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EXECUTIVE SUMMARY

I. **This report discusses the rationale and characteristics of the RIA Pilot Projects that are at the core of Component 3 of the World Bank Project “Strengthening the Regulatory Impact Assessment Framework in Romania”.** Pilot projects have been selected as an instrument to enhance capacities in participating ministries and to test key features of the suggested new RIA system in Romania. Pilot projects will therefore contribute to support the use of RIA in the Romanian administration and improve regulatory decision-making.

II. **Pilot projects have been designed in conjunction with the Romanian counterparts of this Project, mainly the Directorate for Coordination of Public Policies (DCPP) of the Chancellery of the Prime Minister.** Information on the way the pilot projects should be structured and the criteria for the selection of the topics have been shared with DCPP and participating ministries at due time. The Government of Romania (GoR) has formally established Working Groups (WGs) to conduct the pilot projects in each one of the participating ministries.¹

III. **Three ministries have officially engaged to participate in the RIA pilot projects.** The participating ministries are: the Ministry of Agriculture and Rural Development with the issue of food integrity; the Ministry of Regional Development and Public Administration, which will review the Housing Law, and the Ministry of Labor, Family, Social Protection and the Elderly, which will review the Apprenticeship Law.

IV. **Pilot projects follow criteria and a methodological approach that corresponds to best international practice.** Criteria include issues such as relevance, legality, necessity, proportionality, costs on businesses to be measured and engagement with stakeholders, among others. The methodology to be implemented implies an exercise in which viable options will be identified and information and data will be gathered to assess impacts, costs and benefits, in order to solve a problem and define a clear objective for intervention. The conclusion should encompass the selection of the best possible option and the RIA will provide information on implementation and monitoring of the suggested solution.

V. **The outcomes of the pilot projects are therefore threefold: strengthen capacities in participating ministries; lead to clear recommendations on the topics; and show the relevance of evidence-based decision-making.** First, they should strengthen capacities in participating ministries and contribute to create a RIA culture among regulators. Second, they should lead to clear recommendations on the topics, which mostly will be materialized in legal amendments to current laws, in the case of the Ministry of Regional Development and Public Administration and the Ministry of Labor, and a possible new intervention, in the case of the Ministry of Agriculture. Third, they should show the relevance of evidence-based decision-making, by ensuring that decisions are taken based on information, data and proper analysis of the issue in question.

¹ The orders formalizing the creating of the working groups are included in Annex 2.

I. INTRODUCTION

1. This report focuses on the RIA pilot exercises that are part of Component 3 of the World Bank Project “Strengthening the Regulatory Impact Assessment Framework in Romania”. Pilot projects have been selected as an instrument to enhance capacities in participating ministries and to test key features of the suggested new RIA system in Romania. Pilot project will therefore contribute to support the use of RIA in the Romanian administration.

2. Selected Ministries have agreed to participate in the pilot exercises. The World Bank Project has agreed with the Government of Romania (GoR) to conduct three RIA pilot projects in the following ministries: Ministry of Agriculture and Rural Development, Ministry of Regional Development and Public Administration, and the Ministry of Labor, Family, Social Protection and the Elderly.

3. The report presents the main characteristics of the pilot projects and describes the selected topics to be undertaken as part of the exercise. Pilot projects are designed to support the implementation of the new RIA system in Romania, while capacities are increased in participating ministries, in order to show the relevance of using RIA as a tool to provide evidence for decision-making. In that sense, the selection of cases was based on the relevance of the topic, the need to increase a better understanding of the issue in question and the commitment to use RIA to support further regulatory decisions in those areas.

4. Three topics have been selected by the GoR in agreement with the World Bank team to become pilot projects: the review of the Housing Law, the review of the Apprenticeship Law and the issue of food integrity. The selected topics were discussed with each one of the Ministries and they had to meet specific criteria the World Bank team has previously shared with the GoR.

5. The Ministry of Regional Development and Public Administration will be in charge of reviewing the Housing Law. The current legal framework for housing is outdated, and the Ministry of Regional Development and Public Administration has identified for some time the need to review this law. The RIA pilot project will focus on the social housing aspects of the law, which in the case of Romania represent a relevant policy area where the GoR is meant to facilitate and improve access to housing, particularly for the poor and excluded social groups.

6. The review of the Apprenticeship Law will be in charge of the Ministry of Labor, Family, Social Protection and the Elderly. The issue of apprenticeship is a relevant component of the employment policy the GoR is currently promoting to meet the targets of Europe 2020. The Apprenticeship Law was reviewed at the end of 2013, but insufficient information prevented from amending it to reach its full potential. The review will therefore concentrate on the analysis of the problem and options the GoR might have in order to promote mechanisms to ensure people can see apprenticeships as an option to continued learning.

7. The Ministry of Agriculture and Rural Development will be leading the analysis on the issue of food integrity. The problem of food integrity has been in the public discussion in Romania for several years due to the implications of food quality, consumer protection, fraud and tax evasion and public health. The issue is neither regulated in Romania nor at EU level, but raising concerns have made the Ministry of Agriculture to discuss how to handle the issue. The RIA pilot project will serve as a tool to discuss the question and potential alternatives to deal with it.

8. A detailed chronogram for each one of the pilot projects has been shared with the participating ministries in order to establish a common understanding of the whole process. The World Bank team prepared a calendar of activities, including main milestones of the process, responsibilities of each one of the involved parties and expected outcomes, which was discussed with each one of the participating ministries.

II. THE RATIONALE OF RIA PILOT PROJECTS

10. This section discusses the rationale of the RIA pilot projects in the framework of the World Bank Project “Strengthening the Regulatory Impact Assessment Framework in Romania”. RIA is a tool essential to improve the quality of the regulation, as it brings evidence to the regulatory decision-making process. However, it requires specific technical skills, which can be developed through continuous training. Pilot projects offer an opportunity to show how this can be developed, testing the suggested RIA system in Romania.

II.1 RIA as a tool for evidence-based decision-making

11. Regulatory Impact Analysis (RIA) has become in the last few decades the most widely diffused tool to implement efforts to improve evidence-based decision-making. RIA is a tool that helps decision-makers to assess the likely impacts of government interventions and measure, to the extent possible, their costs and benefits. RIA contributes to identify options and alternatives to intervene, identifying the one that is best suited to reach the objective to solve a problem.

12. Evidence-based decision-making is an integral part of the approaches to enhance predictability, improve effectiveness, minimize unintended consequences and, ultimately, increase legitimacy. It refers to an approach for making decisions that ideally is grounded in the best available research and informed by experimental data evidence from the field and relevant contextual evidence. When evidence is not used as a basis for decision-making, or the evidence that is used is poor, partial and incomplete, the risks of regulatory failures increase because of potential unjustified political and administrative discretion; capture; value judgments and biases.

13. The worldwide use of RIA may be related to the acknowledgment by governments that well designed and implemented RIA processes help improve the overall quality of decision-making. The benefits from using RIA can be summarized as follows:

- *RIA requires decisions to be taken with much stronger rigor and through a more accountable and transparent process.* The systematic process of questioning at the beginning of the policy cycle facilitates reflection on how to structure the policy-making process; identify cause-effect links and likely impacts; select and compare policy options; and consider unintended consequences. This helps reducing the risk of regulatory failures.
- *RIA allows for an outward-looking, client-oriented decision-making process.* If properly integrated with public consultation and if published in a timely and systematic way, RIAs empower economic operators and citizens and respond to their right to know the reasons for policy and regulatory choices. This contributes to minimize regulatory capture. Three immediate consequences flow from this: a more stable recognition and generalized acceptance of the performance of policy-makers; greater trust in public authorities; and higher compliance rates with regulation.
- *RIA helps shift from a legalistic to a more evidence-based approach to decision-making.* RIA facilitates co-ordination between different public policies, with an aim of highlighting trade-offs and identifying synergies. This helps achieve greater policy

coherence; break down sectoral approaches; and promote “horizontal” thinking – contributing thereby to limit regulatory inflation.

14. RIA is meant to assist policy-makers and therefore it does not substitute their decisions. The completion of a RIA report is the result of a rational policy process that should follow a number of stages forming a closed “policy-cycle” (see Box 1).

Box 1: RIA’s typical analytical steps

Typically, fully-fledged RIA analyses should unfold as follows:

- Identification and definition of the problem;
- Spelling out of the desired objective(s);
- Elaboration of the different regulatory and non-regulatory options (including the “no action” option);
- Open and public consultation with external stakeholders and experts;
- Assessment of the likely costs, benefits and distributional effects (wherever possible in quantitative terms);
- Recommendation of the preferred option; and
- Indications on the monitoring, evaluation and reporting requirements.

As a principle, the costs of regulations should not exceed their benefits – or at least be justified by the latter. The assessment may use various methodologies, such as benefit/cost analysis, cost/effectiveness analysis, business impact analysis etc.

15. It is against this background that the Project envisages reforming the current practices for evidence-based decision-making within the Romanian Government. Despite the fact that Romania integrated the use of RIA several years ago, the use of the tool remains weak in the current context. The World Bank Project aims at revising the current RIA system, providing recommendations for improvement and support the GoR to gradually introduce those changes, creating capacities within the Romanian administration and raising awareness among stakeholders.

II.2 The rationale of RIA pilot projects in the context of the World Bank Project

16. In most countries, the implementation of RIA is not an easy task, particularly when technical capacities and skills are not properly managed in the package of building a RIA system. Implementation challenges of different nature can occur at any time, and many countries have faced technical constraints in implementation that have led to failure. When governments introduce the use of this tool, attention should be given to the required capacities within regulators to undertake RIA.

17. A gradual introduction of RIA practices is therefore advisable when technical staff in regulatory institutions has not yet developed all capacities required to assess systematically likely impacts, costs and benefits of government intervention. Many countries have carefully designed programs to train regulators and developed the capacities needed to use techniques and methodologies, supporting regulators to develop data collection and consultation practices.

18. Developing a RIA training program in Romania is a medium and long-term endeavor that has to be constantly promoted within the Romanian administration. RIA

training programs are essential to support change within the administration and ensure that regulators improve over time their capacities to include evidence-based decision-making. Pilot projects can be vehicle to help designing such a program.

19. The review of the RIA system in Romania needs to include the capacity-building component as a core element to ensure RIA is seen as a relevant tool for evidence-based decision-making. Ensuring that regulators learn by-doing the preparation of a RIA, while policy decision-makers understands the relevance of this practice, is important to support the new RIA system in Romania, particularly in the context of capacities that are not properly used and a legalistic administrative and political culture.

20. Thus, developing pilot projects is a way to help some ministries to create a RIA culture, which can then be replicated among other regulators within the GoR. Pilot projects are a tool to help the GoR to show results in the use of RIA and ensure that some technical groups learn the way the new RIA system is constructed.

21. In addition, RIA pilot projects will help identify strengths and weaknesses of the new RIA system. Pilot projects will be used to test the new RIA system in Romania and this will provide useful information on what is feasible in the Romanian context, as well as to identify gaps that might require additional steps to ensure RIA is systematically used in the GoR to improve regulatory decisions.

III. INSTITUTIONAL DESIGN OF THE RIA PILOT PROJECTS

22. This section focuses on the institutional design of the RIA pilot projects in the framework of the World Bank Project “Strengthening the Regulatory Impact Assessment Framework in Romania”. It will present the main characteristics and criteria of the RIA pilot projects, as agreed with the GoR.

III.1. Main features of the RIA pilot projects

23. RIA pilot projects are the main key element of Component 3 of the World Bank Project “Strengthening the Regulatory Impact Assessment Framework in Romania”. The project includes the preparation of three RIA pilot cases in selected ministries, which will follow the new requirements of the RIA system in Romania.

24. The development of pilot projects aims to support the creation of technical capacities, to test the new RIA system and to learn from practical experience. Experimenting with concrete regulatory challenges is therefore a fundamental component of this project, as the activities attached to it should show the relevance of the use of RIA in regulatory decision-making.

25. The pilot exercises will focus on the assessment of a potential new forthcoming regulation or the review of existing ones. RIA is a tool for both ex-ante and ex-post analysis. Pilot projects will be used in case of both situations, since many regulatory areas in Romania are already regulated and a review of existing legal frameworks is essential to make possible amendments.

26. RIA pilot projects will follow a common methodological approach that is based in good international practice. RIA is a tool to take decisions and therefore it has to follow minimum methodological standards to be effective (see Box 2 for a comprehensive reference to the methodological approach when regulators conduct RIA).

Box 2. Methodological approach to RIA

The use of RIA tries to improve the understanding of real-world impact of government regulations, including both benefits and costs of action. By improving the basis for comparing the costs and benefits of different option, RIA can help establish regulatory priorities across regulations and regulatory areas. Allocating resources from less efficient interventions to more efficient ones improves effectiveness and reduces the cost of government action. RIA can be used as a common integrating framework to expose impacts and linkages among policies and to give decision-makers the capacity to weigh trade-offs. In this sense, RIA is not only an analytical tool, but a coordination tool for bringing together different interests. In addition, RIA exposes the merits of decisions and the impacts of actions. For this reason, RIA is closely linked to processes of public consultation.

Methodologies vary considerably, but a RIA is expected to provide a qualitative analysis and a quantification of impacts. Since the evolution from qualification to quantification requires important technical capacities, accurate data and proper consultation mechanisms, RIA has to be carefully structured so it does not become a simple justification of intervention. RIA should therefore follow an incremental methodological approach, and at early stages it should present at least information on the following issues:

- What are the problem to be addressed and the policy objectives of government intervention?
- What are the feasible options?
- What are the costs and benefits of those options?
- What is the preferred option and how would it be implemented and monitored?
- How is consultation with stakeholders undertaken?

Undertaking RIA might be a technically challenging exercise, and jurisdictions might provide practitioners with clear and useful methodological guidance if its benefits are to be seen in regulatory outcomes. Relevant practical issues for that include: the establishment of an appropriate threshold test to justify RIA; the selection of analytical methods, including benefit-cost analysis, break even analysis and multi-criteria analysis; the use of valuation methods; and the application of risk assessment tools.

Source: OECD (2009) *Regulatory Impact Analysis: A Tool for Policy Coherence*, OECD Publishing Paris

27. In terms of institutional design, each participating ministry should establish a formal Working Group (WG) that will take the lead in the coordination of the pilot project. Formalization is important to ensure there is political commitment at highest levels within a ministry and WG participants can commit to develop the RIA pilot project. Formalization also reflects clear assignment of time and responsibilities to participants who will need to dedicate efforts over some months to the pilot project. Coordination could be ensured through the participation of the Public Policy Units in the WG.

28. High political commitment to the pilots is essential for success. Pilot projects might show shortcomings in the decision-making process of participating ministries and ways to overcome them. Therefore, high political support and commitment is key to make the pilot project exercise a successful activity. Activities in Component 2 of this project, which deal with awareness raising will be explicitly dedicated to sensitize high-level official of participating ministries.

29. Coordination among institutions should be encouraged through the pilot projects. Each WG might be composed of a number of technical experts representing different departments or institutions, depending on the issue to be analyzed. This should encourage a multi-disciplinary perspective for the analysis, as well as strengthening institutional coordination when addressing regulatory issues that go beyond the competence of a single ministry.

30. Participating ministries will conduct the pilot projects, while the World Bank team will provide continuous and sustained technical support. Annex 1 presents the tentative calendar, responsibilities and steps of the RIA pilot projects. The WGs will be guided in the way RIA is conducted, but it is expected they would be responsible for drafting the final document resulting from the pilot project exercise.

31. One of the main purposes of the pilot project exercise is to create capacities within ministries to develop and prepare a RIA, i.e. an analysis that will be presented in the form of a “Substantiation Note”. It is therefore essential that pilot projects offer the possibility for ministries to engage and take the lead in the conduction of the pilot projects, while coaching and technical expertise to guide them in the analytical process of RIA will be provided by the World Bank team.

32. The assessment will include qualitative and quantitative aspects, which will be tested during the preparation of the pilot projects. Given the limited technical expertise to quantify costs and benefits in the current context in Romania, it is expected that quantification be limited, but it will be encouraged when feasible.

III.2. Criteria for the selection of topics

33. The pilot project will be selected based on specific criteria, such as relevance of the topic, jurisdiction of the selected ministry over the target regulation, and time-

bound characteristics, so that WGs are allowed sufficient time to conduct the analysis. A comprehensive list of criteria is presented in Box 3.

Box 3. Criteria for RIA pilot projects

The following criteria have been identified as fundamental for the selection of issues to be developed in the RIA pilot projects, considering as well the new requirements for the RIA system to be implemented in Romania:

- *Relevance.* The issue to be addressed during the pilot should be of relevance for the Ministry and should be among the topics that the Ministry intends to regulate in the near future. It should be a “real” issue that requires action from the Ministry. It would be advisable to work with issues that are in the agenda of the Ministries, so the IA process can be conducted in integrity.
- *Legality.* The regulatory issue to be discussed should be in the hands of the Ministry, even if impacts on other areas should not be excluded. It is key to improve the capacity of the Ministry to coordinate discussions with other parts of the administration.
- *Necessity.* The necessity of the intervention should be clear, as expressed by a number of possible sources, such as a clear demand from stakeholders (e.g. private sector), a regulatory gap that has been identified, or a technical issue to be solved.
- *Identification of impacts and costs.* The selected issue should involve a different range of impacts (social, economic, budgetary, etc.) and a clear imposition of costs that can be quantified. At least one of the impacts should be “significant”. The term “significant” should be defined during the review of the current IA system, and refined through the pilot projects. Given the difficulty to measure the “significance” of impacts, the initial thought should be that the potential impact will have a relevant effect on the society, particular economic sectors, SMEs, etc.
- *Involvement of stakeholders.* The issue to be discussed has to have an impact on different actors that can be invited to participate in the process, offering thus an opportunity to address shortcomings in the consultation process.
- *Time-bound.* The topic to be addressed should be framed within a maximum of a year. Thus, the pilot project should be focused and specific, so the Ministries can practice assessing a concrete regulatory issue.
- *Issues should include clear impact on cost on businesses.* One of the key areas for the pilot projects exercise is to ensure costs on businesses are proportionate. This would require some measurement of costs, which has also been undertaken by DCPD in the project on administrative burdens. It would be good to link both efforts and use the expertise gained for the pilot projects.

34. Topics to be used for pilot projects will be used to test the new requirements of the RIA system in Romania. It is expected that Romania move towards a more selected approach to conduct RIA, where emphasis is put on interventions that have the greatest impact for society and the economy. Even if some of the pilots might not fall into the category of “high impact” measures, they will be treated as such in terms of practicing and encouraging ministries to use the tool.

35. Topics for RIA pilot projects should also be discussed over a period of time that is in alignment with the time of the whole World Bank Project. Topics have to be selected keeping in mind that deadlines have to be met for the World Bank Project, and WGs and the World Bank team have to prepare working chronograms to ensure proper time management.

IV. SELECTED CASES IN PARTICIPATING MINISTRIES

36. Three ministries participate in Component 3 of the World Bank Project “Strengthening the Regulatory Impact Assessment Framework in Romania”. These are the Ministry of Regional Development and Public Administration, the Ministry of Agriculture and Rural Development and the Ministry of Labor, Family, Social Protection and the Elderly.

37. This section presents initial thoughts of the selected topics that these ministries have chosen as pilot project exercises. It presents context information of the issues to be analyzed during the pilot project phase and the rationale of selection.

IV.1 Ministry of Regional Development and Public Administration

38. The Ministry of Regional Development and Public Administration has selected the review of the Housing Law (Law 114/1996) as pilot project. The Housing Law has been in force for several years and there have been some attempts to review it, as the context has changed in the last few years, but without any success. Some initial analysis have been conducted as part of those efforts and the WG that has been appointed to be in charge of the pilot project has participated in these previous attempts, which ensures that the historical memory of the ministry on this issue will be preserved.

39. The review of the Housing Law has now acquired political attention. The Housing Law has been selected due to its high relevance at the national level and the need to coordinate with the upcoming revisions to the Housing Strategy to be developed during 2014 in collaboration with the World Bank. In addition, there is commitment to pass the recommendations from the pilot project for review to Parliament.

40. In particular, the issue of social housing will be the focus of the pilot project. Social housing is a relevant topic for Romania, as housing demand has increased in the last few decades and the GoR has committed to facilitate access to housing. The current legal framework, however, does not provide adequate opportunities in terms of accessing social housing.

41. The definition of social housing in the current law is not well established. The law does not specify if social housing is meant for poor people or vulnerable groups. This makes it difficult to find the adequate mechanisms to provide access to housing to different groups. An accurate definition might be one of the issues to be solved as part of the problem definition in the RIA pilot project.

42. In addition, the objective of government intervention needs to be carefully defined, as well as the identification of regulatory options. The pilot exercise might help the ministry to clearly define what the objective of the law should be. In addition, it will facilitate the analysis of different options to achieve such an objective. The analysis should help identify what the best option is and assess how to implement it.

IV.2 Ministry of Agriculture and Rural Development

43. The Directorate of Food Policy of the Ministry of Agriculture and Rural Development identified the issue of food integrity as a topic for conducting a RIA. The issue of food integrity is not currently regulated in Romania, but there were in the past some

regulations that dealt with this issue. At the EU level, the issue is not regulated, but some European countries have addressed it in different ways.

44. Recent international cases have made the issue of food integrity relevant for regulatory purposes. Some examples in Europe, particularly the case of horsemeat in hamburgers, have revealed that businesses not always behave honestly and fraud exists in the food industry. This issue is not uncommon in Romania, where the Ministry of Agriculture and Rural Development has detected this problem for several years. However, the lack of a clear regulatory framework that provides a framework for a proper inspection regime and the lack of infrastructure, such as laboratories dedicated to detect this fraud, have contributed to increase this problem.

45. Food integrity poses serious challenges for human health and consumer protection. Despite the fact that information provided in labels offers an indication of the ingredients of food products, there is a clear vacuum on the certitude of the ingredients, and their quantity, that are in each product. Information is not always accurate neither sufficient. This issue does not refer to the formula of products, which is important to be preserved in the food industry, but it has to do with the integrity of the product and the quantitative and qualitative information that consumers get to ensure that they buy a safe product that does not impose risks to human health.

46. Thus, food integrity is a relevant case for a RIA analysis, as there are clear impacts to be assessed and options to be analyzed to solve or mitigate the problem. The WG in charge of this pilot project will involve other institutions, such as the Ministry of Health and the Agency for Health Protection. Furthermore, interactions with stakeholders, both the private sector and consumer associations, will be needed to ensure proper understanding of the issue and discussion of viable solutions.

IV.3 Ministry of Labor, Social Protection and the Elderly

47. The Ministry of Labor, Family, Social Protection and the Elderly has selected the review of the Apprenticeship Law (Law 279/2005) as an issue for the pilot project exercise. The Apprenticeship Law has been modified in November 2013 (HG 855/2013) after several years of implementation of the original law. This means that the review will be shortly after implementation, which might not provide all evidence for impacts, but it has already showed important shortcomings.

48. Authorities have emphasized that the Apprenticeship Law is a key element of Romania's strategy for achieving the Europe 2020 target on employment. In this context, the results of the pilot project could be used to assess the law's effectiveness for increasing private sector hiring through the apprenticeship programs sponsored by the government, and provide recommendations to amend the existing law.

49. The Apprenticeship Law has been discussed in Romania, but interaction with stakeholders at the time of its review was not adequate. The Ministry of Labor, Family, Social Protection and the Elderly suggested that consultation took place but mostly in a formal way. Getting inputs from the private sector is essential to find viable solutions that can support the implementation of such a proposal. In addition, information to young people is necessary to explain to them the opportunities offered through apprenticeships. Linkages to vocational training policies have to be also sought to ensure that apprenticeships are a viable mechanism to long-life learning policies and improve job creation.

V. CONCLUDING REMARKS

50. The preparation of pilot projects will be a key component of the World Bank Project “Strengthening the Regulatory Impact Assessment Framework in Romania”. Pilot projects are a tool to help the GoR to introduce the use of RIA while creating capacities within key ministries and raising awareness about the relevance of the tool for evidence-based decision-making.

51. Pilot projects have been designed in agreement with the GoR. The GoR has actively participated in the selection of the topics to be used for pilot projects and has committed to set up WGs dealing with the issues in each one of the participating ministries. WGs have been officially formalized and members identified in each one of the ministries, which includes the commitment to dedicate time and resources along the development of the World Bank Project.

52. Pilot projects meet methodological standards and criteria based on good international practices. Pilot projects have been designed to bring best practice for regulatory interventions. Capacity-building activities for the participating WGs are meant to develop high quality outcomes.

53. Pilot projects will help use and review the suggested new RIA system in Romania. The World Bank Project has revised the current RIA system and made suggestions for improvement, which have been agreed on by the GoR. Pilot projects should contribute to test the new features of the RIA system and provide an opportunity to identify further gaps, strengths and weaknesses.

54. The development of the pilot projects is in alignment of the EU Better Regulation agenda. RIA is a key tool for regulatory improvement that has actively been promoted by the European Commission in the last few years. EU Member countries are committed to that agenda. In that sense, pilot projects contribute to best practice for regulatory quality in Romania, in addition to meet expectations of the ex-ante conditionalities the GoR has agreed on with the European Commission. RIA has been part of the efforts to improve the quality of regulatory interventions in Romania and this World Bank Project actively contributes to achieve this goal.

ANNEX 1 – PILOT PROJECTS: TIMETABLE, MAIN STEPS AND RESPONSIBILITIES

The following table contains the main steps, responsibilities and timeline for the RIA pilot projects to be developed in the framework of the World Bank Project “Strengthening the Regulatory Impact Assessment Framework in Romania”.

| Activities | Date | Comments |
|--|---------------------------|---|
| Identification of the topic | June | DCPP and Ministry identify an issue that is potentially subject to a RIA. WB discusses with Ministry and DCPP and they make an agreement on the issue to be developed as a pilot project for the suggested new RIA system. |
| Formal constitution of the WG | July | DCPP formalizes with the Ministry the constitution of a Working Group (WG) that is going to be responsible for developing the pilot project in the Ministry. The following people could compose the WG: representatives from the technical department in charge of the issue, a representative of the PPU, a representative from the legal department, a representative from the budget department, representatives from other relevant ministries or institutions. The PPU might be the coordinator of the WG. Two people from DCPP will follow up the work of the WG and participate as part of it. |
| Preparation of initial materials, compilation of legal framework | August | The WG meets and collects relevant materials on the topic, such as legal basis, existing reports or analysis on the issue, relevant data that could be used for the analysis. |
| RIA basic training | September | Participants of the WG attend a RIA basic training |
| Definition of the problem and objectives Identification of alternatives | September October | In September, the WG will have different discussions with the WB consultants on the definition of the problem, objectives of government intervention and the identification of alternatives that can be analyzed to solve the problem. The WB will provide technical guidance and additional training, if needed, to the WG in order to define properly the problem and identify the different alternatives that are at hand to solve it. |
| First draft of the Substantiation Note | October | The WG prepares a first draft of the substantiation note on the problem definition, objectives of government intervention and alternatives identified. WB consultants will review the draft and they will be helping the WG in the proper elaboration of the note. |
| Data collection | September October | The WB will provide technical guidance to the WG on data collection and consultation with stakeholders through various meetings (for instance, which data are required, which strategies could be used for consultation, the preparation of certain tools, such as questionnaires or surveys, etc.). The WG will be responsible for getting data (when it exists) and creating data (when possible) so the analysis can be conducted. No additional resources will be added to the existing in the Ministry for these purposes. The WB will hold several meetings with the WG to ensure and |
| Consultation with stakeholders | October November December | |

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| | | support in the use of techniques and tools. |
| Analysis on impacts - SMEs Test - Competition assessment - Budget impacts | December January February | The WB will provide technical assistance and guidance to the WG on the analysis on impacts and quantification of impacts through various meetings, when possible and pertinent. This might include additional training, support in the quantification efforts, identification of costs and benefits, measurement of costs and benefits (if sufficient data is available). |
| Second draft on the Substantiation Note | March | The WG prepares a second draft of the substantiation note that will include, in addition to the elements of the first draft, the analysis conducted on the different options, integrating the various types of analysis on impacts, if required. The WB will provide guidance on the drafting and quality control. |
| Conclusion, implementation and monitoring | April | The WB and WG will discuss the results of the analysis to establish a conclusion of the best option available and the way it should be implemented and monitored. The WB will provide support and guidance in this part of the process and will help the WG to define indicators to monitor the implementation of the best option. |
| Final Substantiation Note | May | The WG will prepare the final substantiation note, which will include the results of all steps conducted over time. The WB will provide support and guidance on how the substantiation note should be drafted, comments on the way the report has been drafted and quality control of the final product. |

ANNEX 2: ORDERS FORMALIZING THE CREATION OF THE WORKING GROUPS WITHIN LINE MINISTRIES

I. THE MINISTRY OF AGRICULTURE AND RURAL DEVELOPMENT

ORDER

on the establishment of the working group for implementation of the project “Ministry capacity-building for preparing economical and financial analyses in order to support the process of formulating the relevant public policies for scheduling and implementing the structural instruments”

No. 1222 of 25.07.2014

Considering the approval report No. / 2014 of the Directorate General for Food Industry and the notification of the Chancellery of the Prime Minister No. 817/30.06.2014;

- pursuant to art. 7, par. (5) of Government Decision No. 725/2010 on the reorganization and functioning of the Ministry of Agriculture and Rural Development as well as several subordinated structures, as subsequently amended,

Vice prime minister, the minister of agriculture and rural development issues this

ORDER

Art. 1 - We approve the establishment of the working group for implementation of the project “Ministry capacity-building for preparing economical and financial analyses in order to support the process of formulating the relevant public policies for scheduling and implementing the structural instruments”, project financed by OPTA and to be carried out during the period 2014-2015, having the following members:

- **Viorel MORARESCU** – general manager, Directorate General for Food Industry;
- **Maria SERBAN** – general manager, Directorate General for Budget, Finance and European Funds;
- **Paula Daniela URSU** – manager, Directorate for Implementation and Strategies in the Food Industry;
- **Cosmin CERNAT** – manager, Directorate General for Human Resources Management and Legal;
- **Dana GAFITIANU** – public manager, Public Policy Unit;
- **Viorica BOBOC** – senior adviser, Directorate General for Food Industry;
- **Elena ROMAN** – legal adviser, Directorate General for Food Industry;
- **Elena DINU** – European affairs adviser, Directorate General for Food Industry;
- **Adrian DOBRESU** – senior adviser, Directorate General for Food Industry;
- **Odette ZAMFIR** – legal adviser, Directorate General for Human Resources Management and Legal.

Art. 2 – Mr. Dumitru Daniel Botanoiu, a Secretary of State within the Ministry of Agriculture and Rural Development, shall be the representative at decisional level for coordinating the implementation of the project within the ministry.

Art. 3 – The working group established at technical level shall ensure the implementation of the project activities with the support of experts from the World Bank and the Chancellery of the Prime Minister.

Art. 4 – The working group shall be technically coordinated by the Public Policy Unit, represented by Ms. Dana Gafitianu, public manager.

Art. 5 – The main component of the project shall be aimed at the ministry capacity-building for achieving impact analyses and preparing a pilot project on the following topic: substantiation of a regulation on the quality and integrity of food products.

Art. 6 – The working group shall meet as many times as necessary, depending on the requests of the Chancellery of the Prime Minister.

Art. 7 – The technical secretariat shall be ensured by the Directorate General for Food Industry, represented by Ms. Elena Dinu, European affairs adviser.

Art. 8 – The beneficiary of the project shall be the Chancellery of the Prime Minister.

**VICE PRIME MINISTER,
MINISTER**

Daniel CONSTANTIN

II. THE MINISTRY OF REGIONAL DEVELOPMENT AND PUBLIC ADMINISTRATION

ORDER

No. of

on the establishment, organization and functioning of the Technical Working Group for substantiation of the draft housing law

Considering the obligations of the Ministry of Regional Development and Public Administration resulting from the role of pilot ministry within the project “*Ministry capacity-building for preparing economical and financial analyses in order to support the process of formulating the relevant public policies for scheduling and implementing the structural instruments*”, implemented by the Chancellery of the Prime Minister, with the support of the World Bank experts by the Operational Program for Technical Assistance, code SMIS 44000,

Taking into account the notification of the Chancellery of the Prime Minister No. 817/30.06.2014, registered with MDRAP under No. 49661/03.07.2014, requesting the establishment, by Order of the minister, of a *Technical Working Group for substantiation of the draft housing law*,

Pursuant to art. 3, letters a), b) and d), as well as art. 7 of Government Decision No. 1/2013 on the organization and functioning of the Ministry of Regional Development and Public Administration, as subsequently amended,

**Vice prime minister,
the minister of regional development and public administration issues this
ORDER:**

Art. 1 – (1) As of the date hereof, we approve the members of the Technical Working Group for substantiation of the draft housing law, as provided in Annex No. 1.

(2) As of the date hereof, we approve the General Duties of the Technical Working Group for substantiation of the draft housing law, as provided in Annex No. 2.

(3) As of the date hereof, we approve the Action Plan as provided in Annex No. 3.

Art. 2 – The Human Resources Department within the Directorate General for Financial Management, Human Resources and Procurement shall communicate this order to the persons nominated to be part of the Technical Working Group for substantiation of the draft housing law, who are to fulfil the provisions hereof.

**VICE PRIME MINISTER,
MINISTER OF REGIONAL DEVELOPMENT AND PUBLIC ADMINISTRATION**

LIVIU NICOLAE DRAGNEA

**Sirma CARAMAN
SOARE**

Cezar-Radu

**Secretary of State
State**

Secretary of

Marian NICULESCU

Secretary General

Mihaela DINCĂ

Mihai BUSUIOC

Deputy Secretary General

Deputy Secretary General

Ionela VASILE

**General Manager,
Directorate General for Approval, Litigation, Relation with the Parliament and Social
Dialog**

Diana Doina ȚENEĂ

Melania RUSNAC

**General Manager,
Directorate General for Regional
Financial,
Development and Infrastructure
Procurement**

**General Manager,
Directorate General for
Management, Human Resources and**

Jana MITROI

**Manager,
Directorate for Human Resources**

Monica Beatrice CĂLIN

**Coordinator,
Public Policy Unit**



EUROPEAN UNION



GOVERNMENT OF ROMANIA

Structural Instruments
2007 - 2013

Annex No. 1 to MDRAP Order No. /07.2014

Members of the Technical Working Group for substantiation of the draft housing law

| No. | SURNAME, Given name | Position, structure | Role within the Working Group |
|-----|-------------------------|---|----------------------------------|
| 1. | CARAMAN Sirma | secretary of state | chairman of the Working Group |
| 2. | GINAVAR Anca Ileana | head of service, DT/DGDRI | full-fledged member |
| | GHERCĂ Teofil Oliver | assessment-review adviser, DPS/DGDRI | alternate member |
| 3. | GHINEA Bogdan | assessment-review adviser, DPS/DGDRI | full-fledged member |
| | SĂVESCU Alina | assessment-review adviser, DPS/DGDRI | alternate member |
| 4. | BĂLAN Cătălin | manager public, DGACRPDS | full-fledged member |
| | NEAGU Cosmin | assessment-review adviser, DGACRPDS | alternate member |
| 5. | SACHELARI Oana | head of service, DBFC/DGDRI | full-fledged member |
| | LAZĂR Carmen | head of service, DAP/DGMFRUA | alternate member |
| 6. | Simion Ioana | manager, ANL | full-fledged member |
| | MOLDOVAN Cătălina | head of service, ANL | alternate member |
| 7. | COCOȘ Carmen | building inspector, ISC | full-fledged member |
| | DUMITRESCU Victor | building inspector, ISC | alternate member |
| 8. | Florin DEMIAN | public manager, UPP | full-fledged member |
| | Marius CĂLIN | assessment-review adviser, UPP | alternate member |
| 9. | Viorela KOVACS | manager public, UPP | full-fledged member |
| | Monica CĂLIN | public manager, coordinator UPP | alternate member |

ORGANIZATIONAL AND OPERATIONAL RULES OF THE TECHNICAL WORKING GROUP FOR SUBSTANTIATION OF THE DRAFT HOUSING LAW

I. General provisions

Art. 1 The technical working group for substantiation of the draft housing law, hereinafter TWGHL, was established under the Ministry of Regional Development and Public Administration (MDRAP), as a result of the recommendations proposed by the Chancellery of the Prime Minister (CPM) by notification No. 817/30.06.2014, registered with MDRAP under No. 49661/03.07.2014, for implementation of the activities within the project “*Ministry capacity-building for preparing economical and financial analyses in order to support the process of formulating the relevant public policies for scheduling and implementing the structural instruments*”.

Art. 2 The TWGHL’s role consists of preparing the recitals for the draft housing law, recitals substantiated according to the national and EU standards on the preliminary regulatory impact assessment.

II. Management of the TWGHL

Art. 3 - (1) The management of the TWGHL is ensured by a chairman ranking as secretary of state, nominated to coordinate the implementation of the project specified at art. 1 at MDRAP level.

(2) In the absence of the chairman, the TWGHL meetings can be coordinated by the general manager of the Directorate General for Regional Development and Infrastructure (hereinafter DGRDI), or by the person appointed by him/her, or by another person, holding a management position, appointed by the chairman.

III. Duties of the chairman of the TWGHL

Art. 4 The chairman of the TWGHL shall have the following main duties:

- a) supervising and supporting the group’s activities;
- b) monitoring the activities of the Action Plan proposed by CPM, in collaboration with the WB officials and proposing new actions, depending on the situation, in order to effectively carry out the Housing Law substantiation process;
- c) calling the members of the TWGHL, through UPP, at least two days prior to the meeting;
- d) deciding upon the agenda of the working meetings and granting the floor within TWGHL meetings, ensuring the good progress thereof;
- e) deciding upon the participation in TWGHL meetings of other officials within or outside the ministry, whose presence is required for clarifying the issues on the agenda of the meeting;
- f) signing the minutes of the meetings;
- g) following the compliance with the steps adopted by TWGHL in the working meetings and deciding upon actions required for the compliance thereof;
- h) informing the minister with regard to the activities carried out by TWGHL, at his/her explicit request, or whenever the situation requires it;

- i) representing the TWGHL in its relation with the DCPD within the CPM, with similar bodies of other ministries and with government and non-government bodies, in Romania or abroad, in order to fulfil the purpose for which the TWGHL was established.

Art. 5 TWGHL shall be coordinated by the Public Policy Unit (UPP), in collaboration with the specialized technical directorate initiating the preparation of the draft housing law – Directorate General for Regional Development and Infrastructure – by its designated officials.

IV. General duties of the members of the TWGHL

Art. 6 For substantiating the draft housing law, the TWGHL shall have the following duties:

- a) supporting the implementation of the process deriving from the substantiation of the draft housing law, in collaboration with WB experts, by specific advisory activities, as well as by specific expertise in the area of data quantification, of review methodology etc.;
- b) proposing a common working approach between the different structures involved in this working group, in order to correlate the information, data, reviews to be prepared;
- c) participating in the preparation of points of view on the items subject to consultation;
- d) following that the objectives agreed within TWGHL meetings are fulfilled and proposing actions required in case of failure to fulfil such objectives;
- e) participating in the trainings organized by the CPM, DCPD, in collaboration with external experts;

V. Specific duties of the members of the TWGHL

Art. 7 UPP shall ensure that the process is coordinated at organizational and planning level, by carrying out the following activities:

- **at organizational level:**

- a) calling the members of the TWGHL at the request of the chairman, of CPM officials or WB officials or the management person appointed by the chairman;
- b) contributing to the organization of the TWGHL meetings and attending such meetings;
- c) with the support of the officials of the targeted specialized structures, preparing the documents necessary for carrying out the TWGHL meetings and sending them in electronic format to the members of the working group;
- d) drafting the minutes of the TWGHL meetings, which it shall send in their final form in electronic format to the Group members and in a printed format to the chairman; the minutes can be previously subject to consultation with the participants in the TWGHL meetings, in order to be completed with other elements that were missed;

- **at planning level:**

- a) contributing to the preparation of points of view with regard to establishing the problem, establishing the indicators or other aspects, according to its powers set out in the organizational and operational rules;
- b) carrying out, with the support of the concerned stakeholders, sending or monitoring, as applicable, the proposals of the TWGHL and the orders of its chairman;
- c) ensuring, together with the DGDRI officials, that the activities set out in the Action Plan shall be carried out according to their timeline.

Art. 8 The designated DGDRI officials shall ensure that the process is coordinated at technical level/ methodological expertise level in the housing area, by carrying out the following activities:

- a) Collecting the information/ data necessary for substantiating the draft housing law;
- b) Ensuring the integrating role of technical information, in the housing area;

- c) Submitting to consultation, to the concerned stakeholders – the resulting documents/ impact analysis related to the draft housing law, receiving previously the support of WB experts;
- d) Supporting the UPP in the process of implementation of the activities/ actions prepared at the level of the DCPD within the CPM, as set out in the Action Plan, or of other activities that can appear along the way, in the process of preparation of the impact analysis for the draft housing law;
- e) Moderating the discussions within the WG;

VI. Relational scope of the TWGHL

Art. 9 TWGHL shall be subordinated to the vice prime minister, the minister of regional development and public administration.

Art. 10 TWGHL shall cooperate with the directorates/ structures/ units within the ministry, as well as with those subordinated to/ coordinated by/ under the authority of MDRAP, and/ or other institutions, as the case may be, in order to fulfil its purpose.

Art. 11 TWGHL shall establish functional relations with the Secretariat General of the Government, the Chancellery of the Prime Minister, the World Bank, with similar bodies of ministries/ authorities/ public institutions and can establish relations of cooperation with various Romanian or foreign bodies in order to fulfil its purpose.

VII. Final provisions

Art. 12 TWGHL shall be in charge with implementing the general stages set out in the Action Plan. Depending on the situation, other endeavors and activities can also be made/ carried out, in order to complete the impact analysis for the draft law.

Action Plan for substantiating the draft housing law

| Activities | Period | Activities |
|--|---|---|
| Identifying the topic to be assessed | June 2014 | The Chancellery of the Prime Minister by the Directorate for Programs and Policy Coordination (CPM-DCPP) and MDRAP shall identify a matter of interest that can be subject to RIA. The World Bank (WB) shall discuss with the ministry and DCPD in order to reach an agreement on the matter to be developed as pilot project for the new system proposed for RIA. |
| Formally establishing the Working Group | July 2014 | DCPP shall formalize together with the ministry the establishment of the Working Group (WG) in charge with developing the pilot project within MDRAP. The following might be part of the WG: 2 technical employees with duties on the analyzed matter from the DGDRI, one official of ANL and ISC, one official of the Ministry of Labor with duties on social housing, one official of UPP, one official of the legal structure and one official of the financial structure. UPP might coordinate the WG. Two persons within DCPD shall be part of the WG and shall monitor its activity. |
| Preparing the initial materials, compiling the legal framework | August 2014 | The WG shall meet and collect relevant materials for the matter, like: legal basis, existing reports or analyses, other relevant information that can be used for performing the analysis. |
| RIA basic training | September 2014 | The WG members shall participate in the RIA basic training. |
| Defining the problems and objectives Identifying the alternatives | September October 2014 | In September, the WG shall have discussions with WB advisers on defining the problems, government intervention objectives and identifying the alternatives to be analyzed in order to solve the problem. The WB shall provide technical guidance and additional training, if necessary, for the WG, for correctly defining the problem and identifying various alternatives for solving such problem. |
| First draft Substantiation Note | October 2014 | The WG shall prepare the first draft Substantiation Note encompassing the definition of the problem, the government intervention objectives and the alternatives identified. The WB shall review the first draft and shall assist the WG in achieving the final draft. |
| Collecting data | September October 2014 | The WB shall provide technical guidance for the WG, in terms of collecting data and consultations with the stakeholders by various meetings (e.g. what data is necessary, what assessment instruments, like questionnaires, studies, etc.). The WG shall be responsible for obtaining the data (when available) or generating the data (depending on the possibilities), for achieving the analysis. No resources shall be used in addition to those already existing within MDRAP. The WB shall organize a number of meetings with the WG in order to provide support in using the technical and analysis instruments. |
| Consulting the stakeholders | October November December 2014 | |
| Impact analysis (budgetary, social, etc.) | December 2014 - January February 2015 | The WB shall provide guidance and advisory services to the WG for achieving the impact analysis through the meetings, whenever possible and required. This might include additional training, support in quantifying the data, identifying the costs and benefits, measuring the costs and benefits (if sufficient information is available). |
| Second draft Substantiation Note | March 2015 | The WG shall prepare a second draft Substantiation Note which shall include, in addition to the elements of the first draft, the analysis achieved for different options, integrating also the impact analysis/analyses. The WB shall provide assistance in achieving the draft and the document quality control. |

| | | |
|--|------------|---|
| Conclusion, implementation and monitoring | April 2015 | The WB and the WG shall discuss the results of the analysis in order to establish the best option as well as on the options of implementation and monitoring thereof. The WB shall assist the WG in defining the indicators for monitoring the implementation of the best option. |
| Final Substantiation Note | May 2015 | The WG shall prepare the final form of the Substantiation Note, which shall include the results obtained further to achieving all the previous stages. The WB shall provide assistance on how the final draft Substantiation Note should be achieved as well as a quality control on the final deliverable. |

III. MINISTRY OF LABOR, FAMILY, SOCIAL PROTECTION AND ELDERLY

ORDER No. 1623 of 06.08.2014

approving the members of the technical working group ensuring the implementation of the activities carried out, at the Ministry of Labor, Family, Social Protection and Elderly level, from the pilot project of the Chancellery of the Prime Minister “Ministry capacity-building for preparing economical and financial analyses in order to support the process of formulating the relevant public policies for scheduling and implementing the structural instruments, Component Ministry capacity-building for achieving impact analyses and preparing pilot projects”, pilot project *Interim assessment of enforcement of the apprenticeship legislation and formulating recommendations for an improved implementation thereof*

The Minister of Labor, Family, Social Protection and Elderly appointed pursuant to the Decree of the President of Romania No. 261/05.03.2014 on dismissal and appointment of members of the Romanian Government:

Considering:

- the notification of the Chancellery of the Prime Minister No. 817/30.06.2014;
- the nomination notifications from DPOFP No. 1580/04.08.2014, ANOFM No. 11307/CB/01.08.2014, DEF No. 1273/05.08.2014, DJCLM No. 1686/04.08.2014;

Pursuant to art. 18 par. (3) of Government Decision No. 344/2014 on the organization and functioning of the Ministry of Labor, Family, Social Protection and Elderly, and amending some legislative acts, the minister of labor, family, social protection and elderly issues the following:

ORDER

Art. 1 – We approve the members of the technical working group, hereinafter the working group, which shall ensure the implementation of the activities carried out, at the Ministry of Labor, Family, Social Protection and Elderly level, from the pilot project of the Chancellery of the Prime Minister “Ministry capacity-building for preparing economical and financial analyses in order to support the process of formulating the relevant public policies for scheduling and implementing the structural instruments, Component Ministry capacity-building for achieving impact analyses and preparing pilot projects”, pilot project Interim assessment of enforcement of the apprenticeship legislation and formulating recommendations for an improved implementation thereof, as provided in the annex hereto.

Art. 2 – Mr. Levente-Akos Horvath, Secretary of State, is appointed as coordinator for implementation of the pilot project “Interim assessment of enforcement of the apprenticeship legislation and formulating recommendations for an improved implementation thereof” carried out at the Ministry of Labor, Family, Social Protection and Elderly level.

Art. 3 (1) The working group shall ensure the implementation of the project activities with the support of the World Bank experts and of the Chancellery of the Prime Minister experts.

(2) The working group shall be technically coordinated by the Directorate for Endorsement and Relation with the Parliament – Endorsement and Public Policy Integration Service.

(3) The technical secretariat shall be ensured by the Directorate for Employment and Professional Training Policies, as specialized directorate implementing the pilot project.

THE MINISTER,
Rovana Plumb,
(Signature and Seal)

MEMBERS

of the technical working group ensuring the implementation of the activities carried out, at the Ministry of Labor, Family, Social Protection and Elderly level, from the pilot project of the Chancellery of the Prime Minister
“Ministry capacity-building for preparing economical and financial analyses in order to support the process of formulating the relevant public policies for scheduling and implementing the structural instruments, Component Ministry capacity-building for achieving impact analyses and preparing pilot projects”,
pilot project *Interim assessment of enforcement of the apprenticeship legislation and formulating recommendations for an improved implementation thereof*

| Full name | Position | Directorate/Institution | Contact information |
|-----------------------------|----------------------------------|---|---|
| Mr. Levente-Akos Horvath | Secretary of State – Coordinator | Ministry of Labor, Family, Social Protection and Elderly (MMFPSPV) | Tel./fax: 3110580/869 levente.horvath@mmuncii.ro |
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| | | | |
|-----------------------|-----------------|--|---|
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Titlul proiectului: Consolidarea cadrului de evaluare a impactului reglementărilor în România

Title of the project: Strengthening the Regulatory Impact Assessment Framework in Romania

Editor: Secretariatul General al Guvernului României/ General Secretariat of the Romanian Government

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