LEGAL AND REGULATORY IMPLICATIONS OF THE SUCCESSFUL IMPLEMENTATION OF THE PUBLIC POLICY OF E-GOVERNMENT IN ROMANIA
REFLECTION ON THE FUTURE AND BARRIERS

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ABSTRACT: *The Global e-government development index (EGDI), calculated and published by United Nations e-Government Development Database, in the recently published report (Department of Economic and Social Affairs, 2014), positioned Romania on the second lowest place in the EU. The updated strategy 2014-2020 for the Digital Agenda for Romania presents measures on the one hand regarding the implementation of the e-government and on the other hand measures on the implementation of education for citizens to use these electronic means in their relationship with the public administration, government in order to create an inclusive, sustainable e-democracy. Starting with the fact that legislation is the engine of the development, this paper presents an analysis on the European and national legislation in this respect, a reflection on the future and point out barriers found in the way of the successful implementation of e-government.*

1. INTRODUCTION. CONSIDERATIONS ON THE INFORMATION SOCIETY

Facing the concept of globalization, the state as an institution that is manifested on a particular territory, having a population with a cultural foundation and with a common language, bodies exercising public authority in a confined space, seems to lose its

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consistency. Above states, for the demolition of the principle of sovereignty, multicultural, international, financial and banking, industrial and informational organizations emerged which under the banner of globalization slowly take over the reins of the world leadership[1]. Are there any common points between the concept of globalization, integration and economic, social, legislative, jurisprudential and political harmonization of the states in European Union? Is it an intuitive and compelling response to globalization or it is the Maginot Line of the European States?

In this context, the question arises: "*state, quo vadis*"? The answer cannot be linked to a certainty; therefore the prediction of the future is hard to be achieved. Obviously, the state built on a heavy machine with a static medieval archiving of the bureaucratic present can no longer remain so immutable, impervious to changes. If, after the World War I, we witnessed a reconfiguration and an alignment of the states (Yugoslavia, Czechoslovakia), after the World War II, a first phase followed that aimed for the consolidation of the states, asserting their independence, followed by a new phase dedicated to globalization.

Accepting the thesis regarding the need of the reform of state, nowadays the state's structural and relational upgrading is presumed. Such a result implies the transparency of the action, the relationship with the citizen meaning not only bringing closer the act of government to the citizens but making them partakers to the state's administration. The development and implementation of new information and communication technologies (ICT) enabled the establishment of a new type of relationship between the bodies of public authorities on the one hand, and between these technologies and the citizens on the other hand. Therefore from this point up to the information society there is only one step, unless the passage is already achieved.

The history spoke about the slave, the feudal, bourgeois, socialist or communist and capitalist society. However, above all these will one speak about the information society?

The birth of this concept is linked to the Japanese researcher Yomeji Masuda[2] (Mansell, 2009). In fact, the concepts of post-industrial society, informational society and many others trying to define them were initiated between 1950-1980, but the profound changes brought to the ICT after 1990 have fully installed as a title the concept of information society. Is this concept just an evolving component of the knowledge society, another society concept within the research in the social sciences field?

However the rapid evolution of ICTs makes us appreciate the changes in this plan, the forecast in the state organization directly proportional shall be in the same time complementary to speed.

The concept of information society refers to information and knowledge, or rather the electronic means that create, transmit, structure data, setting in motion the levers that confer transparency, effectiveness and efficiency to a particular administrative, political, social-economic structure, the placement in time of the evolution of a new society. Definitions of information society in narrow and broader sense are presented by Frank Webster (Webster, 2006). The question is whether the flow of information, its archiving, its induction into a new type of civilization provide enough factors and guarantees to

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[1] See, Ignacio Ramonet *Geopolitica haosului*, Doina Publishing House, Bucharest, 1998.
[2] Yomeji Masuda, the author of certain books that proliferated this concept of information society: An introduction to the Information Society" Perikan Sha, Tokyo, 1968; The information Society as Post-Industrial Society, Institute for the Information Society, Tokyo, 1980.

define the new type of society. On the historical level, for each society, no doubt, there is the time information to enable the study of the state evolution. It needed more time in the past but nowadays it seems that the time is no longer patient which explains the speed of the changes (fires on the hills, the rider, the commissionaire, stagecoach, telegraph, telephone wire, internet, cell phone, email and so on).

No doubt, contrary to some estimates, the first stage of the information society is over or is under full evolution for the developed countries of the world while other states are preparing to enter this stage and others still knock on doors of this type of society.

The International Telecommunication Union (ITU) from 2007 started to publish reports measuring worldwide the level of information society, in order to help the building of the inclusive global information society (Measuring the Information Society, (Sanou, 2012)) It may be noticed that the global information society, the way in history, all the slave, feudal, bourgeois societies were uneven, some of the information societies, "more equal than others" will have a more advanced stage in the economic developed countries and will be based on an advanced technology of ICT. Will the information gap and inequality remain and increase the gap between the developed states and those in the process of development setting up a new economic, social, political and legal "colonial" relationship?

It is a reality that motivated by the technological progress and based on internet networks, the information revolution stands tall and this results in a new type of economy where part of GDP is due to information technology, which generates employment and productivity. In this context, the globalization brings progress along with the reducing costs in industrial production, in the financial market by various forms of diffusing the technology, competitiveness and diversity, online purchases, sale, labor market diversification, etc. It is more than obvious that the economy is passing through a great transformation anyway not equal regarding the distribution of countries found in the impact with the new technology of informatics and knowledge. On this foundation for example e-commerce, e-signature, e-procurement emerged. So today we speak of a networked economy, a network type of society where the new forms of communication are general or personal. The current social phenomenon is characterized by the society organization and diversification around certain economic groups; expanding digitization vertically and horizontally; the explosion of horizontal networks of communication, independent of the actual media or government forms. This kind of society needs the tools, systems, technologies generated by ICTs for a better organization and communication regarding the system of trained bodies, specialized and adapted of the public authorities, public services, in a word, it needs e-governance with a management component found in a perpetual motion but in full agreement and respect with e-democracy. The state reform does not mean only its transformation by using new technologies (ICT) but claims the upgrading of the institution itself, the creation of a new type of relationship between central and local authorities, between the government and users. Only thus, the concept of electronic administration (e-administration) will be positioned in a significant organizational reality of the state facilitating the improvement and the efficient use of instruments for implementing the technology used. E-government is the instrument of the information society. For an efficient implementation of e-government, different ways of communication are being searched, as it does not come

down to a sole segment, on the Internet. Therefore T-government (by cable), m-government (by mobile telephony) is being practiced to complete it.

In this context, the concept of information society presents as components a number of factors such as: technological development, natural resources, space research, digital democracy, urbanization, human knowledge, global network, multiculturalism, biotechnological revolution, electronic administration and such like.

Shailendra and Sharma definition and domain framework clarifies the differences regarding the e-government and e-governance concepts. (Shailendra & Sushil, 2007) *Based on this framework the "e-government* – is an institutional approach to jurisdictional political operations" and *"e-governance* – is a procedural approach to co-operative administrative relations, *i.e.* the encompassing of basic and standard procedures within the confines of public administration".

The history of the European Information Society is briefly treated by Jamal Shahin and Matthias Finger (Tubtimhin & Pipe, 2009, pp. 62-84).

2. LAW – THE DRIVING FORCE OF THE IMPLEMENTATION OF THE PUBLIC POLICY OF E-GOVERNMENT

We found quantitative evidence on the importance of the regulation.To measure the strength of association between two ranked variables the Spearman's rank-order correlation (ρ) was used. It is known that the correlation is very strong for values $0.9 < \rho < 1$ and strong when $0.7 < \rho < 0.89$. The correlation between the two ranked variables is moderate in the case of $0.5 < \rho < 0.69$ and moderate to low for $0.3 < \rho < 0.49$. When this value is included in the interval $0.16 < \rho < 0.29$ it means that the correlation is weak to low, and it is too low to be meaningful in the case of $\rho < 0.16$.

We calculated the correlation between the cyber law/ laws relating to ICTs, the e-readiness and the level of e-government development. Between the level of e-government development (measured by eGDI-UN) and LAW-ICT (measured by NRI indicator) the calculated Spearman $\rho = 0.757$, thus the level of development is strong determined by the legislation. The e-readiness of the countries also depends on the regulation, the calculated Spearman correlation between the e-readiness and LAW-ICT was $\rho = 0.835$. We used the e-Government Development Index (eGDI-UN), UN e-Government development database is published by the United Nations (UN, 2012). The e-readiness and Digital Economy rankings have been published since 2000 by the Economist Intelligence Unit (IBM & EIU, 2009), (IBM & EIU, Digital Economy Rankings, 2010). The Global Information Technology Report 2013, 2014 is a project within the framework of the World Economic Forum (WEF) and INSEAD which publishes the Network Readiness Index (NRI) defined as a nation's or community's degree of preparation to participate in and benefit from information and communication technology developments; it is been published since 2000-2001 and introduced by Kirkman et al in 2002 and redefined by Dutta et al in 2003, (Bilbao-Osorio, Dutta & Lanvin, 2013).

To achieve the objective of application and use of ICTs in different areas, the European Commission proposes motivational plans to provide the citizens, businesses, public authorities with the improvement mobility within the single market and the fulfillment of technical, technological and legislative requirements.

Strengthening the technological infrastructure within information science and communication seems a matter of national and European strategy involving international and national agencies and governments, local public administrations, municipal, community, provincial, regional and central authorities and autonomous authorities with independent material resource allocation. E-government requires the adoption of an effective and creative strategy in using the resources, tools and systems generated by ICT for providing better and diversified public services for citizens and businesses.

2.1 The regulatory implications of the EU within the E-Government policy

The European Union has seen in the innovative technologies models of future design by increasing access to public networks, a better and effective use in administration, public service delivery to citizens by varying the offer and by reducing the costs. In ICT the European Union saw the undeniable innovative binder of a new type of unity, harmonization and relationship management regarding the new form of the state.

The electronic structures across the European Union had begun to multiply as concrete solutions since the late second millennium and the early third millennium[3].

Introducing and using ICT for the benefit of citizens and businesses regarding business services (productivity and competitiveness), cooperation between different departments of administration (time and effort) are of interest for the European Commission, European Parliament, European Economic and Social Committee and Committee of the Regions, therefore adopting on 26 September 2003 the Act entitled "*The role of e-Government for Europe's future*". (Com. C 2003/567 final)[4]

In 2003 by the use of legal norms the electronic procurement platform was created, aiming to allow companies from different countries to access this public market. (Directive 2003/98/EC of the European Parliament and of the Council dated 17 November 2003 on the re-use of information in the public system)[5].

Acknowledging the impact of e-government initiatives and in order to help Member States to develop strategies that would streamline the use of ICTs in the relations between public authorities, or between public authorities and citizens, between the private sector and the public authorities, the European Council and the Committee of Ministers adopted Recommendation Rec(2004)11 on legal, operational and technical regulations related to electronic voting and on 15 December 2004 the Recommendation Rec(2004/15) on e-government was adopted. In this last recommendation we meet the definition of "users" who are individuals, any kind of organization from the private sector, public authorities using or wishing to use e-government services.

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[3] The Council Directive 87/372/EEC of 25 June 1987 on the frequency bands to be reserved for the coordinated introduction of public pan-European cellular digital land-based mobile communications in the Community, published in OJ 196/17.07.1987 p. 85 (see also the Council Directive 90/544/EEC of 9 October 1990; Directive 91 /287/EEC of 3 June 1999; Directive 1999/5/EC 9 March 1999 of the European Parliament and of the Council); Directive 1999/93/EC of the European Parliament and of the Council of 13 December 1999 on Community Framework for Electronic Signatures, published in OJL 013/19.01.2000, p. 12; Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal market (Directive on electronic commerce) published in OJL 108/24.04.2002, p.7; etc.
[4] The Act was not published in the Official Journal.
[5] Published in the Official Journal L345 of 31.12.2003, pp. 90-96, 2E.

In 2006, the first European Action plan on e-government is implemented (COM 2006, COM 2006/173 of 25 April 2006)[6], followed by other legal acts that seek to stimulate the penetration and the development of electronic means among Member States CM/Rec (2007/16) for the measures regarding the promotion of the public service value of the Internet, Rec/(2008)248 for the use, a response to local collectivity needs[7], Rec/(2008)249 on electronic democracy and the influence on urban projects[8]. The European Commission aims to be the "locomotive" that brings the improvement of the conditions for the development and implementation of the concept "e-government" to all citizens and businesses. This role also includes many other legal acts such as the Directive on services (2006/23/EC) Directive on a Community framework for electronic signatures (1999/93/EC), Directives on Public Procurement (2004/17/EC and 2004/18/EC), Directive on the processing the personal data and the free movement of such data (95/46/EC), Directive on re-use of the information within public sector (2003/98/EC)[9], Directive on public access to information on the environment (2003/4/EC).

In the spirit of the guiding directory in developing the e-government strategies contained in the Committee of Ministers' Recommendation Rec(2008)15, the European Committee stimulated and implemented the guidelines through various activities, workshops, conferences and forums[10]. As a matter of fact, the Recommendation Rec (2004)15 sets a number of key characteristics of strategies regarding e-government, guiding principles for implementation, conditions for achieving e-government strategies. Among these guidelines one can see the recommendation made for the Member States, forcing them to comply with it, meaning to review its policies, the legislation and the practice of e-government, of working with local, national and international stakeholders, to develop a common vision that should support democracy, respect for human rights and the rule of law. There is no doubt that the knowledge-based information society under the pervasive influence of global networks of goods, capital, services, labor, science and technology provides a new form of organizing the society that is becoming increasingly global (production, distribution, management). In this basic context, e-government involves the rethinking of social management, public and economic policies and organizational and structural process.

On 18 February 2009 the Committee of Ministers adopted Recommendation/Rec (2009) on electronic democracy recommending the guiding principles and works intended to ensure the principles related to democracy and human rights through the technical means.

Malmo Declaration (2009) aligns to the Digital Agenda for Europe (Brussels - 2001, Como – 2003, Manchester - 2005, Lisbon - 2007)[11] carrying out the new European vision regarding e-government. Consequently *the second European Action Plan on e-*

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[6] E-Government Action Plan 2006 COM2006/173 of 25 April 2006.

[7] Adopted by the Congress of Local and Regional Authorities of the Council of Europe.

[8] Adopted at the Congress of Local and Regional Authorities of the Council of Europe.

[9] Decision no. 2006/291/CE of the European Commission on 7 April 2006 on the re-use of the Commission information.

[10] Symposium on "Electronic Democracy: new opportunities to strengthen the civic participation (23-24 April 2007), Academic conferences regarding the establishing of the legal framework in electronic democracy (Vienne, Krems, Madrid); The Forum of Madrid (15-17 October 2008) with the theme "Electronic democracy: a bold bet".

[11] Digital Agenda for Europe was created for implementation.

government is issued, which, according to Malmo Declaration, determines four political priorities for European Public Administrations for the period 2011-2015: raising awareness for citizens and businesses through e-government services by the increased access to information and enhanced transparency; mobility on the single market by steady e-government services; efficiency and effectiveness to reduce the administrative burden, to improve organizational process and to promote a sustainable economy based on low-carbon emissions; creation of key facilities by setting out the legal and technical prerequisites.

This action plan contributes to the establishment of two key objectives of the Digital Agenda for Europe, namely: by 2015 a number of key cross-border services will be available on-line, enabling entrepreneurs to set up and operate a business anywhere in Europe independently of the initial location thus allowing citizens to study, work or retire anywhere the European Union[12]; by 2015 citizens of the European Union in proportion of 50% and 80% of businesses[13] will use e-government services.

This plan should not be underestimated because the two objectives of the Digital Agenda for Europe were included in the Europe 2020 strategy[14].

Motivational, the Action Plan aims at organizing the transition from the present to the future, the e-government services being in the process of refining and even the process of multiplication (public procurement, justice, environment, health, social security, taxation, banking, e-culture, etc.)

The European Action Plan 2011-2015 presents three major lines namely it sets the sphere of applications and priorities, actions, and governance. The most important chapter is the one dedicated to priorities and actions having as vectors raising the awareness of the user (increasing the capacity of citizens, businesses and other organizations to use new technological instruments) domestic market (ongoing services for businesses) effectiveness and efficiency for Governments and administrations (the improvement of organizational processes, the reduction of administrative operations), preliminary conditions for the development of electronic government (forming the high-level expert group).

The Action Plan sets as central point the citizens and businesses, continuously supporting the implementation of the digital single market, achieving a fast policy towards e-government, benefic for users, motivating science in the development of ICTs.

Summaries of EU legislation, the general legal framework of the information society is displayed on the e-Europe website (europa.eu)

2.2 Legislation in Romania. The implementation of the European e-government policy

Romania has defined its logistic and legal framework for the implementation of the e-government program[15].

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[12] Note that this objective requires at least two preliminary 1. Eliminating all restrictions on employment and settlement in all countries; 2. Initial accessibility to a material basis of survival.
[13] Communication from the European Commission for the European Parliament, Council, Economic and Social European Committee and the Committee of Regions – COM(2010)743 final – 15 December 2010.
[14] COM 2010/2020.

The Government Decision no. 271/2001[16] established the Information Technology Promotion Group in Romania" with specific tasks such as: approval of e-government projects, forwarding proposals to the Government on the allocation of funds needed by the local public administrations; overseeing the implementation of public services through electronic procedure. However, the tasks were beyond the constitutional provisions of the organic law regarding the organization and functioning of the Government[17] so that rightfully this decision was repealed[18], but the tasks were maintained and transferred by establishing "the Inter-ministerial Council for the promotion of information society in Romania".

The European Act "*The Role of Government for Europe's Future*" determined the issue of Law no. 161 of 19 April 2003 on certain measures to ensure transparency in the exercise of public dignities, public functions and business environment, the prevention and punishment of corruption which, in Title II called, "*The transparency in the administration of information and public services by electronic means*" sets goals, principles, conditions and rules of using the electronic procedure of access to information and public services, its delivery as well as the general rules of insurance through electronic means of the transparency of information and public services as part of the public administration reform.

It is true that being in the pioneering stage, the legislator determined that altogether with the use of electronic means in providing the information and public services by the authorities of the public administration, the information should be also provided on paper.

The use of the electronic means in public administration naturally aimed for certain objectives: a) reducing the public expenditure, fighting bureaucracy and corruption in public institutions; b) increasing the transparency of the use and management of public funds; c) improving the access to information and public services according to the law regarding the protection of personal data and the free access to information of public interest; d) eliminating direct contact between the public officer and the citizen and the economic agent; e) providing information and public services of good quality by the use of electronic means; f) strengthening the administrative capacity of public institutions to fulfill the role and the objectives and to ensure the delivery of information and public services in a transparent way; g) promoting cooperation between public institutions for the delivery of public services by electronic means; h) redefining the relationship between citizen and public administration respectively between business background and public administration for the easing of their access to the public information and services through the information technology; i) promoting the use of the internet and the high technologies in public administration.

Nowadays, we must acknowledge that the social impact was minimal, the professionalism of public services was not displayed, the economic growth and the

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[15] For this purpose the Ministry of Communications and Information Society was established which became the Ministry for the Information Society, see the Decision of the Romanian Government no. 548/2013.

[16] Published in the Official Gazette of Romania no. 119 of 8 March 2001, repealed by G.D. no. 13 of 16 March 2009 on the establishment of the "Council for the promotion of information society in Romania", published in the Official Gazette of Romania no. 100 of 19 February 2009.

[17] Law published in the Official Gazette of Romania no. 773 of 4 December 2001.

[18] Government Decision no. 13 of 16 January 2009 published in the Official Gazette of Romania no. 100 of 19 February 2009.

increased number of jobs (online services) did not occur, transparency was invisible and the governance remained inert and motionless, reticent to any upgrading or quality insertion. If there was a real balance between action and effect, no doubt that the number of officials within public administration wouldn't have increased from 900,000 in 2004 to approximately 1,400,000 in 2009. Today we are witnessing an insignificant decline up to 1,200,000.

The provision of information and public services is carried out in a certain framework built on compulsory specialty principles that should be respected by the public administrative authorities a) *transparency*; b) *equal access* to information and public services without discrimination, including people with disabilities; c) *efficiency in the use of public funds*; d) *confidentiality*, protecting secret documents with personal features; e) ensuring the availability of information and public service.

By Law no. 161/2003 the *National Electronic System (SEN)* is a unified set composed of „e-government system" and "e-administration system"[19]. The legal definitions show that the two concepts of the National Electronic System have a different object, therefore they are not identical.

E-government[20] is defined by law as the public information system used by central government authorities for the applications based on the information technology that allow the access to e-government services and administrative forms of the central government, electronically.[21]

E-government has become a social, economic, politic, information phenomenon with the purpose of: a) improving the access to information and central public services; b) eliminating bureaucracy and simplifying the working methodologies; c) improving the information and service exchange between the authorities of the central public administration; d) improving the quality of public services on the level of central public administration.

The way it results from the European documents the e-government system must be implemented by law as even the weaknesses of public administration (bureaucracy, inefficiency, excessive costs, etc.) lead to a decisional immobility. The efficiency of the e-government is quantified by decentralizing the decision, by multiplying the administrative control, integration and European harmonization, by increasing the quality and by diversifying the public services[22].

E-Government includes at least four categories of relationships: the relationships of the governments with the companies, businesses, NGOs etc, the relationships of governments with the citizens, the (internal) relationships of the government and intergovernmental relationships.

Electronic Administration (e-administration) is defined as the public information system used by central government authorities for the applications based on the

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[19] Free access on internet on: www.e-guvernare.ro

[20] In the "electronic" specialty literature, Kate Oakley defined e-government as being "a set of methods that are used in information technology that transforms the medical service delivered but also the most common relationships between people and governments. (Workshop on e-government – 10-11 June 2002 Strasbourg)

[21] Accessible via the internet portal – www.e-guvernare.ro called "E-government System".

[22] Order no. 1154 of 1 September 2014 on the Procedure of communication through electronic means of distantly transmission between the National Agency for Tax Administration and individuals, published in the Official Gazette of Romania no. 646 of 21 October 2014.

information technology that allow the access to e-administration services and administrative forms of the central government, electronically[23].

This electronic procedure has the same purpose as the electronic government. E-administration is a means of expressing directly and lively the participation to the establishment of the local democracy and of putting into practice the principle of the local autonomy.

Registration   in the National Electronic System is compulsory in what concerns the authorities of public administration especially established by the Government Decision[24] and optional for individuals and legal entities (including banks, public notaries, experts, etc.)

The authorities of public administrations are not only required to register but their failure to register would be sanctioned contraventionally, the legislator trying to determine the implementation of this system on a general level without any reservation.

Starting with the date of registration in the National Electronic System each authority of the public administration, on the one hand is forced to provide the forms particularly established by Government Decision by electronic means, but on the other hand to accept the submitted forms by individuals or legal entities on paper, obtained from the national electronic system on printed paper.

Individuals may register in the National Electronic System based on the documents that certify the identity and the residence of the person, without the payment of a fee for the use to the system operator. In case the individual, in the capacity of applicant, violates the rules and the safety procedures of the National Electronic System, the registration is rejected and in case it was completed it would be suspended or repealed as appropriate.

Legal entities, other than the authorities of public administration required to register by government decision, who apply for registration in the National Electronic System, are required to present the registration certificate, the operating permit, the tax registration certificate, the empowerment given to company representative, the proof of payment for the use of electronic procedure. Although, according to Article 8 letter b of Law no. 161 dated 19 April 2003, one of the principles underlying the delivery of information and public services by electronic means, is the equal, free, non-discriminatory access to information and public services, this time, the legislator establishes that only the individuals and public institutions are exempt from using fees while the legal entities are required to pay the using fee which clearly constitutes discrimination.

 To be noted is that the participation to the electronic procedure may be completed only after the registration in the National Electronic System and any individual or legal person from Romania who has the right to apply for registration has this vocation.

National Electronic System Operators. The specific attributions in the field of using the information systems of the public administration on the national level which provide public services destined to government by electronic means are in the responsibility of the Ministry of Communication and Information Society and are exercised by the Agency for the services of the Information Society[25], established as a public institution with legal

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[23] Accessible via the internet portal – www.e-administratie.ro called "E-administration System".

[24] Government Decision no. 1085 of 11 September 2003 related to the SEN implementation, published in the Official Gazette of Romania no. 675 of 24 September 2003.

[25] Government Emergency Ordinance no. 73 of 28 June 2007 on the organization and operation of the Agency for Services of the Information Society published in the Official Gazette of Romania Part I, no. 444 of 29 June

personality. Operation in what concerns the information systems of public administration is made by the Ministry of Administration and Interior[26], and operation for the National Security and Defense System is exercised by the authority set by the Supreme Council of National Defense of the state.

The *electronic procedure* is the instrument used by an individual or a legal entity to benefit from the technical facilities offered by the National Electronic System. The electronic procedure may be achieved: 1. through *one-way interaction* – the receivers of the public information and the beneficiaries of the public services have access to administrative forms, which may be visualized, filled in and printed in order to be sent to the public administration authorities in a traditional way; 2. by *two-dimensional interaction* – the receivers of the public information and the beneficiaries of the public services have access to administrative forms, which may be visualized, filled in and printed in order to be sent to the public administration authorities by electronic means; 3. by *interoperability* which expresses the ability of the information systems, software type products, applications or services accessible through the National Electronic System to communicate and exchange information in an efficient and consistent way[27].

Any individual or legal entity has the right to access the information and public services through electronic procedure by complying with the legal provisions[28]. But participation to the electronic procedure can be achieved only after the registration in the National Electronic System, therefore any individual or legal entity from Romania may apply for this registration.

The electronic media, itself (dematerialized)**,** covers the manifestation of the will of public authorities, purposely shown, in order to produce certain legal effects in an administrative act that may be *materialized* on paper.

The *public services* integrated to the National Electronic System may be provided gradually, by complying with the following phases: a) publication of public interest information through the electronic means; b) one-way interaction; c) two-dimensional interaction; d) payments through electronic devices for payment.

2007. The Agency is a legal entity, under an official of the central public administration and its president may issue decisions with individual and regulatory features.

[26] By law, the Minister of Interior was required to establish "the National Information Center of the Ministry of Interior for the development and promotion of the e-government system up to 31 January 2004 and on 1 February 2004 the operator of the e-administration system became the National Information Center of Integrated Database of the Ministry of Public Administration.

[27] On 21 April 2008 the European Parliament and the Council of Europe adopted the Decision 2004/387/CE on the interoperable delivery of pan-European e-government services to the public administrations, entities and citizens (IDABC) published in JO L 181, dated 18 May 2004, p. 25. The decision aims to promote the pan-European e-government services and the establishment of telecommunication network on which these services are based, obstacle reduction in the way of free movement of the goods, persons, services and capital (within the Lisbon strategy contributing to the initiative e:Europe). IDABC contains two sections: *projects of common interest* (information and interactive services from the public administration for the companies and for the general public and *measures with horizontal features* (pan-European services, infrastructure services, strategic activities for the evaluation and promotion of e-government, the promotion of the *open source* software by the public administration to the citizens, services for the disabled citizens). See the Decisions of the European Parliament and Council no. 2046/2002/CE, 786/2004/CE, 787/2004/CE.

[28] Law 554/2001 on free access to the information of public interest published in the Official Gazette of Romania no.663 of 23 October 2001; Law no. 161/2003 on certain measures to ensure the transparency in exercising the tasks as public dignities, officials and business leaders, the prevention and sanction of the corruption.

The basic public services that may be provided by the use of electronic means may be: statements, notifications and payments regarding taxes owned by the individuals or legal entities to the state budget, the public social security budget, unemployment social security budget, national unique social health insurance fund; services for job search through employment agencies; services for obtaining permits and certificates; services to obtain operating licenses, services on public procurement, services regarding the registration of a trader or making entries in the Trade Register Office, services related to computerized record of the individuals, services related to the vehicle registration, public health services, consultation services regarding the Official Gazette of Romania, etc.

The free movement of services, goods in European Union, of the persons and capital requires the close cooperation of the Member States authorities, a mutual trust. The compliance with the rules of the Treaty, of the European standards harmonized with the national standards implies the existence of a well defined legal framework[29]. Therefore, given the variety of competent authorities operating on local, regional or national level, the EU enlargement, (28 Member States) the increasing number of languages (24 official languages), the Internal Market Information System (IMI) was established as an electronic system for the information exchange between the Member States[30].

Operating in the light of Lisbon strategy, the European bodies aimed for the increase in dynamics regarding government cooperation and the reducing communication distances between the European distances. In the context of a single market government, by a more efficient approach, the European Commission adopted the Communication to the Council, European Parliament, Economic and Social European Committee, the Committee of regions, named "Action plan for i2010 on e-government: accelerating the implementation of e-government in Europe for the interest of all"[31]. Therefore, the Internal Market Information System (IMI) aims for the increase in efficiency and effectiveness of cooperation, in the exchange of information regarding the administrative environment, the promotion of European services of e-government. (in this sense, there is a funding program - IDABC)

This framework includes also the Strategic Plan 2007-2009, drafted by the Ministry of Administration and Interior, which provides the action guidelines in Romania, respectively[32]: adherence to the Convention for the implementation of Schengen Agreement assuming the implementation of the National Information System for Signals and compatibility with SIS II; the implementation of the Information System on VISA; the implementation of phase I of the Integrated Information System of the National Archives, implementation of the phase I regarding the platform e-government in Romania (development strategy, adopting the rules related to storage on the chip of the electronic identity card of the digital certificate, etc.) Implementation of the electronic passport, implementation of the electronic identity card, undertaking preliminary actions regarding the implementation of the system for electronic surveillance of those with license

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[29] See „A strategic review for a better Regulation in the European Union" Communication from the European Commission to the Council, European Parliament, Economic and Social European Committee and the Committee of Regions. COM (2006)689;

[30] Directive 2006/123/CE of the European Parliament and Council of 12 December 2006 on services within the domestic market – JOL 2006/376, p. 36.

[31] COM (2006) 173

[32] See the strategic plan of the Ministry of Administration and Interior 2007-2009, p. 17-23.

supervision and of the persons under the seizing measure of limitation regarding the right of free movement, the establishment of a National Center, the establishment of Romanian Border Surveillance System – maritime, river traffic, etc.

We meet the same objectives in the government program approved by the Parliament of Romania by Decision no. 31 of 22 December 2008 for the grant of Government trust[33].

The Government objectives foresee: increasing the level of access for the population to the public information services with 20%; increasing the proportion with 45% of the households' access to the Internet; increasing the proportion with 60% of the companies that use Internet as a means of interaction between the state institutions; expanding the number of villages that have communication network access to broadband; creating conditions to achieve an operational, modern, powerful and interactive state by the rethinking of the processes and procedures related to the act of government based on the use of ICT redefining, implementing and assuring the operation mechanisms of the Universal Service of access to the means of communication and information.

Aiming to enhance the level of integration and surveillance in the field of the services of the information society, within the central public administration, the Government established an inter-ministerial Council – "the Council for the promotion of informational society in Romania", advisory body without legal personality. This body establishes, among other actions, the strategic guidelines for the transition to the information society in Romania, approves the computerized information of the ministries, sets the main guidelines for the administration modernization using the methods and the instruments of the information technology, evaluates the level of implementation for the e-government strategy within the central public administration.

3. CONCLUSIONS

To be noted that from the display of all these objectives, by an *a contrario* interpretation, we acknowledge the shortcomings and difficulties of the present regarding the implementation of this system and not least, as long as the access of the citizens and rural public authorities to the computerized public services is in inverse ratio with the obligation set by the regulatory power.

The Global e-government development index (EGDI) is published by United Nations e-Government Development Database every two years (http://unpan3.un.org). The recently published report (Department of Economic and Social Affairs, 2014) enrolled Romania among countries with high EGDI, but the achieved results (0.5632) positioned Romania only on the second lowest place in EU. 193 UN Member States were analysed worldwide. Europe is the leader (with 0.6936 EGDI) followed by Americas with 0.5047 respectively Asian region with 0.4951, Oceania with 0.4086 EGDI value; and Africa with 0.2661. It is true that Romania is over the world average (0.4712) but is is lower than the EU average (0.7300). The gap between Romania and other EU countries is very high. For example in Romania only 10% of e-government users return filled forms compared to Denmark of 85%; the network readiness index NRI (which evaluates the level of digitization and its impact on economy, society and governance) positioned Romania on the last place in EU. The report shows that Romania has to do a lot in order to improve its

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[33] Published in the Official Gazette of Romania no. 869 of 22 December 2008.

position. It may be stated that the law is the engine of the development but the indicator law relating ICT enrolled Romania on the 63 place between 148 economies; the efectiveness of law making bodies situated Romania on the 127 position; the importance of ICT to government vision ranked Romania on the 103 position; government success in ICT promotion on the 114th position; the ICT use and government efficiency placed Romania on the 103 position. The e-participation indicator in case of Romania was 0.08 (on a scale 0-1) which shows that the barriers exist, as well as the factors that hinder Romania to achieve high performances. The identification of the main problems must present a priority for policymakers in order to formulate adequate policies.

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