

ISSUES REGARDING THE ESTABLISHMENT OF SIMPLIFICATION MEASURES AT THE LEVEL OF THE CENTRAL PUBLIC ADMINISTRATION

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***Abstract:** Public institutions and specialized bodies of the central public administration are prohibited from requesting individuals or legal entities, in order to resolve requests for the provision of a public service, copies of notices or other documents that have been issued by public institutions or specialized bodies of the central public administration. The public institutions and the specialized bodies of the central public administration request from the entities that issued the respective documents, in electronic format, copies or extracts of them, based on the express consent of the beneficiary of the public service, and the latter entities have the obligation to make them available.*

***Keywords:** public authority, institution, public service, taxpayer.*

***JEL Classification:** K10.*

1. Introduction

An express requirement of large sections of society, which is increasingly expressed in the public sphere, refers to debureaucratization and administrative simplification. In this context, it seemed imperative that urgent measures be taken, in the public interest, to reduce document procurement efforts in order to obtain public services, as well as to facilitate the interconnection of databases between public institutions and authorities.

The non-adoption of the measures proposed and established by normative acts has generated blockages, inefficiency and losses, as well as the further affectation of a large part of the Romanian population that is facing the phenomenon of excessive bureaucracy in the public administration. Under these conditions, it was not possible to ensure the implementation of the Government Program and the fulfillment of the main role of the Government to carry out the internal and foreign policy of the country and to exercise the general management of the public administration. public interest and constitute emergency and extraordinary situations.

2. Simplification measures at the level of the central public administration

Public institutions and specialized bodies of the central public administration requesting a physical copy on paper after the identity document as a condition for providing a public service are obliged to accept the copy in electronic format after the identity card, sent by e-mail, ensuring the conditions provided by the legal regulations on the protection of individuals with regard to the processing of personal data (Emergency Ordinance no. 41 of June 28, 2016).

Thus, within 30 days from the date of entry into force of the Emergency Ordinance no. 41/2016, all public institutions and specialized bodies of the central public administration had the obligation to publish an e-mail address for receiving in electronic format the copy of the identity card, on the single electronic contact point and on its own website.

Also, each public institution and specialized body of the central public administration became obliged to eliminate the requirement to submit legalized copies of documents to the provision of public services, replacing them with the certification of conformity with the original by the competent official.

If the person presents a certified copy of the document, in order to provide the public service, the institution or specialized body of the central public administration is obliged to accept it.

Public institutions and specialized bodies of the central public administration are obliged to accept documents issued by legal persons of public or private law in electronic format, which have a qualified or advanced electronic signature.

The personal data necessary for the provision of a public service, which are collected, held or managed by another public authority or institution, are taken directly from that authority or institution if this has been expressly requested by the beneficiary of the public service or if there is consent its express.

The beneficiary of the public service, the citizen, can return to the consent at any time, enjoying all the rights deriving from the legal regulations on the protection of individuals with regard to the processing of personal data and the free movement of such data.

The public institutions and the specialized bodies of the central public administration are obliged to specify on their own forms the duration of completing each one and the reason for collecting the information. Each public institution and specialized body of the central public administration will prepare its methodology for calculating the duration of completing a form, within 30 days from the date of entry into force of the emergency ordinance, respectively the date of June 28, 2016, methodology available on its website and approved by order of the head of the institution.

Public institutions and specialized bodies of the central public administration are obliged to use mainly electronic means for communication with the beneficiaries of public services, where the beneficiary has and agrees to provide an e-mail address.

Public institutions and specialized bodies of the central public administration are obliged to develop their capacity to provide electronic public services. The plan for the development of electronic public services will be elaborated within 90 days from the entry into force of the emergency ordinance; the model is set out in the Annex and shall be adopted by order of the Head of the Institution. Very few institutions have complied with this normative act, as there is no sanctioning regime.

Public institutions and specialized bodies of the central public administration have the obligation to explicitly stipulate in the specifications and in the contracts related to the initiated public procurement procedures, which include the development of computer programs at the request of the institution or authority, that all patrimonial copyrights all works created by the contractor or the members of the association, related to the delivered product or service, shall be transferred to the contracting authority.

In order to use these records, all the police units and subunits, the other structures and institutions from the defense system, public order, national security and justice, the public institutions and the specialized bodies of the public administration, as well as the competent structures will be connected to the computerized system. of the Ministry of Foreign Affairs.

In order to implement the provisions of these normative provisions, within 30 days from the date of entry into force of the emergency ordinance, public institutions and specialized bodies of the central public administration shall issue orders or instructions to modify the procedures for providing public services.

At this moment, the need for a coherent and integrated digital infrastructure at the level of the Romanian public administration, which would offer quality digital services to the citizens, has become a certain one. The lack of interoperability of public administration IT systems is a major obstacle to the development of end-user-centered digital services. Existing systems are generally fragmented, being designed and developed in isolation by

various state institutions, outside an integrated national framework. In order to achieve the milestones assumed by the National Recovery and Resilience Plan (PNRR), Component C7 - Digital Transformation and to develop the integrated architecture of digital services infrastructure, it is necessary to adopt the Law on data exchange between information systems and create the national interoperability platform. This law guarantees the "one-time" principle and the centering of disparate and winding public services around the end user.

Law no. 267/2021 is in line with the provisions of the European Interoperability Framework and will be implemented through technical rules that public entities will apply for the migration and integration of all data into existing data structures, so that they support the real-time operation of services provided.

The main objectives of the law are to facilitate the provision of quality public services, permanently available, designed according to the needs of the beneficiaries of these services, to promote the widespread use of information and communication technology in public administration and to increase the traceability and transparency of the administrative act. offering the data holder the possibility to know how to access and process his data. Increasing the interconnection of information systems of public institutions and authorities, facilitating the exchange of data between public institutions and simplifying administrative processes, will increase the efficiency and effectiveness of the administrative act by implementing the principle "only once".

In addition, it aims to promote interoperability in central government and between local government and central government, but also to facilitate the access of private institutions to data held by public institutions and vice versa, ensuring the security and confidentiality of data exchanges.

According to art. 2 index 1 of Law no. 267/2021 on the establishment of simplification measures at the level of the central public administration, it is forbidden for public institutions and specialized bodies of the central public administration to request individuals or legal entities, in order to resolve requests for the provision of a public service, copies of notices or other documents that have been issued by public institutions or specialized bodies of the central public administration. The public institutions and the specialized bodies of the central public administration request from the entities that have issued the necessary documents, in electronic format, copies or extracts of them, based on the express consent of the beneficiary of the public service (Law no. 267 of November 9, 2021).

Therefore, Law 267/2021, published in November 2021 and which aims to complete GEO no. 41/2016 on the establishment of simplification measures at the level of central public administration, thus aims to debureaucratize the administrative system by facilitating the obtaining of copies of various documents that may be needed to resolve a request by a simple e-mail between institutions, with the agreement express of the person who made the request.

In addition, it is mandatory for public institutions and authorities to use the interoperability platform to access the data needed to provide public services. This law also offers the possibility of data exchange between public institutions and authorities on the one hand, and users of private legal entities or natural persons exercising regulated liberal professions, on the other hand, which may take place on a contractual basis. , by a data exchange contract which is for a fee.

Now, after the entry into force of the measure, respectively from 1 January 2022, at least theoretically, as the initiators say, the relationship between the state and the citizen is simplified, especially in terms of interaction with state institutions in certain specific cases,

such as buying a housing, change of identity card, registration in the tax records of a means of transport and other such steps.

As a result of the law, public institutions and authorities are obliged to ensure the provision of services without requesting additional documents containing only information available through the interoperability platform. Institutions and public authorities no longer have the right to ask individuals and legal entities for evidence or certification of data already collected, but the data used in the provision of public services must be taken exclusively from the registers available through the platform.

The data provided through the national interoperability platform shall have the same legal value as the data contained in the physically submitted document, which contains or confirms that data, a copy conforming to the original or a signed electronic document with a qualified electronic signature.

Citizens will benefit from a connected and efficient public administration, with simplified procedures, reduced bureaucracy and minimal waiting time. By ensuring the interoperability of existing basic registers at the level of public institutions and authorities, this law opens new opportunities for the provision of electronic services and the alignment of national identification and authorization infrastructures, according to the European norms established by the eIDAS regulation. Once the existing gaps are eliminated, aggregate services will be set up by grouping a number of basic public services that can be accessed in a secure and controlled way.

By simplifying and debureaucratizing, the citizen is given predictability, and this contributes to increasing the public's confidence in the activity of public administration. In addition, the public administration would demonstrate that it can solve citizens' requests more easily and quickly, and this will increase the satisfaction with the act of governing and administering the country.

At least in the first period of application of these normative acts, as stipulated in their content, the measure applies to central institutions (ministries, central authorities, etc.), but not to town halls, local services, local taxes and duties. This will be possible only after the publication of a normative act establishing the rules for inter-institutional data queries.

3. Conclusions

The law on the exchange of data between information systems and the creation of the national interoperability platform has as its ultimate goal the provision of public services by public institutions and authorities efficiently, with a significant reduction in bureaucracy and time spent on obtaining public services.

At the same time, the supporting documents currently required to be submitted by the citizen or business representative will no longer be required, and the necessary information will be obtained directly between the institutions and public authorities that administer the basic registers.

Also, the automatic communication between the public authorities and institutions will determine in time the possibility for the provision by the public institutions and authorities of the electronic services that will eliminate the physical presence of the citizen at the counter.

References:

1. Law no. 267 of November 9, 2021 for completing the Emergency Ordinance Government no. 41/2016 on the establishment of simplification measures at the level of the central public administration and for the modification and

- completion of some normative acts. Published in the Official Gazette no. 1076 of November 10, 2021;
2. Government Emergency Ordinance no. 41 of June 28, 2016 regarding the establishment of some simplification measures at the level of the central public administration and for the modification and completion of some normative acts. Published in the Official Gazette no. 490 of June 30, 2016.