



Romanian Digitalization Agenda – the Government takes one step forward by setting up the Authority for the Digitalization of Romania

1. Background

In November 2019, the newly-appointed Romanian government decided to operate certain operational changes.

As a result of the reorganisation, the Ministry of Transport was merged with the Ministry of Communications and Information Society, becoming the Ministry of Transport, Infrastructure and Communications. The former Agency for the Digital Agenda of Romania, which was functioning under the supervision of the Ministry of Communications and of the Information Society was dissolved, and in its stead a new Authority for the Digitalization of Romania (“ADR”) was instituted within the Government’s work apparatus.

The ADR was empowered to take over the activities and structures in the field of technology information, information society and the national interoperability framework from the Ministry of Communications and Information Society.

At the same time, the Romanian Government’s General Secretariat was tasked with implementing Romania’s cybersecurity policy and the Romanian National Computer Security Incident Response Team (“CERT-RO”), now subordinated to the prime minister, was empowered to draft legislative proposals related to cybersecurity and to send them to the Government General Secretariat for initiation.

On February 13, 2020, the Government Decision no. 89/2020 regarding the organization and functioning of the Authority for the Digitalization of Romania (“**Government Decision no. 89/2020**”) was published in the Official Gazette.

According to this Government Decision, the ADR has a wide range of functions and attributions.

2. Objectives and responsibilities of the ADR

The ADR is to attain the following objectives:

- (i) the digital transformation of the Romanian economy and society;
- (ii) the electronic governance of the public administration in Romania; and
- (iii) reaching the objectives set for Romania by the European Union in its financial aid programmes, within the ADR's domains of competence.

In meeting its objectives, the ADR's main attributions and responsibilities are detailed below.

2.1. Strategy and planning

The ADR is to create and implement strategies, plans and policies concerning the following lines of action:

- (i) the national strategy for digital transformation; the ADR is also to assist and coordinate the public authorities in creating and implementing the national strategies for each sector, except for (a) the strategies regarding networks and information systems for the diplomatic missions and consulates of Romania, as well as (b) those related to national defence, public order, national security and emergency situations; moreover, ADR is to coordinate the public policies necessary for implementing programmes for the information society and interoperability of public services;
- (ii) the national strategy for automation, robotics and artificial intelligence;
- (iii) the national plan for citizen's digital skills;
- (iv) the national plan for the development of digital skills within the public administration;
- (v) policies for setting-up and developing innovation centres and business incubators, in collaboration with the Government Secretariat;
- (vi) the policy for efficient management and use of domain names.

2.2. Reporting

The ADR is to report to the Government on the progress of digitalization in Romania, within quarterly report to be published on the authority's website. A catalogue of public services to be used by the Government as basis of its strategic decisions on digital transformation is also to be published.

The ADR also reports to the European Commission on the compliance of public authorities' websites and mobile applications with the EU requirements regarding accessibility to such for disabled persons.

2.3. Representation

ADR represents Romania in international cooperation organisms, pertaining to its field of competence, and also liaises with EU institutions.

As such, the ADR will be the competent authority for implementing the Regulation (EU) 2017/2394 on cooperation between national authorities responsible for the enforcement of consumer protection laws, and respectively Romania's coordinating authority for the implementation of the Regulation (EU) 2018/1724 establishing a single digital gateway to provide access to information, to procedures and to assistance and problem-solving services and the Regulation (EU) 2017/1128 on cross-border portability of online content services in the internal market.

2.4. Promotion of advanced technologies

The ADR is to support the adoption of advanced technologies (including robotics, artificial intelligence, internet of things), increasing interoperability between public administration information systems, the development of smart cities in Romania and digital education.

2.5. Regulation, supervision and control

Legislative and other regulatory projects in the fields of regulation within the ADR's competence (including standards, technical norms and guidelines) are to be initiated, issued or approved by the ADR, who also has supervision and control functions.

The ADR will:

- (i) approve or authorize information society services, including, but not limited to data centres, alternative transport platforms and virtual currency exchange platforms, in accordance with applicable legislation;
- (ii) supervise and control e-commerce activities;
- (iii) control whether the provisions regarding public administration website accessibility is observed;
- (iv) be the regulatory and supervisory authority for (a) electronic signature (including for supervising qualified trust service providers); (b) electronic timestamps; (c) electronic notary activity; (d) electronic document archiving; (e) sole point of contact with respect to freedom of establishment of the service providers and liberty for providing services in Romania;
- (v) approve distance payment instruments such as Internet banking, home-banking, phone-banking or mobile-banking;
- (vi) regulate the functioning of the ".ro" domain name registry.

2.6. Programmes and projects

The authority will be involved in all activity regarding national programmes related to its fields of competence. In this regard it is empowered to liaise also with the civil society and academia for public-private partnerships and other projects of common interest.

2.7. Information systems and electronic services

The ADR will implement, operate and operate mobile and technologically neutral electronic services, including on cloud platforms.

As a service provider, the ADR will develop and implement information systems necessary for the digital transformation of Romania. Such systems include electronic authentication, interoperability of the public information infrastructure, authenticity certification and data protection.

Government Decision no. 89/2020 provides that the ADR will develop the following public systems:

- (i) the e-governance system;
- (ii) the national online tax payment system;
- (iii) the national electronic public acquisition system;
- (iv) information systems for the electronic issuance of electronic authorizations for international transport of goods and for the electronic assignment of national routes from the transport programmes;
- (v) the sole electronic point of contact system; and
- (vi) the governmental cloud.

The ADR is tasked to ensure the security of the information systems it operates, as well as their support centre.

The source-code for any application developed for the central administration will be deposited with the ADR, who will have the right to modify, adapt and re-use it according to the needs of the relevant institutions.

3. Structure of the ADR

There are a maximum number of 216 positions in the ADR, excluding dignitaries and their cabinets, under the management of a President, aided by two vice-presidents.

4. Key take-aways

The newly-created authority will inherit the attributions of the former Agency for the Digital Agenda of Romania, but also some of the attributions of the Ministry of Communications and of the Information Society.

The adoption of the Government Ordinance no. 89/2020 was met with criticism from some institutions, including the Romanian Intelligence Service and CERT-RO on the grounds of the ADR's attributions in cybersecurity.

However, digitalization, especially of public services, is long-awaited by the citizens and businesses in Romania. The initiators of the normative acts regarding the ADR hope that one authority with extended attributions will have a better chance of implementing a long-term vision, as well as undertaking and finalizing projects that are currently severely under-developed.

It would be advisable for stakeholders to closely monitor the activities of the new authority, given its extended attributions in very different areas.



Alina Popescu

Partner

alina.popescu@mprpartners.com



Flavia Ștefura

Senior Associate

flavia.stefura@mprpartners.com