



AGENȚIA PENTRU MONITORIZAREA ȘI EVALUAREA PERFORMANȚELOR ÎNTRINDERILOR PUBLICE

METHODOLOGY

on the establishment and management of the Body of Administrators of Public Enterprises

Art. 1 - The provisions of this methodology regulate the manner of constitution of the Corps of Administrators of public enterprises, hereinafter referred to as the Corporate Administrators, the minimum requirements that must be fulfilled by physical or legal personnel in order to be enrolled in the Corpus of Administrators, the documents necessary for registration, the mode of transmission of these as well as the way of managing the data contained in the Corpse of administrators.

Art. 2 - For the purposes of this Methodology, the terms and expressions below have the following meanings:

(a) body of administrators of public enterprises - database in which are registered, on request, natural and legal persons, as defined in art. 2 point 6 of OUG no.109/2011 on corporate governance of public undertakings, with subsequent amendments and additions, and which have been selected according to the provisions of Chapter V of H.G. no. 617/2023 on the organization and functioning of the Agency for Monitoring and Evaluation of Performance of Public Enterprises, as amended and supplemented, and this Metodology.

b) Administrator - has the meaning provided for in art. 70 and following of Law no. 31/1990, republished, as subsequently amended and supplemented, and includes the administrators of the limited liability companies, the members of the board of directors of the joint-stock companies administered in the unitary system, the supervisory board of joint stock companies managed in the dualistic system, as well as the member of the governing board of the autonomous regions, as regulated by OUG no.109/2011 on corporate governance of public enterprises, with subsequent amendments and supplements;

c) candidate – a natural or legal person who has been registered in the body of administrators of public enterprises and who can participate in the procedure of selection and nomination for vacant posts of administrator;

d) motivation letter - a working document prepared by the candidate, by which he presents the reasons why he has enrolled and candidates to be part of the body of administrators of public enterprises managed by AMEPIP, the skills, skills, experience, as well as his own vision on improving the performance of public undertakings;

e) professional experience in the field of higher studies graduated - the experience acquired under an individual employment contract, a service relationship or as a liberal profession, demonstrated with appropriate documents (advertences) by the candidate who has carried out an activity in a specialty function corresponding to his profession or specialization, by reference to the general field of graduation of studies according to the levels of organization of education in Romania.

f) consent of the data subject - means any manifestation of free, specific, informed and unequivocal will of the person concerned by which he or she accepts, by a declaration or by an unambiguous action, that personal data concerning him or her be processed, in accordance with the provisions of Article 4 paragraph 11 of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of individuals with regard to the processing of personal data and on the free movement of such data and repealing Directive 95/46/EC (General Data Protection Regulation);

g) personal data – any information concerning an identified or identifiable natural person (“the data subject”);



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- h) an identifiable natural person - a person who can be identified, directly or indirectly, in particular by reference to an identifying element, such as a name, an identification number, location data, an online identifier, or one or more specific elements, proper to his physical, physiological, genetic, psychological, economic, cultural or social identity, in accordance with the provisions of Article 4(1) of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data and repealing Directive 95/46/EC (General Data Protection Regulation);
- i) recipient - a natural or legal person, public authority, agency or other body to whom personal data are disclosed, regardless of whether it is a third party or not, in accordance with the provisions of Article 4(1) of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data and repealing Directive 95/46/EC (General Data Protection Regulation);
- j) processing - any operation or set of operations carried out on personal data or on sets of personal data, with or without the use of automated means, such as collection, registration, organization, structuring, storage, adaptation or modification, extraction, consultation, use, disclosure by transmission, dissemination or making available in any other way, alignment or combination, restriction, deletion or destruction, in accordance with the provisions of Article 4 paragraph 2 of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of individuals with regard to the processing with personal data and on the free movement of such data and repealing Directive 95/46/EC (General Data Protection Regulation).

Art. 3 - (1) Registration in the body of administrators of public enterprises shall be made only upon request.

(2) The person who enrolls in the body of administrators of public enterprises must cumulatively fulfil the following conditions of training and professional experience: a) be a graduate with a degree of higher education in the field of engineering, economic, social, legal sciences or in the areas of activity of public undertakings;

b) meet the requirements of at least 7 years of professional experience in the field of higher studies completed.

(3) The requirements laid down in paragraph (2) shall apply both to natural persons who register in their own name and to physical persons designated by legal entities who register as administrators.

(4) On request, may be included in the Corps of administrators of public enterprises and administrators, selected and appointed by the procedure provided by OUG no.109/2011 on corporate governance of public undertakings, with subsequent amendments and additions, which is prepared by each public authority and centralized by AMEPIP.

(5) Persons referred to in Art. 4 of OUG No.109/2011 on corporate governance of public enterprises, with subsequent amendments and additions that cannot be selected, nominated, appointed and appointed to the position of administrator or director in public undertakings cannot be registered in the Corps of administrators of public Enterprises.

Art.4. – (1) Registration in the body of administrators of public enterprises is done online, on the AMEPIP website, by uploading the documents from the registration file in the public enterprise administrators body, scanned in *.pdf format.

(2) The registration file in the body of administrators of public enterprises must compulsorily include the following documents: (a) the registration form;

b) curriculum vitae, prepared according to the common European model;

(c) a motivation letter, as defined in Article 2 (d) of this Methodology, signed;



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- d) a declaration on the processing of personal data, according to the model provided in Annex 1, signed;
 - e) the documents (diplomas) that attest to the graduation of higher studies in the field of engineering, economic, social, legal sciences or in the areas of activity of public enterprises, f) documents (advertisements) from which results the fulfilment of the conditions of age of at least 7 years of professional experience in the area of graduated higher studies.
- Art. 5 – Attributions of the person/persons within AMEPIP designated to register or, as the case may be, to reject the registration of candidates in the body of administrators of public enterprises:
- a) constantly verify, during the program hours, whether documents have been submitted by potential candidates.
 - b) upon receipt of the documents, you will order the registration of the application form in an electronic register established for this purpose and communicate, to the email address of the potential candidate, the reception of documents and the application registration number;
 - c) verify the fulfilment of the conditions for registration in the body of administrators of public enterprises on the basis of documents submitted by the potential candidate.
 - d) if necessary, request, by telephone or email to the potential candidate additional documents justifying the fulfilment of the conditions for registration in the body of administrators of public enterprises;
 - e) enroll in the body of administrators of public enterprises or, as the case may be, reject the enrollment of the potential candidate.
 - f) communicate to the potential candidate the reasons that have been the basis for the refusal of registration in the body of administrators of public enterprises;
 - g) publish/ update, on the AMEPIP website, the list of persons who are part of the body of administrators of public enterprises.



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ANNEX 1

DECLARATION ABOUT THE PROCESSING OF PERSONAL DATA

The undersigned _____ son/daughter of
_____ and _____, Personal Identification Number
_____, domiciled in
_____, holder/ holder
of the IC series _____ no. _____, valid until the date of the _____ date, of the
profession _____, employed at _____ I hereby express my
consent to the use and processing of personal data in accordance with Regulation (EU) 2016/679
of the European Parliament and of the Council of 27 April 2016 on the protection of natural
persons with regard to the processing and the free movement of such data by the Agency for the
Monitoring and Evaluation of Public Performance.

Date:

Signature: