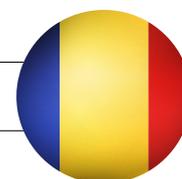


Indicators of Regulatory
Policy and Governance
EUROPE 2022

Romania





Romania

Overview and recent developments

Romania has gradually developed its regulatory policy since the early 2000s. While Law 24/2000 on drafting legal acts set out an initial obligation to identify the impacts of draft regulations, the requirements for RIA have been further refined in Government Decision no. 1361 issued in 2006. According to these provisions, all regulations are required to be accompanied by an explanatory note, describing the rationale and assessing the impacts of the draft proposal. Additionally, Romania introduced in 2006 a template for assessing the impacts during the development of public policy initiatives, including regulatory initiatives and published guidance on RIA in 2016. Since 2020, Romania has begun publishing yearly reports on the performance of the RIA system, which includes data on the percentage of RIAs that comply with formal requirements and guidelines.

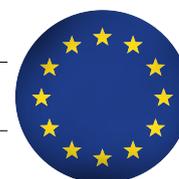
Nevertheless, challenges in the implementation of RIA remain. In practice, the quality of explanatory notes varies and the actual assessment of impacts is not always conducted. Romania should strengthen its oversight of RIA to ensure that RIA can effectively inform policy makers on the costs and benefits of different policy options.

Romania does not have central oversight of the quality of RIA in place, but some ministries, such as the Ministry of Finance or the Ministry of Justice, review specific sections of explanatory notes as part the endorsement procedure of regulations. In addition, the Group for Assessing the Economic Impact of Normative Acts on SMEs (GEIEAN) – located within the Ministry of Economy, Energy, and Business Environment – is in charge of ensuring the quality and coherence of regulation affecting SMEs. GEIEAN reviews the application of the SME test in rulemaking as well as the quality of RIA and of stakeholder engagement pertaining to regulatory impacts on SMEs and can issue endorsements as well as recommendations. The

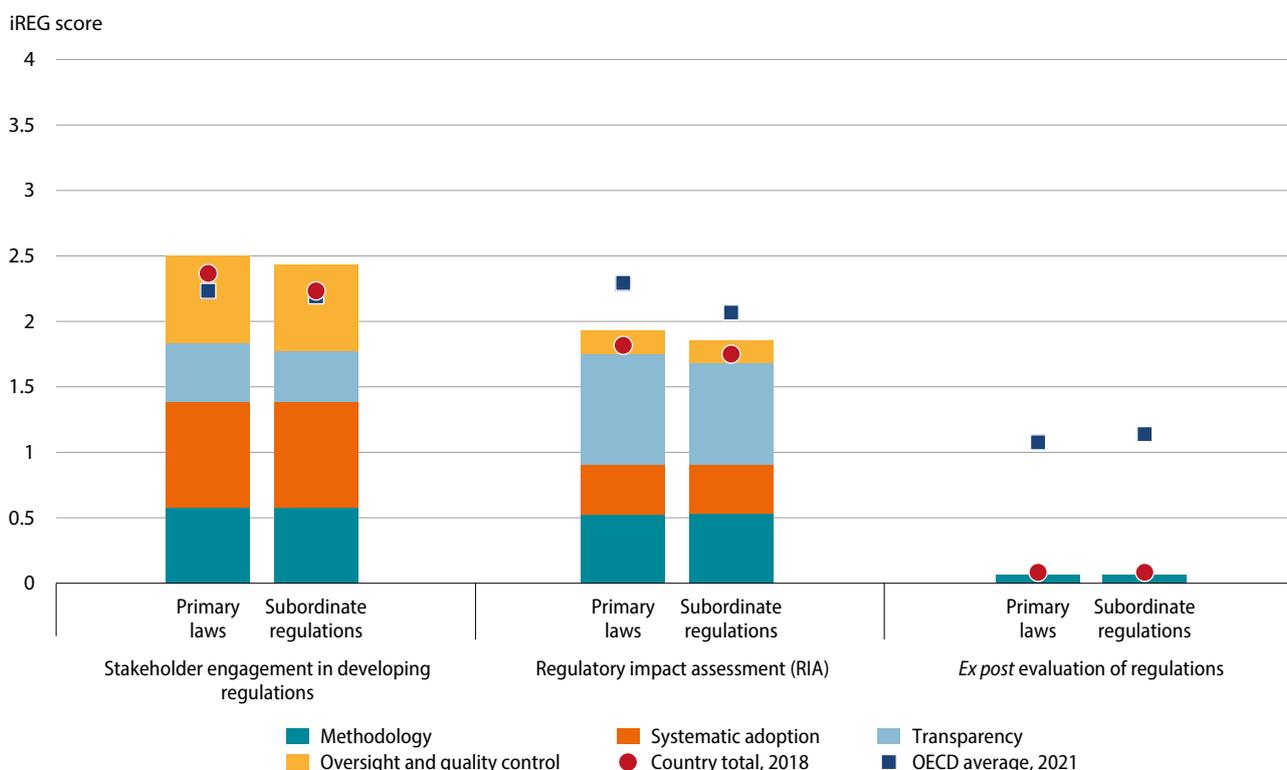
Department for Coordinating Policies and Priorities (DCPP) has not performed core oversight functions for the past four years. It has however co-ordinated the review of the RIA performance system as well as the publication of the yearly report and it continues to lead the development of the Romanian RIA system.

Regarding stakeholder engagement, Law no. 52/2003 requires ministries to publish all regulations for comments on their websites. Romania updated its central consultation portal in 2019 which is now more frequently used. However, the minimum period for submitting comments is only ten days. The consultation portal also redirects members of the public to public consultations held by the European Commission. Romania recently began publishing yearly reports on the performance of consultation practices on draft laws and regulations.

Romania lacks a systematic approach for reviewing existing regulations. *Ex post* evaluation is conducted on an *ad hoc* basis by ministries and there is neither methodological guidance nor a requirement for the periodical review of existing regulations. Romania would benefit from systemising *ex post* evaluation to inform the development of new policies and to assess whether existing laws and regulations are meeting their objectives.



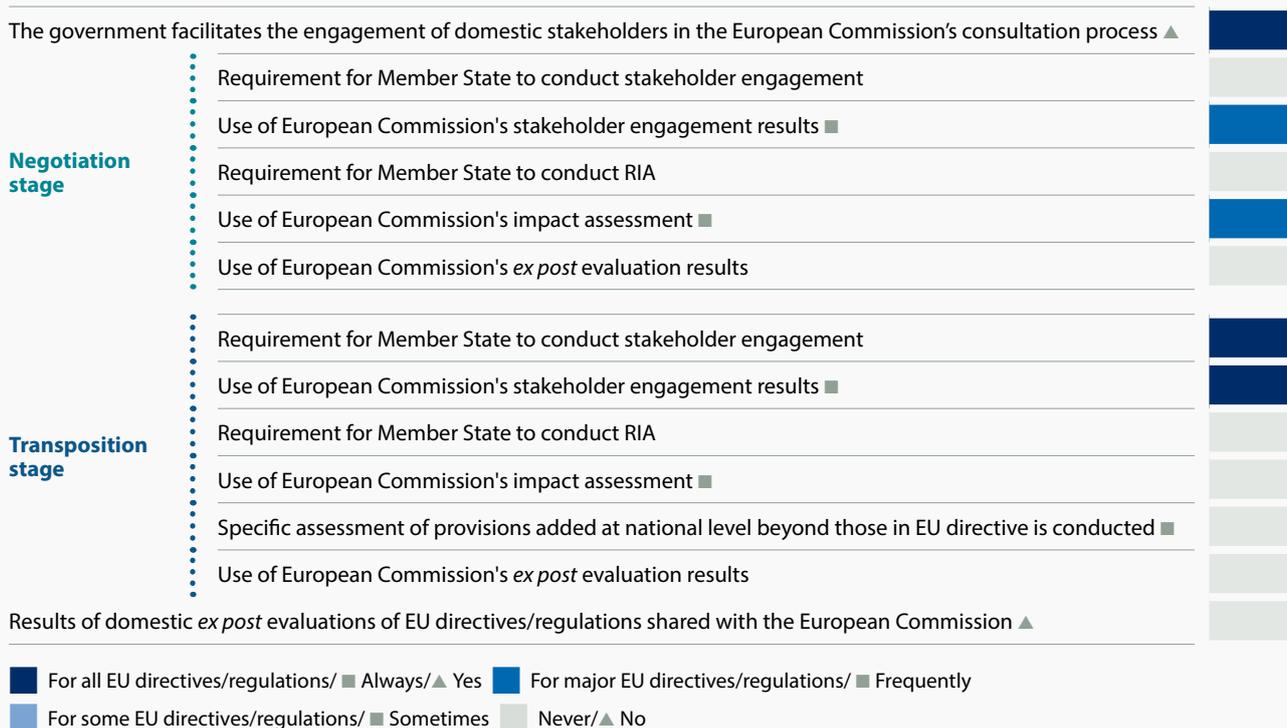
INDICATORS OF REGULATORY POLICY AND GOVERNANCE (iREG): ROMANIA, 2021



Note: The more regulatory practices as advocated in the *OECD Recommendation on Regulatory Policy and Governance* a country has implemented, the higher its iREG score. The indicators on stakeholder engagement and RIA for primary laws only cover those initiated by the executive (63% of all primary laws in Romania).

Source: Indicators of Regulatory Policy and Governance Surveys 2017 and 2021, <http://oe.cd/ireg>.

REQUIREMENTS TO USE REGULATORY MANAGEMENT TOOLS FOR EU-MADE LAWS: ROMANIA



Source: Indicators of Regulatory Policy and Governance (iREG) Survey 2021, <http://oe.cd/ireg>.

THE OECD REGULATORY INDICATORS SURVEY AND THE COMPOSITE INDICATORS

The data presented in the *Better Regulation Practices across the European Union 2022* report are the results of the 2014, 2017, and 2021 indicators of Regulatory Policy and Governance (iREG) surveys. The results from these surveys for OECD member countries as well as the European Union have also been presented in the 2015, 2018, and 2021 OECD Regulatory Policy Outlooks. Composite indicators and country profiles for the five EU countries that are not members of the OECD were published for the first time and are based on the data from the 2017 and 2021 iREG surveys.

The Regulatory Indicators Survey investigates in detail three principles of the *2012 OECD Recommendation of the Council on Regulatory Policy and Governance*: stakeholder engagement, regulatory impact assessment (RIA) and *ex post* evaluation. Three composite indicators were developed based on information collected through the surveys for these areas. Each composite indicator is composed of four equally weighted categories:

- **Systematic adoption** which records formal requirements and how often these requirements are conducted in practice;
- **Methodology** which gathers information on the methods used in each area, e.g. the type of impacts assessed or how frequently different forms of consultation are used;
- **Oversight and quality control** records the role of oversight bodies and publicly available evaluations; and
- **Transparency** which records information from the questions that relate to the principles of open government e.g. whether government decisions are made publicly available.

The data underlying the composite indicators reflect practices and requirements in place at the national level of government, as of 1 January 2021. The indicators for stakeholder engagement and RIA relate to regulations initiated by the executive, while the indicator on *ex post* evaluation relates to all regulations. Whilst the indicators provide an overview of a country's regulatory policy system, they cannot fully capture the complex realities of its quality, use and impact. In-depth country reviews are therefore required to complement the indicators and to provide specific recommendations for reform. A full score on the composite indicators does not imply full implementation of the *Recommendation*. To ensure full transparency, the methodology for constructing the composite indicators and underlying data as well as the results of sensitivity analysis are available publicly on the OECD website (<http://oe.cd/ireg>).

Related links:

- Full report: [Better Regulation Practices across the European Union 2022](#)
- [Better Regulation Practices across the European Union 2019](#)
- [Indicators and underlying data and methodology](#)
- [Regulatory Policy Outlook 2021](#)
- [Recommendations and Guidelines on Regulatory Policy](#)
- [OECD Measuring Regulatory Performance Programme](#)
- [OECD work on regulatory policy](#)

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 <http://oe.cd/ireg>

