

PRIORITY ACTION PLAN FOR INCREASING THE CAPACITY TO ABSORB THE STRUCTURAL INSTRUMENTS 2007-2013 AND THE EUROPEAN STRUCTURAL AND INVESTMENTS FUNDS 2014-2020

- March 2015 -

MAIN DIRECTIONS OF ACTION / PRIORITY MEASURES		RESPONSIBLE	DEADLINE	Comment
CLOSURE OF THE OPERATIONAL PROGRAMMES 2007-2013				
1.	Management of the project cycle by the institutions responsible for OPs implementation			
1.1	Monitoring the savings resulting from projects implementation in order to timely finance new feasible projects	MA/IB	Permanently (on weekly basis)	<p>Savings are closely monitored by MA/IB, analyzing the dynamics between value of the signed financing contracts and the corresponding executed value and also using the mechanism of over contracting, respectively signing new contracts from the projects reserve list. At OP level the situation is as follows:</p> <ul style="list-style-type: none"> - OP Environment – The difference between the value for signed financing contracts and corresponding contracted value is Ron 7.64 bill. without VAT, available for financing new projects; - OP Transport – Value FEN 2007 - 2013 estimated to be contracted after the deduction of percentage reductions/corrections/ineligible expenses/phasing: Ron 3.19 bill.; - Regional OP – the contracting level actualized with monthly payments is 110.86% from the ERDF allocation (including savings from finalized projects – 2614 contracts and 393 cancelled financing

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				<p>contracts). Additionally there is 2.27% contracts in MA Regional OP attention, approximately 0.94% being in the pre-contractual phase – April 10, 2015 being the deadline for submitting the financing contracts to MA Regional OP.</p> <ul style="list-style-type: none"> - OP Administrative Capacity Development – the over contracting level is 3% on Axis 1, 5.9% on Axis 2 and 4.1% on Axis 3. The over contracting level was calculated considering the registered savings from finalized projects. - OP Technical Assistance – savings of Ron 7 mill. are foreseen to be used for new projects related to acquisition contracts already signed by MEF in the implementation phase with a value of Ron 16 mill. - SOP Increasing Economic Competitiveness – a new call for proposals was launched.
1.2	Monitoring the MAs compliance with the 20 working days term for processing reimbursement claims submitted by beneficiaries, as well as with the duration for certification by CPA of expenditure declarations, in order to implement corrective measures in case of delays	MEF	Twice a month	Until now the medium term of 20 working days for processing reimbursement claims was respected, as shown by the reimbursement claims situation concerning the submission date of payment requests and pre-financing requests and their processing period (IB and MA level).
1.3	Monitoring the targets for payments established by the Management Authorities, in order to evaluate the risk of automatic decommitment of funds by the	MEF	Twice a month	Achievement regarding the targets for payments during January-March 2015 is approx. 43% (achieved value – Euro 170 mill / estimated value Euro 393 mill.). In case monthly forecasts are not entirely reached, MEF requests to MAs the motives that led to target failure

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	European Commission			and an action plan including the terms when the unrealized amounts should be recovered.
1.4	Operationalization of the monitoring mechanism for SOP T and SOP E	MEF	31 March 2015	For SOP Environment, the activity related to the system data introduction is almost finalized, following that the first results of the 3 pilot projects included in the SOP Environment monitoring mechanism to be presented in April. In case of SOP Transport the information was registered in the database for 8 pilot projects (4 projects for CNADNR and 4 projects for CFR). Three training sessions for beneficiaries of the environment and transport sector for using the monitoring tool are planned on April 21 and 22.
1.5	Identification of optimal solutions in order to simplify the stages of the project cycle, following the conclusions issued under the analyses carried out in the context of the monitoring activities referred to above measures	MEF	End of May 2015	After the operationalization of the mechanism for SOP Environment and SOP Transport, solutions will be identified in order to simplify the stages of the project cycle.
1.6	Coordination of the process of phasing the projects			
	1.6.1 Organizing a technical meeting between MEF and EC representatives to discuss aspects related to phasing of projects	MEF MA	End March 2015	It was performed a detailed analysis, the preliminary list of the projects to be phased being developed. Meeting with representatives of the COM will be held on April 27.
	1.6.2 Preparation of the requests for the amendment of the initial decisions for	MA	April – May	From the discussions with DG Regio, that will provide a pattern for information disclosure, there was an

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	project phasing	MEF	2015	agreement that the necessary documentation for projects phasing will be minimal, the revision of the whole financing decision not being requested. Preparation of the modification requests will be launched after the list of components to be phased is completed.
	1.6.3 Submission of application form modified for phased projects	MA MEF	June – August 2015	The process of analyzing the components within the projects that are to be phased is ongoing, following the preparation and submitting to the EC of the necessary documents in order to modify the financing decisions.
1.7	Identification of retrospective projects that were financed from other sources in order to diminish the decommitment risk			
	1.7.1 Organizing a technical meeting between MEF and EC representatives to discuss aspects related to retrospective projects	MEF MA	March 2015	On April 27, a meeting will be held with representatives of the COM, with this occasion the preliminary list with detailed descriptions of project proposals for retrospective financing being presented.
	1.7.2 Modification of the Operational Programmes for including the newly identified operations only if needed		30 April 2015	In case of OPs that will finance retrospective projects (e.g. SOP Environment, SOP Transport) the broadening of the list to include new eligible beneficiaries is ongoing in order to be able to request claims for reimbursement related to the expenditures made within these projects. In case of SOP Environment the broadening of beneficiaries list is ongoing, so far being identified: Romsilva and its Territorial Inspectorates, National Administration of Meteorology and General Inspectorate for Emergency Situations. For SOP Transport the possibility to extend the beneficiaries' list

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				<p>is analyzed for Priority Axis 2 (airports). As well, in case of SOP Transport is also being considered the budgetary allocation within the priority axis.</p> <p>Modification of the OPs will be decided within the Monitoring Committees.</p> <p>In case of other OPs (e.g. Regional OP, OP Administrative Capacity Development) due to the absence of financial resources (lack of available savings from projects budgetary execution) the retrospective projects financing is not possible.</p>
	1.7.3 Performing an analysis for extending the list of eligible expenditures		30 March 2015	<p>At the beginning of March, MEF launched a consultation with all Managing Authorities, in order to identify the expenditures that besides allowed according to the European rules and necessary to projects implementation were considered ineligible according to the national regulations concerning eligibility for each operational program. This analysis is extremely comprehensive considering that the projects ineligible budget had not been registered in detail revealing the expenditure level in the SMIS information system. Thus the analysis implies the consideration of each and every project. For SOP Transport the eligible expenditures list will be extended to include automobiles acquisitions, this type of expenditures being already included in the list of other OPs, e.g. SOP Environment for which the modification of the eligible expenditures list was approved in October 2014.</p>
	1.7.4 Modification of the legal framework for eligibility of the expenditures done		30 April 2015	<p>The Managing Authorities that finalized the analysis mentioned at measure no. 1.7.3 did not identified</p>

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	within the projects			elements to require the modification of the national legislation, with the exception of SOP Transport. For this OP will be modified the Order for eligible expenditures, that presently is elaborated and in endorsement process at MEF level.
II ENSURING THE EFFECTIVE AND EFFICIENT IMPLEMENTATION OF THE STRUCTURAL AND COHESION FUNDS AND ESI FUNDS				
2. Financial issues related to management of OPs and projects				
2.1	Ensuring the necessary amounts for the management authorities in order to execute the payment claims submitted by the beneficiaries	MEF	Monthly	MEF ensures through Governmental Decisions the necessary amounts for payments related to the reimbursement claims submitted by the beneficiaries. The request for funds are submitted by Managing Authorities to the Authority for Certifying and Payments. Consequently during 2015 were approved: <ul style="list-style-type: none"> - G.D. No. 13/2015 for January and February 2015 – Ron 1,420,000,000 lei - G.D. No. 106/2015 for February and March 2015 – Ron 800,000,000 - G.D. No. 212/30.03.2015 for April – Ron 600,000,000
3. Improving control and audit activities				
3.1	Ensuring a unitary interpretation of the legal provisions on the treatment of irregularities by setting up a permanent unit in the MEF that will agree unitary solutions, based on the cases presented by the Managing Authorities or that have arisen from their own activity (with support of the CPA, AA and DLAF, if the case may	MEF	First quarter 2015	Currently MEF is in the reorganization process due to changes in the institutional framework as stipulated by G.D. No. 35/2015 that provides the establishment of the Unit for verification coordination and unitary treatment of corrections.

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3.2	Monitoring the status of implementing recommendations provided in system and operations audit reports	AA MEF	Twice a month	At the level of Managing Authorities there is a number of 1346 partially implemented or not implemented recommendations, as a result of performed external audit missions.
4. Streamlining and smoothing the action of external institutions intervening in the appraisal, contracting and implementation of projects				
4.1	Promoting by Memorandum of Government, the measures to be implemented resulting from the independent review performed by World Bank of the national framework for the preparation and implementation of public investment projects	MEF	June 2015	
4.2	Setting up inter-ministerial working group for implementation of the measures established by Memorandum and establish working calendar / responsibilities	MPF	June 2015	
4.3	Monitoring the fulfillment of the measures and elaboration of progress reports to the Government	MPF MEF	Quarterly	
5. Anti-fraud measures in using the EU funds				
5.1	Elaboration of a set of measures for preventing and detecting fraud, avoiding the situations of incompatibility, conflict of	MEF	March 2015	The Operational Procedure concerning the evaluation of fraud risks was elaborated and submitted for approval by all Managing Authorities, following to be approved

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	interests and irregularities			<p>by the MEF management.</p> <p>Testing completed for the ARACHNE application by Mas, including training session for designated users.</p> <p>Operationalization of the ARACHNE application until end of June 2015.</p> <p>Also, at MEF level was approved the Framework Plan for reducing corruption vulnerabilities for the MEF and the coordinated structures employees, comprising a number of measures to be implemented until the end of 2015 (excluding training sessions that last for 1 year).</p>
5.2	Implementing training sessions focused on fighting against fraud, incompatibility situations, conflicts of interests and irregularities within Management Authorities and Intermediate Bodies	MFE	Fourth quarter 2015	Training sessions for preventing fraud situations, incompatibility, conflict of interests and irregularities are planned for 100 employees from MA Regional Operational Program. Until March 31, 2015 training session on antifraud measures, ethics and integrity were attended by 41 employees from MA Administrative Capacity Development.
5.3	Monitoring the implementation of the <i>Code of conduct for avoiding the incompatibility and conflict of interests situations by the staff involved in managing programmes financed from non-reimbursable European funds.</i>	MEF	Permanently (on a semestrial basis)	The Managing Authorities continued to monitor the Code of conduct implementation. In the reference period were not registered rejections related to signing the declaration (annex of the Code); the staff flow was monitored at the level of every institutional structure, thus at suspension resuming moment and new employments, the staff acknowledged the legal provisions concerning conflict of interests / incompatibility and signed the individual declarations.

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				<p>The large majority of potential conflict of interests was identified at the management structures that launched the project calls followed by evaluation sessions of the projects submitted during the calls. The measures adopted by Managing Authorities included the replacement of the staff carrying out activities in potential conflict of interests (monitoring, projects verification, finding irregularities) and allocation of other tasks so that to avoid the conflict situations.</p> <p>In order to increase the efficiency of monitoring, MEF will closely observe (through MA SOP Increasing Economic Competitiveness), according to the graphic, the implementation by National Agency for Integrity of the PREVENT project – Implementation of the integrated informatics system to prevent conflict of interest in public acquisitions, financed through SOP IEC. PREVENT Project will be finalized on July 4, 2015. Database operationalization to identify conflict of interest to be implemented through this project, significantly contributes in alerting responsible authorities.</p>
6. Administrative capacity of the bodies responsible for OPs implementation				
6.1	Monitoring the employment level within structures, by key function, involved in the management and control of structural	MEF	Quarterly	At December 31, 2014, the employment level within the structure involved in the management of structural funds was 92.28%. For the first quarter of 2015 the

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	instruments (MA, IB, CPA, MEF, AA), in order to identify any significant problems			corresponding data related to the employment level are in processing phase.
6.2	Implementing technical assistance provided by IFIs in order to improve the process of implementing Structural and Cohesion Funds, in the framework of the current assessment of the technical assistance needs, carried out by MEF	MEF MA	According to the concluded agreements	Benefitting from the international technical expertise is insured through implementation and finalization of the technical assistance projects with WB, EBRD and EIB. At the OPs level presently are still in implementation phase 21 technical assistance contracts with the above mentioned international partners.
6.3	Implementing the existing mechanism for regular evaluation of the individual performance on the basis of unitary indicators/function and granting the salary incentive according to the individual performance	MEF (with WB support), NACS	First quarter 2015	World Bank transmitted on January 26, 2015 the first draft concerning the performance indicators. The implementation is to be made through the approval of the Procedure regarding the biannual evaluation of the individual performance of public servants / contractual employees involved in administration of European funds. Presently the procedure is in the external consultation process (World Bank, National Agency for Public Servants, Ministry of Regional Development and Public Administration). Due to high level complexity, the Procedure will be followed by the elaboration of Guidelines for biannual evaluation.
6.4	Establishing the annual training plan addressed to the needs at the level of each structure and at the level of the management system of EU funds and the mechanism for its implementation and monitoring	MEF, MA/IB	April 2015	

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6.5	Training of the personnel involved in the management system, based on the needs identified in the measure 6.4	MA/IB MEF	Fourth quarter 2015	<p>During 2015 for MA Regional Operational Program are to be implemented 2 training projects for improving the absorption capacity, respectively: training sessions for preventing fraud situations, incompatibility, conflict of interests and irregularities (Target Group: 100 employees) and specialized training sessions for technical and general skills development (Planning and Programming, Cost-Benefit Analysis, Infrastructure projects monitoring, Public acquisitions in working contracts, Program evaluation, Risk management, Audit – Target Group: 200 employees).</p> <p>Until March 31, 2015 training session on antifraud measures, ethics and integrity were attended by 41 employees from MA Administrative Capacity Development and training session on anti-discrimination and gender equality were attended by 19 employees of MA ACD.</p> <p>For MA Human Resources Development during April-December 2015 will be implemented the technical assistance project “Support for SOP HRD in management efficiency and common platform development for IB HRD and MA HRD” that aims to develop common interpretations and solutions in case of legislation, regulations and directives related to management of the operations co-financed through ESF administered by IB, specific procedures and instructions issued by MA, as well as to organize meetings/seminars/information sessions for IB and MA staff on identified solutions and unitary application of methodologies and procedures.</p> <p>The project “Accumulation of necessary knowledge and</p>

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				skills for the staff involved in SOP Transport management and implementation”, that aims to develop / consolidate the professional knowledge of MA SOPT staff by attending to courses, seminars, conferences and trainings organized by European institutions, is in implementation until June 2015.
7. Capacity and ownership of beneficiaries				
7.1	Cancelling the financing contracts with major and unjustified delays (over 6 months) in effectively starting the implementation, as against the implementation schedule initially approved in the financing contract	MA/IB	Permanently	The projects situation that register delays is monthly analyzed, being proposed solutions to accelerate the implementation. In case the risk of projects no finishing is high, the corresponding financing contracts are cancelled. For SOP Environment there were 3 cancelled financing contracts within priority axis 4 due to non-fulfilment of the contractual provisions and implementation schedule. For SOP Increasing Economic Competitiveness 215 financing contracts were cancelled with a total value of Ron 754,276,120. For SOP Transport 2 technical assistance contracts were cancelled. In case of OP Technical Assistance discussions are being held for cancelling the financing contract with General Inspectorate for Emergency Situations due to the failure to comply project's implementation within 2007-2013 period. The opportunity to finance the full project within OP Administrative Capacity 2014-2020 is presently analyzed.
7.2	Establishing the annual training plan at national level for the beneficiaries in the	MEF	April 2015	

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	central and local public administration			
7.3	<p>Training beneficiaries and potential beneficiaries, focused on the main issues related to project implementation: public procurement, financial-budgetary management, organisation of project management activities, organizing the project management activity etc. and raising awareness regarding the need to fight against fraud, situations of incompatibility, conflicts of interests and irregularities</p>	MA/IB MEF	Fourth quarter 2015	<p>Presently there are in the implementation phase training services to prevent fraud situations, incompatibility, conflict of interests and irregularities, managerial and technical skills development, public acquisitions, IT.</p> <p>2 training contracts will be implemented during 2015 in case of Regional OP' beneficiaries, concerning the absorption capacity improvement, respectively: training services in order to prevent fraud situations, incompatibility, conflict of interest and irregularities (Target group: 365 persons), specialized training services for technical and general skills development (Planning and Programming, Cost Benefit Analysis, Infrastructure projects monitoring, Public acquisitions in working contracts, Program evaluation, Risk management, Audit – Target Group: 200 persons).</p> <p>During 2015 in case of OP Administrative Capacity Development, are included in training sessions 25 persons for project management, 23 persons for public acquisitions, 75 persons for accessing structural and cohesion funds.</p> <p>In case of MA SOP HRD the project “Improving the beneficiaries’ capacity to implement operations co-financed through SOP HRD 2007-2013” was extended until 13.07.2015, registering the following results:</p> <ul style="list-style-type: none"> -3,916 persons trained in specific project implementation; -1,448 persons (experts within the organizations

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				<p>beneficiaries of the SOP HRD) trained in project implementation related to ESF specific rules;</p> <p>-787 organizations - beneficiaries of the SOP HRD, supported in project implementation through training sessions;</p> <p>-870 finalized projects on providing operational support (mentoring).</p> <p>As well the project "Support for SOP HRD in management efficiency and common platform development for IB HRD and MA HRD" aims to organize informative sessions with potential beneficiaries and seminars to facilitate the experience exchange between beneficiaries.</p> <p>Until end of 2015, for SOP Environment, 2359 participants attend training sessions on diversified subjects (public acquisitions, project manager, financial management, accessing funds, FIDIC type contracts, audit and risk management, cost benefit analysis, IT).</p>
III STARTING OF THE IMPLEMENTATION OF THE 2014-2020 ASSISTANCE				
8	Management and control systems for the period 2014-2020			
8.1	Establish and transposition of the management and control systems for the period 2014-2020	MEF/MA	June 2015	Framework agreements for attributions delegation and description of the management and control systems for 2014-2020 period are currently being prepared.
8.2	Elaborating the framework documents for implementation and monitoring of ESIF 2014-2020 (guidelines, procedures, etc.).	MEF	June 2015	<p>The framework documents are in elaboration, following the public consultation for the Applicants Guidelines.</p> <p>For OP Administrative Capacity and OP Technical Assistance the Applicants Guidelines drafts were</p>

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				launched for public consultation.
8.3	Preparation of the priority projects portfolio for the programming period 2014-2020	MEF/MA	June 2015	<p>2014-2020 project portfolio is developed, proposals being registered for OP Large Infrastructure, Regional OP, OP Administrative Capacity, OP Human Capital.</p> <p>In order to prepare the priority projects portfolio for OP Human Capital, were sent requests to line ministries.</p> <p>Concerning OP Large Infrastructure – for the Environment part, the portfolio includes 44 project proposals, in case of 10 proposals the technical assistance projects being in implementation, for 21 proposals the technical assistance projects are published in SEAP, 5 proposals have the agreement to launch in SEAP the technical assistance projects, 8 proposals being currently analyzed. For transport sector new investments will be generated according to the General Transport Master Plan, which due to the EC made observations, will be re-submitted to EC until end of April, after that being approved by national law. As well, during 2014-2020 programming period the phased projects will be finalized.</p> <p>For Regional OP 2014-2020:</p> <ul style="list-style-type: none"> - The county roads to be proposed for financing were regionally prioritized; - The urban mobility plans for growth pole cities and Bucharest are under development; - The technical documentation for the major project concerning the cadastral registration is under development;

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				<p>- The feasibility studies for regional emergency hospitals are under development;</p> <p>In case of OP Administrative Capacity several meetings had been held with central public authorities in order to identify the main project proposals to be financed, especially those arising from SCAP, SMBR and ex-ante conditionalities for Romania.</p>
8.4	Launching the calls for projects for the programming period 2014-2020	MA	June 2015	The launch of the project calls corresponding to 2014-2020 period will start in the second semester of 2015.
8.5	Monitoring the launching of calls for proposals, in order to identify the delays against the proposed timetable and the impact of those delays on the implementation process of each Operational Programme	MEF	Monthly	MEF will monitor the compliance of the project calls schedules after the project calls launching by MAs.
8.6	Submission the action plan for implementation of horizontal operational measures included in the partnership agreement in response to COM recommendations included in the letter ref. Ares(2014)3209775 - 30/09/2014	MEF	March 2015	The Action plan elaborated by MEF was submitted to MAs to confirm the information, considering that these refer to horizontal measures that should be assumed and fulfilled at the OPs level. The Action Plan will be submitted to COM until April 30, 2015.
8.7	Monitoring the action plan for implementation of horizontal operational measures included in the partnership agreement	MEF	Permanently	According to the above mentioned Action Plan, on March 31, 2015, regarding the partnership principle, can be reported the fulfillment of the measures concerning the members selection and establishment of the monitoring committees for 2014-2020 in case of OP Technical Assistance and OP Competitiveness, as well as

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				the members selection for Coordination Committee for Partnership Agreement Management.
9	Public Procurement for 2014-2020			
9.1	Promoting the National Strategy on Public Procurement for 2014-2020 by Memorandum of Government	NARMPP/MEF	June 2015	<p>National Strategy on Public Procurement for 2014-2020 is in preparation. The strategy is elaborated by the technical working group formed under the Inter-ministerial Committee established by Decision No. 218/2014, in collaboration with DG GROW and DG REGIO, according to a preset calendar. Until now no delays were being registered compared with the preset calendar. The strategy has 5 main directions of actions:</p> <ol style="list-style-type: none"> 1. Quality of the legislative framework, including option evaluations to transpose new directives; 2. Global coherence and institutional system efficiency; 3. Regularity and quality of the public acquisition process (controls); 4. Strengthening the administrative capacity of the contracting authorities, focusing on professionalization and integrity; 5. Strengthening the capacity of public acquisitions system to stimulate effective competition (monitoring and statistics). <p>The measures related to above mentioned first 2 main directions of actions are presently drafted.</p>
9.2	Monitoring the fulfillment of the measures contained in the National Strategy on	MEF	Quarterly	

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	Public Procurement for 2014-2020 and elaboration of progress reports for the Government			
9.3	Draft legal framework for transposition of EU Directives on public procurement	MEF NARMPP	June 2015	<p>For the first main direction of action the following measures were set:</p> <ul style="list-style-type: none"> - Transposition of the new EU Directives by 3 distinct normative acts; - Provisions regarding the appeals and remedies will be included in a separate normative act (the structure of the working group was enlarged, requesting support from the Superior Council of Magistracy). - The primary legislation level will include provisions related to concepts/principles/definitions, operational provisions following to be transposed by secondary legislation; - Every primary legislative act will have a correspondent in the secondary legislation. <p>Based on these assumptions, currently the 4 normative acts drafts that will assure the new legislative framework are in elaboration phase.</p>
9.4	Adoption of the legal framework for transposition of EU Directives on public procurement		December 2015	