Reform the tendering process with the bidders perspective in mind to reduce the burden of participating in the procurement process.
  - Introduce “winner-only habilitation” to reduce unnecessary burden on economic operators.

- <sup>i</sup> Government Emergency Ordinance no. 13/2015, referred to as "GEO 13/2015".
- <sup>ii</sup> ANRMAR (2014), Annual Activity Report 2013.
- <sup>iii</sup> Romanian Court of Accounts (2013), Annual Activity Report.
- <sup>iv</sup> Ministry of European Funds (2014), Romania Partnership Agreement for the 2014-2020 programming period.
- <sup>v</sup> Partnership Agreement (2014) for Romania, in accordance with Articles 14 and 15 of Regulation (EU) N.1303/2013 of the European Parliament and of the Council of 17th December 2013, available at: [http://www.fonduri-ue.ro/res/filepicker\\_users/cd25a597fd-62/2014-2020/acord-parteneriat/PA\\_2014RO16M8PA001\\_1\\_1\\_ro.pdf](http://www.fonduri-ue.ro/res/filepicker_users/cd25a597fd-62/2014-2020/acord-parteneriat/PA_2014RO16M8PA001_1_1_ro.pdf)
- <sup>vi</sup> Government Decision no. 1660/2006 for approving the implementing rules of the provisions regarding the award of public procurement contracts by electronic means from GEO no. 34/2006 regarding the award of public procurement contracts, public works concession contracts and services concession contracts.
- <sup>vii</sup> European Commission (2013), DG MARKT, E-Procurement state of play report.
- <sup>viii</sup> Romania Digital Agenda Agency (AADR) (2014), Annual report.
- <sup>ix</sup> Digital Agenda Agency of Romania (2014), The Electronic System for Public Procurement – User manual.
- <sup>x</sup> Ministry of Communications and Information Society (2014), National Strategy on Digital Agenda for Romania.
- <sup>xi</sup> European Commission (2014), DG HOME & DG COMM, Flash Eurobarometer 374 survey Businesses' Attitudes Towards Corruption in the EU.
- <sup>xii</sup> World Bank governance indicators, 2012 data on 215 countries, 2013.
- <sup>xiii</sup> PwC for the European Anti-Fraud Office (OLAF), (2013), Public Procurement: costs we pay for corruption, Identifying and Reducing, Corruption in Public Procurement in the EU.
- <sup>xiv</sup> Partnership for Social Development & Expert Forum (2014), Assessing the efficiency, integrity, and transparency of the Romanian public procurement system, Co-funded by OLAF and the Hercule II 2007-2013 programme.
- <sup>xv</sup> European Commission (2015) Commission Staff Working Document Romania: Technical Report. Accompanying the document Report From The Commission To The European Parliament And The Council on Progress in Romania under the Co-operation and Verification mechanism.
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- <sup>xviii</sup> Swiss-Romanian Cooperation Programme (2014), *Achiziții publice ecologice în România* (Green procurement in Romania), *Centrul pentru Politici Durabile* (Centre for Sustainable Policies) ECOPOLIS.
- <sup>xix</sup> European Commission (2012), DG RTD, Best practice on green or sustainable public procurement and new guidelines.
- <sup>xx</sup> Kahlenborn, Walter; Christine Moser; Joep Frijdal and Michael Essig (2011), Strategic Use of Public Procurement in Europe , Final Report to the European Commission, DG MARKT/2010/02/C, Berlin: Adelphi
- <sup>xxi</sup> European commission (2014), DG MARKT, SMEs' access to public procurement markets and aggregation of demand in the EU.
- <sup>xxii</sup> National Council for Solving Complaints (2014), Activity Report 2013.
- <sup>xxiii</sup> EurActiv (2014), Public procurement corruption in Romania, Special Report.
- <sup>xxiv</sup> European Commission (2014), DG REGIO, Annual Activity Report 2013.
- <sup>xxv</sup> Communication of the Ministry of Regional Development and Public Administration (2013), *Reforma Administrației Publice* (reform of the public administration).
- <sup>xxvi</sup> European Commission Staff Working Document (2015), Country Report Romania 2015 including an In-Depth Review on the prevention and correction of macroeconomic imbalances, COM(2015) 85 final.
- <sup>xxvii</sup> Partnership Agreement (2014) for Romania, in accordance with Articles 14 and 15 of Regulation (EU) N.1303/2013 of the European Parliament and of the Council of 17th December 2013, available at: [http://www.fonduri-ue.ro/res/filepicker\\_users/cd25a597fd-62/2014-2020/acord-parteneriat/PA\\_2014RO16M8PA001\\_1\\_1\\_ro.pdf](http://www.fonduri-ue.ro/res/filepicker_users/cd25a597fd-62/2014-2020/acord-parteneriat/PA_2014RO16M8PA001_1_1_ro.pdf)
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- <sup>xxx</sup> European Commission Staff Working Document (2014), Accompanying the document Recommendation for a COUNCIL RECOMMENDATION on Romania's 2014 national reform programme and delivering a Council opinion on Romania's 2014 convergence programme, COM(2014) 424 final.
- <sup>xxxi</sup> European Commission (2011), DG MARKT, Public procurement in Europe Cost and effectiveness.