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Orice corespondență pe marginea acestei scrisori trebuie să conțină referința și numărul de înregistrare aflat în colțul din dreapta sus al paginii

Referința: Programul Operațional Regional
Nr. CCI : 2007RO161PO001
Raport anual de punere în aplicare 2009

Obiect: Observații asupra raportului anual de punere în aplicare, articolul 67 alineatul (4) al Regulamentului 1083/2006

Domnule Gabriel Friptu,

În data de 30 iunie 2010, serviciile Comisiei Europene au primit Raportul Anual de punere în aplicare pentru anul 2009 privind Programul Operațional Regional, raport aprobat în cadrul Comitetului de Monitorizare al programului din data de 19 mai 2010.

Prin scrisoarea nr. 6059 din data de 13 iulie 2010 serviciile Comisiei au declarat raportul admisibil.

Conform articolului 67 alineatul (4) al Regulamentului 1083/2006, serviciile Comisiei doresc să informeze autoritatea de management în privința observațiilor asupra conținutului raportului anual menționat. Aceste observații sunt prezentate în anexă, în limba engleză.

p.v. Angela MARTINEZ SARASOLA
Șef de Unitate

Cc: Dl Jean-Marie Seyler, Dna Sandrine de Buggenoms, Dl Juan Jose Lopez Lledo, Dl Charlie Grant, Dl Erich Unterwurzacher, Direcția Generală Politică Regională;
Dl Michel Laine, Direcția Generală Ocuparea forței de muncă, afaceri sociale și șanse egale;
Dl Ștefan Ciobanu, ACIS – Ministerul Finanțelor Publice

**Domnului Gabriel Friptu,
Director General
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ROMÂNIA**

ANNEX

Comments on the 2009 Annual Implementation Report (AIR) of the Regional Operational Programme

We appreciate in general the quality of the report and the information provided, as well as some measures taken by the Managing Authority to address the significant problems encountered during the implementation.

The data provided on the projects selected or under implementation within each of the priority axis allow us to assess the progress in implementing the programme.

The following observations should be seen in the context of needed improvements to the OP's implementation in particular having in mind that in 2010, significant physical progress of the programme is absolutely needed so as to ensure a more substantial financial absorption of EU funds, as the current EU fund absorption is extremely disappointing and there is a significant risk that it may latter result in a loss of part of the available EU funds.

1. As we have already mentioned in prior correspondence and meetings **the simplification and acceleration** of the selection, contracting and payment process is crucial for the absorption of the EU funds and at the same time to smooth the implementation of the projects. **The duration of the assessment applications** (compliance, eligibility, technical evaluation, selection and signature of the financial agreement), despite some improvements, is still extremely long. The MA should take adequate measures in order to significantly reduce the duration of the process.

Future AIR should also include the **main reasons for rejection of projects** and the measures taken to minimize it as far as possible as the number of related projects is quite significant. This situation could reflect the lack of support and clarifications provided to the potential beneficiaries during the project preparation and if so, this must be corrected.

Closer monitoring and accompanying the beneficiary in their efforts to carry out the projects should contribute to accelerate the reimbursement demands. In the same time, the Romanian authorities should give specific attention to the **quality of the investment projects**, respecting the value for money principle. We are particularly concerned with the urban renewal projects where proper verification of their real impact and the associated unit costs is a major source of concern for us.

2. We appreciate the regional statistic data which give us an indication on the implementation of the programme in each region. Nevertheless for the next period when the level of outputs will increase, the report should include **a more detailed qualitative analysis on the achievements and progress** of the programme and of its priorities.

3. According to the Report from the Commission to the European Parliament and the Council on Progress in Romania under the Co-operation and Verification Mechanism published in July 2010 "**public procurement** in Romania shows a number of weaknesses in practice and institutional structure which lead to serious shortcomings in the protection against conflict of interest, fraud, corruption and other serious irregularities. In the context of the implementation of EU funds, services of the Commission have pointed to those weaknesses on several occasions and transmitted a number of concrete suggestions for corrective action."

The reports of Audit Authority have also mentioned the misuse of the experience criteria in awarding the service contracts, as well as the practices of assigning supplementary works / services through direct negotiation, without open tender participation notice.

The Romanian authorities, at central and local level should take all the necessary measures to ensure a correct application of the European legislation on public procurement, increase the transparency and reduce corruption in this area. Again, we have mentioned contract addenda as a potential source of irregular expenditure and proper verification must to be put in place by the Management Authority.

4. We take up the recommendation made for the report of the previous year and we request that you **ensure the smooth functioning of the monitoring system (SMIS)** for output and result indicators, in order to provide the relevant information on time for its inclusion in the future reports;
5. As regards the **environmental impact of the projects and programme**, our main observation is that the SEA monitoring arrangements need to be presented, including the list of indicators used to monitor and evaluate the environmental impact of the programme and of the projects.

The list of environmental indicators was already included in the SEA permits issued by the Romanian Ministry of Environment, and there is a formal requirement for the Managing Authorities to report annually on this. This list should be the starting base, since it was developed as a result of a participative process, and thus, it reflects the common opinion of the consulted Romanian authorities and NGOs.

Therefore, future AIRs need to include information on the actual list of monitoring indicators and when and how will the report on the environmental monitoring be available (i.e. included in the next AIR).

6. Another aspect which raises our concern is the measure undertaken by the Managing Authority to request for a **Natura 2000 permit only** for the projects to be implemented within nature protected areas of community importance (page 32 – Chapter *Sustainable Development*).

We would like to draw the attention to the Romanian authorities that this approach it is not in line with the provisions of the Habitat Directive 92/43/EEC, Article 6. Thus, an appropriate assessment of the potential effects on the site's conservation objectives should be carried out not only for projects which exclusively occur in a protected site, but also for projects located outside a protected area but likely to have a significant effect on it.

Furthermore, according to the Romanian legislation transposing the relevant environmental acquis, the environmental impact assessment (including the

appropriate assessment) is integral part of the authorization procedure which finalizes with the issuing of the building permit.

For the reasons above, we would like to have the confirmation that the Managing Authority will modify this condition in the Applicant Guidelines.

7. As regards the key area of intervention 4.2 **Rehabilitation of polluted industrial sites**, we took notice of the limited progress and that an ad-hoc evaluation has been carried out with the aim to analyze the causes of this lack of progress. The study identified the difficulties this area of intervention and its potential beneficiaries are confronted with. This issue was also extensively discussed during the Monitoring Committee meetings.

Whilst it is stated that financing the rehabilitation of the polluted industrial sites and their reintroduction in the economic circuit is still relevant for the objectives of the ROP, it is also recommended that potential beneficiaries should redirect towards other types of projects, less demanding in terms of human and financial resources and time, thus more easy to implement.

We would like to stress the importance of the area of intervention 4.2 for improving the overall balance of environmental impacts of the ROP in favour of the positive ones. Therefore, the Managing Authority should identify and put into practice measures in order to speed up the implementation of this key area and not simply direct the financial resources to easier types of project. These measures should be presented in the annual report.

8. We appreciate the efforts undertaken by the national and local authorities to start designing the **Growth Poles strategy** and finalising the lists of projects; therefore we strongly recommend the acceleration of the implementation process of these investment projects for the successful application of this strategy.
9. The future reports should include more detailed and clear information on the physical and qualitative progress of the Priority 5, in special the part related to **the promotion of the tourism and setting up the needed infrastructure**, as the clarifications provided in the report or during the Monitoring Committee are insufficient.
10. As regards **communication**, several information and communication campaigns have been initiated (pp. 97-98). However, there is no clear link between the communication channels which have been used and the target groups. Thus, communication channels should be better adapted to potential beneficiaries and should provide more concrete information (e.g. web-based communication campaigns and articles in the economic newspapers are not well adapted to reach potential beneficiaries in rural areas).

The web-sites of ROP Intermediate bodies are conceived as virtual documentation resources centres and not as communication vectors with potential beneficiaries. Some useful information – such as the opening hours, the name of departments, etc. – are still missing (e.g., from the 8 ROP Intermediate Bodies, only one, the RDA Bucharest-Ilfov, provides information on its website on the opening hours).

11. We would also like to use this opportunity to recommend that **the publication of the list of beneficiaries** should evolve in the direction of increasing usability of the data presented. The effort of publishing lists of beneficiaries should be converted into truly useful and meaningful information tool for all interested parties, be it journalists, students, academics, administration or public; in other words, transforming a legal requirement into an effective communication tool. The list attached to the report and published on the website does not include always all the necessary data in special regarding the location of the beneficiary / project.
12. The table on indicators for priority 4 (page 71) includes a typing mistake regarding the total jobs created; please correct it before publishing the document.

In the end, we suggest you to prepare a **summary of the final report** to be distributed through the main communication channel in order to promote the concrete achievements of the EU programme for the development of the country and its regions. The report itself should also be made publicly available on the OPs website.