

**DIGITAL TRANSFORMATION OF PUBLIC ADMINISTRATION IN ROMANIA AND THE EUROPEAN UNION**

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| <b>Abstract:</b>                                 | <i>This paper aims to analyze the process of digital transformation of public administration in Romania and the European Union, in the current legislative and institutional context. The reform of public administration, in the context of the digitization of the public sector, is focused on simplifying procedures and bureaucratic burdens for individuals and legal entities, increasing the efficiency and effectiveness of the administrative act, and ensuring accessibility and transparency of data use by public authorities and institutions. At the same time, this study also deals with issues related to eGovernment, cybersecurity, and the security of personal data of users of platforms and information systems.</i> |
| <b>Keywords:</b>                                 | <b>Digitisation; eGovernment; electronic services; electronic identity; interoperability; cyber security;</b>  |
| <b>Contact details of the authors:</b>           | E-mail: laurentiu.soneriu@ulbsibiu.ro  |
| <b>Institutional affiliation of the authors:</b> | <b>Lucian Blaga University of Sibiu, Faculty of Law</b>  |
| <b>Institutions address:</b>                     | Calea Dumbrăvii, 34, Sibiu, 550324, +40269 233 295, website: <a href="https://drept.ulbsibiu.ro/">https://drept.ulbsibiu.ro/</a> , e-mail: <a href="mailto:drept@ulbsibiu.ro">drept@ulbsibiu.ro</a>  |

### **Preliminary**

The reform of public administration, in the context of the digitization of the public sector, is focused on simplifying procedures and bureaucratic burdens for individuals and legal entities, increasing the efficiency and effectiveness of the administrative act, and ensuring accessibility and transparency of data use by public authorities and institutions.

According to the European Commission's Digital Economy and Society Index (DESI) 2022<sup>25</sup>, Romania ranks 27th out of 27 EU Member States, the main reasons being the lack of basic digital skills of citizens and the very low level of public services for both citizens and businesses. Romania, on the other hand, performs relatively well in terms of connectivity, with the best score in this chapter. The proportion of take-up of fixed broadband coverage of at least 100 Mbps (57%) and very high-capacity fixed networks (87%) exceed the EU average. The situation at the EU level is no better, with 42% of EU citizens lacking basic digital skills, including 37% of those in the workforce<sup>26</sup>.

As technologies continue to evolve with the expansion of smartphones and the web, municipal governments have begun to use digital tools to interact with citizens more effectively. The internet has changed the way individuals interact with one another and enabled the digital transformation of the public sector<sup>27</sup>.

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<sup>25</sup>Digital Economy and Society Index (DESI), *Report 2022*, <https://digital-strategy.ec.europa.eu/en/policies/desi> (15.05.2023)

<sup>26</sup> European Commission, *Shaping Europe's Digital Future*, <https://digital-strategy.ec.europa.eu/en/policies/digital-skills#:~:text=In%20Europe%2C%20more%20than%2090%25%20of%20professional%20roles,skills%2C%20including%2037%25%20of%20those%20in%20the%20workforce> (15.10.2023)

<sup>27</sup> Mădălina Voican, *Exploring Legal Mechanisms TO Foster E-Democracy: Norway Vs. Romanian Arrangements*, "Lex Humana", Vol. 15, No. 4, 2023, p. 2, <https://seer.ucp.br/seer/index.php/LexHumana/article/view/2790/3663> (10.10.2023)

## **Public Authorities and Institutions Involved in the Digital Transformation Process**

### **Ministry of Research, Innovation and Digitisation**

The Ministry of Research, Innovation, and Digitisation is the state authority with the role of synthesis and coordination in the fields of research, experimental and technological development, innovation, communications and digitization, cybersecurity, postal services, radiocommunications, information technology, information society, and national interoperability framework<sup>28</sup>.

In the area of digitization, the Ministry of Research, Innovation, and Digitisation ensures inter-institutional coordination of public policies, investments, and information technology resources to align them with strategic objectives in the field of information technology and the national interoperability framework<sup>29</sup>.

### **Authority for the Digitisation of Romania**

The Authority for the Digitisation of Romania (ADR) is a structure with a legal personality that is organized and functions within the Government's working apparatus and under the coordination of the Prime Minister with the role of implementing and coordinating the implementation of public strategies and policies in the field of digital transformation and the information society<sup>30</sup>.

As stated in Article 3 of the Government Decision No. 89/2020, the RDA aims to contribute to: "the digital transformation of the Romanian economy and society, the achievement of e-government at the level of the Romanian public administration and the fulfillment of the objectives for Romania of the European Union's financial assistance programs in its field of competence"<sup>31</sup>.

### **National Council for Digital Transformation**

The National Council for Digital Transformation (CNTD) is an advisory body of the Authority for the Digitisation of Romania, without legal personality, which collaborates in its work with public institutions and academia, whose representatives may be invited to the work of the groups on the initiative of the Authority for the Digitisation of Romania<sup>32</sup>.

## **Electronic Identity**

### **Electronic Signature**

Concerning electronic signatures, Article 25 of Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 states that: "an electronic signature shall not be denied legal effect and admissibility as evidence in legal proceedings solely because it is in electronic form or that it does not meet the requirements for qualified electronic signatures"<sup>33</sup>. A qualified electronic signature has the equivalent legal effect of a handwritten signature and is recognized as a qualified electronic signature across all the UE Member States<sup>34</sup>.

At the national level, during the Covid-19 pandemic, to implement the provisions of EU Regulation No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC, the Romanian Government adopted Emergency Ordinance No. 38/2020 on the use of electronic documents by public authorities and institutions<sup>35</sup>.

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<sup>28</sup> *Government Decision No. 371/2021 on The Organization and Functioning of the Ministry of Research, Innovation and Digitisation*, Monitorul Oficial al României, Part I, No. 333 of April 1<sup>st</sup> 2021

<sup>29</sup> *Idem*

<sup>30</sup> *Government Decision No. 89 of 28 January 2020 on the Organization and Functioning of the Authority for the Digitisation of Romania*, Monitorul Oficial al României, Part I, No.113, 13<sup>th</sup> of February 2020

<sup>31</sup> *Idem*

<sup>32</sup> *Autoritatea pentru Digitalizarea României, Consiliul Național pentru Transformare Digitală*, <https://www.adr.gov.ro/cntd> (20.10.2023)

<sup>33</sup> *EU Regulation No. 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC*, <https://eurlex.europa.eu/legalcontent/RO/TXT/HTML/?uri=OJ%3AL%3A2014%3A257%3AFULL> (28.10.2023)

<sup>34</sup> *Idem*

<sup>35</sup> *Monitorul Oficial al României, No. 289, 7<sup>th</sup> of April 2020*

### **Electronic Seal (Electronic Stamp)**

An electronic seal shall not be denied legal effect and admissibility as evidence in legal proceedings solely because it is in electronic form or because it does not meet the requirements for qualified electronic seals<sup>36</sup>. A qualified electronic seal shall benefit from the presumption of the integrity of the data and the correctness of the origin of the data to which the qualified electronic seal relates and shall be recognized as a qualified electronic seal in all other Member States.

### **Interoperability**

An important step in the creation of the legislative framework necessary to implement the digital transformation of the Romanian public administration is the adoption of Law No. 242/2022 on the exchange of data between IT systems and the creation of the National Interoperability Platform<sup>37</sup>. The National Interoperability Platform will be managed by the Romanian Authority for Digitisation.

Essentially, through this normative act, the legislator aims to create the technical conditions to facilitate the interconnection of the information systems of central and local public authorities and institutions and to facilitate the exchange of data between them, to provide integrated, quality electronic public services, accessible at any time, adapted to the needs of the beneficiaries of these services.

For example, the applicant for a building permit will no longer have to go through a series of public authorities and institutions to obtain the necessary permits, agreements, and other documents required to obtain a building permit. He will only have to apply to the competent authority at the local level, which, via IT systems and interconnected databases, will communicate with the other authorities, institutions, and structures involved in the permitting procedure, to solve the application for the issuance of the building permit, of course, within the limits of the powers conferred by law to each of them. In this case, we are talking about shared competencies. There is already a normative act in force, which stipulates the prohibition of institutions and specialized bodies of the central public administration "to request from natural or legal persons, to solve a public service, copies of opinions or other documents issued by public institutions or specialized bodies"<sup>38</sup>.

### **The Government Cloud**

The Government Cloud was established with the adoption of Government Emergency Ordinance 89/2022 on the establishment, management, and development of cloud IT infrastructures and services used by public authorities and institutions<sup>39</sup>. This normative act regulates a wide range of benefits both for citizens and businesses and for administrative activity.

The Government Cloud appears to be very useful both in terms of storing and managing data and information more efficiently, as well as in terms of strengthening their cyber security, in the event of cyber threats or attacks, which may cause the leakage or loss of personal data of Romanian citizens, with negative repercussions also in terms of accessing funds available through the NRP. The Romanian Intelligence Service, in collaboration with the Special Telecommunications Service, will ensure the cyber security of the Government Cloud, within the limits of their legal powers. The cloud computing platform will be managed operationally by the Authority for the Digitisation of Romania.

### **Cyber Security**

To ensure the cybersecurity of the National Interoperability Platform, the Authority for the Digitisation of Romania (ADR) will collaborate with the National Cyber Security Directorate and the Romanian Intelligence Service. In the field of cyber security, as proof of adaptation to the new security environment,

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<sup>36</sup> Article 35 of Regulation (EU) No. 910/2014 of the European Parliament and of the Council of 23 July 2014 on Electronic Identification and Trust Services for Electronic Transactions in the Internal Market and Repealing Directive 1999/93/EC

<sup>37</sup> Monitorul Oficial al României, Part I, No. 752, 27<sup>th</sup> of July 2023

<sup>38</sup> Law No. 267/2021 on the Completion of Government Emergency Ordinance No. 41/2016 on Some Simplification Measures at the Level of Central Public Administration and on the Modification and Completion of Some Normative Acts, published in the Monitorul Oficial al României, No. 1076, Part I, 10.11.2021

<sup>39</sup> Monitorul Oficial al României, No. 638, 28.06.2022

since 2008, the Romanian state, according to CSAT decisions, designated the Romanian Intelligence Service as the national authority and established within its structure the National CYBERINT Centre<sup>40</sup>.

The Romanian Intelligence Service, through the National CYBERINT Centre, promotes and acts to identify, prevent, and combat vulnerabilities, risks, and threats to Romania's cyber security<sup>41</sup>. To ensure the security of communications over the data transmission networks used by the National Interoperability Platform, the RDA will collaborate with the Special Telecommunications Service.

On 30 December 2021, the Romanian Government adopted the Romanian Cyber Security Strategy for the period 2022-2027 and the Action Plan for the implementation of the National Cyber Security System for the period 2022-2027<sup>42</sup>.

This document aims to set out the main guidelines and general approaches to cyber security. The new Strategy promotes an updated vision that will help society as a whole: public authorities and institutions and private entities, the academic community, and citizens.

Law No. 58 of 14 March 2023 on Romania's cyber security and defense<sup>43</sup>, as well as for the modification and completion of some normative acts establishes the legal and institutional framework for the organization and implementation of activities in the fields of cyber security and defense, the cooperation mechanisms, and the responsibilities of the institutions with attributions in these fields.

Cyber security and cyber defense are achieved by adopting and implementing policies and measures to understand, prevent, and counter vulnerabilities, risks, and threats in cyberspace. To successfully implement actions under the cyber security strategy, authorities, public institutions, and specialized structures must attract and motivate, as appropriate, information technology experts with the know-how and experience needed to prevent and combat possible attacks and threats to the security of databases, IT platforms and applications through which public services are provided.

### **Electronic Administrative Act**

The administrative act is the main, concrete form in which the work of public administration is carried out. In the doctrine, the administrative act has been defined as a unilateral manifestation of a will made to produce legal effects, issued under public authority, whereby the law is organized or applied in practice<sup>44</sup>.

From a procedural point of view, the norm for issuing/adopting/concluding it is the written form. The digital transformation of public administration also covers aspects relating to the electronic administrative act, as an alternative to the classic administrative act, which is characterized by specific procedural forms, including electronic signatures and the elimination of the stamp<sup>45</sup>. At the national level, there is currently a legislative framework for electronic administrative acts in tax matters. Consequently, the tax administrative act issued in electronic form lacks some of the essential elements of content, specific to the classic one, issued on paper, namely "the signature of the authorized persons of the tax authority", according to the law, respectively "the stamp of the issuing tax authority".

Law No. 169/2019 amending and supplementing Article V of Government Ordinance No. 17/2015 on the regulation of certain fiscal-budgetary measures and amending and supplementing certain normative acts provides for the abolition of the obligation for public legal entities to apply the stamp on:

(a) declarations, petitions, contracts, or any other documents or papers lodged with public institutions or authorities or issued or concluded in connection with public institutions or authorities [Article V (21)];

(b) documents or any other written documents issued in their relations with natural persons, legal persons governed by private law, and entities without legal personality - Article V (22).

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<sup>40</sup> Daniela Panc, *Securitatea cibernetică la nivel național și internațional. instrumente normative și instituționale*, Hamangiu, București, 2017, p. 235

<sup>41</sup> <https://www.sri.ro/cyberint> (01.11.2023)

<sup>42</sup> *Government Decision No. 1321 of 30 December 2021 on the Approval of Romania's Cyber Security Strategy for the Period 2022-2027 and the Action Plan for the Implementation of Romania's Cyber Security Strategy for the Period 2022-2027*, Monitorul Oficial al României, No. 2 of 3 January 2022

<sup>43</sup> Monitorul Oficial al României, Part I, No. 214 of 15 March 2023

<sup>44</sup> Ovidiu Podaru, *Drept administrativ, Vol. I. Actul administrativ, repere noi pentru o peorie altfel, Tomul 1. Noțiune*, Hamangiu, București, 2022, p. 18

<sup>45</sup> Emilia-Lucia Cătană, *Modernizarea dreptului administrativ în era transformării digitale. Actul administrativ electronic*, "Revista de Drept Public", No. 4, 2019

## **Models of Good Practice at the European Level**

Estonia is the only country in the world where 99% of public services are digitized. The only public activities that cannot be done online are marriage, divorce, and real estate transactions. Denmark is another European benchmark for e-government. The process of digitization of the public sector in Denmark started as early as 1960.

The first digital signature was implemented in 2001, making it possible for citizens to sign documents digitally. In 2007, *NemID (EasyID)* was introduced, making it possible to identify every citizen on the websites of public institutions, as well as with banks and other private services. NemID was available free of charge to all citizens<sup>46</sup>.

Using the digital signature (user ID and password), Danish citizens can easily access online banking, government services, and a growing number of private services. *NemID* is used by around 70% of the Danish population who connect to digital services safely and cyber-securely, thanks to collaboration between the public and private sectors<sup>47</sup>.

## **Models of Good Practice at the National Level**

### **Models of Good Practice at the Central Government Level**

National Civil Servants Agency (N.N.F.P.) The digital transformation of public administration also concerns human resources management in the public sector, particularly the recruitment and selection process for civil servants, which is intended to be transparent, merit-based, and respectful of equal opportunities for all candidates. To this purpose, the National Civil Servants Agency has developed an IT application for the automatic extraction of subjects for competitions managed within the Integrated Information System, to make competitions for vacant public positions more transparent and increase public confidence in their fairness.

From March 2023, the N.F.P.A. has launched the pilot project of the national civil service recruitment competition, which is carried out on the IT competition platform. This IT platform is used to register candidates, create competition files, and check eligibility, preliminary testing, advanced testing, and management of the group of candidates promoted to the recruitment stage.

Persons who have passed the recruitment phase have the right to participate in the selection phase of the pilot project for a maximum period of 3 years from the date of promotion (at the end of the 3 years, the IT competition platform automatically blocks the right to apply for a competition for the post<sup>48</sup>). Candidates can select/filter notifications of the vacancies they wish to receive and can use the information and documents in their profiles to participate in the next stage, the selection stage.

### **Ministry of Internal Affairs (M.I.A.)**

The criminal record certificate for natural persons, according to Law No 3/2023 supplementing Article 28 of Law No 290/2004 on criminal records<sup>49</sup>, can be requested and obtained online by citizens.

The history of road traffic sanctions, according to Article 22 2 of Government Emergency Ordinance No 195/2002 on traffic on public roads, republished, with subsequent amendments and additions, can also be requested and obtained online<sup>50</sup>.

### **National Tax Administration Agency (N.T.A.A.)**

Virtual Private Space is an online platform, with free access, 24/24, available to taxpayers to request and obtain tax administrative documents, file tax returns, obtain information on tax obligations, etc.

The PatrimVen IT platform enables public authorities and institutions to access information on the assets of persons who have debts to the local budgets, with a view to enforcement measures (distrain, etc.) or for taxation purposes (second home, etc.). The PatrimVen portal can also be used to determine the incomes and assets of a person applying for social assistance, social grants, etc.

### **National Agency for Cadastre and Real Estate Publicity (N.A.C.R.E.P)**

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<sup>46</sup>[cursdeguvernare.ro/digitalizarea-a-proape-integrala-a-danemarcei-interviu-rikke-zeberg-director-general-al-agentiei-daneze-pentru-digitalizare.html](https://cursdeguvernare.ro/digitalizarea-a-proape-integrala-a-danemarcei-interviu-rikke-zeberg-director-general-al-agentiei-daneze-pentru-digitalizare.html) (26.10.2023)

<sup>47</sup> *Idem*

<sup>48</sup> <https://concur-pilot.anfp.gov.ro/desfasurare-proiect-pilot/etapa-recrutare/> (25.10.2025)

<sup>49</sup> Monitorul Oficial al României, Part I, No. 3 of 3 January 2023

<sup>50</sup> Monitorul Oficial al României, Part I, No. 246 of 20 March 2006

The National Agency for Cadastre and Real Estate Publicity provides central and local public authorities, autonomous administrative authorities, public institutions, national courts, notaries public, legal experts, persons authorized to carry out cadastre, geodesy, cartography, and photogrammetry works, lawyers, insolvency practitioners and bailiffs with free, direct, permanent access, in person or through a representative, to the online platform and services of the integrated cadastre and land registry system, to fulfill their obligations<sup>51</sup>.

Another useful service, especially for individuals, is that of issuing, online, for a fee, the land register information extracts, and extracts from the cadastral plan on orthophoto plan, through the IT platform provided by The National Agency for Cadastre and Real Estate Publicity<sup>52</sup>.

#### **Romanian Automotive Register (R.A.R.)**

Since 2019, the Romanian Automotive Register has developed the "Vehicle History" application, which allows anyone who owns or intends to purchase a vehicle to check its history, provided that the car has passed at least once the R.A.R., by accessing the official website of the Romanian Automotive Register [www.rarom.ro](http://www.rarom.ro).

Also, through the "Vehicle History" application, starting in 2020, the R.A.R. offers its customers the possibility to consult the vehicle's damage history online, for a fee<sup>53</sup>.

#### **Models of Good Practice at the Local Government Level**

An example of good practice that I have identified at the level of local public administration and that I considered relevant to be analyzed and presented is that of the Municipality of Sighișoara, in Mureș County, where I worked as a personal advisor in the Office of the Mayor of Sighișoara, in the mandate 2016-2020, where the project "eCetatean@Sighisoara2021" was implemented, funded by the European Union and the Romanian Government, through the Operational Programme Administrative Capacity 2014 - 2020, Priority Axis 2 - Accessible and transparent public administration and judicial system, Specific Objective 2. 1- Introduction of common systems and standards in local public administration that optimize beneficiary-oriented processes in line with the SCAP<sup>54</sup>.

The results obtained through the implementation of the project are the following:

a) e-service portal for citizens, containing the following modules: online submission of tax returns for local taxes and fees, online payment of local taxes and fines, online issuance of tax certificates, online submission of tax exemption applications, iReport-application for mobile devices (Android) for submitting petitions to the institution, etc.

b) Extended document management system;

c) Participatory budgeting - projects proposed by citizens;

d) Upgraded the website of the institution;

e) Retro-digitised archive.

As far as participatory budgeting is concerned, it involves involving citizens in the decision-making process by encouraging them to submit proposals for public investment projects of local interest, with funding from the local budget, to be technically and legally analyzed by a special committee appointed by order of the mayor, which includes representatives of the local executive, civil servants from the mayor's department, as well as local elected officials, the deputy mayor and other local councilors appointed by an administrative act of the local deliberative body.

The projects are submitted online on the IT platform<sup>55</sup>, obviously after prior registration of citizens. Next comes the stage of analysis of the projects by the specialized committee, the voting stage, which consists of the expression of the option on the projects declared eligible for funding and implementation by the specialized committee, the analysis of the votes, and the publication of the final list of winning and rejected

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<sup>51</sup>Article 1 (1) of Order no. 950 of 25 April 2023 Approving the Conditions of Access to the Platform, Data Sets, and Online Services of the Integrated Cadastre and Land Registry System, Monitorul Oficial al României, Part I, No. 382 of 4 May 2023

<sup>52</sup> <https://epay.ancpi.ro/epay/SelectProd.action?prodId=1420> (26.10.2023)

<sup>53</sup> [https://www.rarom.ro/wp-content/uploads/2020/05/Etape\\_Istoric\\_Daune.pdf](https://www.rarom.ro/wp-content/uploads/2020/05/Etape_Istoric_Daune.pdf) (25.10.2023)

<sup>54</sup> <https://primariasighisoara.ro/portal/mures/sighisoara/portal.nsf/pagini/anun+finalizare+proiect+ecetatean-00016516> (25.10.2023)

<sup>55</sup> <https://ecetatean.sighisoara.org.ro> (26.10.2023)

projects and, finally, the stage of implementation of the project/projects declared winners, in the following budgetary year.

Another good practice model is the one developed by the City Hall of Cluj-Napoca, which has made available to citizens the online service for the automatic issuance of urban planning information certificates to reduce waiting times and costs for urban planning information through the Geographical Information System (GIS)<sup>56</sup>.

In addition to the Information Town Planning Certificate, the GIS software also generates a plan for inclusion in the General Urban Plan (GUP).

### **The Financing of Digital Transformation**

Romania's National Recovery and Resilience Plan (N.R.R.P.) is the main instrument for financing reforms and investments in digitization in the public sector and beyond<sup>57</sup>. In this regard, Pillar II of Romania's NRRP, entitled *Digital Transformation*, highlights the congruence between the EU Digital Vision and Strategy and the National Strategy for Digital Transformation for Citizens and Businesses. All these perspectives revolve around 4 cardinal points that make up the "compass for the digital dimension": digitization of public services, skills, secure and sustainable digital infrastructures, and digital transformation of enterprises<sup>58</sup>.

According to Component C7 - Digital Transformation of the N.R.R.P., the total budget allocated is €1,884.96 million and the reforms are aimed at:

1. Developing a unified framework for defining the architecture of a government cloud system.
2. Transition towards achieving the EU 2025 connectivity targets and stimulate private investment for the development of ultra-high-capacity networks.
3. Ensure cyber security of public and private entities owning critical infrastructures.
4. Increasing digital skills for public service and digital lifelong learning for citizens<sup>59</sup>.

### **Conclusions**

In conclusion, the digital transformation of public administration, in Romania and the European Union, both in its component aimed at providing timely, efficient, and accessible electronic public services and in its decision-making component, is in progress.

Even though we are not currently in an honorable position in the ranking of EU Member States in terms of digitization of public services, I appreciate that the Romanian state has taken important steps at the legislative, institutional, technical, and investment levels to achieve strategic objectives in the field of information technology in the public sector.

To facilitate access to electronic public services, public authorities and institutions involved in the process of digitization of public services should carry out information campaigns and finance training courses for citizens with poor basic digital skills and training and professional development courses for public administration staff in IT&C.

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<sup>56</sup> <https://primariaclujnapoca.ro/informatii-publice/comunicate/eliberarea-automata-a-certificatelor-de-urbanism-de-informare-gis/> (26.10.2023)

<sup>57</sup> *Romania's National Recovery and Resilience Plan*, pp. 13-14, <https://mfe.gov.ro/wpcontent/uploads/2021/10/facada6fdd5c00de72eecd8ab49da550.pdf>, (26.10.2023)

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