Best Practices in the European Countries

Republic of Romania
The views expressed do not imply the expression of any opinion whatsoever on the part of the United Nations and of Italian Department for Public Administration, and Formez
1. Historical background and electoral process in Romania

The spectacular fall of Nicolae Ceausescu in 1989 left an unfinished power struggle among elements of the former Communist power establishment led by Ion Iliescu and the unorganized street rioters who had contributed decisively to the end of the regime.

To control the urban opposition fearful of a Communist restoration, Ion Iliescu has more than once resorted to vigilante groups, such as those among coal miners. In exchange for various benefits, the miners—presented as the vanguard of the working class by Communist propaganda—served as voluntary anti-opposition troops in favour of the post-Communists parties.

The miners clashed with Bucharest protesters, mostly students, in June 1990, closing the new free media for weeks. They also brought down the government when Prime Minister Petre Roman broke with Iliescu a year later and returned to threaten the anti-Communist government as late as 1999, when the army had to be deployed against them.

In this last 15 years the independent media and civil society grew, and we can say that the elections in 1992, 1996 and 2000 were considered free and fair. Following the first and only swing in government from the post-Communists to the anti-Communists in 1996, and the subsequent association of the government with the Hungarian umbrella party, the Democratic Alliance of Hungarians in Romania (DAHR), the European Commission formally acknowledged in 1997 that Romania had satisfied the “Copenhagen political criteria” and invited Romania to join the European Union in 1999. Now Romania is waiting to sign the access treaty to the European Union in 2005 and become a full member in 2007, but the process of consolidating democracy it will be more difficult than it seems.

In an attempt to develop more democracy in Romania and at the same time to enter quickly in the European Union, Romania revised its 1991 Constitution in 2003. The new text takes a more liberal approach to minority languages, guarantees an independent judiciary, provides better protection of property rights, and allows EU citizens to both buy land in Romania and run in Romanian local elections. At the end of this year the negotiations with the European Union, which started in 2000, are supposed to end. In this way the Romanian Government will dedicate its attention to applying the aquis until 2007. It will be necessary to approve several law reforms to enter the European Union. In 2003, politics was "business as usual" in Romania. The ruling SDP, Romania’s main post-Communist party, continued to strengthen its position by recruiting elected officials from other parties. By the end of the year, the SDP had nearly doubled its number of mayors elected since 2000 and had increased the number of its parliamentarians by 10 percent, all coming from other parties, legal under Romanian law.

The main opposition forces were the radical populist Greater Romania Party, the second largest party of the current Romanian Parliament, and the newly formed Truth and Justice Alliance of Centrist Democratic and Liberal Parties, which ranked second in voter popularity after the SDP. The reunification of opposition forces under leaders Teodor Stolojan and Traian Basescu opens the door for a political shake-up in the next 2004 elections. After debates among political parties, the electoral legislation was revised slightly during winter 2003-2004. In October 2003, Romania held a national referendum on constitutional reforms associated with its accession to the EU. Allegations of election fraud during the referendum brought by opposition parties and civil society groups raised some concerns about the prospect for similar irregularities in the 2004 parliamentary elections.

2 For further information see, The Centre for Institutional Reform and the Informal Sector (IRIS), www.iriscenter.ro.
2. Society in Romania

In Romania, the nongovernmental organizations (NGOs) community has quickly developed in the last years. There are many NGOs using non-formal public participation methods to solve environmental problems, accumulating information and experience from Western NGOs and thus putting this experience into practice. The public is generally concerned about environmental problems but, for the ordinary citizen, public participation as a process is something new and misunderstood, due to the lack of participatory traditions; citizen participation in individual forms is rather rare and the emphasis is usually on groups..

Although there are many NGOs in Romania, their structure is not very developed, few of them have built up a professional expert base and most operate regionally or locally. There is only one large NGO which has built up a national network, which means many groups concentrate on local problems. Many NGOs work as volunteers and are involved in environmental work on a part-time basis, but although some have started to work on a permanent basis and receive funds regularly, NGO groups lack staff prepared to devote all of their attention to projects. The main change in the political landscape comes from the growing importance of civil society organizations, which have managed to become a more critical and visible presence than Romania’s weak opposition parties. In the last two years, nongovernmental organizations (NGOs) assembled the Coalition for Transparency, pushed successfully for passing transparency legislation, monitored its implementation, and urged the referendum on constitutional reform. They have also become the main actors in child protection, public policy, media monitoring, and anticorruption efforts.

This positive trend began with the passage in 2001 of the Freedom of Information Act, advocated by a coalition of civil society groups. Since then, coalitions of NGOs and other civil society actors, such as the media, trade unions, and business associations, have become widespread. In addition, the government is relying more on the expertise of civil society groups, and dialogue and consultation between them have improved significantly.

Nowadays the non-profit sector currently includes about 4,000 NGOs active out of approximately 70,000 registered associations and foundations, according to Romania’s leading civil society watchdog Centras. Other sources put the number of active groups closer to 2,500. With these numbers Romania is at the head of all the accession countries. Strikes, both legal and illegal, are frequent. In recent years the NGOs, and civil society in general, have played an important role for democracy. Since 1991, when democratic institution building was just beginning and the private business sector represented less than 10 percent of the Romanian economy, NGOs undertook various public roles, from election monitoring to social services and civic education. Though NGOs are still sponsored largely by international donors, their role and presence in public life is continually increasing.

Following the 2001 passage of the Freedom of Information Act (FOIA) by a domestic coalition of NGOs, a permanent Coalition for Transparency was created that became extremely active in 2003.

The coalition used the FOIA to push for transparency in areas as diverse as state subsidies, phone tappings, and environmental protection. It won several lawsuits against government agencies on the basis of the FOIA, each forcing the government to increase transparency in public administration. Of the many advocacy projects initiated by Romanian civil society, the most notable are campaigns for reforming electoral legislation, democratizing the military, challenging corrupt ministers, and improving the transparency of policy and administrative processes.

There has also been a significant increase in media coverage of NGO activism. Members of the Coalition for Transparency, as well as prominent social NGOs, are frequently featured in the press and have a strong reputation as opinion leaders. Coalitions of NGOs and other civil society actors—such as the media, trade unions, and business associations—are a growing phenomenon.
In addition, the government is turning more frequently to the expertise of civil society groups, and dialogue and the consultation process have improved significantly.

Last year a new law was enacted in Romania: the NGO’s now need approval from the Ministry to register themselves as legal NGOs. According to a new bill the NGOs are prohibited from using certain names and acronyms, such as “national,” “institute,” or “academic,” although the ordinance cannot be enforced retroactively for NGOs that already carry such names.

Furthermore, to qualify for public money, NGOs must have a certificate from a ministry. Out of the 14 NGOs certified by the end of 2003, 3 are connected to Prime Minister Nastase, according to the Romanian Open Society Fund.

Romania was late in developing a think tank presence compared with neighbours such as Bulgaria. But think tanks have developed considerably as of late and play a growing part in policy design and advocacy, including fiscal and social reform, anticorruption legislation, FOIA implementation, and the policy capacity of parties. This expanded role is also indicated by their association with various Western agencies (the U.S. Agency for International Development and the World Bank, for example) as domestic consultants assisting the government in the reform process. As with all NGOs, however, access to European funds for Romanian think tanks remains limited compared with that for other Central European countries, though the trend is moving in the right direction.

Overall, the influence of NGOs in Romania has increased significantly over the last three years. Thanks to the weakness of opposition political parties in Romania, NGOs—especially coalitions, such as the newly formed anticorruption Coalition for a Clean Parliament—attract a great deal of media attention and succeed in having a powerful voice. Faced with serious doubts about Romania’s capacity to implement the reforms needed for European accession, the government initiated cooperative working groups between the Department of European Integration and the country’s most reputable NGOs. The mobilization of NGOs around judicial reform also prompted the government to invite public debate on draft laws previously sent to the Parliament, despite already having the necessary majority to pass them.

At the same time there is the necessity to develop more the individual rights according also with the constitution of 1991. The Constitution adopted and approved by a national referendum in 1991 provides for most of the basic rights for public participation. Citizens as individuals or as a group of citizens have:

1. the right of expression, the right to information, the right of free assembly, the right of association and the right to petition.
2. The right to a healthy environment is not explicitly provided by the Constitution. However, the general obligation of the state to protect and ensure the health of the citizens is stated in Art.33.
3. The right of the public to gain access to information in the public interest and states that this right cannot be restricted. It also obliges public authorities to provide correct information related to public affairs, according to their competence (Art.31).
4. The general right of petition is stipulated by the Constitution, but petitions can be drawn up only in the name of the applicants, both those addressed by physical persons and legal persons. In practice this means that, for example, NGOs can draw up petitions only in the name of their members, which limits the capacity for public support. The public authorities are bound to answer to petitions within terms and under conditions as established by law (Art.47:4) within a period of 30 days, as a rule. Ordinary citizens do not have the right to petition the Constitutional Court.

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3. Legislation and rulemaking, Constitution and Judiciary system

Romania revised its 1991 Constitution in 2003. The stated reason was to allow European citizens to run in local elections and buy land in Romania, though the country's EU accession isn't expected until 2007 at the earliest. After two years of debate, no proposals with the potential for significant change passed.

These had included eliminating a chamber of the Parliament, reducing the number of members of Parliament—currently among the largest per capita in the world—and forbidding political migration from one party to another. The revised Constitution features limited improvements in the separation of powers, the effectiveness of the two chambers, and the recruitment of higher-quality parliamentarians.

A legislation approval deadline of 45 days was introduced to avoid delays between the two chambers, but as no part of the legislative chain was eliminated, this risks only further exacerbating the already low quality of legislation passed. Property will be “guaranteed” instead of merely “protected,” and the rights of Hungarians to use their native language in the courts or local government is again part of the Constitution, as it had been in the 1964 version.

These constitutional changes are not indispensable. The 1991 Constitution had not prevented the fair treatment of property, nor did it forbid the use of minority languages. The use of minority languages is not developed in Romania because there was not the will by the politicians and not because the constitution was not able to guarantee this principles. Progress was achieved in limiting immunity for members of Parliament, who can now be charged without the approval of their chamber for offenses committed outside the Parliament and unrelated to politics.

Also, the judiciary has been improved by making judges the sole authority empowered to issue warrants for preventive searches and arrests and by subordinating the police to prosecutors. However, like the police, prosecutors fight constantly against their de facto submission to magistrates. These practices are a reaction to the Communist era, when the police dominated the prosecutors and the prosecutors dominated the judges.

The issue of property restitution remains the best example of the distance between law and practice in Romania. While the new Constitution states that property will not be nationalized in the future, an unlikely possibility in view of the country's EU accession, Romania struggles daily (and loses) in the European Court of Human Rights (ECHR) in Strasbourg to keep nationalized property.

Newly appointed in fall 2003, the prosecutor-general gave no sign that he intends to backtrack on this issue. While the new Constitution was being approved, the Supreme Court of Justice ruled in an extraordinary appeal that not even a building confiscated by the Red Army without papers and passed to the Romanian state can be returned to the former owners. The post-Communists have always been against restitution, and fantastic figures have been circulated for the total sum in claims the government would need to pay.

The main difference between Romania and other Central European countries over the past decade has been the degree of political will to create an autonomous society rather than remain dependent on the old Socialist model. As elites increasingly agree on essential issues—such as how to handle the Communist legacy, most notably property—progress toward transition has been smoother and faster. In Central Europe, such a consensus existed from the onset of transition in 1989, as Communist parties had already exhausted the possibilities of reforming the former system. In the first years of transition in post-totalitarian Romania, the Communist successors attempted unsuccessfully to pursue these half-baked reforms. Romania’s post-Communists have only recently become promoters of the market economy.

Crucial judicial reforms were expected in 2003 and should have been enacted, including four laws creating a new judicial framework (the Law on the Statute of Magistrates, the Law on the Organization of the Judiciary, the Law on the Supreme Council of Magistrates, and the Law on the
Public Prosecutor), the new criminal code, the criminal and civil procedures codes, and the fiscal code.

Contrary to expectations, the government passed only the first two laws during the year but did not go through chambers. No decision was taken on the two most important issues: the mechanism for appointing judges to the Supreme Council of Magistrates (SCM), the self-governing body expected to take over regulatory power from the Ministry of Justice, and the use of extraordinary appeals.

Initially an exception, the "extraordinary appeal" by the prosecutor-general was made a norm in the past decade in order to challenge final solutions by judges favouring owners of nationalized real estate. In practice, this meant that owners who had waited in vain for the return of property that had been confiscated by the Communist regime could take their claims to court. Prior to a 1995 Law of Restitution, courts ruled mostly in favour of owners. The government would appeal, and the trial would eventually reach the Supreme Court. The Supreme Court also ruled in favour of the owner. Then the prosecutor-general would appeal, a second panel of judges from the Supreme Court would be created, and they would rule in favour of the government. Many of these cases have now reached the ECHR in Strasbourg, and not surprisingly, the Romanian government lost in all 2003 judgments.

The Supreme Court judge who reversed most of these decisions has been promoted to the number two position in the Department of Justice. The ECHR cannot ask for the restitution of property but can only fine the Romanian government and set damages for property owners. Thus, each case lost by the government is paid for by the Romanian taxpayers, while the state or state’s tenants keep the property. The original landowners have always been viewed unfavourably by the SDP as "propertied classes," yet the new tenants of these properties and luxurious houses are cronies of the political establishment. This confused mixture of political ideologies is typical of Romanian transition under post-Communist rule.

Pressed hard by the European Commission, the World Bank, and most other international donors, the Romanian government pledged to do away with extraordinary appeals. In the revised procedure for civil cases, scheduled to be implemented in 2003, the extraordinary appeal no longer exists, though current appeals will be judged until a final solution is reached. However, the revised criminal code (passed in 2003) preserved the possibility for extraordinary appeal. Among the final sentences of the Supreme Court during the first half of 2003, the prosecutor-general (subordinate to the minister of justice) successfully appealed 156 criminal law suits and 238 civil law suits, according to Department of Justice data.

The Romanian courts are weakened by low budgets and excessive property lawsuits resulting from contradictory restitution legislation. But political interventionism remains the number one problem. Bad politics prompts bad justice in Romania, overriding any endemic organizational or administrative problems in the judiciary. As an example, a court hindered the creation of the new opposition alliance without providing serious grounds. Also, the reluctance to grant some fiscal autonomy to courts has long prevented decentralization of the judiciary. Unfortunately, successive governments have shown their distrust in the self-regulating abilities of magistrates and take the position that judicial reform and corruption can be tackled only by strengthening the control of the Ministry of Justice. However, the constant enhancement of governmental power over the judiciary is contradictory to the aims of the reform process.

For international donors assisting judicial reform in Romania, the main goal is to transfer oversight from the Justice Ministry—which directly controls judges and participates in their appointment—to the SCM. The revised Constitution opens the door for this development and helps to insulate the SCM from political intervention. The appointment process in the new Constitution is close to the current one but makes the Romanian president (rather than the minister of justice) chair of the council. Prosecutors, who are directly subordinate to the Ministry of Justice,
also make up half the council. The Parliament appoints two members from the civil society in the SCM, further decreasing the proportion of judges as direct representatives. Under these circumstances, even a formal transfer of power from the Ministry of Justice to the SCM risks making little actual change in practice. Furthermore, following passage of the Constitution, judges in the Supreme Court will not have their tenure renewed automatically every six years but will for the first time have unlimited tenure. While this is obviously an improvement over the former system, it also provides a fresh opportunity for the abuse of political appointments.

4. Public participation in central Government

In Romania, Parliament is the single law-making entity. The Constitution provided obliges the government to cooperate with social organizations in the rulemaking process. However, this provision does not call for public participation in the legislative process, nor does it require that the public be notified of proposed laws. The public has the right to propose amendments to the Constitution by initiative. Such motions require the petition of at least 500,000 citizens, other 250000 and others geographical limits. The right for national level referendum is provided by the Constitution in Art.90. The public and NGOs have only limited possibilities to make a direct impact on the decision-making process of parliament and at central government level. There are no imperative public participation provisions/procedures in the Statutes of the Parliamentary Chambers, or in the law-making process. No laws or rules governing the process of law-making at either parliamentary or government level contain public participation provisions, nor do they require that the public be notified of proposed laws.

5. Local level

At a local level, the law on Local Public Administration No.69/1991 includes provisions allowing the mayor to submit matters to the public for consultation and approval. This can be used for public participation. Matters should be initiated by the public according to the provisions stipulated in the City Council (local council) Statutes. Every local council adopts its own statute which includes the rules regarding meetings, duties and obligations of the councillors and the different committees. The statutes can include provisions regarding the referenda on a local level. These statutes are very different from one town to another - e.g. in Tirgu Mures, just 8 percent of the citizens are required for a referendum.

6. Administrative law and procedure

The administrative law and procedure does not contain public participation provisions. However, it provides remedies that the public can use. A person dissatisfied with an administrative decision or with another document should apply first to the decisionmaking administrative authority itself (which has the opportunity to reconsider its decision, unless the injury is legally acknowledged by an administrative document to be in the person's rights, in which case the person need not to give the deciding authority an opportunity to reconsider). In the case of an unsuccessful appeal to the administrative authority or, in the later case, directly, the plaintive may appeal to the court. Art.1 of Law 29/1990 on administrative procedure states that any physical or legal person considering him or herself injured, either in his or her rights (provided this is legally acknowledged by an administrative act) or owing to the unjustified refusal of an administrative authority to solve a request, may apply to the competent court in order to render the document void, to acknowledge the claims right and to compensate for any loss. This law also considers an unjustified refusal to solve a petition referring to a legal right, if the petition
is not answered within 30 days following the registration of the petition, unless the law foresees another term.

7. Governance and independent media

There is no Access to Information Law. Information can be acquired under constitutional provision stipulated in Art.31. There is no efficient mechanism established to provide reports and receive information for public access. Public authorities are required to provide information, but do not have specific instructions related to their duty - i.e. what information, to whom, and how they have to disseminate.

In Romania, there are no non-formal channels or mechanisms initiated by parliament or government which could be used for public participation. The only possibility, besides using the relatively rare ad hoc meetings or discussions, is access to elected officials (MPs) but this is limited due to the lack of tradition in openness. The success of such lobbying activities depends on the will of the MPs and activity of NGOs, but there are not enough expert NGO groups trying to influence the lawmakers. There have been NGOs elected as MPs, but usually only the national level NGO groups want to play a more political role. Occasionally, NGOs prepare their own, alternative drafts.

At a local level, the situation is a bit better since local officials (public authorities) are obliged to meet the public regularly, but this is a requirement of locally elected officials under their party statutes only during elections. Local council have the possibility to include such a rule in their own statute and NGOs and citizens have the right to ask for a meeting with an elected official.

NGOs are rarely directly represented in decision-making bodies (central and local), but their opinions may be represented by the elected officials, provided they can convince them. NGOs can convey their message to local government in many ways using non-formal tools - i.e. writing letters of complaint, articles in the local newspaper, commenting and submitting proposals on the issues that are on the agenda of the council, etc. but, because of the lack of organizational capacity and the lack of tradition with participatory democracy, these methods are rarely used.

Access to the media is free and many NGOs find it a useful tool to educate citizens on the principles of public participation but, as yet, the media is not very influential. The media (notably the press) along with civil society groups played an important role in the 2003 resignation of three influential ministers on allegations of corruption, a first in Romanian politics. Despite economic difficulties, the press is fairly independent and critical of the government, while electronic media, plagued by debts to the state, have become increasingly sensationalistic and avoid politics altogether to minimize the risk of political pressure. Despite constraints on freedom of expression in both public and private TV, the Romanian media remain the main tool for political accountability owing to the weakness of the judiciary and audit organizations. The new criminal code allows more freedom of expression for journalists.

There are several non-formal instruments which are regularly used by NGOs in Romania for public participation. These include newsletters and brochures, advertisements, collecting signatures and submitting petitions. Usually, cooperation between NGOs in public participation revolves around workshops and seminars which mainly target the education of the NGO community on issues related to public participation. Recently, networking has become more widespread due to the introduction of e-mail.

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3 For further details see Media Monitoring Agency – Academia Catavencu (MMA), www.mma.org; www.freeex.org; www.romanews.ro.

4 For further information, see Romania Barna Barthal, The legal framework for public participation and existing legal practices at the start of 1995, Romania, 1996.
As there is no Access to Information Law in Romania, information can be requested either upon the provision stipulated in the Constitution, which guarantees a general right to information, or based on non-formal methods. Information is difficult to access due to the general veil of secrecy which still prevails, as well as the lack of experience in requesting information. Consultations and public hearings are very rare between the authorities and NGOs/the public (decision-making is the responsibility of the authorities and there are no traditions of transferring it to the public).

Many NGOs work on programs related to public participation and use different methods to target the public, authorities and industry. Several groups have on-going environmental educational and training programs, including public participation and they try to involve local and central government officials, as well as the business community. Public participation advisory services are being set up by some NGOs and legal assistance in environmental issues is provided by NGO lawyers, both for the public and NGOs. The attitude of some authorities at central and local level is improving as they begin to understand the importance of public participation.

Recently a coalition of NGOs headed by TI-Romania set out to enhance public participation in government and assisted in the development and introduction of Romania’s so-called “Sunshine Law”. The Sunshine Law (Law 52/2003 regarding Transparency of Decision-making in Public Administration) offers a comprehensive set of guidelines and regulations for public participation in policy-making and government in Romania. The coalition provided training in how to implement the new law and also published a guide for the general public and the administration. TI-Romania was involved in each stage of the project and co-ordinated the efforts of various partner groups. This project was implemented from July 2002 to March 2003 in Bucharest, Romania. Originally, the project set out to simply make amendments to the government’s Transparency Bill (Sunshine Bill) in order to improve transparency in Romania’s regulatory and decision-making process. However, once the Bill had actually been introduced, the initial scope of the project expanded. At this stage, the various partner organisations adjusted their focus to identify potential obstacles and prevent problems in the implementation of the law. The “sunshine law” came into effect in 2003 that opened the decision-making process in public institutions to public consultation and participation.

Speaking strictly about governance, we must say that Romania scores last among EU accession countries in the World Bank’s composite index of government accountability, effectiveness, regulatory quality, rule of law, control of corruption, and political stability. More important, Romania experienced the least improvement in performance between 1998 and 2002 among all the states included in this panel study. These scores confirm Romania's low grades on public administration reform in the European Commission’s 2003 progress report on accession.

A “sunshine law” was put into effect in 2003 that opened the decision-making process in public institutions to public consultation and participation. The scope of the e-procurement system, set up a few years ago, was broadened, and bids for public contracts have become more transparent. The modified Constitution also limits the ability of the government to pass legislation through emergency ordinances. This disputed practice had diminished the Parliament’s role as the main rule-making institution by delaying the legislature's approval for months or sometimes years after such emergency bills were already in effect. However, a culture of secrecy still persists at the governmental level, and NGOs are obliged to enforce the FOIA through the court system. Courts ruled increasingly in their favour in 2003, forcing even the prosecutor-general to disclose the number of tapped phones, a highly sensitive issue in Romania.

5 For further details see Improving Transparency via the Sunshine Law, in Civitas foundation for civil society, Romania, in http://www.gov.ro
6 For further information see www.transparency.org.ro.
Of the reforms initiated through agreements with the EU and the World Bank, decentralization has been the most advanced, though most of the progress was made prior to 2001. By and large, a reasonably functional system of local governance was created through successive legislative acts (in 1991, 1994, 1998, and 2001). Only minor adjustments are still needed, such as clarifying the functions of local and county councils, detailing the reassignment of attributions and revenues, and refining the criteria for allocating resources from ministries and counties to localities. As in almost every field, enforcement of the existing legislation is not sufficient. Laws are often ignored, interpreted loosely, or broken outright to perpetuate the former pattern of patronizing and subordinating the lower tiers of government.

In turn, the local governments would prefer to maintain their political connections and loose environment, where there are no hard budgetary constraints and everything is negotiable on a case-by-case basis. Certain financial allocations are made in defiance of the Law on State Budget in order to build political networks inside territories (a technique known as "equalization grants"). These sums are not only discretionary, but also opaque, so it is hard for independent observers or the public to see where the money went within the infrastructure and why. The new Law on the Civil Service, passed early in 2003 (as part of the anticorruption package), requires that the prefect become a professional “high civil servant,” with all the requirements and protections of such a position. Months after the law was adopted and following government reorganization, several prefects were reshuffled. Some were criticized not for their ineffectiveness as prefects, but for their ties as local party organization leaders.

The Law on the Civil Service attempts to define the scope and status of that sector in Romania. It also increases the depoliticization of civil service by transforming a number of top appointees into a special class of “high civil servants” (for instance, prefects). Despite this reform, public administration remains severely politicized. The prosecutor-general appealed the decision of the Supreme Court of Justice that the Romanian presidency had illegally fired a tenured civil servant after the last elections.

A few civil servants tenured on the basis of the first Law on the Civil Service, in 1999, sued the government for being dismissed during the change of power in 2001. Most cases were decided in their favour or are still under appeal. Civil servants now have a union to protect their interests in the courts.

Unfortunately, across the entire field of government reform there is a general impression that laws are passed to create the appearance of change rather than to truly impact the system. The same problem affects transparency laws; for example, there are no clear consequences for failing to correctly report data in the assets and interest declaration forms. There are no consequences if a ministry keeps secret a draft or policy document before sending it to the Parliament, although the "sunshine law" stipulates at least one month of prior disclosure. Appeals to the judiciary by civil society are usually successful but are lengthy and slow.

In 2003, Romania passed an important anticorruption package, regulating for the first time conflict of interest for government ministers and civil servants and creating a National Authority for Control. Unlike the Office of the Anticorruption Prosecutor (set up in 2002), which the public suspects of political bias, the National Authority for Control has taken a non-partisan stand in the implementation of new legislation against corruption and tax evasion. There is still much to do for the public to perceive an actual difference in the fight against corruption, but the framework has been created. The resignation of three ministers following corruption allegations was also a significant step.