

Integrity and Transparency in the Work of Public Authorities. Aspects of Comparative Public Law

Associate professor **Elena Emilia ȘTEFAN**¹

Abstract

Nowadays, there are changes in citizens' perception of public sector activity. In this respect, a new paradigm seems to be emerging in public life, namely that the work of people serving the state apparatus is assessed through a threefold perspective, based on interdisciplinarity: legality-ethics-morality. The scope of the study is to analyze transparency in public administration, starting from Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents. The study aims to document the issue of transparency in the work of state activity, using the lens of several authorities such as the French High Authority for Transparency in Public Life, the National Transparency Authority of Greece, the Commissioner for Standards in Public Life of Malta and the Chief Official Ethics Commission of Lithuania. The main findings highlight that states have been concerned to establish an institution, whatever its name, with a role in ensuring transparency in public administration and fighting corruption. The composition of the work proposes a structure consisting of two main directions, national law and international law, and by means of research methods specific to law, it will highlight the idea that access to information is a human right, enshrined in law. The research contributes to the understanding of the topic from a comparative law perspective, by being aware on how legislators in different legal systems approach integrity and transparency in public administration. The analysis shows that lack of transparency can lead to maladministration. The results underline that states have put in place mechanisms to increase trust in state authorities by means of legislation and specially created authorities.

Keywords: transparency, integrity, public authority, National Integrity Agency, the European Code of Good Administrative Behaviour.

JEL Classification: K10, K23

DOI: 10.62768/TBJ/2024/14/4/03

Please cite this article as:

Ștefan, Elena Emilia, 'Integrity and Transparency in the Work of Public Authorities. Aspects of Comparative Public Law', *Juridical Tribune – Review of Comparative and International Law* 14, no. 4 (December 2024): 564-583.

Article History

Received: 17 June 2024
Revised: 12 August 2024
Accepted: 27 September 2024

1. Introduction

In a world where the need for transparency transcends law and extends to all areas of social life, the subject of transparency in the work of public authorities

¹ Elena Emilia Ștefan - „Nicolae Titulescu” University of Bucharest, Romania, stefanelena@gmail.com, <https://orcid.org/0009-0004-4154-3199>.

concerns researchers all around the world. From this perspective, the topic is of general interest and it is important that it is continuously analyzed and brought to public attention. Transparency is absolutely necessary in a democratic society where the rule of law prevails. The two terms: integrity and transparency are closely linked. From a conceptual point of view, the term “*integrity*” means, according to the Explanatory Dictionary of the Romanian Language: “1. The ability to be honest; The ability to remain intact, honest²”. The term “*transparency*” can be defined as: “1. The capacity of bodies or media of being transparent; 2. Way of working, principle of some leaders or governing bodies of making their entire activity publicly known at all times³”.

In view of the great development of the information technology, we believe that digitalization in public administration will create new opportunities for partnership between the citizen and public administration. This creates the opportunity for authorities to be permanently at the service of the citizen, with the help of modern means of communication. For example, there is a study that shows that “some countries have already started the process of implementing blockchain in the public services sector since 2016⁴”. The author underlines that “The United States uses this technology to maintain the land cadastre, register real estate, in the healthcare system, and (...) in elections⁵”. Furthermore “The implementation of the technology in Estonia and the United Arab Emirates is at the same level. The Netherlands is slightly behind and does not yet use blockchain for document management and elections⁶”. It is considered that “the main obstacle to introduce blockchain in public administration is the contradiction between vertical structure of administration and the decentralized nature of blockchain⁷”.

Notwithstanding, digitalization brings with it new issues of responsibility, legal liability, limits and respect for citizens' rights and freedoms. Experts show that “the use of AI for a wide range of applications in local government offers numerous prospects and opportunities, as well as obstacles and risks related to various ethical considerations⁸”. This is why Member States have really joined forces in a common effort to lay the foundations for the creation of the legal framework needed to ensure

² See in this respect the public source at <https://dexonline.ro/definitie/integritate>, visited on 19 March 2024.

³ See in this respect the public source at <https://dexonline.ro/definitie/transparen%C8%9B%C4%83>, visited on 19.03.2024.

⁴ Anton Dziatkovskii. (2022). „Using blockchain technology in public administration by ML&AI”, *World Journal of Advanced Research and Reviews*, 16(03), p. 672, <https://doi.org/10.30574/wjarr.2022.16.3.1386>, visited on 11.08.2024.

⁵ Ibidem.

⁶ Ibidem.

⁷ Elvira Talapina. (2020) „Application of Blockchain in Public Administration: Prospects for Legal Regulation”, *Public Administration Issues, Higer School of Economics*, Issue 3, pp. 960-113, <https://vgmu.hse.ru/en/2020--3/403251554.html>, visited on 11.08.2024.

⁸ Tan Yigitcanlar, Sajani Senadheera, Raveena Marasinghe, Simon Elias Bibri, Thomas Sanchez, Federico Cugurullo, Renee Sieber. (2024). „Artificial intelligence and the local government: A five decade scientometric analysis on the evolution, state-of-the-art, and emerging trends”, *Cities*, Volume 152, 105151, <https://doi.org/10.1016/j.cities.2024.105151>, visited on 11.08.2024.

transparency, even when public services are provided using modern technology, including artificial intelligence. Moreover, “*public services are undoubtedly a pillar of the society*”⁹. In this context, we recall that 2023 marked the 25th anniversary of the signing in Denmark of the Aarhus Convention of 25 June 1998 on access to information, public participation in decision-making and access to justice in environmental matters (published in Official Journal of the European Union L124 of 15.05.2005)¹⁰. The Aarhus Convention was ratified by Romania through Law no.86 of 10 May 2000 (published in OJ no. 224 of 22 May 2000)¹¹.

Nowadays, society as a whole tends to simplify citizens' contact with public authorities. We are now seeing new interfaces representing the institutions, such as digital assistants, web portals, etc. enabling remote access. Step by step, electronic documents are replacing paper files in public administration. In the near future, contacting the authority or getting information will be just a click away. But how secure is the place of recording and storing documents that citizens deliver remotely by modern means, such as views on consultation on the adoption of legislation, in this type of communication?? These are challenges related to potential events that break contact with the authority such as: loss of internet signal, power outage, cyber-attack, outdated technology or equipment, etc. These events force authorities to constantly identify technical solutions to avoid data loss.

It is considered that “open government data (transparency) initiatives need to determine which data to release, for what purpose and under which technical conditions”¹². According to other studies: “The disadvantages and gaps of legal regulation in the use of digital technologies in law are: disordered legislation, inconsistency with international standards, which is due to the adoption in different periods of normative acts; the lack of unified terms in the use of digital technologies in public administration (...); the problem of protecting personal data and rights in the use of digital technologies in the field of Public Administration (...)”¹³.

What is new in this paper work is the interdisciplinary analysis of the issue of transparency in order to know the current status of the subject and trends, combining: doctrine, legislation and case law and emphasizing aspects of comparative and international law. The research questions are: “*Is Decision-making transparency regulated at EU level?*” “*Are there any national authorities set up to ensure transparency in public administration?*”, “*Are there any consequences for lack of transparency in public administration?*”.

⁹ M. C. Cliza. (2023). „Public services at the service of citizens - case study: cleaning services”, *International Journal of Legal and Social Order* (1): 49, <https://doi.org/10.55516/ijlso.v3i1.130>, visited on 15.04.2024.

¹⁰ Elena Emilia Ștefan, (2023). „25 Years Since the Adoption of the Aarhus Convention”, *Scientia Moralitas International Journal of Multidisciplinary Research*, Vol. 8, No. 2, p. 221, DOI: 10.5281/zenodo.10430001, visited on 10.03.2024.

¹¹ Ibidem.

¹² Pui Pedro Lourenco. (2023). „Government transparency: Monitoring public policy accumulation and administrative overload”, *Government Information Quarterly*, Volume 40, Issue 1, 101762, <https://doi.org/10.1016/j.giq.2022.101762>, visited on 11.08.2024.

¹³ Anton Dziaikovskii, *op. cit.*, p. 680.

Methodologically, the structure of the paper is organized in 4 sections. Section I - approaches the issue of transparency from a general point of view. Section II on the one hand, takes the pulse of the international literature on transparency in public administration. On the other hand, the paper details the applicable comparative law and analyzes some case studies from the European Ombudsman's practice on transparency. Section III notes the national legislation applicable to transparency. Finally, Section IV presents different state authorities with a role in ensuring transparency in public administration in countries such as France, Greece, Malta, or Lithuania. By means of specific legal research means, the present study will mirror national legislation with that of comparative law, the analysis being notable by extensive documentation on the subject.

2. Transparency – comparative law guidelines

2.1. Doctrinal views on transparency in public administration

By analyzing studies in international law, it emerges that researchers from all over the world are increasingly looking at transparency in public administration from various angles. This section presents, in a personal way, a selection of relevant French or English-language studies, available in several international databases, which have focused on the analyzed topic. To this end, data from different continents have been collected using both computer and documentary methods, without making an inventory of points of view organized by country, but rather, following an overview of the literature on transparency.

According to administrative law doctrine, “the manner in which a nation is governed has constantly aroused lively disputes throughout history¹⁴”. Therefore, we believe that transparency can lead to an increased confidence of citizens in state institutions. In our opinion, this can be achieved in various ways: the creation of a clear, coherent and transparent regulatory framework; professionalization of the civil service; the existence of all the information needed by the public, including on the websites of public authorities, etc. However, despite the legislation governing public interest warnings, resorting to this channel of disclosure, which often ends up in the media, can create undesirable effects. For example, the disclosures may be unfounded, in reality being pressure from the whistleblower to achieve a personal goal or, at the other extreme, the disclosures may marginalize the whistleblower by his or her background or even society, attracting public opprobrium.

According to French doctrine, “From a mere evocation, transparency has become a reality in the French administrative and political landscape since the early 1990s. The most recent texts have extended both the scope and the content of transparency obligations weighing on public action and also a new phenomenon on

¹⁴ Cătălin Silviu Săraaru. (2023). „A cross - country examination: administrative litigation in China and Romania”, *Access to Justice in Eastern Europe*, 6(3): 233, <https://doi.org/10.33327/AJEE-18-%206.3-a000313>, visited on 15.03.2024.

public actors themselves¹⁵”. The Spanish doctrine, in contrast, considers that transparency in public administration “is a concept that describes the principles and practices that allow people inside and outside the organization to obtain accurate information about organizational activities¹⁶”. Among researchers' concerns, we also find those regarding alternative means of dispute resolution, in which case we note a study analyzing transparency in public administration in relation to administrative arbitration institutionalized in Poland as of 2009¹⁷. From another perspective, a Brazilian author, analyzing the concept of transparency in public administration, states that “it is essential for it to function more responsibly and efficiently and is gaining increasing importance in administrative law theory¹⁸”.

It is also worth noting another study that sought the understanding of transparency by the public in Argentina, therefore, a survey concluded that “the provision of information to citizens matters in shaping perceptions of transparency, and the content of this information matters in affecting people's evaluation of government (...).¹⁹”. There are other authors that analyze the transparency of websites of the Italian public administration²⁰. On this occasion, it is pointed out that “the reform of the Italian public administration started in the early 1990s and changed the consolidated paradigm to a management oriented towards *res publica* (*emphasis mine* public goods) (...).²¹”. On this occasion, it is pointed out that “the Ministry of Public Administration promoted platform called Bussola della Trasparenza, the purpose of which is to provide easy access to institutional data of municipalities and to evaluate the available information²²”.

According to other researches “transparency increases public confidence in government, but experimental studies have found mixed results. One explanation is that public confidence may respond more positively to a kind of latent transparency in which citizens highly value the simple potential of open access to government

¹⁵ Samuel Dyens, Yvon Goutal (2018). *Agir in toute transparence dans la vie publique locale*, Dalloz Publique, 1^{re} edition, 388 p., <https://www.lgdj.fr/agir-en-toute-transparence-dans-la-vie-publique-locale-9782247181896.html>, visited on 15.04.2024.

¹⁶ Alex Ingrams (2016). *Transparency*, in Farazmand, A. (eds), *Global Encyclopedia of Public Administration, Public Policy and Governance*, p.1, Springer, Cham. https://doi.org/10.1007/978-3-319-31816-5_2256-1.

¹⁷ Maria Joao Mimoso, Maria de Rosaria Anjos. (2019). „Administrative arbitration in public procurement: a look of Portuguese law”, *Juridical Tribune - Tribuna Juridica*, Volume 9, Issue 1, p. 196-205, <https://www.tribunajuridica.eu/arhiva/An9v1/17.%20Mimoso,%20Anjos.pdf>, visited on 20.03.2024.

¹⁸ Joao Gaspar Rodrigues. (2022). „Publicity, Transparency, and Openness in Public Administration”, *Revista de Derecho Uninorte* no.58, p.1, DOI: <https://doi.org/10.14482/dere.58.004.223>, visited on 15.03.2024.

¹⁹ Martin Alessandro, Bruno Cardinale Lagomarsimo, Carlos Scartaschini, Jorge Streb, Jeronimo Tarrealdy. (2019). „Transparency and trust in Government:evidence from a survey experiment”, IDB Publication (Working Papers), 9496, Inter - American Development Bank, 2019, DOI: <http://dx.doi.org/10.18235/0001569>, visited on 15.04.2024.

²⁰ Giuseppe Pernagallo, Benedetto Torrisi (2020). „A logit model to assess the transparency of Italian public administration websites”, in *Government Information Quarterly*, Volume 37, Issue 4, <https://doi.org/10.1016/j.giq.2020.101519>, visited on 20.03.2024.

²¹ Ibidem.

²² Ibidem

information, even though they may have more negative reactions when particular current government content, information, documents, or data is presented to them²³”.

Furthermore, a recent paperwork describes how access to public information is regulated and investigates how the Freedom of Information Acts - (FOIA) operates in practice in several EU countries, respectively Belgium, Croatia, Czech Republic, France, Germany, Italy, the Netherlands, Slovenia, etc.²⁴ At the same time, the importance of protecting the independence of the judiciary and promoting transparency and accountability in the exercise of the law is also outlined²⁵. In line with the latest communication trends, another study presents the principle of good administration - transparency and reasoning for AI decisions²⁶.

Analyzing both specialized literature and legislation, we consider that transparency, as a principle of law, can also be associated with the principle of publicity of normative acts. For example, specialized literature states that, “if the normative act has not been made public in accordance with the method required by law, it is deemed not to exist²⁷”.

2.2. Applicable legal framework

The research carried out in this section highlights the provisions of art. 15 para. (3) TFEU²⁸ according to which “Any citizen of the Union, and any natural or legal person residing or having its registered office in a Member State, shall have a right of access to documents of the Union's institutions, bodies, offices and agencies, whatever their medium, subject to the principles and the conditions to be defined in accordance with this paragraph”. In our opinion, it is important to firstly specify the applicable law starting with the Treaty, an act with legal force superior to any other European normative acts. Another relevant article is art.298 para. (1) TFEU which provides: “In carrying out their missions, the institutions, bodies, offices and agencies of the Union shall have the support of an open, efficient and independent European administration”. From the historical perspective, in the previous Treaty establishing

²³ Stephan G. Grimmelikhuijsen, Suzanne J. Piotrowski, Gregg G. Van Ryzin (2020). „Latent transparency and trust in government: Unexpected findings from two survey experiments”, *Government Information Quarterly*, Volume 37, Issue 4, <https://doi.org/10.1016/j.giq.2020.101497>, visited on 15.04.2024.

²⁴ Dacian C. Dragoș, Polonca Kovac, Albert T. Marseille (2019). *The Laws of Transparency in Action: A European Perspective (Governance and Public Management)*, Palgrave Macmillan, 687 p., <https://doi.org/10.1007/978-3-319-76460-3>, visited on 15.04.2024.

²⁵ Cristina Elena Popa Tache, Cătălin Silviu Săraru (2023). „Lawfare, Between Its (Un) Limits and Transdisciplinarity”, *Precedente Revista Juridica* 23, p. 61, DOI: <https://doi.org/10.18046/prec.v23.5889>, visited on 10.03.2024.

²⁶ Ricardo Pedro (2023), „Artificial intelligence on public sector in Portugal: first legal approach”, *Juridical Tribune - Tribuna Juridica*, Volume 13, Issue 2, p. 159, <https://www.tribunajuridica.eu/arhiva/An13v2/1.%20Ricardo%20Pedro.pdf>, visited on 15.03.2024.

²⁷ Iulia Boghirnea (2022). „The principle of publicity of the national normative acts. Legal effects”, *International Journal of Legal and Social Order* 1(1):14, DOI: 10.55516/ijlso.v1i1.60, visited on 15.04.2024.

²⁸ The Treaty on the Functioning of the European Union, published in OJEU C326 of 26.12.2012, pp.0001-0390.

the European Constitution, art. 1-50 mentioned the transparency of the work of the institutions, bodies, offices and agencies of the Union, an article which is broadly reflected in art. 15 para. (3) TFEU²⁹.

Nowadays, Regulation EC no. 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents³⁰ provides the legal framework for public access to documents in Europe. According to it, art. 2 para. (1): *“any citizen of the Union, and any natural or legal person residing or having its registered office in a Member State, has a right of access to documents of the institutions, subject to the principles, conditions and limits defined in this Regulation”*. As one author has stated, *“regulations are of general application”*.

As for our analysis, we note that the European Regulation provides that *“in order to make it easier for citizens to exercise their rights, each institution should provide access to a register of documents”*. Moreover, the *Transparency Register* is established at the EU level and is a database that lists organizations that try to influence the law-making and policy implementation process of the EU institutions³¹. The register allows for public scrutiny, giving citizens and other interest groups the possibility to track the activities of lobbyists³². By comparing European legislation with the national background, we would like to point out that the Romanian Transparency Register was set up in our country³³.

Coming back to EC Regulation no.1049/2001, it considers that *“In principle, all documents of the institutions should be accessible to the public. However, certain public and private interests should be protected by way of exceptions”*. Furthermore, according to the Preamble of the Regulation: *“Openness enables citizens to participate more closely in the decision-making process and guarantees that the administration enjoys greater legitimacy and is more effective and more accountable to the citizen in a democratic system”* (para.2).

Furthermore, in the same register of the broad framework of transparency, a component of good administration, we recall the European Code of Good Administrative Behaviour, drawn up by the European Ombudsman³⁴. We are interested in the provisions of art. 23 – *Requests for public access to documents* and 24 – *Keeping of adequate records*. The Code of Good Administrative Behaviour requires the handling of requests relating to public access to documents by the official

²⁹ http://ier.gov.ro/wp-content/uploads/publicatii/DCT_Tratat_instituire_Constitutie.pdf, visited on 14.03.2024.

³⁰ Regulation (EC) No. 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents, published in OJ L 145/43, 31.05.2001, pp.43-48.

³¹ Public information available online at https://commission.europa.eu/about-european-commission/service-standards-and-principles/transparency/transparency-register_ro, visited on 25.03.2024.

³² Idem.

³³ Public information available online at <https://www.registruldetransparenta.ro/despre-registru.html>, visited on 25.03.2024.

³⁴ Public information available online at <https://www.ombudsman.europa.eu/en/publication/ro/3510>, visited on 11.04.2024.

in accordance with the rules adopted by the institution and the general principles and limitations of Regulation (EC) no. 1049/2001. Furthermore, according to this normative act, the departments of the institution will keep adequate records of incoming and outgoing correspondence, documents received and action taken on them.

The Preamble of the ReNEUAL Code of Administrative Procedure of the European Union³⁵ states that “in administrative procedures, public authorities shall be bound to observe the rule of law, the right to good administration and other principles of the law of administrative procedure of the European Union”. Decision-making procedure of Book III draws our attention, as well as art.III-22 – access to the file (“any interested party shall have a right of access to the file relating to him, subject to legitimate interests, confidentiality and professional and business secrecy”), art. III 25 – consultation of the public concerned, art. III 26 – consultation of Member States and art. III 27 – consultation of EU authorities. Prior to the adoption of the RENEUAL Code, the European Parliament Resolution of 15 January 2013 established several recommendations on the conduct of the administration, addressed to the Commission on a Law of Administrative Procedure of the European Union (2012/2024/INI)³⁶. For instance, Recommendation 3 defines the *principle of transparency* that should guide the administration³⁷. Furthermore, European legislation also includes Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law³⁸. This normative act was transposed in our country in 2022³⁹.

Furthermore, we also mention the Group of States against Corruption - GRECO which was established in 1999 to monitor States' compliance with the organization's anti-corruption standards⁴⁰. In a recent report published in March 2024, GRECO⁴¹ states out that “*transparency in the law-making process is an (...) area of concern*”. GRECO highlighted that “*public consultation procedures often have implementation flaws, with discrepancies between legislation and practice especially in meeting consultation timeframes and feedback processes*”⁴². Furthermore,

³⁵ ReNEUAL Code of Administrative Procedure of the European Union, coordinators Hervig C.H. Hofmann, Jens Peter Schneider, Jacques Ziler, Dacian C. Dragoș, Universul Juridic Publishing House, Bucharest, 2016, p. 31.

³⁶ Published in OJEU C440 of 30.12.2015, <https://eur-lex.europa.eu/legal-content/RO/TXT/PDF/?uri=CELEX:52013IP0004&from=EN>, visited on 11.04.2024.

³⁷ <https://eur-lex.europa.eu/legal-content/RO/TXT/PDF/?uri=CELEX:52013IP0004&from=EN>, visited on 11.04.2024.

³⁸ Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of the persons who report breaches of Union law, published in Official Journal of the European Union L305/17, 26.11.2019, <https://eur-lex.europa.eu/legal-content/RO/TXT/?uri=CELEX%3A32019L1937&qid=1642005043403>, visited on 12.01.2022.

³⁹ Law no.361/2022 on the protection of whistleblowers in the public interest, published in Official Journal no.1218 of 19 December 2022.

⁴⁰ Public information available online at <https://www.coe.int/en/web/greco/about-greco/what-is-greco>, visited on 16.08.2024.

⁴¹ Public information available online at <https://rm.coe.int/general-activity-report-2023-greco-060424-gbr-web/1680afd7f2>, visited on 16.08.2024.

⁴² Idem.

“contributions to draft laws during public consultation frequently arrive too late, and amendments based on public comments are rare”⁴³”.

2.3. Maladministration in the work of the European Ombudsman

As mentioned above, transparency is regulated at European level. But not infrequently, the European Ombudsman has found maladministration due to a lack of public access to documents coupled with a lack of transparency in decision-making.

In this respect, we note the Decision taken in case 2142/2018/EWM on the European Commission’s refusal to grant access to Member State positions on a document (...) concerning the risk assessment of pesticides on bees⁴⁴. The Ombudsman found maladministration and recommended that the Commission discloses the documents, pointing out that *“transparent decision-making regarding procedures which are of general interest and application is a cornerstone of democracy”*.

Furthermore, we also note the Decision taken in case 2000/2022/PVV on the European Commission’s to give public access to documents concerning the energy consumption and greenhouse gas emissions of the ceramics industry reported under the EU’s emissions trading system⁴⁵. The Ombudsman found maladministration and recommended that the Commission grant significantly wider access to the requested documents. *“The fact that the Commission rejected the Ombudsman’s solution proposal (...) in view of the importance of ensuring transparency and participation in environmental decision-making”⁴⁶”.*

In the work of the institution, cases of the European Ombudsman based on a lack of transparency have been analyzed in doctrine, such as for example: - Decision on how the European Commission handled a request for public access to documents concerning the quality of medical masks distributed during the COVID-19 pandemic (case 790/2021/MIG)⁴⁷. Furthermore, from another perspective, according to the doctrine of administrative law, *“in any system of administrative law, the court carries out a review of the factual and discretionary determinations made by the administration.”⁴⁸*

⁴³ Idem.

⁴⁴ Public information available online at <https://www.ombudsman.europa.eu/ro/decision/ro/122313>, visited on 11.08.2024.

⁴⁵ Public information available online at <https://www.ombudsman.europa.eu/ro/decision/ro/179451>, visited on 11.08.2024.

⁴⁶ Idem.

⁴⁷ Public source at <https://www.ombudsman.europa.eu/en/decision/en/156438> apud Elena Emilia Ștefan, „News and perspectives of public law”, *Athens Journal of Law*, Volume 9, Issue 3, July 2023, Athens Institute for Education and Research, p. 400, available online, doi=10.30958/ajl.9-3-4, visited on 11.04.2024.

⁴⁸ Paul Craig (2015). *UK, EU and Global Administrative Law. Foundations and Challenges*, Cambridge University Press, p. 477.

3. National legal framework on transparency

In this section, national legislation applicable to transparency in the work of public authorities is briefly mentioned. In this respect, we mainly consider: the Fundamental Law, Emergency Ordinances and laws. Established authors consider that, „in the process of public administration reform in Romania, improving transparency and integrity in administrative activity was a permanent goal of political decision-makers”⁴⁹.

Unlike our country where only the Administrative Code is adopted, „in France there is no single, general Administrative Code, but the subject of administrative law is codified in several codes, including the Municipalities Code, the State Property Code, the Code of Expropriation for Public Utility Causes, the General Code of Territorial Communities, the General Code of Public Property and the Code of Administrative Justice”⁵⁰.

As far as the national Constitution is concerned, art. 31 – *the right to information* is the cornerstone of transparency of public authorities, detailing the main guidelines for ensuring access to any information of public interest, obviously with the exceptions provided by law. The Constitution expressly provides a person's right of access to any information of public interest shall not be restricted and, at the same time, the right to information shall not be prejudicial to the measures of protection of young people or national security. As regards the emergency ordinance, we refer to the Administrative Code⁵¹ which expressly regulates the principle of transparency. This is one of the general principles applicable to public administration and is mentioned in art. 10, which develops the constitutional framework of transparency in the work of public authorities.

As regards law, the following are included in the register of normative acts entailing transparency: Law no. 544/2001 on free access to public information⁵², Law no. 182/2002 on the protection of classified information⁵³, Law no. 52/2003 on decision-making transparency in public administration⁵⁴, Law no. 161/2003 on measures to ensure transparency in the exercise of public office, public functions and in the business environment, prevention and sanctioning of corruption⁵⁵, Law no. 179/2022 on open data and re-use of public sector information⁵⁶ etc. In relation to the new trends of full digitalization of public administration, specialized authors consider

⁴⁹ Mihai Cristian Apostolache (2015). „The relevance of the European regulations regarding the improvement of transparency and integrity in local public administration. Analysis of the implications on the legislation”, *Juridical Tribune - Tribuna Juridica*, Volume 5, Issue 1, p. 90 <https://www.tribunajuridica.eu/arhiva/An5v1/8%20Apostolache.pdf>, visited on 15.03.2024.

⁵⁰ Cătălin Silviu Săraru (2023). „Regulation of public services in the administrative Code of Romania: Challenges and limitations”, *Access to Justice in Eastern Europe* 6 (1):3, <https://doi.org/10.33327/AJEE-18-6.1-a000110>, visited on 15.03.2024.

⁵¹ Published in OJ no. 555 of 5 July 2019.

⁵² Published in OJ no. 663 of 23 October 2001.

⁵³ Published in OJ no. 248 of 12 April 2002.

⁵⁴ Published in OJ no. 749 of 3 December 2003.

⁵⁵ Published in OJ no. 279 of 21 April 2003.

⁵⁶ Published in OJ no. 577 of 14 June 2022.

that „most jurisdictions unequivocally recognize that an application submitted electronically is assimilated to a written application (Hungary, Romania, Czech Republic), while others implicitly admit this form of application (Poland)⁵⁷.

The first normative act, law, that we mention is *Law no. 544/2001 on free access to public information*. Article 1 of this law states that free and unrestricted access of the individual to any information of public interest, as defined by this law, is one of the fundamental principles of relations between individuals and public authorities, in accordance with the Romanian Constitution and international documents ratified by the Romanian Parliament. Within the meaning of Law no. 544/2001, *information of public interest* is any information that concerns the activities or results from the activities of a public authority, regardless of the medium or the form or manner of expression of the information [art.2 letter (b)].

Law no. 182/2002 on the protection of classified information is the next relevant normative act for the topic under analysis. The scope of Law no. 182/2002 is the protection of classified information and confidential sources of classified information, which is achieved through the national information protection system. According to art. 2 para. (2) of Law no. 182/2002, access to classified information is allowed only in the cases, under the conditions and in compliance with the procedures laid down by the law. As stated by the specialized literature, in Romania „certain contracts concluded by public authorities are constantly declared, by administrative decisions, as *classified contracts*, on the basis that they take the form of private contracts⁵⁸”.

The following normative act, *Law no. 52/2003 on decision-making transparency in public administration* establishes the minimum procedural rules applicable to ensure transparency in decision-making within the central and local public administration authorities, elected or appointed, as well as other public institutions using public financial resources, in the relations established between them with citizens and their legally established associations.

We will also refer to *Law no. 179/2022 on open data and re-use of public sector information*. For the purpose of the law, art. 2 letter i), *document* is any information content or any part of such content, regardless of the form of data storage, on paper, in electronic form or in the form of an audio, video or audiovisual recording; and *open data* is data in machine-readable format that can be freely used, reused and redistributed by anyone for any purpose [art. 2 letter e)]. According to this law, art. 4, *any natural or legal person may apply to any public entity for the re-use of documents* referred to in the definition provided for by art. 2 letter i).

Finally, in the draft Administrative Procedure Code, which is in the transparency procedure as of November 2023, the principle of transparency is introduced as one of the principles applicable to the process of drafting normative

⁵⁷ Dacian C. Dragoș, „Transparency in public administration. Free access to public information. A topical comparative analysis of several jurisdictions from Central and Eastern Europe,” *Transilvanian Review of Administrative Sciences*, 17E/2006, p. 37, <https://rtsa.ro/tras/index.php/tras/article/view/331>, visited on 20.03.2024.

⁵⁸ Dacian C. Dragoș, *Transparency in public administration...*, *op. cit.*, p. 34.

acts, normative administrative acts or strategic documents, including public policy documents, initiated by central and local public authorities⁵⁹.

4. State authorities with a role in ensuring transparency in public administration

4.1. High Authority for Transparency in Public Life - H.A.T.V.P. - France

Similar to the National Integrity Agency operating in Romania, in France, the High Authority for Transparency in Public Life - H.A.T.V.P. is an independent administrative authority entrusted with a public service mission: promoting probity and exemplary public accountability⁶⁰. H.A.T.V.P. was officially created in January 2014 replacing the Commission for Financial Transparency in Political Life⁶¹. H.A.T.V.P. was established by means of Law of 11 October 2013 on transparency in public life⁶². HATVP mission is to carry out the control of declarations of assets and interests; prevention of conflicts of interest; control of mobility between public and private; regulation of representation of interests⁶³.

Emanuel Aubin, the author of work *Deontology in Public Service*, shows that “The entry into the General Statute of 20 April 2016, reformed by Law no. 2019-828 of 6 August 2019 whereby a single guardian was created, the High Authority for Transparency in Public Life – H.A.T.V.P., of the principles it sets out, ethics in the public service is a necessity that responds to a need for public officials and public agents, as well as service managers, to have new tools (books and guides) and to rely on new ethical actors (whistleblowers) to better manage problematic situations (conflicts of interest) specific to public service⁶⁴”. On another occasion, the legislative framework in France was analyzed with regard to the legislative acts adopted by the legislator to increase confidence in state institutions. We hereby refer to Organic Law no. 2017-1338 of 15 September 2017 for confidence in political life⁶⁵ and Law no. 2017-1339 of 15 September 2017 for confidence in political life⁶⁶, both promulgated

⁵⁹ Public information available online at <https://www.mdlpa.ro/pages/proiectlegecodadministrati8v21112023>, visited on 11.04.2024.

⁶⁰ Public information available online at <https://www.hatvp.fr/la-haute-autorite/linstitution/independance/>, visited on 20.03.2024.

⁶¹ Idem.

⁶² Law no. 2013-907 of 11 October 2013 on transparency in public life, <https://www.legifrance.gouv.fr/loda/id/JORFTEXT000028056315>, visited on 20.03.2024.

⁶³ https://www.hatvp.fr/wordpress/wp-content/uploads/2023/05/HATVP_SYNTHESE-2022-pages-1.pdf, visited on 20.03.2024.

⁶⁴ Emanuel Aubin (2019). *La deontologie dans la fonction publique*, Gualino Editeur, 2^e edition, 228 p., <https://www.lgdj.fr/la-deontologie-dans-la-fonction-publique-9782297087650.html>, visited on 20.03.2024.

⁶⁵ Organic law no. 2017-1338 of 15 September 2017 for confidence in political life, <https://www.legifrance.gouv.fr/eli/loi/2017/9/15/JUSC1715752L/jo/texte>, visited on 01.11.2017, *apud* E. E. Ștefan, „Legalitate și moralitate în activitatea autorităților publice (Legality and morality in the work of public authorities)”, *Revista de Drept Public* no. 4/2017, p. 97.

⁶⁶ Law no. 2017-1339 of 15 September 2017 for confidence in political life, <https://www.legifrance.gouv.fr/eli/loi/2017/9/15/JUSC1715753L/jo/texte>, visited on 01.11.2017, *apud* E. E. Ștefan, *op. cit.*, 2017, p.

by President Emanuel Macron.

The European Network for Public Ethics was created in 2022 at the initiative of H.A.T.V.P. of France, aimed at promoting public ethics and transparency, this network will establish a regular exchange between its members and will give greater visibility to these topics within the European Union. It is currently composed of 15 integrity authorities from EU Member States: Federal Bureau of Anti-corruption - Austria; Federal Ethics Commission - Belgium; Independent Authority against Corruption - Cyprus; Commission of Decision on Conflicts of Interest - Croatia; High Authority for Transparency in Public Life - H.A.T.V.P. - France; National Transparency Authority - Greece (NTA); Integrity Authority - Hungary; National Anticorruption Authority - Italy; Chief Official Ethics Commission - Lithuania; Commissioner for Standards in Public Life - Malta; Entity for Transparency - Portugal; Conflict of Interest and Anti-Corruption Department of the Ministry of Justice – Czech Republic; National Integrity Agency - Romania; Civil Service Council - Slovakia; Commission for Prevention of Corruption - Slovenia⁶⁷.” Furthermore, there is also the “High Inspectorate on Declaration and Audit of Assets and Conflict of Interest (Albania-HIDAACI)⁶⁸”.

Article L 300-2 of the French Code of Relations between the Public and the Administration⁶⁹, Book III - *Access to administrative documents and re-use of public information*, defines administrative documents as: "files, reports, studies, minutes, statistics, instructions, circulars, ministerial notes and replies, correspondence, opinions, forecasts, source codes and decisions". According to the same article, "documents produced or received in the course of their public service mission by the State, local authorities and other persons governed by public law or persons governed by private law entrusted with such a mission shall be considered administrative documents (...), whatever their date, place of storage, form and medium”.

4.2. National Transparency Authority - Greece

Hellenic National Transparency Agency – N.T.A. operates based on Law no. 4622/2019, being the central coordinating body for the integrity system in Greece⁷⁰. According to public information, this institution assumes all the responsibilities of five main public Auditing Bodies (Inspectors – Controllers Body for Public Administration, General Inspector of Public Administration, Inspectors Body for Health and Welfare Services, Inspectors Body for Public Works, Inspectors - Controllers Body for Transport) as well as the General Secretariat of AntiCorruption⁷¹.

97.

⁶⁷ Public information available online at <https://www.hatvp.fr/wordpress/wp-content/uploads/2024/03/Brochure-presentation-REEP-mars-2024.pdf>, visited on 20.03.2024.

⁶⁸ Idem.

⁶⁹ Public information available online at https://www.legifrance.gouv.fr/codes/article_lc/LEGIARTI000033218936, visited on 20.03.2024.

⁷⁰ Public information available online at https://www.oecd.org/en/publications/2024/03/anti-corruption-and-integrity-outlook-2024-country-notes_7f250aa9/greece_be6b1236.html, visited on 13.08.2024.

⁷¹ Public information available online at <https://aead.gr/en/nta-en/mission-competences>, visited on 13.08.

N.T.A. is said to be an administrative reform in the fight against corruption in Greece⁷². At the same time, annual activity reports are available on the institution's website, the last one available for public consultation being the report of 2022⁷³.

4.3. Chief Official Ethics Commission - Lithuania

The Chief Official Ethics Commission shall be a collegial authority - C.O.E.C., which is set up by the Seimas of the Republic of Lithuania and is accountable to it. According to Law no. X -1666/2008 on the Chief Official Ethics Commission, the purpose of C.O.E.C. is *“to ensure that the public institutions and persons working in them served people in an ethical manner”* (art. 2 item 1)⁷⁴.

According to art. 2 item 2 of the Law, the objectives of the C.O.E.C. shall be as follows:

1) *“to help persons to declare private interests and adjust them with public interests;*

2) *to ensure that persons exerted influence to legislation in a transparent manner;*

3) *in exercise of the powers set forth in the Republic of Lithuania Law on Prevention of Corruption, to prevent emergence and spread of corruption;*

4) *in exercise of the powers set forth in the Code of Conduct for State Politicians of the Republic of Lithuania, to help state politicians to behave in public life in an ethical manner;*

5) *to carry out supervision of declaration of private interests, assessment and management of the risk of conflict of private interests, prevention of violations in state and municipal institutions and bodies (...)*”.

C.O.E.C. shall consist of 5 members and the term of office of a member shall be 5 years. A citizen of the Republic of Lithuania, who is of impeccable reputation, holds a higher bachelor and master or one-cycle university degree and at least three years of experience of work in the public sector may be appointed as member of the C.O.E.C. (art. 6-7 of the Law). Furthermore, The President of the Republic, the Speaker of the Seimas, the Prime Minister, the Lithuanian Lawyers' Association and the National Council of Non-Governmental Organizations shall each propose to the Seimas one candidate for member of the C.O.E.C. The Seimas shall appoint a member of the C.O.E.C. by secret ballot (art. 7 of the law). As a collegial body, it meets and works in session, and the procedure for carrying them out is set out in detail in Article 16 of the normative act.

According to art. 19 of the Law, before March 1st of each year, the C.O.E.C.

2024.

⁷² Public information available online at https://antifraud-knowledge-centre.ec.europa.eu/library-good-practices-and-case-studies/good-practices/nta-complaint-management-and-control-system_en, visited on 13.08.2024.

⁷³ Public information available online at <https://aead.gr/en/publications-en/reports-en>, visited on 13.08.2024.

⁷⁴ Public information available online at <https://vtek.lt/en/legal-information/relevant-laws/>, visited on 14.08.2024.

shall submit to the Seimas a written activity report for the last calendar year. Recent years activity reports shall be available on the web site of C.O.E.C.⁷⁵. According to the activity report on 2023, “, *the majority of violations due to a conflict of private and public interests was found in the case of participation in or attempts to influence the deliberations and adoption of decisions concerning private interests of the declarant or a person close to the declarant*”⁷⁶”.

4.4. Commissioner for Standards in Public Life - Malta

Compared to the Integrity Agency in Romania, although we talk about an institution with a similar role in increasing trust in public life, in Malta, it is represented by a one-person authority, the Commissioner for Standards in Public Life. The Standards in Public Life Act of 2017 (Chapter 570 of the Laws of Malta) came into force on 30 October 2018⁷⁷. According to this law, the Commissioner for Standards in Public Life shall be appointed by the President of Malta, on the basis of a parliamentary resolution. The Commissioner's term of office is 5 years.

Furthermore, according to the provisions of art. 13 of the Law, the Commissioner shall have the following functions: “*examine, and if necessary verify, such declarations relating to income or assets or other interest or benefits of whatever nature of persons to whom this Act applies who are under a duty to file such declarations as maybe provided under this or any other law (...); investigate on his initiative or on the written allegation of any person any matter alleged to be in breach of any statutory or any ethical duty of any person to whom this Act applies (...); give recommendations for the improvement of any Code of Ethics applicable to persons subject to this Law, etc.*” Furthermore, according to the law, the Committee for Standards in Public Life shall be set up.

Similar to other similar institutions in other countries, in Malta, the activity report is made public. According to art. 25 of the Law, “*The Commissioner shall at least annually or as frequently as he may deem expedient report to the House of Representatives on the performance of his functions under this Act*”. Activity reports for the period between 2019-2023 shall be found on the website of the institution⁷⁸. According to the activity report of 2023, 172 complaints were filed between 30 October 2018 - 31 December 2023⁷⁹.

4.5. National Integrity Agency - Romania

Law no. 144/2007 on the establishment, organization and functioning of the

⁷⁵ Public information available online at <https://vtek.lt/en/annual-reports/>, visited on 14.08.2024.

⁷⁶ Report 2023, p. 7, <https://vtek.lt/wp-content/uploads/2020/10/2023-COEC-report-En.pdf>, visited on 14.08.2024.

⁷⁷ Public information available online at <https://legislation.mt/eli/cap/570/eng/pdf>, visited on 12.08.2024.

⁷⁸ Public information available online at <https://standardscommissioner.mt/annual-reports/>, visited on 12.08.2024.

⁷⁹ Report 2023, p. 9, <https://standardscommissioner.mt/wp-content/uploads/annual-report-2023.pdf>, visited on 12.08.2024.

National Integrity Agency – A.N.I. created this autonomous administrative authority with legal personality, operating at national level⁸⁰. The scope of the A.N.I. is to ensure integrity in the exercise of public office and to prevent institutional corruption, thus providing a public service. According to the current legal framework, there is an express obligation to submit a *declaration of assets and interests* for certain categories of occupants of public office and public service. According to the Emergency Ordinance of the Government (GEO) no. 137/2021, as of 1 January 2022, all declarations of assets and interests shall be completed and submitted to A.N.I. electronically via the e-DAI platform. Furthermore, according to the latest legislative amendments, art. III of Law no. 105/2020⁸¹, all public institutions and authorities shall be bound to provide qualified certificates for electronic signature to depositors, as of 31.12.2021.

Furthermore, in our country the PREVENT IT system has been operating - since 2017, aiming to prevent potential conflicts of interest in public procurement contracts⁸². The law that established the mechanism for the prevention of conflict of interest in the procedure of awarding public contracts is Law no. 184/2016⁸³. A computer research on the websites of public authorities shows that there is information on requests for access to public information, which is centralized in a report⁸⁴.

5. Conclusions

The transparency of the work of the authorities that make up the public administration is an extremely important topic and has been the subject of concern both to the legislator and to the specialized literature, both from national and international law. In relation to the documentary analysis carried out, we consider that the research objective has been accomplished, the information found helps to identify the answer to the research questions set.

First of all, the consultation of specialized literature gave us the opportunity to learn about opinions from different corners of the world, and the paperwork allowed us to develop ideas for possible solutions to make institutional transparency more effective. Further on, the documentation carried out proved that, nowadays, the European legal framework that forms public access to documents at European level is Regulation EC no. 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents.

⁸⁰ Appendix no. 1 to G. O. no. 1.269/2021 on the approval of the National Anti-Corruption Strategy 2022-2025 and related documents, published in O.J. no.1218 of 22 December 2021.

⁸¹ Published in O.J. no. 588 of 6 July 2020.

⁸² Public information available online at https://antifraud-knowledge-centre.ec.europa.eu/library-good-practices-and-case-studies/good-practices/prevent-system_ro, visited on 09.04.2024.

⁸³ Published in O.J. no. 831 of 20 October 2016.

⁸⁴ For example: <https://sgg.gov.ro/1/interes-public/solicitare-informatii-legislatie/rapoarte-de-aplicare-a-legii-5442001/>; <https://www.curteadeconturi.ro/rapoarte-anuale-de-aplicare-a-legii-544-2001>, visited on 25.03.2024, etc.

Another conclusion refers to the fact that, at national level, the Constitution expressly provides in Article 31 - the right to information, the legal framework being supplemented by the Administrative Code but also by other normative acts such as Law no.544/2001 on free access to public information or Law no. 52/2003 on decision-making transparency in public administration. The analysis carried out shows that, according to the national legislation, as of 1 January 2022 the declarations of assets and interests is to be completed and submitted to the N.I.A. electronically, via the e-DAI platform.

At European level, the European Code of Good Administrative Behaviour drawn up by the European Ombudsman expressly regulates the public's right of access to documents, which is essentially a human right. In this respect, the paper also presented several cases from the European Ombudsman's practice to underline that lack of transparency in decision-making can lead to maladministration, undermining public confidence in administrative efficiency. Furthermore, in order to emphasize the applied component of the topic, the paper also looked at the experience of legislators in other legal systems in order to find out how the legislation of different countries regulates transparency in public administration. With regard to the right to good administration, it has been noted that states are concerned with increasing trust in the authorities, by being focused on transparency and integrity.

From a comparative point of view, it emerges that, similar to Romania, states have set up national authorities with a role in ensuring transparency in public administration and fighting corruption. In this respect, the legislation of France, Greece, Lithuania and Malta was analyzed. In only one case was there a single-person authority: the Commissioner for Standards in Public Life of Malta. In the rest of the cases subject to our review, the name of the authority varies between “*authority*” (High Authority for Transparency in Public Life - France, National Transparency Authority - Greece, National Integrity Agency - Romania) and “*commission*” (Chief Official Ethics Commission - Lithuania).

In view of the research carried out, the subject of transparency of decision-making in public administration is far from being exhausted, and the analysis can be deepened in multiple tangential directions. In this respect, we draw lines of future research that also take into account the following four topics: whistleblowers in comparative law as well as the analysis of GRECO's global evaluation reports on preventing corruption and promoting integrity in central governments. Furthermore, in relation to transparency, it shows the relevance and knowledge of the corruption perception index in society. At the same time, it is also interesting to know how modern technologies can be used effectively to facilitate communication between the authorities and society in order to make the decision-making process work and to ensure the continuous provision of public services.

Bibliography

I. Books and articles

1. Alessandro, Martin, Bruno Cardinale Lagomarsimo, Carlos Scartaschini, Jorge Streb & Jeronimo Tarrealdy. (2019). „Transparency and trust in Government:evidence from a survey experiment”, IDB Publication (Working Papers), 9496, Inter - American Development Bank, 2019, DOI: <http://dx.doi.org/10.18235/0001569>, visited on 15.04.2024.
2. Apostolache, Mihai Cristian (2015). „The relevance of the European regulations regarding the improvement of transparency and integrity in local public administration. Analysis of the implications on the legislation”, *Juridical Tribune - Tribuna Juridica*, Volume 5, Issue 1, <https://www.tribunajuridica.eu/arhiva/An5v1/8%20Apostolache.pdf>, visited on 15.03.2024.
3. Aubin, Emanuel (2019). *La deontologie dans la fonction publique*, Gualino Editeur, 2^e edition, 228 p., <https://www.lgdj.fr/la-deontologie-dans-la-fonction-publique-9782297087650.html>, visited on 20.03. 2024.
4. Boghirnea, Iulia (2022). „The principle of publicity of the national normative acts. Legal effects”, *International Journal of Legal and Social Order* 1(1):14, DOI: 10.55516/ijlso.v1i1.60, visited on 15.04. 2024.
5. Cliza, M. C. (2023). „Public services at the service of citizens - case study: cleaning services”, *International Journal of Legal and Social Order* (1): 49, <https://doi.org/10.55516/ijlso.v3i1.130>, visited on 15.04.2024.
6. Craig, Paul (2015). *UK, EU and Global Administrative Law. Foundations and Challenges*, Cambridge University Press.
7. Dacian C. Dragoș, Polonca Kovac, Albert T. Marseille (2019). *The Laws of Transparency in Action: A European Perspective (Governance and Public Management)*, Palgrave Macmillan, 687 p., <https://doi.org/10.1007/978-3-319-76460-3>, visited on 15.04.2024.
8. Dragoș, Dacian C., „Transparency in public administration. Free access to public information. A topical comparative analysis of several jurisdictions from Central and Eastern Europe,” *Transilvanian Review of Administrative Sciences*, 17E/2006, <https://rtsa.ro/tras/index.php/tras/article/view/331>, visited on 20.03.2024.
9. Dyens, Samuel & Yvon Goutal (2018). *Agir in toute transparence dans la vie publique locale*, Dalloz Publique, 1^{re} edition, 388 p., <https://www.lgdj.fr/agir-en-toute-transparence-dans-la-vie-publique-locale-9782247181896.html>, visited on 15. 04.2024.
10. Dziatkovskii, Anton (2022). „Using blockchain technology in public administration by ML&AI”, *World Journal of Advanced Research and Reviews*, 16(03), <https://doi.org/10.30574/wjarr.2022.16.3.13> 86, visited on 11.08.2024.
11. Grimmelhuijsen, Stephan G., Suzanne J. Piotrowski & Gregg G. Van Ryzin (2020). „Latent transparency and trust in government: Unexpected findings from two survey experiments”, *Government Information Quarterly*, Volume 37, Issue 4, <https://doi.org/10.1016/j.giq.2020.101497>, visited on 15.04.2024.
12. Hofmann, Hervig C.H., Jens Peter Schneider, Jacques Ziler, & Dacian C. Dragoș (coordinators), *ReNEUAL Code of Administrative Procedure of the European Union*, Universul Juridic Publishing House, Bucharest, 2016.
13. Ingrams, Alex (2016). *Transparency*, in Farazmand, A. (eds), *Global Encyclopedia of*

- Public Administration, Public Policy and Governance*, Springer, Cham. https://doi.org/10.1007/978-3-319-31816-5_2256-1.
14. Lourenco, Pui Pedro (2023). „Government transparency: Monitoring public policy accumulation and administrative overload”, *Government Information Quarterly*, Volume 40, Issue 1, 101762, <https://doi.org/10.1016/j.giq.2022.101762>, visited on 11.08.2024.
 15. Mimoso, Maria Joao & Maria de Rosaria Anjos. (2019). „Administrative arbitration in public procurement: a look of Portuguese law”, *Juridical Tribune - Tribuna Juridica*, Volume 9, Issue 1, p. 196-205, <https://www.tribunajuridica.eu/arhiva/An9v1/17.%20Mimoso,%20Anjos.pdf>, visited on 20.03.2024.
 16. Pedro, Ricardo (2023), „Artificial intelligence on public sector in Portugal: first legal approach”, *Juridical Tribune - Tribuna Juridica*, Volume 13, Issue 2, <https://www.tribunajuridica.eu/arhiva/An13v2/1.%20Ricardo%20Pedro.pdf>, visited on 15.03.2024.
 17. Pernagallo, Giuseppe & Benedetto Torrisi (2020). „A logit model to assess the transparency of Italian public administration websites”, in *Government Information Quarterly*, Volume 37, Issue 4, <https://doi.org/10.1016/j.giq.2020.101519>, visited on 20.03.2024.
 18. Popa Tache, Cristina Elena & Cătălin Silviu Săraru (2023). „Lawfare, Between Its (Un) Limits and Transdisciplinarity”, *Precedente Revista Juridica* 23, DOI: <https://doi.org/10.18046/prec.v23.5889>, visited on 10.03.2024.
 19. Rodrigues, Joao Gaspar (2022). „Publicity, Transparency, and Openess in Public Administration”, *Revista de Derecho Uninorte* no. 58, DOI: <https://doi.org/10.14482/dere.58.004.223>, visited on 15.03. 2024.
 20. Săraru, Cătălin Silviu (2023). „A cross - country examination: administrative litigation in China and Romania”, *Access to Justice in Eastern Europe*, 6(3): 233, <https://doi.org/10.33327/AJEE-18-%206.3-a000313>, visited on 15.03.2024.
 21. Săraru, Cătălin Silviu (2023). „Regulation of public services in the administrative Code of Romania: Challenges and limitations”, *Access to Justice in Eastern Europe* 6 (1):3, <https://doi.org/10.33327/AJEE-18-6.1-a000110>, visited on 15.03.2024.
 22. Ștefan, Elena Emilia (2023). „25 Years Since the Adoption of the Aarhus Convention”, *Sciencia Moralitas International Journal of Multidisciplinary Research*, Vol. 8, No. 2, DOI: 10.5281/zenodo.10430001, visited on 10.03.2024.
 23. Ștefan, Elena Emilia, „News and perspectives of public law”, *Athens Journal of Law*, Volume 9, Issue 3, July 2023, Athens Institute for Education and Research, available online, doi=10.30958/ajl.9-3-4, visited on 11.04. 2024.
 24. Talapina, Elvira (2020) „Application of Blockchain in Public Administration: Prospects for Legal Regulation”, *Public Administration Issues, Higer School of Economics*, Issue 3, pp. 960-113, <https://vgmu.hse.ru/en/2020--3/403251554.html>, visited on 11.08.2024.
 25. Yigitcanlar, Tan, Sajani Senadheera, Raveena Marasinghe, Simon Elias Bibri, Thomas Sanchez, Federico Cugurullo & Renee Sieber. (2024). „Artificial intelligence and the local government: A five decade scientometric analysis on the evolution, state-of-the-art, and emerging trends”, *Cities*, Volume 152, 105151, <https://doi.org/10.1016/j.cities.2024.105151>, visited on 11.08.2024.

II. Legislation

1. Treaty on the Functioning of the European Union, published in OJEU C326 of 26.12.2012, pp.0001-0390.

2. Regulation (EC) No. 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents, published in JO L 145/43, 31.05.2001, pp.43-48.
3. Aarhus Convention of 25 June 1998 on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters, published in OJEU L124 of 15.05.2005.
4. The European Code of Good Administrative Behavior, <https://www.ombudsman.europa.eu/en/publication/ro/3510>, visited on 11.04.2024.
5. Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of the persons who report breaches of Union law, published in Official Journal of the European Union L305/17, 26.11.2019, <https://eur-lex.europa.eu/legalcontent/RO/TXT/?uri=CELEX%3A32019L1937&qid=1642005043403>, visited on 12.01.2022.
6. European Parliament resolution of 15 January 2013 with recommendations to the Commission on a Law of Administrative Procedure of the European Union (2012/2024/INI), published in OJEU C440 of 30.12.2015, <https://eur-lex.europa.eu/legal-content/RO/TXT/PDF/?uri=CELEX:52013IP0004&from=EN>, visited on 11.04.2024.
7. Law no. 2013-907 of 11 October 2013 on transparency in public life, <https://www.legifrance.gouv.fr/loda/id/JORFTEXT000028056315>, visited on 20.03.2024.
8. Organic Law no. 2017-1338 of 15 September 2017 for confidence in political life, <https://www.legifrance.gouv.fr/eli/loi/2017/9/15/JUSC1715752L/jo/texte>, visited on 01.11.2017.
9. Law no. 2017-1339 of 15 September 2017 for confidence in political life, <https://www.legifrance.gouv.fr/eli/loi/2017/9/15/JUSC1715753L/jo/texte>, visited on 01.11.2017.
10. Law no. 544/2001 on free access to information of public interest, published in OJ no. 663 of 23 October 2001.
11. Law no. 182/2002 on the protection of classified information, published in OJ no. 248 of 12 April 2002.
12. Law no. 52/2003 on decision-making transparency in public administration, published in OJ no. 749 of 3 December 2003.
13. Law no. 161/2003 on measures to ensure transparency in the exercise of public office, public functions and in the business environment, prevention and sanctioning of corruption, published in OJ no.279 of 21 April 2003
14. Law no.179/2022 on open data and re-use of public sector information, published in OJ no. 577 of 14 June 2022.
15. Law no.361/2022 on the protection of whistleblowers in the public interest, published in OJ no.1218 of 19 December 2022.
16. Emergency Ordinance of the Government no. 57/2019 on the Administrative Code, published in Official Journal. no.555 of 5 July 2019.
17. Appendix no. 1 to the Government Ordinance no. 1.269/2021 on the approval of the National Anti-Corruption Strategy 2022-2025 and related documents, published in O.J. no.1218 of 22 December 2021.