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Dear Mr. Peter Mehlbye,

In response to your request on the Description of the First Level Control System, please find attached the questionnaire containing information on the description of the Romanian First Level Control System.

Sincerely yours,

László BORBÉLY

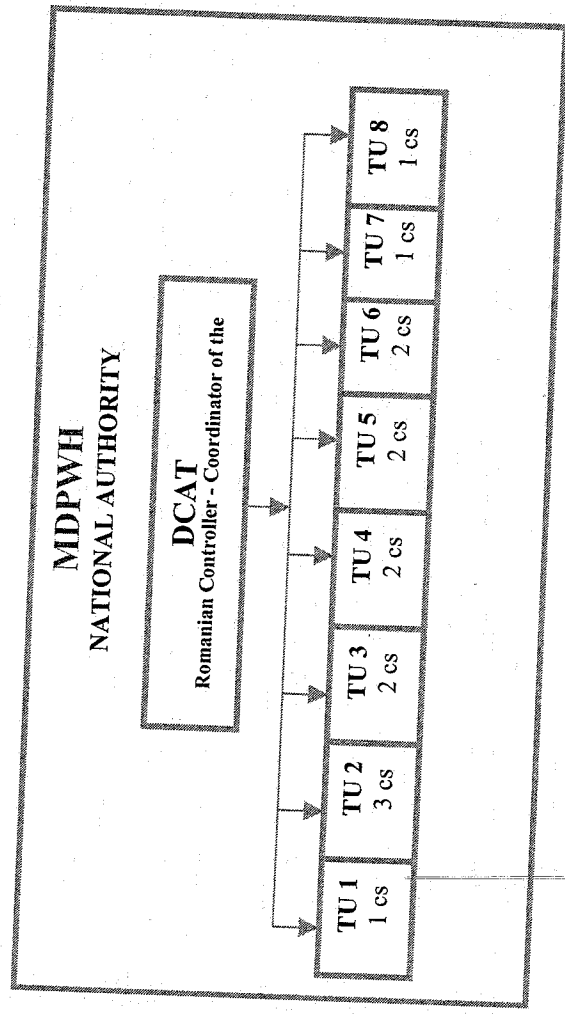
Minister of development, public works and housing

Peter Mehlbye
Director
Coordination Unit of ESPON 2013 Programme
Grand-Duché de Luxembourg

Interregional Cooperation Programme, ESPON 2013
CCI 2007CB163PO022

SECTION	DESCRIPTION
<p>1. General</p> <p>1.1. Information submitted by:</p> <ul style="list-style-type: none"> • Member State • The main contact point 	<p>ROMANIA</p> <p>Ministry of Development, Public Works and Housing (MDPWH) Directorate for Coordination the Activity in the Territory (DCAT) Ms. MARIETA ENACHE Romanian controller - Coordinator of the first level control system Address: 12 Liberty Blvd., Room 410, 040129 – RO, Bucharest, Romania E-mail: marieta.enache@mdpl.ro 28.01.2008</p>
<p>1.2. The information provided describes the situation on:</p> <p>2. System Structure</p> <p>What kind of system did you opt for?</p> <ul style="list-style-type: none"> - a centralized control system: a control body appointed at central level to carry out the control for all beneficiaries on the territory (please continue with question 2.1) or - a decentralized control system: the beneficiaries proposes a controller who is authorized by a central MS body or selects a controller from a short list provided by the MS (please continue with question 2.2)? 	<p>In Romania, the system of the first level control for the Operational Program ESPON 2013 is organized, at a centralized level.</p>
<p>2.1 Centralized Control System</p> <p>Please describe the system.</p> <p>Please indicate if the control is carried out by civil servants or by an external audit firm appointed for this specific mission. In case of an external audit firm, please explain how it was appointed.</p>	<p>The first level control system is ensured by the Ministry of Development, Public Works and Housing through the Directorate for Coordination of the Activity in the Territory formed up of 8 Territorial Units, one in each economic development region of Romania. In these Territorial Units are deployed 14 civil servants, at least one civil servant/territorial unit (the regional distribution of the civil servants is presented in <i>Chart 1 – Description of the First Level Control System</i>). A national coordinator (controller) is in charge of coordinating the civil servants (first level controllers).</p> <p>Note: The number of territorial controllers is subject to future changes and the number might be diminished. In order to strengthen the control system, the National Authority will issue the following written procedures in the next period (March 2008):</p> <ul style="list-style-type: none"> ▪ Guidelines for the national first level control system, issued for the use of Romanian project partners (including checklists and report templates); ▪ Operational Manual for the use of controllers.

**Chart 1 - Management and Control System
Description of the First Level Control System**



Legend

1. MDPWH - Ministry of Development Public Works and Housing;
 2. DCAT - Directorate for Coordination of the Activity in the Territory;
 3. TU - Territorial Unit
 - TU 1 North-East Region 1 - Piatra Neamt Territorial Unit, 27 Alexandru cel Bun Street, room D 15;
 - TU 2 South-East Region 2 - Braila Territorial Unit, 1 Independentei Street, room 13;
 - TU 3 South-Muntenia Region 3 - Calarasi Territorial Unit, 1 Decembrie 1918 Street, 2nd floor;
 - TU 4 Sud-Vest Oltenia Region 4 - Craiova Territorial Unit, 19 Unirii Street, room 51;
 - TU 5 West Region 5 - Timisoara Territorial Unit, 17 Revolutiei 1989 Bvd., 3rd. floor, room 315;
 - TU 6 North-West Region 6 - Cluj-Napoca Territorial Unit, no headquarter by date;
 - TU 7 Center Region 7 - Alba Territorial Unit, 5A, Motilor Street, room 4;
 - TU 8 Bucharest-Ifov Region 8 - Bucharest Territorial Unit, 47, Queen Elisabeth Bvd., District 5, room 138.
4. cs - civil servant

<p>Contact details of the controller Please provide the contact details of the designated body actually carrying out the control.</p>	<p>Contact details:</p> <p>Ms. MARIETA ENACHE Romanian controller - Coordinator of the first level control system in Romania Directorate for Coordination the Activity in the Territory Ministry of Development, Public Works and Housing Address: 12 Liberty Blvd., Room 410, 040129 - RO, Bucharest, Romania Mobile: +40 749 196 175 Phone/Fax: - E-mail: marieta.enache@indipl.ro</p>
<p>Contact details supervisory body In case of an external controller, please specify the body fulfilling the supervisory duties and the contracting.</p>	<p>-</p>
<p>Controller's qualification Which minimum requirements (degrees, work experience, national qualifications, and/or registration in professional organizations) does the controller under the centralized system described above fulfill?</p>	<p>Coordinator of the first level control system in Romania Ms. MARIETA ENACHE has experience in controlling and applying the national legislation and EU regulatory framework for PHARE and Structural Funds:</p> <ul style="list-style-type: none"> ▪ 9 years experience in monitoring and controlling of Phare and Structural Funds framework requirements (3 years - head of Department for Payments of Phare Programmes and 6 years experience as a monitoring and controlling counsellor); ▪ Accountancy School with certified diploma by the Ministry of Education; ▪ University degree in Public Administration; ▪ Master Degree in European Public Administration; ▪ Courses Startcycle European Partnership (Glasgow) - England - Regional Development, Programmes Management, Structural Funds; ▪ The MSM executive Programme in Management - specialization - PRAG supply - Maastricht School of Management; ▪ Very good knowledge of English Language.
<p>2.2 Decentralized Control System</p>	
<p>Please describe the system.</p>	<p>- Will the beneficiary select a controller from a list of several public and/or private control bodies established on MS level beforehand</p> <p>Or</p>

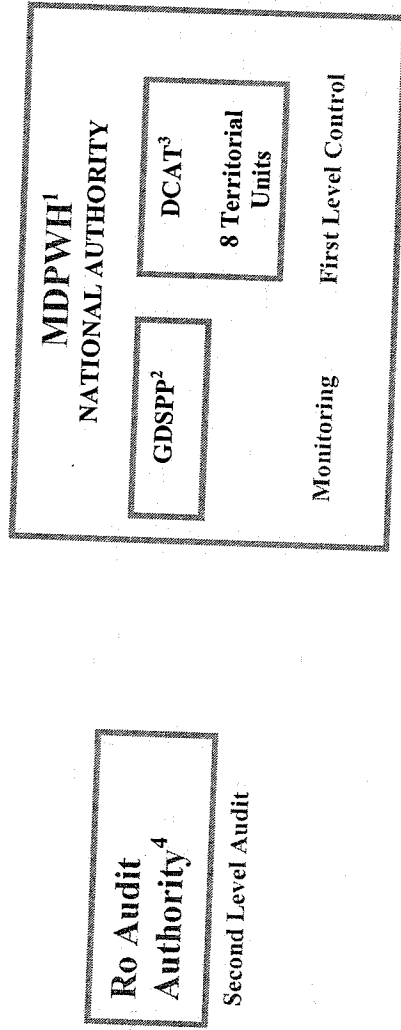
<p>- will the beneficiary propose an independent controller (internal or external), who is then authorized at central level before the first expenditure is reported and confirmed (please also refer to the guidance note established by the JTS attached)?</p> <p>In both cases, please explain the procedure for establishing the shortlist or authorizing the controller.</p> <p>If appropriate, please give also examples of types of possible control bodies.</p> <p>In case of use of shortlist of controllers, please provide the list (if not available yet, please indicate date of publication of shortlist).</p> <p><u>Controllers' qualification:</u></p>	<p>Please explain the <u>minimum requirements</u> for a controller to act as project partner/Lead partner controller (e.g. degrees, work experience, national qualifications, and/or registration in professional organizations).</p> <p>For the approbation/selection of controllers at central level, we suggest using the checklist provided in Annex 4 of the guidance note. Please confirm the use of this document or explain what kind of other document (which has to be at least equivalent) you will use instead</p>
<p><u>Contact details of the central approbation body</u></p> <p>Please indicate the contact details of the central body in charge of establishing the shortlist of selected control bodies or the body in charge of authorizing the controller proposed by a project partner.</p>	

4. Separation of Functions

Please explain how your Member State will ensure a clear separation of functions between the bodies having responsibilities in the management and control of a project and/or the programme. If appropriate, please provide an organization chart to document the separation of functions between the bodies or units in charge of:

- project activities and finances;
- the verification of the project expenditure and delivery of the products and services (so-called "first level control" according to Article 16 of Regulation 1080/2006);
- the sample checks on operations (the so-called "second level audit" according to Article 14 (2) of Regulation 1080/2006 and Article 62 of Regulation 1083/2006);
- and project approval/Monitoring Committee representation (according to Article 63 of Regulation 1083/2006)?

Chart 2 Management and Control System Separation of Functions



Legend

1. **MDPWH** - Ministry of Development Public Works and Housing;
2. **GDSPP** - General Directorate for Strategies and Public Policies;
3. **DCAT** - Directorate for Coordination of the Activity in the Territory;
4. **Ro Audit Authority** - Romanian National Audit Authority within the Courts of Accounts

Description

1. Management of project activities

The implementation of project activities shall be performed by the **Romanian Lead partner/Partners**. The first level controller shall not be involved in project activities and finances.

2. First level control

The verification of the operations implemented by the Romanian beneficiaries (project expenditure and delivery of products and services) will be performed by the civil servants within the **Directorate for the Coordination of the Activity in the Territory, Territorial Units, MDPWH**.

3. Second level audit

The **Audit Authority within the Romanian Court of Accounts** is an independent body, totally separate from the MDPWH. The representative of the Romanian Audit Authority, nominated in the Group of Auditors will perform the sample checks (second level audit) on the operations implemented by the Romanian beneficiaries

4. Representation in the Monitoring Committee

The Romanian representative within the Monitoring Committee of ESPON is the General Director of the General

Directorate for Strategies and Public Policies, MDPWH

5. First Level Control Delays

How do you ensure that the first level control is carried out within 1 month after receipt of the documents bearing in mind that the progress report has to be submitted by the Lead partner within 2 months after the end of each reporting period?

- The National Authority will establish procedures to set the clear responsibilities and deadlines, in order to comply with the requirement;
- The National Authority will perform a permanent monitoring of the first level controllers' activities.

6. Quality Assurance/Guidance to FLC bodies

The programme will establish

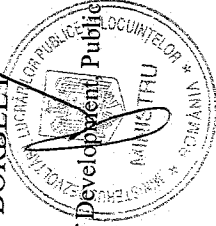
- ESPON 2013 control guidelines
- a template for a FLC checklist
- a template for a FLC report.
- A control certificate inside the progress report to be signed by the FLC.

The use of these standardized documents will be obligatory.

Have you provided any additional guidance to the body/bodies in charge of first level control to ensure sound financial control (such as written guidelines, training)

- If yes please provide:
- the reference
 - the date
 - related documentation (if applicable).

In the next period will be developed activities in order to strengthen the system of control (guidance for the controllers, training, etc.).

<p>Please describe how you will ensure that the guidance is followed and the requirements resulting from Article 60 b) of Regulation (EC) No 1083/2006 and from the ESPON 2013 control guidelines and ESPON 2013 control certificate are respected.</p>	<p>The National Authority will carefully monitor the controllers' activity taking the following actions:</p> <ul style="list-style-type: none"> ▪ Organizing training sessions for the controllers. ▪ Establishing in the job description responsibilities of complying with the requirements resulting from Article 60 b) of Regulation (EC) No 1083/2006 and the ESPON 2013 guidelines and the internal procedures; ▪ Requesting periodic reports on the controller's activity and the results of the control; ▪ Performing periodical auditing by the internal Audit Department.
<p>7. Control Cost</p> <p>Who will pay for the control? Will it be provided for free (by the MS) or will the cost be borne by the Lead/Project partner and thus reported as eligible cost within the project?</p> <p>If the control cost is borne by the beneficiary and to be reported as eligible project cost, please provide details on how the cost is calculated, what is the basis for the payment (e.g. service contract) and to whom it has to be paid.</p>	<p>The control related expenses are entirely supported by MDPWH.</p>
<p>Name, Title + Organization of Signatory for the MS</p> <p>Minister LÁSZLÓ BORBÉLY</p>  <p>Ministry of Development, Public Works and Housing</p>	<p>Place, Date and Stamp</p> <p>BUCHAREST 28.01.2008</p>