

**Decision no. 34 of January 27<sup>th</sup> 2017**

**on the organization and functioning of the National System for the Management of the European Affairs in regard to the participation of Romania in the decision making process within the European Union institutions**

**Issuer – Government of Romania**

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Pursuant to Article 108 of the Romanian Constitution, as republished, to Article 12, paragraph 6 of Government Emergency Ordinance no. 96/2012 on establishing reorganization measures in the central public administration and for amending certain legal acts, approved with subsequent amendments and supplements, and to Article 11, paragraphs 1 and 5 of the Government Emergency Ordinance no 1/2017 for establishing measures in the field of central public administration and for amending and supplementing certain legal acts, The Government of Romania adopts this Decision.

**Article 1**

This Decision shall regulate the organization and functioning of the National System for the Management of the European Affairs in regard to the participation of Romania in the decision making process of the institutions of the European Union, lead by the Minister Delegate for European Affairs within the Ministry of Foreign Affairs.

**Article 2**

For the purposes of this Decision, the terms and expressions below shall have the following meanings:

a) mandate – Romania's negotiation position regarding issues on the agenda of the Council of the European Union, including drafts of binding legal acts of the European Union, as well as proposals for implementing acts of binding legal acts of the European Union;

b) general mandate – Romania's negotiation position regarding issues on the agenda of the Council of the European Union, including drafts of binding legal acts of the European Union, as well as ~~for~~ proposals for implementing acts of binding legal acts of the European Union, in case their economic, social or environmental implications have a major importance or are connected to several areas.

**Article 3**

(1) The institutions with responsibilities in the management process in the field of European affairs regulated by this Decision shall be the Ministry for Foreign Affairs, through the Minister Delegate for European Affairs, as well as other ministries and specialized bodies organized within the Government or other ministries, hereinafter referred to as *specialized bodies*, according to their specific activity areas.

(2) The Ministry for Foreign Affairs, through the Minister Delegate for European Affairs, shall ensure consultations of autonomous administrative authorities for preparing mandates and general mandates on issues under their area of competence. The Ministry for Foreign Affairs, through the Minister Delegate for European Affairs, shall conclude collaboration protocols with them, in order to ensure an efficient coordination in the area of European affairs and to promote coherent positions for Romania at the European level.

(3) The coordination of the decision making process and adoption of Romania's positions on the issues of European affairs shall be realized on the following levels of decision-making:

- a) Romanian Government;
- b) Coordination Committee of the National System for the Management of the European Affairs, hereinafter referred to as *Coordination Committee*;
- c) working groups of the National System for the Management of European Affairs, hereinafter referred to as *working groups*.

#### **Article 4**

(1) The Ministry for Foreign Affairs, through the Minister Delegate for European Affairs, shall fulfil the following tasks:

- a) shall coordinate the development, adoption and promoting process of the national positions which will be defended by the Romanian authorities in negotiations within European Union institutions and their working structures;
- b) shall transmit Romania's positions adopted through mandates or general mandates by the Permanent Representation of Romania to the European Union;
- c) shall chair reunions and shall ensure the executive and the secretariat activity of the Coordination Committee, including establishing the working agenda, and shall follow the carrying out of decisions established by it;
- d) shall monitor and inform the institutions with responsibilities in the management process of European affairs on the activity of the European Parliament, including from the perspective of national positions promoted at the level of European Union's institutions;
- e) shall collaborate with the Ministry for Regional Development, Public Administration and European Funds in aspects related to the impact of European policies on the management process of European funds;
- f) shall support the activity of the Interministerial Council for completing negotiations on the Multiannual Financial Framework of the European Union – MFF, by correlating the groundwork and technical solutions of the Council with European and national overall policy and foreign policy directions;
- g) shall coordinate the process of preparing and running the Presidency of the Council that Romania will hold during the first semester of 2019.

(2) The Ministry of Foreign Affairs, through the Minister Delegate for European Affairs, shall present periodically for the approval of the Prime Minister:

- a) proposals on Romania's national political priorities as a Member State of the European Union, as established in the Coordination Committee, on the basis of the Government programme, as compared to broad orientations and political priorities defined by the European Council, the priorities of the Presidency of the Council, the European Commission legislative or strategy training programming instruments, as well as the priorities of the European Parliament;
- b) proposals or actions for completing unresolved divergent aspects at the level of the Coordination Committee;
- c) information on the Presidency priorities of the Council and their relevance for Romania;
- d) information relating to Romania's fulfilment of its obligations under the Treaty of Accession to the European Union;
- e) proposals for measures to exercise the Presidency of the Council in the first half of 2019 by Romania;
- f) monitoring reports on Romania's implementation of the commitments undertaken in the context of the European Semester (Europe 2020 Strategy, Euro Plus Pact, Growth and Employment Pact);

- g) proposals for measures necessary for the internal application of regulations, directives, decisions, recommendations and opinions adopted by the European Union institutions;
- h) policy proposals, national programmes, action plans and measures to run the European integration process in Romania;
- i) proposals for the modernisation and development of the National Communication System in the area of European affairs and of the related information and communication system;
- j) any other proposals, measures or information requiring the approval of the Prime Minister, in accordance with the law.

## **Article 5**

(1) The Ministry of Foreign Affairs shall draw up the necessary documents for participation in the European Council, on the basis of the contributions made by Ministries, specialised bodies and institutions, as appropriate for the agenda, and shall inform the results of the meeting, on the basis of the participation report drawn up by the Permanent Representation of Romania to the European Union.

## **Article 6**

(1) For the purpose of the inter-institutional coordination of the process of decision-making and adoption of Romania's positions in the area of European affairs, there shall be established the Coordination Committee of the National System for the Management of European affairs, a body without legal personality, led, under the guidance of the Prime Minister, by the Minister Delegate for European Affairs.

(2) The Coordination Committee shall have the following tasks:

- a) shall ensure inter-institutional coordination of developing Romania's positions in the area of European affairs;
- b) shall designate, with the consent of the institutions concerned, the institution responsible for drawing up and endorsing mandates or general mandates;
- c) shall set out the list of Romania's general mandates to be developed in the National System for the Management of the European Affairs;
- d) shall debate and agree draft general mandates, transmitted for consent at Government level;
- e) shall prepare mandates of negotiation at European Union level, within the Committee for Permanent Representatives of the Member Governments, hereinafter referred to as "Coreper", and of the Council of the European Union;
- f) shall resolve disagreements between ministers or other specialised bodies, which have not been resolved in working groups;
- g) shall pursue and may request the ministry of the specialised body preparing the general mandates to fulfill the obligation to inform and consult, where applicable, local authorities, employers' organizations, workers' and citizens' organizations or other active organizations in the area covered by draft legal acts of the European Union, as well as the proposals for implementing acts of binding European Union legal acts;
- h) shall resolve issues raised in divergence between ministers or other specialized bodies in relation to compliance with the obligations under the EU law and shall monitor the fulfillment of those obligations;
- i) shall analyze the annual lists of draft European Union legal acts for which the two Chambers of the Parliament will trigger the parliamentary examination procedure and shall follow up on the contents of the Reasoned Opinions of the two Chambers;
- j) shall pursue the fulfilment of specific tasks arising from the status of Romania as Member State of the European Union and shall agree the content of action plans, national programmes and relevant monitoring reports;
- k) shall present, through an information note addressed to the Prime Minister by the Minister Delegate for European Affairs, the positioning options on European issues, including draft mandates or general mandates, for which there are divergent positions of the ministries responsible with the adoption of a decision at Prime Minister level.

(3) The Coordination Committee shall be composed of representatives of the ministries and of other specialised bodies, with State Secretary functions or other State functions, with tasks in the area of European affairs. These will be accompanied at the reunions of the Coordination Committee by officials from the structures in charge with the management of the European Affairs.

(4) The Coordination Committee shall be headed by the Minister Delegate for European Affairs or, in his or her absence, by the person with managing responsibilities appointed by him or her.

(5) The Permanent Representative of Romania to the European Union or the Deputy Permanent Representative of Romania to the European Union may be invited at the meetings of the Coordination Committee.

(6) The Coordination Committee shall convene on a weekly basis, as a general rule at the premises of the Government.

(7) At its meetings, the Coordination Committee may also invite specialists from the Romanian Academy, the European Institute of Romania, institutes of scientific research in higher education, professional non-governmental organisations, independent experts or representatives of local authorities, employers', workers' or citizens' organizations or other non-governmental organisations operating in the managed fields.

(8) The written reports of the meetings of the Coordination Committee shall be drawn up by the unit led by the Minister Delegate for European Affairs and shall be transmitted for information to the Prime Minister, as well as to all ministries and participating specialised bodies, who could make written observations within two working days following the date of receipt. Not forwarding a point of view shall be considered tacit acceptance of the report.

## Article 7

(1) In order to facilitate the decision-making process within the framework of the National System for the Management of the European Affairs and for the preparation of the work of the Coordination Committee, working groups may be set up at expert level, in order to:

a) prepare documents required for compliance by the Coordination Committee with the tasks referred to in Article 6, paragraph (2);

b) contribute to the preparation of the draft general mandate and mandate to be endorsed by the representatives of Romania at the level of working groups within the Council of the European Union or within committees, set up in accordance with Regulation (EU) no. 182/2011 of the European Parliament and of the Council of February 16<sup>th</sup> 2011 laying down rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers, hereinafter referred to as *Regulation (EU) no. 182/2011*;

c) submit the issues raised in divergence between ministries and/or other specialised bodies to the Coordination Committee for debate.

(2) The working groups shall be formed upon a proposal of the Minister Delegate for European Affairs or of the State Secretaries responsible for European Affairs from line ministries, including based on the list of the preparatory bodies of the Council updated and periodically published by the Secretary General of the Council.

(3) The working groups shall include, according to the addressed topics, representatives of the ministers and other public institutions, a representative of the unit headed by the Minister Delegate for European Affairs, as well as the expert within the Permanent Representation of Romania to the European Union competent in the relevant area.

(4) The coordinator of the working group shall be the representative of the ministry, respectively of the specialised institution of the central public administration with main responsibilities in the area or of the unit headed by the Minister Delegate for European Affairs, based on its objective and topic.

(5) The working arrangements shall be agreed between the members of the group, at the initiative of its coordinator or the structure under the leadership of the Minister Delegate for European Affairs.

(6) To the works of the working groups may also be invited specialists from the Romanian Academy, European Institute of Romania, institutes of scientific research in higher education, professional non-

governmental organisations, independent experts or representatives of local authorities, employers', trade unions and civic organisations or other organisations operating in the managed fields.

## **Article 8**

The drafting, adoption and support of Romania's national position in the European institutions and their working structures shall be carried out through mandates or, where appropriate, general mandates, drafted and adopted under the terms of this Decision and in compliance with the relevant legal provisions.

## **Article 9**

(1) Draft mandates, including draft general mandates, shall be drawn up by the minister or by the responsible specialised body, respectively participating at all levels of negotiation within the European Union where the subject is discussed, including on the basis of contributions of the ministries and other specialised bodies with responsibilities in this field, according to the subject matter addressed.

(2) In drawing up the mandate, including the general mandate, the Ministry, respectively the specialised body, may inform or consult, as appropriate, local public administration authorities, employers', workers', civic organisations or other organisations operating in areas covered by the draft legal acts of the European Union, as well as proposals for acts implementing a binding legal act of the European Union.

(3) Ministries or specialised bodies may send to the Permanent Representation of Romania to the European Union, elements detailing mandates, respectively general mandates, which cannot be in contradiction with the position expressed by them, keeping the Minister Delegate for European Affairs informed.

(4) Draft mandates, including draft general mandates, shall contain the following elements:

a) a brief description of the topic on the agenda of the Council of the European Union or the committees set up in accordance with Regulation (EU) no. 182/2011;

b) brief overview of legal acts of the European Union in force at European level and of other international commitments previously entered into by Romanian authorities in the respective field;

c) the economic, social or environmental impact on Romania in the case of draft legal acts of the European Union, as well as for proposals for acts implementing binding legal acts of the European Union;

d) Romania's objectives in relation with the issue on the agenda of the Council of the European Union or of the committees set up in accordance with Regulation (EU) no. 182/2011;

e) limits which may be accepted by Romania in the negotiation process;

f) possible negotiation positions of other Member States of the European Union, of the European Commission and of the European Parliament or of its committees;

g) the list of legal acts under Romanian law regulating the matters covered by the draft act of the European Union, as well as an analysis of the amendments which would result from the adoption of the respective draft European Union act.

## **Article 10**

(1) The general mandate is endorsed by the Ministry for Foreign Affairs, through the Minister Delegate for European Affairs, approved by the Prime Minister and promoted at all level of negotiation within the Council of the European Union.

(2) The mandates for negotiating at working group level within the Council or at the level of committees established under Regulation (EU) no. 182/2011 shall be assumed at the appropriate level of decision, in accordance with the national regulations of each institution of the National System for the Management of European Affairs, and endorsed by the Minister Delegate for European Affairs.

(3) The mandates for negotiation at Coreper level, agreed upon in the framework of the Coordination Committee, shall be assumed at the appropriate level of decision, in accordance with national regulation of

each institution of the National System for the Management of European Affairs, at least at Secretary of State level, and shall be transmitted with the opinion of the Minister Delegate for European Affairs.

(4) The mandates for negotiation at the level of other committees established under the European Union Treaties or by intergovernmental decision, and approved by the Coordination Committee, shall be assumed at the appropriate level of decision, in accordance with national regulations of each institution of the National System for the Management of European Affairs, at least at Secretary of State level, and shall be transmitted with the opinion of the Minister Delegate for European Affairs.

(5) The mandates for negotiation at the level of the Council configurations are endorsed by the Ministry for Foreign Affairs, through the Minister Delegate for European Affairs and approved by the Prime Minister.

(6) The decision of the Prime Minister on unresolved divergent issues at the level of the Coordination Committee shall be communicated by the Minister Delegate for European Affairs to the ministry or, as the case may be, to the responsible specialised body, which shall proceed accordingly.

(7) Finalising negotiations at the level of Coreper, of other committees established under the Treaties or by inter-governmental decision or of the working groups of the Council, shall be recorded in the weekly report of the Coordination Committee or in the mandate for the meeting of the Council on the agenda in which the respective issue is included, as a point approved without discussion.

(8) In exceptional cases, if the progress of the negotiations results in a situation different from that contained in the mandates, the representative of Romania in Coreper, may support a new position, after consulting the ministry, respectively the responsible specialised body. The written presentation of the reasons for the decision shall be subsequently transmitted to the management of the respective institution and to the Minister Delegate for European Affairs.

(9) In exceptional cases, if the progress of the negotiations results in a situation different from that contained in the mandate, the representative of Romania to the Council may support another position, after consulting the ministry, respectively the responsible specialised body. The written presentation of the reasons for the decision shall be subsequently transmitted to the Prime Minister and the Minister Delegate for European Affairs.

## **Article 11**

(1) Meetings of the working groups of the Council, of the committees set up under the Treaties or by intergovernmental decision or by the committees established under the provisions of the Regulation (EU) No 182/2011 shall be attended by representatives appointed by the Ministries, respectively by the specialised bodies or representatives of the Permanent Representation of Romania to the European Union, depending on the type of the meeting.

(2) The Permanent Representative of Romania to the European Union shall attend the meetings of Coreper II. The Deputy Permanent Representative to the European Union shall attend the meetings of Coreper I.

(3) The meetings of the configurations of the Council shall be attended by the Minister or by the Minister Delegate responsible for the respective area.

(4) If, for objective reasons, the Ministers or the Ministers Delegate cannot attend the meetings of the configurations of the Council of the European Union, they shall submit to the Prime Minister a reasoned proposal designating another dignitary, at the level of Secretary of State, or of the Permanent Representative of Romania to the European Union or of the Deputy Permanent Representative of Romania to the European Union.

(5) One representative of the Romanian delegation could also be part of the structure representative of the Minister Delegate for European Affairs, if there is an express request to this effect of the structure run by the Minister Delegate for European Affairs, with appropriate information of the head of the delegation.

## **Article 12**

(1) The reports of participation of the representatives designated by the ministries, respectively the specialised bodies at the meetings of the working groups of the Council, the meetings of the committees

established under the Treaties or by intergovernmental decision, or the meetings of the committees established under the provisions of Regulation (EU) No 182/2011 shall be written within no more than two working days from their completion and forwarded to the Minister Delegate for European Affairs, as well as to the Permanent Representative of Romania to the European Union.

(2) The reports of participation of the expert from the Permanent Representation of Romania to the European Union to the meetings of the working groups of the Council, the meetings of the committees established by the Treaties or by intergovernmental decision, or the meetings of the committees established under the provisions of Regulation (EU) No 182/2011 shall be written within no more than two working days from their completion and forwarded to the Ministries, respectively to the specialised bodies and to the Minister Delegate for European Affairs of the Ministry for Foreign Affairs.

(3) The reports of participation to the Coreper meetings shall be written and transmitted by the Permanent Representation of Romania to the European Union, within no more than two working days from their completion, to the Ministry for Foreign Affairs, Ministries and specialised bodies responsible for the areas covered.

(4) The reports of participation to the meetings of the Council of the European Union shall be written by the participating ministries and shall be presented for approval to the Prime Minister, within no more than three working days from their completion. After approval, these shall be transmitted for information to the Ministry for Foreign Affairs.

### **Article 13**

(1) The Ministry for Foreign Affairs, as a national contact point with the European Union, shall ensure the functioning and development of information and communication systems connected to the institutions of the European Union, in accordance with the requirements of their technical and security directives.

(2) The national dissemination of information in the area of European affairs shall be ensured through information and communication systems organised and managed by the Ministry for Foreign Affairs.

(3) In order to ensure the implementation of the necessary technical and security requirements to protect EU classified information electronically handled, the Ministry for Foreign Affairs cooperates with the competent national institutions, according to their powers.

(4) The national management of European affairs shall be based on a communication system that ensures the operational exchange of information between designated structures in ministries and specialised bodies.

(5) The designated structures shall be represented, as appropriate, by contact points which shall be established at appropriate decision levels, in accordance with the regulations of the ministries and the specialised bodies respectively.

(6) Information flows between the contact points shall be ensured electronically using the electronic information and communication system EXTRANET RO and by mail through the Components of the National Registry System – CNRS, corresponding to the level of classification of the documents handled.

(7) The Ministry for Foreign Affairs shall coordinate the Communications and Information Systems Local Operational Authority EXTRANET RO – AOSIC EXTRANET RO, consisting of appointed representatives of the institutions connected to the system and intended to implement the technical and security requirements under the national regulatory framework and security standards of the European Union.

### **Article 14**

(1) On the date of entry into force of this Decision, Government Decision No 379/2013 on the organisation and functioning of the National System for the Management of the European Affairs, with a view to Romania's participation in the decision-making process of the European Union institutions and supplementing Article 2, paragraph (2) of Government Decision No 8/2013 on the organisation and functioning of the Ministry for Foreign Affairs, published in the Official Journal of Romania, Part I, No 281 of 27 June 2013, shall be repealed.

(2) References to Government Decision No 379/2013 existing in the regulatory acts in force shall be considered as having been made to this Decision.

PRIME MINISTER  
SORIN MIHAI GRINDEANU

Countersigned by:  
The Minister for Foreign Affairs  
Teodor-Viorel Meleşcanu

Minister Delegate for European Affairs  
Ana Birchall

Minister for Public Finances  
Viorel Ştefan

Secretary General of the Government  
Mihai Busuioc

Bucharest, 27 January 2017  
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