

Implementation of the new PSI directive - another missed opportunity for Romania

Submitted on 30 Sep 2015 by Valentina Pavel

One of the commitments under the first pillar of the National Implementation Plan of the OGP - increasing transparency and efficiency of public administration - is the implementation of the 2013 PSI directive.

During the last [OGP Club meeting](#) (which took place in Romania on September 28) the draft OGP auto-evaluation report was commented, and the implementation of the new PSI directive was one of the most sensitive issues. Representatives of both public institutions and civil society were present to illustrate the current status of this commitment.

In late February, the Ministry for Information Society (MSI) [announced on its website](#) the text proposal specifying that comments could be received in a short period of 10 days (details regarding the responsible person in charge were missing). Only about [a month later](#), after [pressure from the civil society](#), the Ministry organised a public meeting to discuss the proposal.

Although we were given hope by the collaborative way in which the discussion during the public meeting took place (we used [Google docs](#) to directly edit the text and [Google groups](#) to receive updates from MSI), none of the comments were integrated and there was no motivation regarding the decision not to take the participants' comments on board. This was contrary to what was promised, for the text to be sent afterwards for inter-institutional review and for another public debate on the final version of the text to be organised.

Therefore, irrespective of the concerns voiced by civil society regarding the lack of transparency of the entire process, the proposal was put on fast-track adoption. This was far from the best practice model everyone expected and far from indicating that there is any will to make a real change. A more detailed blog post pointing out the flaws of the decision making process is available [here](#).

At the moment, the proposal has been adopted by the Government and is [currently under Parliamentary debate](#). It has already received four positive endorsements and it is unlikely that the Parliament will organise another public debate.

Moreover, the [European Commission has started the infringement procedure](#) for 17 member states, including Romania, for not implementing the directive before the official deadline.

In conclusion, it is regrettable that there was such a hasty and flawed implementation process of the directive. One of the reasons for the speedy adoption process was to avoid the infringement procedures. But as it turns out, it seems now that this reason was just a pretext and there was no intention to make more effort rather than just copy-paste a new directive.

Another missed opportunity, another inapplicable law that will follow the exact same footsteps of the first PSI law in Romania ([law 109/2007](#) implementing the 2003 PSI directive), which in 8 years gave absolutely no results and no societal benefits.