



**General Directorate of the Managing Authority  
for the Regional Operational Programme**

*nr. 5935/7.09.2010*

**Dear Mrs. Angela MARTINEZ SARASOLA,**

We would like to express our thanks for your support in the implementation of the Regional Operational Programme 2007-2013 (ROP) and also for the guidance to draft the Annual Implementation Report, in accordance with the share management principle of EU structural funds.

Therefore we are delighted to know that the annual implementation report was accepted and we will continue our efforts to ensure a sound management of the ROP in accordance with the provisions of the legislation in force and with the recommendations of the EU Commission.

In reply to your remarks foreseen in the letter No. 7320/12.08.2010, with regard to the Annual Implementation Report, we would like to mention the following:

1. The Managing Authority has continuously sought by its actions to identify the most effective simplification measures possible, in order to reduce the duration of assessment, contracting and payment process, and within the last year managed to implement the following measures:
  - a. The documents needed for the evaluation and selection process to access EU funds by micro enterprises was simplified and the call to submit projects is ongoing.
  - b. The report of the site visit drafted by the Intermediate Bodies will be sent together with the financing contract in order to shorten the period necessary for the procedure to be completed.
  - c. By the end of August 2010 the procedures regarding the verification and authorization of the expenditures were simplified and the verification of the reimbursement claims is made by one contract officer at the level of the Managing Authority

The Managing Authority will continue its actions to seek and identify the most effective simplification measures possible, in order to reduce the duration of assessment, contracting and payment process, that would increase the absorption of EU funds. A concrete measure will be taken for the pre-contracting phase, where the Managing Authority envisage to receive the site visits reports and the contract documentation in the same time.

**To Mrs. Angela MARTINEZ SARASOLA,  
Head of Unit – Directorate General for Regional Policy  
European Commission**

Therefore, the analysis of the visits reports will be based on the documents attached to the contract documentation. Moreover, the Managing Authority allocated temporarily additional staff from other departments to work within the department for program management.

With regards to the comments that future AIR should include an analysis about the causes which led to the rejection of projects, we would like to mention that the Managing Authority gave already a detailed explained about these facts as you could see at page 19. In the future the Managing Authority will continue to analyze this issue and more than this will focus on viable solutions to increase the quality of submitted applications.

The Managing Authority and the Intermediate Bodies are permanently analyzing the main reasons for rejecting the proposed applications and try to identify the best solutions needed to improve the quality of the financing applications. There is also a great concern for project implementation process with the aim to accelerate the reimbursement value.

With regard to urban projects, it is important to outline that they are part of the local development strategies and integrated urban development plans, which seek to fulfill the needs at the local level and take advantage from the existing development opportunities. Moreover, the evaluation procedure for urban centers stipulates that there is a deadline for submitting projects in order to have a competition between projects and as a result the best projects, which foresee a real impact are selected. It is also important to mention that in most regions the projects submitted exceeded the value of financing allocated.

2. As stated in your letter, the ROP Managing Authority will seek to present a more detailed qualitative analysis on the program implementation process of the regions, as the program will continue to be implemented and the number of finalized projects will increase, which will result in availability of data for a more relevant analysis.
3. With regard to the public procurement process, the Managing Authority has envisaged in the eligibility criteria the request for beneficiaries of the projects financed from ROP to comply with the existing legal framework for public procurement services and works contracts and to apply the provisions for the specific type of procurement. There were a lot of informal discussion in which the ROP Managing Authority pointed out and demanded for beneficiaries to apply the legislation in force, which was elaborated in accordance with EC Directive 2004/17 and 18 for procurement of supplies, works and services, in particular regarding framework agreements, central purchasing bodies, electronic procurement, the competitive dialogue and green procurement. Moreover, to ensure a correct application of the European legislation on public procurement regarding the addenda done by the beneficiaries to the works contracts, the Managing Authority issued the Instruction no. 50 for clarifying the way of reimbursement of the expenditures done from the contingency lines within the general budget and addenda to the works contracts. We underline that the 10% contingency expenses which can be reimbursed within the financing contracts is set in all common MRDT and MF orders regarding

eligible expenditures for all key areas of interest. In order to clearly identify and monitor all expenses made from the contingency line, it was outlined that all variation orders (for supplementing and/or diminishing works) as well as the documents establishing the need for supplementary works should be attached to the reimbursement claims. MA ROP views this Instruction as setting the framework for an efficient control of the reimbursement claims done under the works contracts and their subsequent addenda. The 10% threshold is not intended to restrict the legal provision, which allows the variation of a contract with up to 50%, but it is a programme eligibility rule established during the elaboration of the eligible expenditure orders.

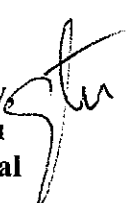
4. The monitoring system (SMIS) will continue to be updated with the relevant information for the projects and the MA ROP is working in a close cooperation with Authority for the Coordination of Structural Instruments, to try to solve all the shortcomings of the system and will continue its efforts to ensure a smooth and reliable functioning in order to be able to extract all the necessary information for output and result indicators in the annual reports on ROP implementation. At the same time, ROP Managing Authority is continuously seeking to make sure that the information provided with SMIS is accurate and for this reason is issuing guidance to the Intermediate bodies.
5. With regard to SEA indicators, MA ROP has analyzed this issue and has a plan to monitor all indicators by surveys in order to identify mostly positive and neutral effects on the environment, following the programme's implementation. As a result all the projects submitted for financing under ROP have to comply with the environmental legislation in force. Moreover, within the evaluation process, projects are graded based on the measures taken to protect the environment.
6. As regard to the reference on the Natura 2000 permit we would like to mention that the beneficiaries of ROP have to comply with the legislation in force and namely with the OUG No. 57/2007 for protected areas, conservation of natural habitats and wild flora and fauna. A debate whether the legislation complies or not with the "COUNCIL DIRECTIVES 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora" should be discussed at national level having as main partners the Ministry of Environment and Forests and the Ministry of Finances, namely, the National Authority for Coordination of Structural Instruments (ACIS).
7. With regard to the reallocation of funds from the Priority Axis 4.2, we would like to inform you that the Managing Authority gave a special attention to environmental issues in Romania and had numerous discussions with the Regional Development Agencies (RDA's) over the years on how to identify potential applicants for this field of intervention. In order to be able to speed up a little bit this process, during the month of April 2010, the Managing Authority sent a letter to the RDA's to identify all the project proposals until the 30th of April 2010. As a result of this sustained approach, the Managing Authority was informed that eight projects would be submitted in the months to follow with an estimated value of 33,72 million Euros. A special attention will be given to this priority axis within the next AIR.

8. As regard to the implementation of the Growth Pole Strategy we would like to state that progress is being made and up until now all the seven Integrated Development Plans are approved. Moreover, out of four integrated development plans, projects were submitted by beneficiaries and are now in the stage of evaluation. We would like to underline the fact that the approved time schedule for the submissions of the projects foresees most of them to be submitted no later than mid of 2011. Nevertheless, we expect more projects to be submitted in the forthcoming period.
9. Future reports will seek to provide a more detailed qualitative analysis regarding the key areas of intervention 5.3 Promotion of the tourism, as this area registered a real progress during the year 2010. Detailed information will be presented within the letter to modify the Regional Operational Programme 2007-2013, which will be sent by ACIS during the month of September 2010.
10. As you already know within the communication plan approved by the EU Commission drafted based on a Phare study, contains a specific communication channel for each target group. At the beginning of 2009 a new study was drafted to evaluate the communication activities carried out in 2008 with the aim to identify the information channels for potential beneficiaries of programs. The ROP web site contains valuable information such as: Implementation guide for the beneficiaries, the utilization of the funds per area of intervention and regions, frequent asked questions about ROP, the last checklists for the reimbursement claims, the minutes and the Decisions of the Monitoring Committee of the ROP.
11. The Managing Authority will provide more information with regard to the list of beneficiary published on the [www.inforegio.ro](http://www.inforegio.ro), including their precise location and value of contracts.

Moreover, MA ROP published all the annual reports for the public to be informed properly and the last year report will be published in due time on the ROP website. At the same time, a detailed summary on the AIR will be drafted and this will be disseminated also during the annual conference will be organized in due time.

We are at your disposal if further clarification is needed.

Yours sincerely  
**Gabriel Friptu**  
Director General



**Cc: Mr. Eduardo Barreto, Mr. Jean-Marie Seyler, Mrs. Sandrine de Buggenoms, Mr. Juan Jose Lopez Lledo, Mr. Charlie Grant, Mr. Erich Unterwurzacher - Directorate General for Regional Policy; Mr. Michel Laine – Directorate General Employment Social Affairs and Equal Opportunities, European Commission**