



Managerial Perspectives on the Procedure for the Occupancy of Public Executive Functions through Competition in Romania. Analysis, Observations and Proposals

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Abstract: *The article analyzes the recruitment process of public administration personnel, with a focus on executive positions, from the perspective of human resources management. The purpose of the study is to identify dysfunctions within the competition procedures, assess the managerial impact on institutional performance and formulate proposals for optimizing and modernizing the selection process, which will contribute to the establishment of an integrated governance model applicable and necessary in public administration in Romania. The public executive position involves the concrete application of public decisions and policies, for the proper functioning of state institutions. The specific requirements for occupying these positions, such as the level of education, seniority in the specialty and professional skills, show the quality of public administration personnel. Therefore, competition, as the main and transparent way of access to public administration, is intended to ensure selection based on criteria of competence, merit and equal opportunities. The research methodology involves a systematic, teleological and logical legal analysis of the legislation in the field, to reach the objectives of the paper, which are related to highlighting the need to ensure objectivity, transparency and professionalism in the recruitment process, as fundamental elements for the consolidation of an efficient and honest civil service. The paper also contains several proposals for procedural and legislative changes regarding the recruitment process.*

Keywords: *public function; competition; public administration; management*

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1. Introduction

The research methodology is based on methods such as the analysis of the legislation in the field applied through interpretative tools: grammatical interpretation, meant to establish the linguistic meaning of the normative text; logical interpretation, used to verify the relationship between the premises and the legal consequences of the rule; systematic interpretation, which integrates the provision under consideration into all related regulations; and teleological interpretation, intended to identify the goal pursued by the legislator.

This paper proposes an analysis on the way of recruitment in public positions, especially the executive ones, but also proposals from a managerial perspective, the regulatory elements and proposals for improving the process. It is designed to be useful to graduates of public administration and beyond, in understanding the process of holding an executive public office but also the differences between the occupation of the state, territorial and local public office.

Recruitment through competitive examinations in public positions through ethical and responsible management of human resources is one of the basic dimensions of an integrated governance model, which prevents vulnerabilities in public administration. The quality of governance depends directly on the competence and integrity of public administration staff.

2. Legal Aspect

The legal basis of the regulations on public functions and the procedure for occupying an executive public office is the Government Emergency Ordinance no. 57/2019, on the Administrative Code, with subsequent amendments and completions.

According to the Administrative Code,¹ the civil service represents “the set of attributions and responsibilities, established under the law, for the purpose of exercising the prerogatives of public power by public authorities and institutions.”²

¹Government Emergency Ordinance no. 57/2019, on the Administrative Code, published in the Official Gazette of Romania, Part I, no. 555 of July 5, 2019, as subsequently amended and supplemented, amended by EMERGENCY ORDINANCE no. 121 of December 21, 2023, for amending and supplementing [the Government Emergency Ordinance no. 57/2019](#) on the Administrative Code.

² Art.5, letter y), of the Administrative Code.

From the perspective of grammatical interpretation, the definition in the Administrative Code of the civil service emphasizes attributions “established by law”, emphasizing the normative, impersonal and regulated character of this function. The wording emphasizes key elements such as “attributions”, “responsibilities” and “prerogatives of public power”, which shows that the public function is not a private activity, but a strictly regulated one, in the service of the public interest.

The civil servant is thus a person invested by an administrative act with the exercise of such a function. The systematization highlights the importance of interpreting the rules on competitions in correlation with the general principles of the civil service according to art. 373 of the Administrative Code - legality, competence, performance, efficiency and effectiveness, transparency, impartiality, responsibility, citizen orientation, stability in the exercise of the public function, good faith, and hierarchical subordination.

In practice, however, competitions organized at local level sometimes deviate from these values, being vitiated by political influences, less professional commissions, in some cases or lack of transparency. This discrepancy between the norm and reality, which undermines the purpose of the legal norm, requires legislative and administrative intervention. This is where the teleological interpretation comes in, which analyzes the goal pursued by the legislator. The stated intention of the legal framework is to create an efficient, merit-based administration that serves the public interest. That is why any competition procedure must genuinely pursue the selection of the most competent candidates. By the teleological method, centered on the purpose pursued by the legislator, it is understood that the norms on the occupation of the public office by competition were created to ensure a professionalized administration, based on merit.

3. Classification of Public Functions

According to the level of public authority, public functions are divided into three categories,

- state public functions exercised, within central public authorities and institutions
- territorial public functions, exercised within the prefect's institution, decentralized public services

- local public functions, exercised within the local public administration authorities

According to the hierarchical level, the public functions are executive and management, and the paper refers to the occupation of executive public functions at all levels of public, state, territorial and local authority.

The occupation of a public office can be done in several ways:

- promotion (to higher positions within the same institution),
- transfer (between institutions),
- redistribution (in the case of institutional reorganizations) Art. 466, paragraph 2 letter c)
- competition, art. 466, para. 2 letter a), the standard form of access, which aims to guarantee equal opportunities and professionalism in the public administration.

The competition for the occupation of an executive public position currently involves three tests:

- selection of files,
- written test
- the interview.

Each stage has the role of assessing administrative skills, legislative knowledge and communication skills and adaptation to the requirements of the institution. However, there is a lot of public debate about the effectiveness and fairness of this evidence. The written test, although relevant, can be influenced by subjective factors, and the interview is sometimes perceived as vulnerable to external influences or favoritism.

4. Clarifications on Pilot Projects

The analysis of the regulations of the Administrative Code highlights the existence of references to other regulations in the field and therefore, in order not to be confused regarding the occupation of executive public functions, the paper brings to light aspects regarding recruitment also in the light of the Pilot Competition organized by the National Agency of Civil Servants. This process of reform regarding the occupation of the public office began with the amendment of some

provisions of the Administrative Code, namely by G.E.O. no. 138/2021¹ and continued through GEO 121/2023 amending the Administrative Code.²

Recent pilot projects, such as those launched by ANFP (National Competition, a condition for holding a public office in the central and territorial administration according to the Administrative Code, art.467 and GEO 121/2023), reflect precisely this intention: the transparency and depoliticization of access to the administration, the centralization and digitization of competitions, with the aim of eliminating arbitrariness and political interference.

For occupying a state or territorial public office, corroborating art. 385.para. 1 and paragraph 2 of the Administrative Code, with art. 467, para. 3 letters a) and b), it follows that there are two stages of competition, one carried out through a national competition and the other through a competition for the position.

From this it follows that a state or territorial public office cannot be held without the stage of the National Competition, and those who have passed the National Competition according to art. 467.para.4, second sentence, after the amendment of the Administrative Code by GEO 121/2023, have the right to participate in the competition for a position in a public function in the state or territorial administration, within a maximum period of 3 years.

However, the occupation of an executive position in the local public administration, currently, according to the Administrative Code, art., 467, paragraph 7, has only one stage, of the competition for the position, which contains 3 tests: the file test, the written test and the interview test.

The National Competition provides for the occupation of state public offices and territorial public offices, according to art. 385 paragraphs 1 and 2 of the Administrative Code.

¹ Emergency Ordinance no. 138 of 28 December 2021 amending and supplementing [the Government Emergency Ordinance no. 57/2019](#) on the Administrative Code, Published in the Official Gazette no. 1243 of 29 December 2021.

² Emergency Ordinance no. 121 of December 21, 2023 amending and supplementing [the Government Emergency Ordinance no. 57/2019](#) on the Administrative Code, Published in the Official Gazette no. 1184 of December 28, 2023.

5. Conclusions and Proposals

In support of these findings, the logical method also intervenes and we deduce the following:

- the public administration must be professional and fair, according to the fundamental principles of the public function enshrined in the Administrative Code at art.373,
- the current practice at the local level requires a review of the recruitment and management process of human resources, for example: the competition commissions are made up of internal staff of the respective institution that is subordinated to the local political leadership, it follows that the objectivity of the selection process can be compromised. It is therefore logical to call for corrective measures both of the recruitment process for public positions in the post and improvements to the pilot projects on the national competition.

In this regard, it is considered appropriate to initiate a petition, through which citizens propose reforms on the way competitions for public offices are conducted.

Thus, a petition can be formulated¹, based on the legislative framework of Ordinance no. 27 of January 30, 2002, on the regulation of the activity of solving petitions² to the National Agency of Civil Servants, in order to propose the following:

- Extension of the methodology of national and local competitions, not only in the state and territorial administration as currently provided by the Administrative Code.
- The standardisation of competition tests at local level as well, with sets of single subjects, randomly generated from a public database, and the extension of these procedures to local government, eliminates the discrepancies between central and local government, which are often affected by partisan influences, thus contributing to an integrated system of governance.

¹ Article 51, GEO no.27/2002. Right to petition (1) Citizens have the right to address the public authorities through petitions formulated only on behalf of the signatories. (2) Legally constituted organizations have the right to petition exclusively on behalf of the collectives they represent. (3) The exercise of the right of petition is exempt from the fee. (4) The public authorities have the obligation to respond to petitions within the terms and under the conditions established according to the law.

² Ordinance no. 27 of January 30, 2002, on the regulation of the activity of solving petitions, Published in the Official Gazette no. 84 of February 1, 2002, <https://legislatie.just.ro/public/DetaliuDocument/33817>.

- Adopting the form of examination in digital format of the competition for the position, not only the national one.
- The issuance of documents proving the support of the National Competition, based on which the score obtained and its promotion are certified, which at present, whoever promotes this competition cannot physically prove this.
- Eliminate the subjective selection of local commissions and replace the members of the commissions with university professors specialized in administrative law and labor law, who are not politically subordinated and who evaluate objectively, if the current form of competition at local level and of the competition for the position remains.
- Creation of a public online platform for the job competition, where all competitions, bibliographies, correction grids, grades awarded and any disputes resolved can be consulted.

In conclusion, the occupation of the public office through competition must not be just a bureaucratic formality, but a real mechanism for selecting the best, in the spirit and letter of the law. A genuine reform, built on logical reasoning, clear goals and constitutional principles, will lead to a dignified, professional administration respected by citizens.

Through the coherent application of these proposals, in accordance with the methods of systematic and teleological legal research, competitions for public offices will be closer to the authentic purpose of the legislator, such as the professionalization of the administration and the elimination of favoritism.

The occupation of a public office by competition must be a rigorous, fair and objective process, in which the selection is made on the basis of real competence.

Therefore, it is considered necessary to extend the concept of National Exam on the occupation of a state and territorial public office promoted by the ANFP to local or in-post public positions.

Thus, citizens' trust in state institutions will increase and their involvement in the act of governing will be considerable.

6. Bibliography

Ordinance no. 27 of January 30, 2002, on the regulation of the activity of solving petitions, Published in the Official Gazette no. 84 of February 1, 2002, <https://legislatie.just.ro/public/DetaliiDocument/33817>.

Government Emergency Ordinance no. 57/2019, on the Administrative Code, published in the Official Gazette of Romania, Part I, no. 555 of 5 July 2019, as subsequently amended and supplemented, amended by Emergency Ordinance no. 121 of 21 December 2023, for amending and supplementing Government Emergency Ordinance no. 57/2019 on the Administrative Code.

Emergency Ordinance no. 138 of 28 December 2021 amending and supplementing the Government Emergency Ordinance no. 57/2019 on the Administrative Code, Published in the Official Gazette no. 1243 of 29 December 2021.

Emergency Ordinance no. 121 of December 21, 2023, for amending and supplementing the Government Emergency Ordinance no. 57/2019 on the Administrative Code, Published in the Official Gazette no. 1184 of December 28, 2023.