



**TRANSPARENCY & ANTICORRUPTION:
*OUR PROPOSAL FOR A COMMON GRID OF INDICATORS***

Milan, 24-27 September 2024

Public Governance - Administrative Capacity - Open Data

EUROPEAN COMMISSION, 2018, Measuring Public Administration: A feasibility study for better comparative indicators in the EU:

*“Worldwide, the evidence is irrefutable: **high productivity, high income per head economies have the most effective and efficient public institutions.** The internal market cannot be completed, the EU acquis cannot be effectively implemented, and the goals of smart, inclusive and sustainable growth cannot be realistically achieved without good governance”.*

*“**Comparative Public Administration needs better data** to credibly underpin the conceptual models of PA performance”.*

*“**Open data strategies tap into analytical resources in society.** Open data can enable the research community and civil society to do their own analysis of the performance of government. As a result, the evaluation agenda of government performance is out of the hands of the government. (...) Yet, overall, society will benefit from an open evaluation culture”.*

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EUROPEAN COMMISSION, 2020, Roadmaps for Administrative Capacity Building – Practical toolkit:

*“Good governance is a crucial element of economic development and cohesion policy. It calls for **good administrative capacity**, meaning that the national, regional or local civil service needs to be efficient and effective in implementing the policies and/or tasks entrusted to it. Experience shows that EU Member States and regions with weak institutions have significant problems with absorbing available EU funds and putting them to the best possible use”.*

*“Good governance should be at the heart of any policy. (...) Improvements in governance are especially important to low-growth regions, as benefits from improvements in basic growth endowments have been exhausted. **Reducing corruption and improving the effectiveness of government is the way forward”.***

EUROPEAN COMMISSION – DG REFORM, 2020, Governance and Public Administration:

*“A **well-functioning public administration provides a solid platform for the development of businesses and ensures quality services** to citizens and professionals. This, in turn, attracts investment. It is also a central tool for structuring the work of the government and **transforming political guidelines into reality”.***

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EUROPEAN COMMISSION, 2023, Enhancing the European Administrative Space (ComPAct):

*“Public administrations are essential for democratic governance and upholding the rule of law. Public administrations need to preserve and improve public’s trust and to uphold democracy through **high standards of integrity, transparency, accountability and preventing and fighting against corruption**”.*

*“A common set of overarching principles underpin the quality of public administration: (...) **accountability, openness** of public administration, **integrity**, and **oversight** of administrative processes”.*

*“... **high quality public administrations** are essential for **good governance** and for the **effectiveness** of EU and Member States’ action. The public sector needs to be action-oriented, tackle emerging challenges, while **strengthening public trust**”.*

*“**Comparative data** on public administration is **still relatively limited**”.*

*“The European Commission will (...) **develop methodologies for relevant public administration indicators, help improve existing tools for data production, conduct cross-EU studies on relevant topics...**”.*

What we learnt about Romania

Transparency Laws

Major laws about transparency may be considered:

- **Law n. 544/2001, on free access to information of public interest;**
- **Law n. 52/2003, regarding decisional transparency.**

According to Law n. 544/2001, PAs ensure access to public information in 2 ways:

1. *ex officio* (active publication), which consists of a short list of obligations (see next slide)
2. upon request (by citizens and stakeholders), whereby the administration must verify and process requests within ten to thirty days maximum.

According to Law n. 52/2003, article 2, PAs are obliged:

- a) to inform persons, *ex officio*, on matters of public interest to be debated by the central and local public administration authorities, as well as draft normative acts; b) consultation of citizens and associations legally established, at the initiative of public authorities, in the drafting of normative acts; c) active participation of citizens in administrative decision making and drafting of normative acts, in compliance with the following rules:
1. the sessions and debates of the public authorities and institutions that are the subject of this law are public, according to the law;
 2. the debates will be recorded and made public;
 3. the minutes of these meetings shall be recorded, archived and made public, in accordance with the law.

Accountability at national level

The analysis of some sample ministries and counties reveals a significant positive finding: the information are published in the same area of the homepage, according to a standardized format.

In particular, there are two relevant menu items on the homepage:

- ✓ “Decisional Transparency”,
- ✓ “Public Information”,

containing the same nine categories of information listed in the aforementioned Law n. 544:

- the **normative acts** regulating the organization and functioning of the public authority or institution;
- the **organizational structure**, the departments' attributions, the functioning program, the audience program of the public authority or institution;
- the name and surname of the **persons in charge of the public authority** or institution and the official responsible for the dissemination of public information;
- the contact details of the public authority or institution, including name, headquarters, telephone numbers, fax, e-mail address and website address;
- **financial sources, budget, and balance sheet;**
- their own programs and strategies;
- the list of documents of public interest;
- the list of the categories of documents produced and/or managed, according to the law;
- the means of challenging the decision of the public authority or institution in the situation where the person is considered injured in the right of access to the requested public information.

What we learnt about Bulgaria

Access to Public Information Act (2000)

The citizens' right to request public information and the obligation of public authorities to transparently publish data on their websites

Obligated bodies (Title amended, SG No. 49/2007)

Art. 3. (1) (Amended SG No. 104/2008) This act shall apply to access to public information that is created by or held by the state bodies, their regional offices, and the local self-governance bodies of the Republic of Bulgaria, hereinafter referred to as "the bodies".

(2) (Amended SG No. 104/2008) This act shall also apply to the access to public information, which is created by and kept with:

1. bodies, subject to the public law, other than those under par. 1, including public law organizations;
2. individuals and legal entities as far as only their activities financed with funds from the consolidated state budget, subsidies from the European Union funds or allocated through EU projects and programs, are concerned.

(3) (New, SG No. 49/2007; Amended, SG No. 104/2008) Public sector organizations shall be obliged to provide public sector information for re-use, excluding the cases prescribed by that law.

(4) (New, SG No. 49/2007; Amended – SG No. 97/2015 in force since 12.01.2016) Public sector organizations are the bodies under paragraph 1 and paragraph 2, item 1.

Persons entitled to the right of access to public information and the right of re-use of public sector information (Title amended - SG No. 49/2007)

Art. 4. (1) Any citizen of the Republic of Bulgaria is entitled to access to public information subject to the conditions and the procedure set forth in this act, unless another act provides for a special procedure to seek, receive and impart such information.

(2) Foreign citizens and individuals with no citizenship shall enjoy the right under par. 1 in the Republic of Bulgaria.

(3) Legal entities shall enjoy the right under par. 1 too.

(4) (New, SG No. 49/2007) Persons under par. 1, 2, 3 shall have the right of re-use of public sector information.



Pilot Project for EU – DG Regio (2020)

Public rating: pilot project to examine availability of quantitative and qualitative indicators in the EU States on their administrative capacity

STARTING POINT

The call for tender issued by the EC-DG Regio stated that: “Measuring the quality and performance of public institutions remains a challenge”:

- in most cases, the developed methodologies and frameworks (OECD, Eurostat, European Research council, JRC, World Bank and, more recently, DG REFORM) concern mostly the **policy implementation rather than the way the administration functions** and the way its functioning affects the policy outcomes;
- another element of difficulty is the fact that most of the information available covers the national level and it does not take into account sufficiently the territorial dimension of **administration of public goods and implementation of investment projects**;
- finally, the bulk of existing studies and data are based on **perception** of the different dimensions of public administration performance.

Public rating: pilot project to examine availability of quantitative and qualitative indicators in the EU States on their administrative capacity

RESULT

The result of a pilot project showed that the 6 analyzed EU Member States (Italy, Romania, Spain, Czech Republic, Finland and Ireland) have different approaches to transparency (and different laws) but all of them adopted a law on the right of access (FOIA) with two pillars:

- a) the citizens' right of access to public information;
- b) the administration's duty of publishing information directly on their website.

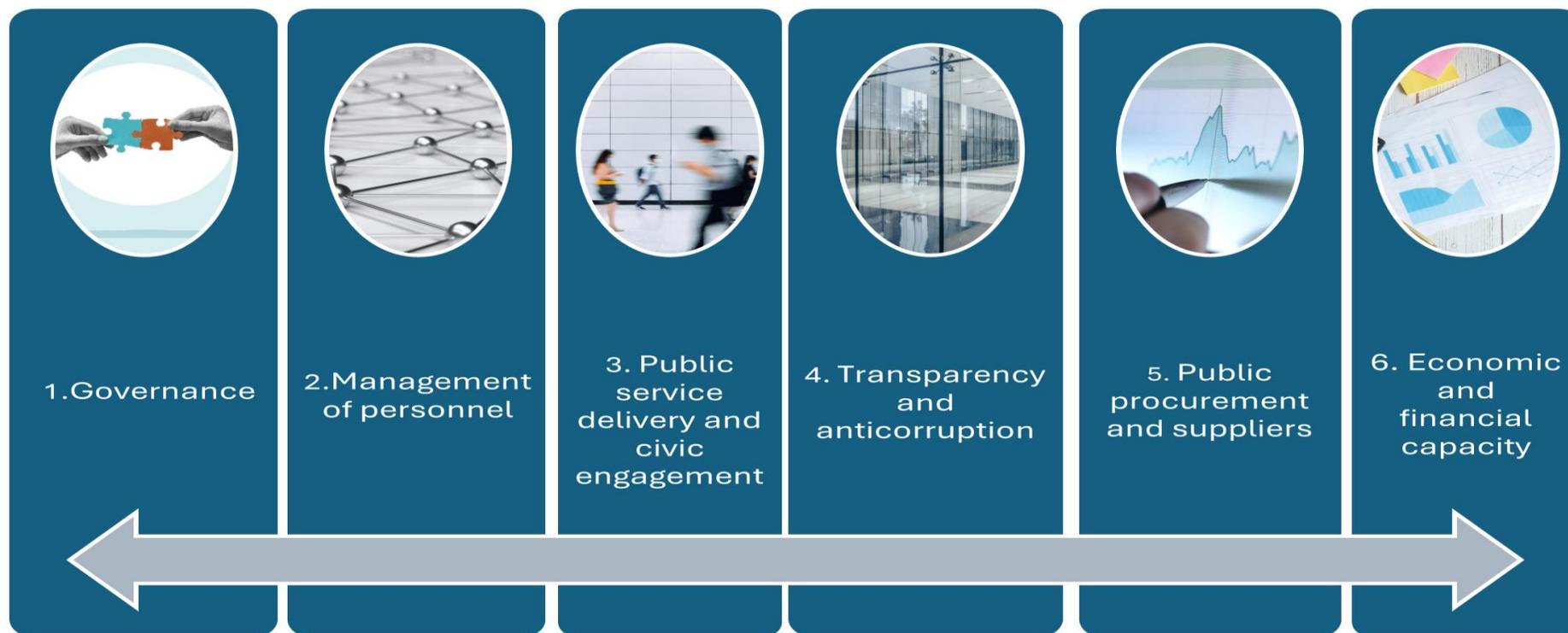
And this is crucial since, **from their publication, data become transparent, measurable, comparable.**

Where PAs are obliged to publish the same information, in the same format, within the same time frame and in the same section of their websites, the citizen has the opportunity not only to evaluate the work of the individual administration, but also to compare it with that of other administrations with a similar profile.

In summary, all the countries analyzed show a certain degree of transparency, and therefore measurability of their administrative capacity.

A possible common grid of indicators

Therefore, starting from our methodology and the grid of indicators applicable in Italy, it is possible to identify a set of indicators based on data available on the websites of the respective public administrations and we suggest to build an evaluation grid which covers the following macro-areas:



Each macro-area is composed by multiple indicators, whose implementation needs to be observed. We then suggest to read and evaluate together our proposal: [Common Check List_Model.xlsx \(sharepoint.com\)](#)