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## ROMANIAN PRESIDENTIAL ELECTIONS. DE LEGE FERENDA PROPOSALS

**Cristian-Alexandru Leahu**

PhD Student

Titu Maiorescu University, Bucharest

[leahu.cristian@roaep.ro](mailto:leahu.cristian@roaep.ro)

**Research interests:** *Cristian-Alexandru Leahu is the director of the Legislation, Parliament Liaison and Election Dispute Resolution Department at the Permanent Electoral Authority. His research interests include electoral law and election administration*

**Abstract:** *Romanian presidential elections which were held on 2014 were characterized by political turmoil and criticism pertaining to the organization of voting, both in the country and abroad. This emphasized the necessity of revising electoral legislation in order to meet requirements of the legal certainty principle and to respond to the need for integrity and accessibility in the electoral process. This paper's objective is to evaluate Law no 370/2004 on the election of the President of Romania against international standards and to formulate proposals for the reform of the legal framework, starting from the imperfections and irregularities found during the 2014 presidential elections.*

**Keywords:** elections, vote, electoral law, voter, electoral competitor, election dispute resolution, electoral administration

The 2014 Romanian presidential elections were conducted in two rounds, on 2 November and 16 November 2014, and took place according to Law no 370/2004 on the elections of the President of Romania, republished, amended and supplemented.

The number of registered voters was 18.284.066 for the first round and 18.280.994 for the second round. For these elections 18.553 polling stations were set up in Romania and 294 polling stations abroad. 14 candidates participated in the first round, out of which



4 candidates nominated by parliamentary parties, 6 by non-parliamentary political parties and 4 independent candidates. The voter turnout was 53.17 per cent of registered voters for the first round, and 64.10 per cent for the second round.

Since its enactment, the legal framework was successively modified by five Government emergency ordinances and three laws. Two of the last changes were made in 2014, when the Government circumvented once more the ordinary legislative process and adopted major modifications to election law which were criticized by the opposition. Other critiques regarded organizational issues of abroad voting and allegations of multiple voting. Organisational dysfunctionalities represented a real barrier in the way of the right to vote of Romanians abroad. Also, the lack of full transparency and responsiveness of election administration and other line ministries involved in the conduct of elections led to a allegations of election malpractice and corruption while revealing the need for reform and awakening long expectations for elections with integrity. Only the semnnificative difference between the number of votes obtained by the elected candidate and the votes of the candidates who came in the second place eliminated any debates on the annulment of elections.

The evolution of Romanian electoral law demonstrates the transience of electoral rules and emphasizes the lack of an overall legislative policy. Also, such a legislative instability constitutes a recurrent argument in the Constitutional Court jurisprudence and Permanent Electoral Authority's reports to the Parliament. Both institutions have recommended multiple times that the whole electoral legislation pertaining to the elections of parliament, president, European elections, local elections, national and local referenda be examined and concentrated in an electoral code, whose general and special provisions should ensure, congruent to constitutional principles, the organization of democratic, fair and transparent elections.

Overall, the election legislation on presidential elections provides an adequate basis for the conduct of democratic elections. Nevertheless, certain issues need to be addressed in order to improve the electoral process and to enhance its transparency (OSCE/ODIHR, 2009, p. 4) These include *inter alia* provisions regarding election administration, election

campaign and election dispute resolution which lack clarity as well as various objective *lacunae* pertaining to the accessibility of voters to the electoral processes.

Election administration designates two distinct types of institutions: the Permanent Electoral Authority and the electoral bureaus.

The Permanent Electoral Authority (PEA) was set up shortly after the revision of the Romanian Constitution in 2003, in order to ensure the effectiveness of standards pertaining to elections. The main functions of Permanent Electoral Authority are building strategies for electoral processes, developing legal frameworks for elections and political financing, administering the national electronic electoral register, educating and informing voters, training election officials, monitoring political financing, accrediting domestic and foreign observers and monitoring and reporting on elections.

The elections were administered by a three-tiered ad hoc election administration consisting of 41 County Election Bureaus, an Election Bureau for the Polling Stations Abroad, 6 electoral offices in the Bucharest municipality, and 18,847 Polling Station Bureaus, including 294 abroad. Election bureaus are organized on a three-tier structure headed by the Central Election Bureau. They are temporary autonomous administrative authorities, composed of members of the judiciary and representatives of Permanent Electoral Authority (higher electoral bureaus) non-partisan jurists (lower electoral bureaus) as well as representatives of political parties. The election bureaus adjudicate complaints and administer elections, the decisions being taken by majority vote.

Usually, legal gaps are clarified by the Central Election Bureau which regulates via interpretation decisions, aspects which should normally be part of the organic law. However, Central Election Bureau's level of involvement in patching election law is variable and depends on the judges and politicians who are a part of this organism and on their acumen and authority to interpret the law. As Central Election Bureau is an ad-hoc and temporary organism, its decisions which can become crucial to the result of elections appear to be issued abruptly while ignoring public transparency. Also, its decisions benefit from a *de facto* absolute validity as they may not be appealed in a court of law in due time.

During the 2014 presidential elections, the Central Election Bureau, the Election Bureau for the Polling Stations Abroad and the Ministry of Foreign Affairs received

countless complaints regarding queus, the small number of polling stations set up abroad, the insufficient polling staff, polling booths and voting stamps from France, Ireland, UK, Germany, Austria as well as requests for the extension of the voting schedule.

After the 2<sup>nd</sup> of November 2014, Romanians abroad requested new polling stations in order to avoid the large queus which occurred during the first round of elections.

The responsiveness of the institutions responsible with the organization of the voting abroad can be evaluated via the press releases issued by the Central Election Bureau and the Ministry of Foreign Affairs.

On one hand, the Ministry of Foreign Affairs required the Central Election Bureau to take palliative remedies such as:

1) giving voters abroad the possibility of downloading and printing the affidavit required by law so that voters could write it outside the polling station instead of writing it in the polling station;

2) supplementing the polling staff and election logistics;

3) simplifying the modality of registering the voters' presence at the polling station.

The Central Election Bureau responded positively to the first two proposals and also issued an interpretative decision, Decision no 4, which interpreted the phrase „*the same voter lists from the first round*” as applicable only at polling stations within Romania, where the electoral process is conducted on the basis of permanent electoral lists, unlike electoral process which takes place abroad.

The obscure wording as well as the scanty legal reasoning doesn't allow a common reader to fully understand the scope of the decision. Later it was further interpreted by the Central Election Bureau via a press release as eliminating any legal impediments to organizing more polling stations abroad between the first and second round of elections.

This decision and its interpretation created a dispute between the Central Election Bureau and the Ministry of Foreign Affairs, materialized in several press releases issued by both institutions. However, the Central Election Bureau did not adopt a new decision amending or clarifying its initial decision with regard to the procedure of designating the staff for the new polling stations, as the timeframe established by law could not have been observed. Nor did the Central Election Bureau allow voters standing in the queues to vote

after the expiration of the voting period. Also, the Ministry of Foreign Affairs did not set up new polling stations even if at a later stage, the position of the Central Election Bureau was better explained by its press releases and official letters.

In our opinion, the Central Election Bureau could have permitted voters abroad who came to vote before the closing hour to vote after the expiration of the voting timeframe. This opinion is based on the accessibility principle, organizational differences between voting abroad and voting in the country and on the idea that the law-maker was supposed to foresee procedures in the event of queues at the polling stations, as administrative difficulties could not be opposed to voters who fulfilled the legal requirements.

Allegations of multiple voting and fraud at the presidential election of 2014 evoke the necessity of integrity and incorruptibility of elections. Electoral integrity implies the obligation of the state to set up adequate guarantees and institutional mechanisms, going from the administration of the electoral process by an impartial authority and the implementation of methods designed to prevent and combat electoral frauds, to the avoidance and mitigation of malfunctions which could appear in the process of administering elections. In addition to the previous issues, this side of the principle requires a multidimensional action from both state and civil society that combines political will, effective institutional design and competent management. In that sense, integrity can be evaluated by judges and observers in relation to the main stages of the electoral cycle: the legal framework, the size of electoral districts, electoral management, voter registration and registration of electoral competitors, political financing, election campaign, election security, voting, recording and consolidation of results, election monitoring, electoral disputes.

Taking this into account, any election reform should be based on two institutional pillars: Permanent Electoral Authority and the courts of law. Electoral operations should be managed exclusively by the specialized public entity while electoral justice should be only entrusted to the courts of law.

The overgrowing complexity of electoral processes requires a matching degree of specialization, opposite to the maladjustment of ordinary public authorities or that of



election bureaus. As, for the Government and line ministries, as well as for the different members of election bureaus, elections are ad-hoc activities, it is obvious that without strategic and unified specialized management or timely allocated financial and human resources the conduct of elections will always suffer from administrative failures.

Entrusting the whole election management to the Permanent Electoral Authority should be accompanied by the professionalization of election staff, implementation of IT&C instruments in all stages of electoral cycle, particularly in view of eradicating multiple voting and by the implementation of clear and predictable procedures, accessible to election staff and participants in the electoral process.

The reason of this future preponderance, beyond constitutional and legal arguments, is the fact that Permanent Electoral Authority is already in a unique position which connects and influences voters, political parties, candidates, election legislators, administrators and adjudicators.

The election dispute transfer of resolution jurisdiction from election bureaus to courts of law, while observing the timeliness specific to electoral processes would only consolidate the legality and integrity of elections and also protect magistrates from undue political influence which is present in election bureaus.

In addition, the legal text could benefit from provisions which would establish the possibility of prolonging the voting period in the case of voters who were not able to vote due to queues at the polling station.

In European states, innovations pertaining to methods of voting contributed to the multiplication of alternatives voters have at their disposal to express their opinion. Therefore, voters abroad benefit from early voting at the polling station, proxy voting, mail and internet voting. Taking into account the rising democratic deficit, caused among other things by low turnouts, these methods are seen more and more as viable alternatives to traditional voting, due to advantages which range from important reduction of expenditure to higher turnouts. However these voting methods are always correlated to the obligation of voters to register with the competent authorities. In the case of Romania, Permanent Electoral Authority can devise and implement modern and efficient registration instruments which would lower the administrative burden placed on the voters.

Alternative voting methods imply risks and vulnerabilities which if not understood and addressed may have counter effects. Other states' election practices cannot be transferred *de plano* in Romania, without a large debate and voter education campaigns. As the Constitutional Court already stated *obiter dicta* in favour of internet voting, Permanent Electoral Authority should research and test this voting method in order to substantiate a future possible policy option.

The unification and the improvement of electoral law are required both for its recipients and for those called to apply it. The codification of electoral law would largely solve the inconsistencies of administrative action in this area and would make the electoral law more accessible, increasing the confidence of voters in the electoral act.

Romania is currently undergoing a comprehensive electoral reform. For reasons of time, this will not be translated into an electoral code applicable for elections to be held in 2016. However, an unique electoral law can be developed and adopted by Parliament, in view of 2019 elections.

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## **FDI FLOWS IN ROMANIA BEFORE AND AFTER EU INTEGRATION: A COMPARATIVE APPROACH**

**Elena Rusu**

PhD student in International Relations and European Studies  
Faculty of European Studies, Babeş-Bolyai University Cluj-Napoca, Romania  
[elenamrusu@yahoo.com](mailto:elenamrusu@yahoo.com)

**Delia-Cristina Lung**

PhD student in International Relations and European Studies  
Faculty of European Studies, Babeş-Bolyai University Cluj-Napoca, Romania  
[lungdelia@yahoo.com](mailto:lungdelia@yahoo.com)

**Research interests:** *Elena Rusu and Delia-Cristina Lung are currently undergoing their PhD studies in International Relations and European Studies at Babes-Bolyai University, Cluj-Napoca, within the Faculty of European Studies. Their focus is on Romania's European Union integration from a historical and contemporary perspective.*

**Abstract:** *Foreign direct investments represent an important part of the economy of a state, producing effects not only in the economic sphere, but also in the legal and institutional ones. The present paper focuses on the analysis of flows of foreign direct investments in the Romanian economy in the period 1999-2013 - the pre and post-accession period to the European Union. The first part of the paper focuses on the analysis of Romanian legal and institutional framework, followed in the second part by a comparative analysis of FDI between the pre and the post-adhesion periods. Thus, we consider such issues as the development of legislation and competent institutions so as to attract foreign investment within a transition economy and afterwards we will track the volume of investments, the main investing countries, presenting which have been the areas that have benefited from foreign capital. This research is achieved through a comparative analysis of the issues mentioned above in the two periods.*

**Keywords:** foreign direct investment, legislation, institutional framework, the pre-accession period, the post-accession period

## **1. Argument**

Foreign direct investments play an important role within the economy of a state, given the fact that they represent a real engine of growth and modernization. Host country is usually associated, both in the academic discourse and in the political and economic ones, with a number of positive outcomes as a result of these capital flows. They are considered to have a more beneficial impact as we speak of countries that are in full process of modernization and development: countries with emerging economies or countries in the middle of a transition process.

The increased attention to direct investments is motivated by the fact that they generate a genuine process of growth and development, not generating at the same time debt for the receiving state. They are seen as a complementary element to domestic investment, being an adjuvant to economic development.

As for Romania, foreign direct investments represent a particular problem, given the fact that at the moment of 1990, after the fall of the communist regime, the economy was not prepared to join the circle of market economies. The transition of the former communist states of Central and Eastern Europe to viable market economies was facilitated by the expansion of foreign investments in the region. Moreover, for some of them, these investments have paved the way for a new process: that of accession to the European Union.

In this paper, we will try, through an analytical approach, to realize a radiography of the way in which Romania's policy on foreign direct investments has changed throughout the pre and post-accession period. Therefore, our analysis will start with the year 1999, when it was decided to open the accession negotiations, and will be concluded with the year 2013, the last year of implementation of the Financial Framework 2007-2013. In this way, there will take shape two main periods: the pre-accession period (1999-2006) and post-accession period (2007-2013), during which Romania's position on FDI varied according to the needs of connection to the European system. In addition to the analytical dimension, at the level of strategy, our study also considers a comparative

dimension, through which will be compared, at the level of the same periods and in conjunction with the strategies analysed, the structure and the amount of foreign direct investments.

The methodological approach of the study is represented by the combination of qualitative and quantitative research methods, followed by a comparative dimension. Combining the two types of methods - qualitative and quantitative - is necessary to the study, given the fact that the quantitative data will also be analysed from a qualitative perspective, to provide clearer explanations. Within the qualitative research methods, the present paper will primarily make use of document analysis and case studies. In this way, we will depict an exhaustive analysis of the documents regarding the strategy implemented at the state level regarding foreign investments, with a case study focused on Romania.

Quantitative research refers to systematic empirical investigation of social phenomena through statistical, mathematical or numerical data. The measurement process is in the centre of a quantitative research approach, because it provides the fundamental connection between empirical observation and mathematical expression of quantitative relationships. In our research, we use descriptive statistics because the study is based on data sets, and this type of statistics will help us pinpoint connections between certain variables, such as several economic indicators.

Regarding the comparative aspects of our research, their main goals are to provide a broader context, to identify general patterns, to test a theory or to make value judgments on the issues compared.

## **2. Legal and institutional framework**

The legislative and the institutional framework, but also the strategies adopted by Romania after 1990, had a major impact on the decision of foreigners to invest in a country with a low degree of predictability. At the time of 1990, it was put in discussion, as in the rest of the former communist states, the problem of transition to a market economy. This can be achieved through two ways: a gradual transition or one based on a sudden "shock



therapy"<sup>1</sup>. Romania, unlike Poland, chose the former option, which led to a slow development of economic legislation favourable to attracting FDI, and to long processes of privatization.

However, foreign investment was considered a particularly important domain and an alternative for financing an economy in the process of transition. Thus, in 1990, in Romania there was remarkable openness to enacting foreign investment laws. This implied the repeal of old laws and the adoption, in 1991, of Law no. 35 - "Law on the regime of foreign investments in Romania"<sup>2</sup>, and subsequently, in 1997, of Emergency Ordinance no. 92, regarding the stimulation of direct investments<sup>3</sup>, amended thereafter and approved by Law no. 241 of 1998<sup>4</sup>.

By means of this legislation, equal treatment is provided for foreign investors, either residents or non-residents. Also, these laws stipulated no limits in terms of foreign capital participation in companies, and this capital could take many forms. Of these, we shall remind that foreign investments could represent "financial contribution in national currency or in convertible currency; contribution in kind of real estate and/or movable property, tangible or intangible; participation in an enterprise asset growth, by any legal funding"<sup>5</sup>. Also, there were offered guarantees against nationalization and expropriation or any other equivalent.

Regarding the institutional framework, during the years 1992-2002, it suffered frequent changes. Thus, it oscillated between different types of organizations, such as

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<sup>1</sup> For details, see Aristidis Bitzenis, *The Balkans: Foreign Direct Investment and EU Accession*, Ashgate Publishing Limited, England, 2009, pp. 36-40.

<sup>2</sup> Parliament of Romania, *Law no. 35 from 3 April 1991*, available at [http://www.parlament.ro/pls/legis/legis\_pck.http\_act\_text?idt=8069], Last access: 28 February 2015.

<sup>3</sup> Parliament of Romania, Chamber of Deputies, *Emergency Ordinance no. 92 from 30 December 1997*, available at [http://www.cdep.ro/pls/legis/legis\_pck.http\_act\_text?idt=9108]. Last access: 28 February 2015.

<sup>4</sup> *Idem*, *Law no. 241 from 14 December 1998*, available at [http://www.cdep.ro/pls/legis/legis\_pck.http\_act\_text?idt=18550], Last access: 28 February 2015.

<sup>5</sup> *Idem*, *Emergency Ordinance no. 92 from 30 December 1997*, available at [http://www.cdep.ro/pls/legis/legis\_pck.http\_act\_text?idt=18550], Last access: 28 February 2015.

agencies involved in investment promotion, working departments within the government or departments within a ministry.

During the period 1992-1998, there was established and functioned the Romanian Agency for Development (ARD), an "institution modelled after the most successful agency in Western Europe – the Irish Development Agency (IDA)"<sup>6</sup>. It was a department of the Government and was established by reorganizing the Romanian Agency for Investment Promotion and Economic Assistance from Abroad, aiming at achieving an economic reform programme through attracting foreign capital resources.

Later, in the period 1998-1999, the responsibility for attracting foreign investments was attributed to the Ministry of Privatization, through a merger of the activities of privatization, foreign investment and SMEs, but, in the year 2000 this ministry was abolished. Afterwards, attracting foreign investment activities were fused with regional development, an intricate topic to date<sup>7</sup>, being undertaken by the National Agency for Regional Development. The year 2001 brought, once again, the transformation of this agency into a new ministry - that of Development and Prognosis.

Therefore, the period 1990-2001 was marked by continuous changes in the institutional framework dedicated to attracting foreign investment. This meant that, despite a legislation favourable to foreign investments, the promotion remained relatively low. Moreover, foreign investors received confusing messages, often coming from other institutions. Merging foreign investment with other domains, such as privatization or SMEs, also meant that Romania did not had a proper budget reserved for promoting the local economies and the business environment, which led to a promotion that was either non-existent or insufficient.

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<sup>6</sup> Parliament of Romania, Chamber of Deputies, *Parliamentary Debates: Senate meeting from 7 September 2009*, available at [<http://www.cdep.ro/pls/steno/steno.stenograma?ids=6691&idm=1,27&idl=1&prn=1>], Last access: 1 March 2015.

<sup>7</sup> Adrian-Gabriel Corpădean, "The Threats to EU Interregional Cohesion in the Post-Lisbon Agenda", in *European Union in times of crisis. Perspectives and solutions*, coord. Gabriela Pascariu, Ramona Țigănașu, Cristian Încălțărău, Ed. UAIC Iași, 2014, pp. 73-82.

Since 1999, with the opening of accession negotiations of Romania to the European Union, the situation began to change. Romania took swift action to adopt the Community acquis, which led to an improvement of the business environment and to an accelerated processes of privatization of state companies.

From the legal standpoint, the position paper adopted by the Romanian Government in February 2001 stated that Romania fully accepted the Community acquis on Chapter 4 - Free movement of capital, setting out to take effective measures for its implementation.

Therefore, Romania committed itself to liberalizing capital movements, adopting in this respect the Community acquis, consisting of: Articles 56-60 of the Treaty Establishing the European Community, Council Directive 88/361, Articles 119-120 of the Treaty Establishing the European Community and Council Regulation 1969/88<sup>8</sup>. To harmonize its legislation, it was necessary to amend Law no. 241/1998 regarding direct investments<sup>9</sup>. However, this negotiation chapter was relatively sensitive, given the fact that Romania called for a transitional period in relation to the acquisition of land by foreign individuals<sup>10</sup>.

Following these legislative changes, there emerged changes in the institutional framework as well. Thus, by Law no. 390/2002<sup>11</sup>, the Romanian Agency for Foreign Investment (ARIS) was founded.

ARIS gained prominence by replacing three government organizations: departments of the Foreign Ministry who had the same objective, the same directorate within the former Ministry of Development and Prognosis and the Department for Liaison with Foreign Investors. This new institution was meant to attract foreign investments in the Romanian economy through the promotion of our country's image and of the investment

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<sup>8</sup> The Legislative Council, *Position Paper of Romania, Chapter 4 - Free movement of capital*, available at [www.clr.ro/.../Capitole%20negociere/CAP04-DP.pdf], Last access: 1 March 2015.

<sup>9</sup> *Ibidem*, p. 4.

<sup>10</sup> For details, see David Phinnemore, *The EU and Romania: Great Expectations*, Federal Trust for Education and Research, London, 2006, pp. 85-86.

<sup>11</sup> Parliament of Romania, Chamber of Deputies, *Law no. 390 from 13 June 2002*, available at [http://www.cdep.ro/pls/legis/legis\_pck.http\_act\_text?id=36358], Last access: 2 March 2015.

climate in international business environments. In terms of promotion, we need to specify that media had a high impact on foreign investment. Media has indeed infiltrated the contemporary society so well that it cannot be separated from other economic, social and cultural institutions.<sup>12</sup> The mediatization theories question the role of media in culture and society, thus proving to be extremely useful in analysing the way media influences the cultural fields, social, political and economic institutions. Therefore, the gradual change of Romania's negative image in the international media has contributed in a significant manner to a perceptual shift towards a greater economic interest in this country.

In addition, to encourage foreign investment, in 2004 it was taken the decision to abandon the progressive tax rate and to introduce a flat tax of 16%. This measure came into force from 1 January 2005, being governed by Government Emergency Ordinance 138/2004<sup>13</sup>, which itself amended and supplemented Law no. 571/2003 regarding the Fiscal Code.

The accession of Romania to European Union in January 2007 brought new investment perspectives, given the fact that the country was now considered stable and promising for investors. Romania had cheap and skilled labour force, growing infrastructure, but also a great outlet market.

In the light of the Multiannual Framework 2007-2013, we can speak about starting the development of a strategy for foreign investment. Despite the fact that there is no proper strategy dedicated to this field, its elements can be traced back to other strategies, such as the National Development Strategy, the National Framework for Development, the Export Strategy and many other niche strategies.

Thus, Romania's strategy can be traced to channelling investments to areas such as banking, IT, telecommunications, energy (conventional and renewable), automotive, furniture, pharmaceuticals etc. Also, to attract investment, amenities are granted through

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<sup>12</sup> A. Tomiuc, *Mediatizarea culturii și muzeul brand*, in Mara Rațiu, *Discursuri asupra artei. Contribuții la studiul artelor vizuale*, Eikon Publishing, Cluj-Napoca, 2014, p. 148.

<sup>13</sup> Parliament of Romania, Chamber of Deputies, *Emergency Ordinance no. 138 from 29 December 2004*, available at [[http://www.cdep.ro/pls/legis/legis\\_pck.http\\_act\\_text?id=61011](http://www.cdep.ro/pls/legis/legis_pck.http_act_text?id=61011)], Last access: 2 March 2015.

various state aid schemes for investments exceeding certain amounts or which create a number of jobs.

Likewise, foreign investors enjoy numerous rights. Among them, we can mention: equal national treatment, investment allowed in all economic sectors, full repatriation of capital and profits, total protection against expatriation and nationalization, and access to incentives and funding provided by the EU and Romanian legislation<sup>14</sup>.

From an institutional perspective, we witnessed ARIS' abolition in 2009, its tasks being taken over by the Ministry of Small and Medium Enterprises, Commerce and Business Environment. More specifically, by Government Decision 1431/2009<sup>15</sup>, it was established the Romanian Centre for Trade and Investment (CRPCIS), merging the Romanian Centre for Trade and the Romanian Agency for Foreign Investments. The new centre took over the tasks of promoting and attracting FDI from old ARIS and would function until the end of 2013.

In conclusion, it can be observed that Romania clearly noticed the opportunities that foreign investments offered in the context of a transition economy. From this point of view, Romania tried to develop its legislation and institutional framework to promote the Romanian business environment and the investment opportunities that it offered.

From the perspective of the period 1999-2006, before Romania's accession to the European Union, it is our view that legislative and executive institutions outlined an attractive framework to foreign investors. Laws promulgated, and the creation of institutions that were authorized to handle the attraction of investments, began to have positive results. Furthermore, the adoption of the Community acquis, but also the prospect of joining the EU, transmitted a more positive signal to investors.

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<sup>14</sup> For details, see Romanian Embassy in Paris, *Investițiile străine în România*, available at [<http://oldparis.mae.ro/?lang=ro&id=12948>], Last access: 2 March 2015.

<sup>15</sup> Monitorul juridic, *Government Decision 1431/2009 on the establishment, organization and functioning of the Romanian Centre for Trade Promotion and Investment*, available at [<http://www.monitoruljuridic.ro/act/hotarare-nr-1-431-din-18-noiembrie-2009-privind-infiintarea-organizarea-si-functionarea-centrului-roman-pentru-promovarea-comertului-si-investitiilor-straine-emitent-guvernul-114324.html>], Last access: 2 March 2015.



In the period after accession, 2007-2013, it was decided to orientate investments towards certain sectors or industries, but also the promotion of the Romanian economy through facilities and rights offered to foreign investors. The connection to an integrated system, the Single Market, led to the need of following a direction on foreign investment so that the early elements of a strategy can be observed. The institutional framework underwent changes once again, by abolishing or merging of agencies or ministry centres. This had a strong impact on the decision of investors to place their capital in the Romanian economy.

### **3. A comparative analysis of the developments in foreign direct investments from 1999 to 2013**

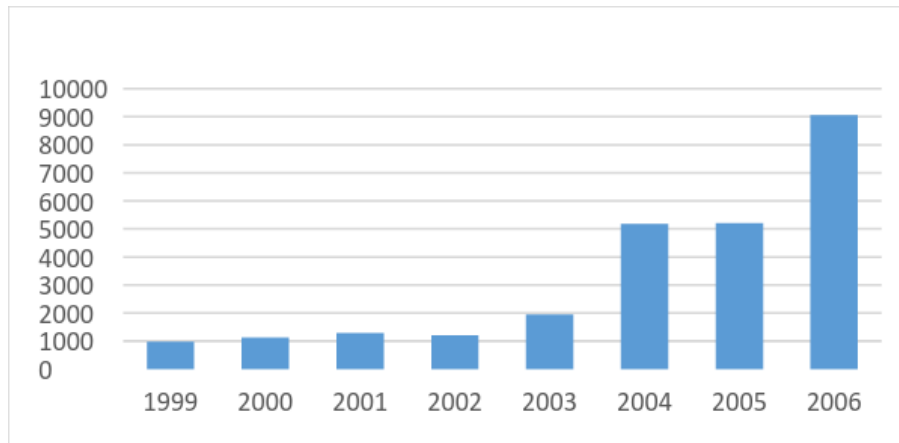
It is widely accepted that FDI bring benefits to the local economies through their contribution to new technologies, knowledge management and marketing, while also stimulating trade. All of this only favours the buyer through increased competition and the emergence of competitive tendering. An increased number of FDI determines the development of competition, improves efficiency and creates jobs. Moreover, the influence of foreign investors is the most effective way to integrate national economies into the international circuit.<sup>16</sup> But the advantages are on both sides. If the host country is willing to develop a competitive economy with skilled players, for investors the goal is to walk away with more money than they initially put in.

We begin our analysis by presenting the volume of foreign investments in the pre-accession and post-accession periods, indicating the main investor countries, but also the areas where they preferred to place their capital.

Figure 1. The volume of foreign investment in the period 1999-2006

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<sup>16</sup> Elena Pelinescu, Magdalena Rădulescu, *The impact of foreign direct investment on the economic growth and countries' export potential*, in *Romanian Journal of Economic Forecasting*, No. 4, 2009, p. 156, available at [[http://www.ipe.ro/rjef/rjef4\\_09/rjef4\\_09\\_9.pdf](http://www.ipe.ro/rjef/rjef4_09/rjef4_09_9.pdf)], Last access: 5 March 2015.



Own processing of data provided by [www.bnr.ro](http://www.bnr.ro)

The low level of investment in the first part of the pre-accession period was influenced by the distrust of foreign investors in the potential of the Romanian economy. This distrust was maintained by the absence of a coherent programme of privatization, a banking system undergoing restructuring and a vague legal framework: “the domestic law and the fiscal policy were the two major obstacles in the way of foreign capital entering the Romanian market”.<sup>17</sup> Another reason for the direct investment entry decrease during this period is the “elimination of customs and tax facilities granted to foreign investors, but also the legal instability”.<sup>18</sup> One of the main factors leading to the increase in FDI towards the end of the accession period was the privatization of certain sectors of the national economy. For example, in 1999 were privatized the Romanian Bank for Development and the Society Automobile Dacia S.A. Pitesti<sup>19</sup>, in 2001, the largest steel mill in Romania - SIDEX Galati<sup>20</sup>, and in 2004, the National Oil Company Petrom S.A.<sup>21</sup>. In the short term,

<sup>17</sup> Constantin Anghelache, *România 2009. Starea economică în criză profundă*, Economică Publishing, Bucharest, 2009, p. 476.

<sup>18</sup> National Bank of Romania, *Balanța de plăți și poziția investițională internațională a României. Raport anual 2000*, Bucharest, 2001, p. 35.

<sup>19</sup> *Idem*, *Raport anual 1999*, București, 2000, p. 31.

<sup>20</sup> Arcelor Mittal Steel Company, available at [<http://galati.arcelormittal.com/about-us/company-history.aspx>], Last access: 5 March 2015.

<sup>21</sup> Petrom SA Company, available at [[http://www.minind.ro/opspi/rom/div/contract/Petrom/cp\\_1.pdf](http://www.minind.ro/opspi/rom/div/contract/Petrom/cp_1.pdf)], Last access: 5 March 2015.

privatization of such companies brought benefits to the national economy, but whether the acts complied with the protection of the national interest in order to obtain maximum profitability, it remains to be analysed in future research. Moreover, the FDI growth reported since 2004 is due to the completion of the negotiation process of Romania with the European Union on 8 December 2004.<sup>22</sup> This increased the degree of confidence in the Romanian economy's potential and safety. The high level of foreign investment is maintained in the coming years by the introduction of the single flat, a very attractive aspect for investors. Starting with 2005, the single flat tax of 16% has also applied to the income tax, which replaced the progressive quota system with four tax instalments (between 18% and 40%).<sup>23</sup>

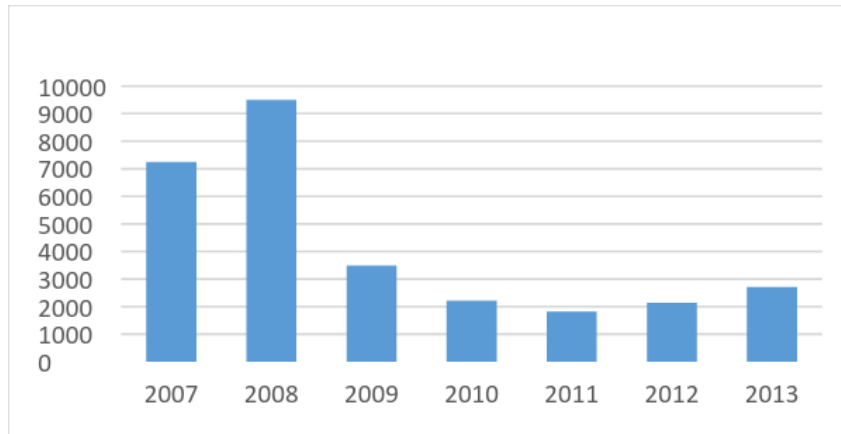
Thus, analysing the data presented in this chart, we notice a growing trend of FDI in the pre-accession period, from 1 127 million euros in 2000 to 9 059 million euros in 2006. Growth was slow at the beginning of this period, later increasing as of 2004. This significant increase is motivated by the privatization of major companies like Petrom S.A. or Romanian Commercial Bank. In short, in the pre-accession period, the Romanian economy absorbed an amount of 26 009 million euros.

Figure 2. The volume of foreign investment in the period 2007 – 2013

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<sup>22</sup> Ministry of Regional Development and Tourism, *Evoluția negocierilor de aderare a României la UE*, available at [[http://www.mdpl.ro/documente/arhiva\\_mie/ro/relatiile\\_ro\\_ue/istoric.htm](http://www.mdpl.ro/documente/arhiva_mie/ro/relatiile_ro_ue/istoric.htm)], Last access: 8 March 2015.

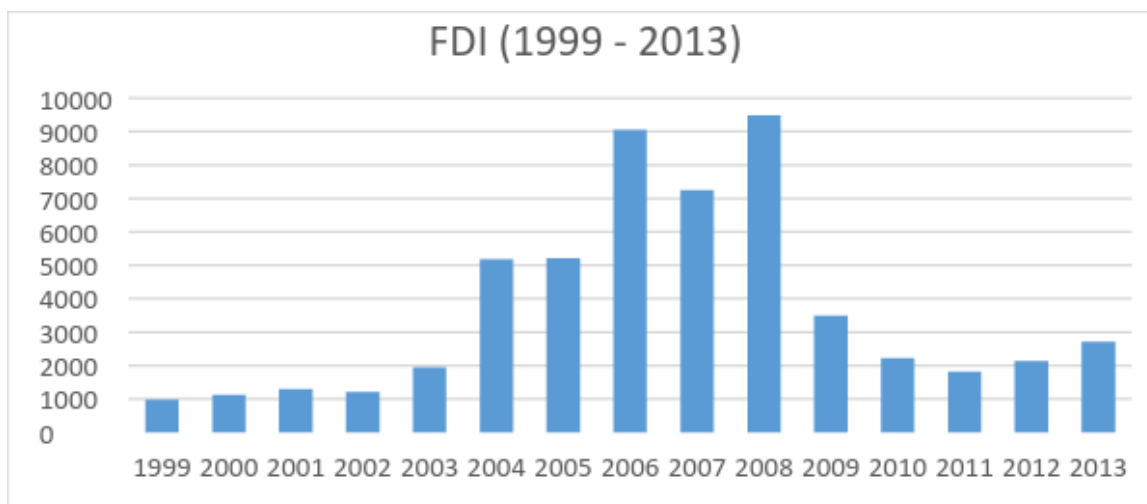
<sup>23</sup> Ministry of Public Finance, *Sisteme de impozitare în Uniunea Europeană*, available at [[http://discutii.mfinante.ro/static/10/Mfp/trezorerie/sisteme\\_imp\\_UE\\_directe\\_indir\\_contributii.pdf](http://discutii.mfinante.ro/static/10/Mfp/trezorerie/sisteme_imp_UE_directe_indir_contributii.pdf)], Last access 20 February 2015.



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After accession, FDI levels were deeply influenced by the crisis that hit the global economy. Thus, if the first two years still recorded a high number of investments, from 2009 the situation changed considerably. This drastic decrease in FDI from 2009 is due to the influence of the crisis on the international economy in general, but also by the foreign investors' mistrust in the Romanian anti-crisis program in particular. This situation also affected the next two years, the rate of investments beginning to improve with a slow growth from 2012, continued in the following year. Therefore, the Romanian economy during the first stage of post-accession is characterized by dynamism and lack of consistency. This is primarily due to the impact of the economic crisis. Thus, starting from an amount of 7 250 million euros in 2007, FDI fell to 2 712 million euros in 2013. Overall, FDI during the post-accession recorded an amount of 29 119 million euros.

Figure 3. The volume of foreign investment in the period 1999 – 2013



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As a result of our analysis, we notice that the biggest foreign investments have been made since 2004. We can say that their impact started to produce evidence from this moment on, and what had come before represented the first steps towards the development of an economic system. "Economic theory says that the impact of FDI on the economy is relevant when FDI stock exceeds 40% of GDP (35% of GDP at the end of 2007 in Romania, while in Hungary it was 31% of GDP at the end of 1995)".<sup>24</sup> FDI had a slow growth at the beginning of this period, the expansion being influenced by the flat setting, and also by the privatization of some large state companies. The significant decrease in FDI is primarily due to the economic crisis. In addition, the FDI amount in the period 1999 – 2013 is at 55 128 million euros. Overall, one can remark an increase in FDI final balance at the end of the pre-accession period compared to its beginning and also a slow recovery pace after the economic crisis.

Following, we present chronologically the main areas of activity in which the foreign capital presence was felt in the period 1999-2006 (the pre-accession period):

<sup>24</sup> Sorin Pîslaru, *Rolul veniturilor din investițiile străine directe în adâncirea deficitului de cont curent, Conferința Tinerilor economiști*: Deficitul contului curent – corelații cu indicatori economici și abordări structurale, 15 septembrie 2008, National Bank of Romania, p. 6.



- 1999: extractive industry, machinery and equipment construction, professional services, food industry, wholesale trade, retail and textile (clothing and footwear).<sup>25</sup>
- 2000: extractive industry, professional services, wholesale trade, transports, constructions, retail, agriculture and tourism.<sup>26</sup>
- 2001: compared to the year 2000, direct investment structure changed, kind investments being exceeded by those in cash. This type of investment was influenced by "the economic stability, improvement of the country rating and reformed legislative".<sup>27</sup>
- 2002: processing industry, professional services, trade, transports, constructions, tourism and agriculture.<sup>28</sup>
- 2003: processing industry, postal services and telecommunications, trade, financial intermediations and insurances, business services, constructions and transports.<sup>29</sup>
- 2004: processing industry, trade, financial intermediations and insurances, postal services and telecommunications, extractive industry, business services, constructions and transports.<sup>30</sup>
- 2005: processing industry, trade, financial intermediations and insurances, postal services and telecommunication, business services, extractive industry, transports and constructions.<sup>31</sup>
- 2006: processing industry, financial intermediations and insurances, trade, postal services and telecommunication, constructions and real estate, extractive industry, business services and transports.<sup>32</sup>

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<sup>25</sup> National Bank of Romania, *Balanța de plăți și poziția investițională internațională a României. Raport anual 1999*, București, 2000, p. 31.

<sup>26</sup> *Idem, Raport anual 2000*, București, 2001, p. 35.

<sup>27</sup> *Idem, Raport anual 2001*, București, 2002, p. 33.

<sup>28</sup> *Idem, Raport anual 2002*, București, 2003, p. 32.

<sup>29</sup> National Bank of Romania, *Investițiile străine în România la 31 decembrie 2003*, București, 2004, p. 3.

<sup>30</sup> *Idem, Investițiile străine în România la 31 decembrie 2004*, București, 2005, p. 3.

<sup>31</sup> *Idem, Investițiile străine în România la 31 decembrie 2005*, București, 2006, p. 3.

<sup>32</sup> *Idem, Investițiile străine în România la 31 decembrie 2006*, București, 2007, p. 3.

In the post-accession period (2007-2013), the situation of the areas towards which foreign investment were oriented appears as follows:

- 2007: processing industry, financial intermediations and insurances, trade, constructions and real estate, postal services and telecommunications, business services and transports.<sup>33</sup>
- 2008: processing industry, financial intermediations and insurances, constructions and real estate, trade, information technology and communications, (professional, scientific, technical, administrative and support services) activities and agriculture.<sup>34</sup>
- 2009: processing industry, financial intermediations and insurances, constructions and real estate, trade, information technology and communications, (professional, scientific, technical, administrative and support services) activities and agriculture (plus forestry and fishing).<sup>35</sup>
- 2010: processing industry, financial intermediations and insurances, constructions and real estate, trade, information technology and communications, (professional, scientific, technical, administrative and support services) activities, agriculture (plus forestry and fishing) and transports.<sup>36</sup>
- 2011: processing industry, financial intermediations and insurances, trade, constructions and real estate, (professional, scientific, technical, administrative and support services) activities, agriculture (plus forestry and fishing) and transports.<sup>37</sup>
- 2012: processing industry, financial intermediations and insurances, trade, constructions and real estate, information technology and communications, (professional, scientific, technical, administrative and support services) activities, agriculture (plus forestry and fishing) and transports.<sup>38</sup>

<sup>33</sup> *Idem, Investițiile străine în România la 31 decembrie 2007*, București, 2008, p. 3.

<sup>34</sup> *Idem, Investițiile străine în România la 31 decembrie 2008*, București, 2009, p. 3.

<sup>35</sup> *Idem, Investițiile străine în România la 31 decembrie 2009*, București, 2010, p. 3.

<sup>36</sup> *Idem, Investițiile străine în România la 31 decembrie 2010*, București, 2011, p. 3.

<sup>37</sup> *Idem, Investițiile străine în România la 31 decembrie 2011*, București, 2012, p. 3.

<sup>38</sup> *Idem, Investițiile străine în România la 31 decembrie 2012*, București, 2013, p. 3.

- 2013: processing industry, constructions and real estate, trade, information technology and communications, financial intermediations and insurances, (professional, scientific, technical, administrative and support services) activities, agriculture (plus forestry and fishing).<sup>39</sup>

In the periods of growth, FDI flows were amplified in all production sectors: primary, secondary and services. From an economic perspective, it can be noted that FDI were mainly oriented towards processing industry, financial intermediations, trade and professional services. These areas account for more than half of the total amount of FDI, which demonstrates that foreign investors prefer them because they offer the possibility of rapid and substantial profits. The high share of investment in industry is primarily due to the privatization of large state-owned companies with activity in this sector. Attractiveness to these sectors is mainly due to privatization and liberalization of financial markets. According to this presentation, agriculture presents the lowest interest in most cases. Perhaps this sector will benefit from more capital with the land market liberalization from 2014, given that Romania has large areas of farmland.

Foreign direct investment in the period 1999 - 2006 came from the following countries listed according to the decreasing volume of investments:

- 1999: France, USA, Germany, Netherlands, Great Britain, Greece, Italy and Cyprus.<sup>40</sup>
- 2000: Netherlands, Germany, Cyprus, France, Italy, USA, United Kingdom and South Korea.<sup>41</sup>
- 2001: Netherlands, Germany, France, USA, Cyprus, Austria and Italy.<sup>42</sup>
- 2002: Netherlands, Germany, USA, France, Austria, Italy and Netherlands Antilles.<sup>43</sup>

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<sup>39</sup> *Idem, Investițiile străine în România la 31 decembrie 2013*, București, 2014, p. 3.

<sup>40</sup> National Bank of Romania, *Balanța de plăți și poziția investițională internațională a României. Raport anual 1999*, București, 2000, p. 31.

<sup>41</sup> *Idem, Raport anual 2000*, București, 2001, p. 35.

<sup>42</sup> *Idem, Raport anual 2001*, București, 2002, p. 35.

<sup>43</sup> *Idem, Raport anual 2002*, București, 2003, p. 32.

- 2003: Netherlands, Greece, France, Italy, Netherlands Antilles, Germany and Austria.<sup>44</sup>
- 2004: Netherlands, Austria, France, Netherlands Antilles, Germany, Italy and USA.<sup>45</sup>
- 2005: Netherlands, Austria, Germany, Greece, France, Switzerland and Italy.<sup>46</sup>
- 2006: Austria, Netherlands, Germany, France, Greece, Switzerland and Italy.<sup>47</sup>

In the pre-accession period, the Netherlands had most of the total FDI in Romania, so it occupied the first position of the ranking for five consecutive years, from 2000 to 2005. The Dutch capital is found in companies such as Unilever, ING, Philips, Friesland or Golden Tulip Hotels. Therefore, Dutch investments were made in areas such as banking and insurances, production and logistics, milk processing, but also in the hotel system.

The main investor countries in the post-accession period (2007-2013), according to their contribution, were:

- 2007: Austria, Netherlands, Germany, France, Greece, Italy and Switzerland.<sup>48</sup>
- 2008: Austria, Netherlands, Germany, France, Italy, Greece and Switzerland.<sup>49</sup>
- 2009: Netherlands, Austria, Germany, France, Greece, Italy and Cyprus.<sup>50</sup>
- 2010: Netherlands, Austria, Germany, France, Greece, Italy and Cyprus.<sup>51</sup>
- 2011: Netherlands, Austria, Germany, France, Italy, Greece and Cyprus.<sup>52</sup>
- 2012: Netherlands, Austria, Germany, France, Italy, Cyprus and Greece.<sup>53</sup>
- 2013: Netherlands, Austria, Germany, France, Italy, Cyprus and Switzerland.<sup>54</sup>

<sup>44</sup> National Bank of Romania, *Investițiile străine în România la 31 decembrie 2003*, București, 2004, p. 5.

<sup>45</sup> *Idem*, *Investițiile străine în România la 31 decembrie 2004*, București, 2005, p. 5.

<sup>46</sup> *Idem*, *Investițiile străine în România la 31 decembrie 2005*, București, 2006, p. 5.

<sup>47</sup> *Idem*, *Investițiile străine în România la 31 decembrie 2006*, București, 2007, p. 5.

<sup>48</sup> *Idem*, *Investițiile străine în România la 31 decembrie 2007*, București, 2008, p. 5.

<sup>49</sup> *Idem*, *Investițiile străine în România la 31 decembrie 2008*, București, 2009, p. 5.

<sup>50</sup> *Idem*, *Investițiile străine în România la 31 decembrie 2009*, București, 2010, p. 5.

<sup>51</sup> *Idem*, *Investițiile străine în România la 31 decembrie 2010*, București, 2011, p. 5.

<sup>52</sup> *Idem*, *Investițiile străine în România la 31 decembrie 2011*, București, 2012, p. 5.

<sup>53</sup> *Idem*, *Investițiile străine în România la 31 decembrie 2012*, București, 2013, p. 5.

<sup>54</sup> *Idem*, *Investițiile străine în România la 31 decembrie 2013*, București, 2014, p. 5.

As a result of our review, we have noted that in the post-accession period, the main investor countries were Germany, Austria, the Netherlands, France, Greece, Italy, Switzerland and Cyprus. The Netherlands remains the main investor in Romania, occupying the first position from 2009 to 2013, given that in 2007 and 2008, the first position was occupied by Austria, which then got to maintain the second position during the period analysed. An important aspect to note is the fact that Germany and France were positioned on the 3<sup>rd</sup> and 4<sup>th</sup> places throughout the period, which demonstrates that these two countries faced a steady pace of investing in areas that provide stability. The fifth position is disputed between Greece and Italy, observing that one of those countries regularly ranks 6<sup>th</sup> or 7<sup>th</sup> places, in competition with Switzerland and Cyprus.

The analysis of FDI balance in relation to the countries of origin of the capital indicates that the main partners are from the EU, which is maintained by aspects such as historical relationship, territorial proximity and economic support in the context of Romania's integration. The fact that the recession had an impact at the global level, also involving Romanian economic key partners, accounted once again for FDI decline. Shortly, between the investor countries and Romania, it was created a relationship of interdependence, as the economic development of these countries will always have a strong impact on the Romanian economy. The fact that the same countries are investing throughout the period analysed indicates that investments were made on a long-term strategy, and that they are based on a strategic partnership. We observe that the main investors remain roughly the same from year to year, noting that France descended from the first position where it was in 1999, to places 3, 4 and even 5, the first place being held by the Netherlands from 2000 to 2005 and from 2009 to 2013. In the period of 2006-2008, the first position belonged to Austria.

### **Conclusions**

Following the analysis of the legal and institutional framework that marked the period 1999-2013, we conclude that the development of legislation and institutional framework for attracting foreign investment was a long process, and in the competitive conditions of the contemporary world it remained an issue. Given the analysis conducted,



we cannot talk about applying consistent policies, given the fact that legislation had been frequently amended or repealed. This was unified only with the adoption of the Community acquis. From the institutional point of view, we can speak about a frequent change of institutions dealing with foreign investment, by abolishing or merging them. Also, all too often, they were only sub-organisms in larger institutions. One notices the need for a single autonomous body, to ensure greater visibility on the international market and facilitate access for foreign investors to the domestic market.

From a strategic perspective, we can see that in terms of foreign investment it literally does not exist, only some elements being found in national strategies. Thus, there is a need to formulate a coherent strategy so as to provide investors with an investment horizon.

The time period analysed reveals a sinuous evolution of the economy, influenced by such events as the adoption of the flat tax, Romania's EU integration or the financial crisis. All those moments had an impact on social and economic development. In conclusion, the participation rate of foreign capital in direct investments was, with few exceptions, a positive one. Its attractiveness is maintained by the need for investment, industry restructuring through privatization, the development of new markets (providing IT services) and the legislative framework (the existence of the single flat). From the point of view of the economic sectors, it is observed that FDI were mainly oriented towards manufacturing, financial intermediation, real estate and trade. It is interesting to remark that in the chart of the main sectors are present approximately the same domains year after year. That also occurs in the analysis of the areas before and after the accession period.

The Romanian business field still needs policies created to encourage economic freedom and friendly taxation for entrepreneurs and investors. At the same time, the Romanian economy has to take many more steps in order to be deemed competitive, and its rounds toward a market economy took place amid the expansion of foreign direct investments. An example in this direction is the introduction of the single flat in 2005, which favoured the transformation of Romania into an attractive destination for investments, supporting at the same time continuous FDI growth, in the context of concluding negotiations with the EU.

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## THE EUROPEAN UNION'S COHESION POLICY: AN EAST-CENTRAL EUROPEAN PERSPECTIVE

Cătălin Dumitru Petcu, Andrei Roth

PhD Students

Babeş-Bolyai University

[catalin.petcu@ubbcluj.ro](mailto:catalin.petcu@ubbcluj.ro), [andrei.roth@ubbcluj.ro](mailto:andrei.roth@ubbcluj.ro)

**Research interests:** *Cătălin Petcu and Andrei Roth are currently undergoing their PhD studies at Babes-Bolyai University, Cluj-Napoca, within the Faculty of Economic Sciences and Business Administration. Their focus is on EU policy making, with particular emphasis on the challenges and prospects of the Cohesion Policy.*

**Abstract:** *The European Union is one of the most prosperous and competitive areas in the world, both in terms of economic development, as well as potential for development. However, disparities in wealth and productivity of the Member States and their regions represent a major structural weakness. The EU Cohesion Policy is a policy of major importance for the states and the regions of the EU because it was built to support the internal cohesion of the EU. It was aimed at ensuring a sustainable and peaceful development of the Member States. The creation of the policy is closely linked to the birth of the EU which was established by the Treaty of Maastricht, 1992. This treaty, that marked the birth of the EU, established cohesion as a major objective of the EU for the first time, and worked towards achieving this important objective by assigning it a policy, the Cohesion Policy of the EU.*

**Keywords:** European Union, Cohesion Policy, East-Central Europe, policy-making.

Although it is one of the major EU policies and benefits of the largest financial allocations alongside EU's Agricultural Policy, the Cohesion Policy still does not have a clear and unanimous definition. To give the Cohesion Policy a definition that will cover all its aspects is quite difficult. This is mainly due to its complexity and of its means of implementation. The literature, but also the official EU texts present us with many definitions or concepts that refer to EU's Cohesion Policy. But there is still no unified

perspective on its definition. To successfully delineate this concept I believe it is important to start with the context of the emergence and development of EU Cohesion Policy.

The Cohesion policy is an original creation closely aligned to the European ideas that gave birth to the whole European construction, managing to settle conflicts that lasted for centuries and pacifying, after a long time, most of the European states. I believe this is the reason why the definition of the Cohesion Policy must be related to the context of the construction and development of the European Communities.

The European Communities born in 1957 intended to keep peace in Europe and in order to achieve this, reaching a balance between the Member States and their components regions was necessary.

This is the context that leads to the mentioning of the idea of the harmonious development of the European Community in the Treaty of Rome.<sup>55</sup>

But it was not until the Single European Act of 1986 that this ideal of a harmonious and balanced development also gained concrete dimension. The Single Act and later the Maastricht Treaty will introduce the concept of cohesion in the European policies' agenda. However, as in the case of the cohesion policy, the concept of cohesion was not offered a clear and precise definition. Economic and social cohesion was related to reducing disparities between the advanced regions and those lagging behind<sup>56</sup>. In time, a practical definition emerged. Cohesion is now understood as the degree to which social and economic disparities of welfare between regions or groups in the EU are politically and socially tolerable<sup>57</sup>.

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<sup>55</sup> Rome Treaty, art.2, "The Community shall have as its task, by establishing a common market and progressively approximating the economic policies of Member States, to promote throughout the Community a harmonious development of economic activities, a continuous and balanced expansion, an increase in stability, an accelerated raising of the standard of living and closer relations between the States belonging to it", [[http://ec.europa.eu/economy\\_finance/emu\\_history/documents/treaties/rometreaty2.pdf](http://ec.europa.eu/economy_finance/emu_history/documents/treaties/rometreaty2.pdf)], 25 september 2014.

<sup>56</sup> Single European Act in Title V had introduced the concept of economic, social and territorial cohesion in the European treaties, Single European Act, art.23, p.10, [<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:1987:169:FULL:EN:PDF>], 25 September 2014.

<sup>57</sup> Willem Molle, *European Cohesion Policy*, Routledge, 2007, p.6.



The importance of cohesion, however, was quickly acknowledged by EU officials and by representatives of the Member States. Therefore, after building up the EU through the Maastricht Treaty in 1992, cohesion became a major target of the EU and had to be integrated in the European policies as a horizontal objective. But most of all, in order to achieve the objectives of economic, social and territorial cohesion<sup>58</sup> the EU allocated a special policy, namely The Cohesion Policy. From EU's establishment in 1992, cohesion became both a major objective of the EU and one of its most important policies. Thus, in terms of European construction one can speak about cohesion both as an objective as well as a policy (EU's Cohesion Policy) which supports the development of the EU regions.

The Cohesion Policy was given several definitions both by the literature and also by the official documents of the EU. In general, definitions of the Cohesion Policy are following the same direction and are focusing on different aspects of the policy, which results in a large diversity of definitions and the lack of a shared and clear vision on the cohesion policy.

I would like to start with the definition given by the European Commission where “The Cohesion Policy is the European Union’s strategy to promote and support the overall harmonious development of its Member States and regions”<sup>59</sup>. The EU Commission provides a broad definition that shows the overall purpose of the Cohesion Policy, which is actually the unchanged desire of Member States since 1957. The Directorate-General for Regional and Urban Policy<sup>60</sup> also provides a more pragmatic definition, a more technical perspective on the cohesion policy, namely: “The Cohesion Policy is the policy behind the hundreds of thousands of projects all over Europe that receive funding from the European

<sup>58</sup> Lisbon Treaty who was signed in 2007 has introduced official in European policies and legislation the third dimension of cohesion-the territorial cohesion. Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community (2007/C306/01), art.1, point 3, p.13, [<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2007:306:FULL:RO:PDF>], 25 September 2014.

<sup>59</sup> DG REGIO – [[http://ec.europa.eu/regional\\_policy/glossary/cohesion\\_policy\\_en.cfm](http://ec.europa.eu/regional_policy/glossary/cohesion_policy_en.cfm)], 25 September 2014.

<sup>60</sup> DG REGIO- The mission of the European Commission's Directorate General (DG) for Regional and Urban Policy is to strengthen economic, social and territorial cohesion by reducing disparities between the levels of development of regions and countries of the European Union, [[http://ec.europa.eu/dgs/regional\\_policy/index\\_en.htm](http://ec.europa.eu/dgs/regional_policy/index_en.htm)], 25 September 2014.

Regional Development Fund (ERDF), the European Social Fund (ESF) - the two Structural Funds - and the Cohesion Fund”<sup>61</sup>. Further I will present the three dimensions of cohesion that are supported by the cohesion policy: ”Economic and Social Cohesion - as defined in the 1986 Single European Act - is about reducing disparities between the various regions and the backwardness of the least favored regions. The EU’s new Treaty (The Lisbon Treaty) added another facet to Cohesion, referring to an economic, social and territorial Cohesion. The idea is that the Cohesion Policy should also promote a more balanced, more sustainable territorial development”<sup>62</sup>. In this definition the Cohesion Policy is related to its financial instruments and to the obtained results and also to the main purpose of reducing disparities between the various regions and the backwardness of the least - favored regions of the EU.

Due to numerous criticism regarding the lack of a clear definition of the cohesion policy, the former executive of DG REGIO Dirk Ahner, to my opinion, made some very good additions and clarifications to the concept of cohesion policy “The Cohesion Policy is a development policy aiming at improving the conditions for sustainable growth and jobs, well-being, and quality of the environment in the EU regions and at strengthening the integration of regional economies. In doing so, it allows all EU citizens, wherever they live, to contribute to and benefit from the shared political project of a European space with a high degree of development, cohesion and solidarity”<sup>63</sup>. This is a very complex definition of the Cohesion Policy that captures many essential elements of the policy such as the fact that this policy should generate growth, should address the quality of life and that of the environment of the EU, or the fact that all European Union citizens are part of the Cohesion Policy as beneficiaries or as contributors, part of the European solidarity. The Public aspect of the policy is also discussed by the following definition: “The Cohesion Policy is a public policy formulated at EU level and adjusted according to the specific

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<sup>61</sup> DG REGIO- [[http://ec.europa.eu/regional\\_policy/faq/q1/index\\_en.cfm](http://ec.europa.eu/regional_policy/faq/q1/index_en.cfm)], 25 September 2014.

<sup>62</sup> Ibidem.

<sup>63</sup> Dirk Ahner, *What do you really know about European cohesion policy?*, [[http://www.notre-europe.eu/fileadmin/IMG/pdf/ECP\\_rational\\_and\\_objectives.pdf](http://www.notre-europe.eu/fileadmin/IMG/pdf/ECP_rational_and_objectives.pdf)], 25 september 2014, p.1.

needs of each Member State and aims to solve important socio-economic problems<sup>64</sup>. It is very important to acknowledge that this policy is a European policy, created at the level of EU but is designed for and implemented by the Member States. That is why the success or the failure of this policy should be shared between the EU institutions and the Member States.

It is very difficult to give a concrete and complete definition of the cohesion policy but after analyzing the definitions in the literature what I consider to be an appropriate definition of the concept of cohesion policy is the following: The Cohesion Policy is a policy of the EU, a complex policy with ambitious goals implemented in partnership by regions and Member States, on the one hand and EU institutions, on the other hand; a policy which has two important aspects: the economic aspect aimed at promoting and supporting the economic competitiveness of regions and of the EU as a global actor and a social aspect which is related to the European solidarity and refers to reducing disparities between EU regions and a harmonious, balanced and sustainable development of EU and its component regions.

Another important aspect of defining the Cohesion Policy is linked to the very name of this policy. The Cohesion Policy can also be found under different names such as the cohesion and regional policy, EU's structural policy, the policy of economic, social and territorial cohesion of the EU and EU Regional Policy<sup>65</sup>. The latter is considered by some authors to be different from the Cohesion Policy<sup>66</sup>.

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<sup>64</sup> Carmen Gabriela Pascariu, Luminița Daniela Constantin, Gabriela Dragan, *Ghid Metodologic de analiză și fundamentare a Politicii de coeziune din perspectiva convergenței regionale*, Iași: Universității A.I. Cuza, 2009, p.34.

<sup>65</sup> Regional development policy common name on the website of DG Regio in the context of defining economic and social cohesion-Economic and social cohesion is implemented through EU regional development policy- [[http://ec.europa.eu/regional\\_policy/glossary/economic\\_and\\_social\\_cohesion\\_ro.cfm](http://ec.europa.eu/regional_policy/glossary/economic_and_social_cohesion_ro.cfm)], 25 september 2014; Economic and social policy name is found at Delia Ionescu "Rolul coeziunii economice si sociale in dezvoltarea Uniunii Europene", in *Jurnalul Economic*, Year X, No. 24, July 2007, p. 30 or at Danniela Luminita Constatin in *Economie regională : teorii, modele, politici*, București: A.S.E. Publishing, 2010. p.13; Public policy or development policy name used for Cohesion Policy by Paweł SAMECKI, *Orientation paper on future cohesion policy*, pp. 2-4 also by Dirk AHNER, *What do you really know about*

The relationship between the cohesion policy and EU regions also determined the interrelation between the concepts of regional policy and cohesion policy. Although the two are semantically different, we are essentially talking about the same kind of actions under two different names.

To address regional problems each Member State made a regional policy with specific regional development strategies, objectives, actions, funding, etc. On what the structures of the European Communities are concerned, the development of a policy that addresses regional issues became more difficult, although its necessity has been recognized since the beginning of the European Communities in 1957. An important step towards the creation of a European policy that supports the development of regions is made in 1975. European Regional Development Fund is now created, as a fund to support Member States regions in developing infrastructure, but until the early 80s the financial allocations from this fund were managed by the Member States and not by the regions. Therefore the regions could not decide for themselves and what projects to fund.

The reforms introduced by the Single Act led to a crystallization of EU Regional Policy. This policy, of course, was called the EU Regional Policy and was intended to support the EU regions, especially the least developed regions. But through the Single European Act was also brought to the fore the concept of economic and social cohesion

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*European cohesion policy?* pp.1-2; Structural policy denomination meet at Iain BEGG, “Cohesion in the EU, Structural Policy and Economic Convergence”, in *CESifo forum*, 9 (1).jk, 2008, p.3. and also at Ona Grazina Rakauskiene, Viktor Kozlovskij „Overview of EU economic cohesion process performance for new member states” in *Procedia-Social and Behavioral Sciences* 110(2014), p 285; Regional and Cohesion policy name both on DG Regio web page and also at some authors like Gian Paolo Manzella, Carlos Mendez *The turning points of EU Cohesion policy*, p.3. But Cohesion Policy is the most common name used both in literature as in the official texts of the EU or of the Member States.

<sup>66</sup> Delia Ionica, “Rolul coeziunii economice si sociale in dezvoltarea Uniunii Europene”, in *Jurnalul Economic*, Year X, No. 24, july 2007, pp. 34-35, cosidered that the two polities are different and one important difference is the fact that Cohesion Fund support only the Cohesion Policy and it does not have any relation with Regional Policy. Daniela Luminita Constantin considered in [\*Economie regională : teorii, modele, politici\*](#), București: [A.S.E.](#) Publishing, 2010 , p.18 that Regional Policy of the EU it is related to the horizontal dimension of cohesion policy, so the two policies are interrelationate but different.

which as well was related to reducing the disparities between Member States and helping the poor regions.

The building up of the EU, the raise of cohesion to the rank of a major objective and the creation of the Cohesion Policy in order to achieve this objective, led to the emergence of two concepts referring to the reduction of regional disparities: The Cohesion Policy, as the new concept and the Regional Policy, as the one used before. These two concepts that address EU's regional development problems were used in parallel and still are. Both concepts are used in the context of solidarity between EU Member States and support for the regions' development especially the lagging regions; both policies relate to job creation, both support competitiveness, economic growth, improved quality of life and sustainable development. Also both concepts, of the same policy, aim to reduce the significant economic, social and territorial disparities that still exist between European Union's regions. This is confirmed by the information available on the website of the Commissioner responsible for regional issues of EU- DG REGIO<sup>67</sup>.

Confusion is also maintained, as, at the level of EU's institutions responsible for regional issues no clear delineation has been made. Although it is often talked about the EU Cohesion Policy, on the website of the European Union Commission, there are still places where both concepts (Regional Policy and Cohesion Policy) are used<sup>68</sup>. This shows that the EU's institutions do not consider that the two concepts are different in content but different in semantics. Moreover, it is more important and necessary to focus on improving the efficiency of the EU policy that acts at a regional level and on obtaining results with big impact on EU development, than defining such policies.

However DG REGIO gives some clarifications regarding the differences between the two concepts that do not overlap perfectly but refer to the same thing. "The idea is that the Cohesion Policy should also promote more balanced, more sustainable territorial development – a broader concept than Regional Policy, which is specifically linked to the European Regional Development Fund and operates specifically at regional level"<sup>69</sup>.

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<sup>67</sup> DG REGIO, [[http://ec.europa.eu/regional\\_policy/what/index\\_en.cfm](http://ec.europa.eu/regional_policy/what/index_en.cfm)], 25 September 2014.

<sup>68</sup> DG REGIO, [[http://ec.europa.eu/regional\\_policy/how/index\\_en.cfm](http://ec.europa.eu/regional_policy/how/index_en.cfm)], 25 September 2014.

<sup>69</sup> DG REGIO, [[http://ec.europa.eu/regional\\_policy/what/index\\_en.cfm](http://ec.europa.eu/regional_policy/what/index_en.cfm)], 25 September 2014.

The Cohesion Policy is a more comprehensive concept that adequately addresses the issues that the EU wants to solve through a policy targeting the regions<sup>70</sup>. The Regional Policy concept is used especially in the context of supporting regions in their catching-up process and in relation to the European Regional Development Fund actions. Some authors even consider that the Regional Policy is a subcomponent policy of the Cohesion Policy and it was created just to serve the smooth running of the Cohesion Policy. It refers to the fact that for a good unitary monitoring of the use of structural and cohesion funds by various Member States, the creation of some statistical territorial structures was necessary and as well as using similar concepts in all member states<sup>71</sup>. This is another reason for focusing on the term of regional policy. Both old and new Member States had ongoing programs and policies for regional development and it was necessary to have a homogenization and to avoid confusion between the law and the EU institutions and those from the Member States.

The two concepts cannot be considered synonymous but are similar. Today, the specialized literature, as well as the official documents of the EU and its Member States, is using both terms. However, during the last two programming periods when the EU policy supporting its component regions and the achievement of internal cohesion was referenced, the mainly used concept was that of Cohesion Policy.

Another important aspect related to the definition of the Cohesion Policy is linked to its mission and objectives. The EU Cohesion Policy has as a global goal the promotion of economic prosperity and social cohesion throughout the entire EU territory. On the one hand, because the cohesion policy has received in the last programming periods<sup>72</sup>

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<sup>70</sup> A policy addressed to regions to promote cohesion in the EU regions in three dimensions economic, social and territorial, and for this it is necessary, to reduce disparities, to support economic growth, job creation, cooperation between regions development of basic infrastructure or investment in human capital, research and development, information society, etc. All these are better concentrate on the Cohesion Policy concept.

<sup>71</sup> Daniela-Luminița Constantin, *Economie regională: teorii, modele, politici*, București: A.S.E. Publishing, 2010, p 41.

<sup>72</sup> One of the basic principles operation of Cohesion Policy is the programming. Since its formalization there were several programming periods, namely: 1988-1993, 1994-1999, 2000-2006, 2007-2013, 2014-2020.

substantial financial allocations<sup>73</sup> and on the other hand, because it addresses complex and long-term problems<sup>74</sup>, numerous goals were assigned to the cohesion policy. In my opinion, the assignment of these goals was too ambitious as they were very difficult to achieve with the limited resources of the Cohesion Policy.

Due to the large budget but also because EU leaders put their hopes in the Cohesion Policy, they assigned to this policy many tasks and responsibilities aimed at solving complicated and long terms problems of the EU regions.

In the EU treaties<sup>75</sup> the Cohesion Policy's mission is defined without ambiguity, namely to promote the balanced and harmonious development of the EU as a whole, its actions to strengthen economic, social and territorial cohesion, especially by reducing social and economic disparities between EU regions.

But with the budget increase for this policy also increased the requirements towards it. Therefore the policy has gradually been linked to a growing number of EU wide objectives, such as economic growth, environmental quality and protection, competitiveness, employment, sustainable development, subsidiarity, regionalism and good

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<sup>73</sup> About 30 % of the EU budget has been allocated to cohesion policy in the last three programming period. For the period 2000-2006 the Cohesion Policy received 235 billion euros, in the programming period 2007-2013 the policy had a budget of 347,42 billion euros and for the next period 2014-2020 the financial allocation for Cohesion Policy is about 351 billion euros.

<sup>74</sup> Interregional gaps are very large, the GDP of the poorest regions from the EU, Nord –Est and Sud-Muntenia from Romania and Severozapaden, Yuzhen Tsentralen and Severen Tsentralen from Bulgaria are about ten times smaller than the GDP of the richest regions of EU Inner London, Luxembourg, Brussels. New Member States shows significant differences in development compared to the Old Member States and their regions and to reduce these gaps are necessary consistent financial resources and also human resource well prepared, all coagulated in effort focused on medium and long term.

<sup>75</sup> *Treaty on the Functioning of the European Union*, (initial Treaty Establishing the European Community), Title XVIII Economic, Social And Territorial Cohesion, art 174, [[http://www.eudemocrats.org/fileadmin/user\\_upload/Documents/D-Reader\\_friendly\\_latest%20version.pdf](http://www.eudemocrats.org/fileadmin/user_upload/Documents/D-Reader_friendly_latest%20version.pdf)], 25 september 2014; *Treaty on European Union* (Maastricht Treaty) Title I article B, [<http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:11992M/TXT&from=EN>], 25 September 2014.



governance<sup>76</sup>. The Cohesion Policy should promote sustainable growth on the long term and bring wealth and prosperity in the regions of Europe by removing impediments to growth and facilitating the structural adjustment process. Moreover the Cohesion Policy should contribute to the perpetuation and development of interdependencies along the border and it should strengthen the links between the rich regions and those lagging behind, maximizing the spill-over effects along the borders and directing investments towards EU priorities<sup>77</sup>. The Cohesion Policy must support a stable and sustainable development of the EU; it also needs to help deepen the European integration process, to contribute to the optimal functioning of the Common Market and to increase the competitiveness of the regions and of the EU as a whole. The starting point for all these targets is to reduce disparities between EU regions. The reduction of gaps between the rich regions and those lagging behind with the support of the Cohesion Policy should lead to increased competitiveness of EU regions and to the creation of new jobs, infrastructure development, etc. All of these would contribute to an overall EU economic growth and an improvement of internal cohesion.

Through this policy the EU tries to ensure that the benefits of integration are distributed as much as possible to all its citizens and the development is balanced in geographical terms thus avoiding conflicts of any kind and allowing the EU to remain a competitive global player.

The cohesion objectives and goals have been criticized for being unclear or too numerous, or too various. The former DG Regio director, Dirk Ahner, defended the policy once more by saying that these features of the Cohesion Policy objectives are “the result of

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<sup>76</sup> David Allen, “Coeziunea și fondurile structurale. Presiuni multiple în direcția reformei?”, in Wallace, Hellen, Wallace, William, Pollack, Mark A., *Elaborarea Politicilor în Uniunea Europeană*, București, Institutul European din România, 2005, p. 203.

<sup>77</sup> Paweł Samecki, *Orientation paper on future cohesion policy* [[http://ec.europa.eu/regional\\_policy/newsroom/pdf/pawel\\_samecki\\_orientation\\_paper.pdf](http://ec.europa.eu/regional_policy/newsroom/pdf/pawel_samecki_orientation_paper.pdf)], 25 September 2014.

the inherent complexity of development policies, which cut across sectors, promote multidisciplinary approaches and involve many levels of decision and jurisdiction”<sup>78</sup>.

Cohesion policy objectives were grouped during the programming periods depending on their nature, their importance and their necessity, in larger groups of objectives which are given a certain budget to accomplish that specific objective. In my opinion, the most significant and the most appropriate concentration of objectives and actions took place in the period 2007-2013, when the Cohesion Policy objectives were concentrated in three main objectives. The Convergence objective, which benefited from approximately 81.5% of the entire budget, gathered the Cohesion Policy’s objectives and mission aimed at reducing disparities between EU regions. This is the central objective of the policy and it reflects the solidarity aspect of the policy and of the Member States and provides support for the lagging regions. This major objective attempts to accelerate the convergence of the Member States and the least developed regions by improving conditions for economic growth and to enhance employment by increasing and improving the quality of investment in physical and human capital, supporting innovation and the development of the information society, the adaptability to economic and social changes as well as growth of administrative efficiency<sup>79</sup>. But the EU should not neglect the fact that it needs to remain competitive on the global market. For this reason the objectives related to economic growth, investment in R&D or innovation and the promotion of the information society, entrepreneurship, protecting and improving the quality of the environment, improving accessibility as well labor market development have been grouped under the second major objective of cohesion policy, namely the Regional Competitiveness and Employment objective. This objective received a financial allocation of approximately 16% of the total 347.41 billion Euros that the Cohesion Policy had for the period 2007-

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<sup>78</sup> Dirk Ahner, op. cit. p. 3.

<sup>79</sup>CE Regulation No. 1083/2006, Art. 8, pp. 20-21, [<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CONSLEG:2006R1083:20100625:RO:PDF>], 25 September 2014.

2013<sup>80</sup>. This fact reflects that the Cohesion Policy focuses on its central purpose of reducing the gaps between the rich regions of the EU and the poor ones but the competitiveness of regions is not neglected either, remaining an important goal alongside the convergence objective. The last major objective of the policy was the objective of the European Territorial Cooperation. It aims to strengthen cross-border cooperation through joint local and regional initiatives, strengthening transnational cooperation by means of actions conducive to integrated territorial development<sup>81</sup>. This objective has the lowest financial allocation of approximately 2.5% of the Cohesion Policy's budget, reflecting the fact that cross-border cooperation issues are less important than those related to reducing disparities and EU competitiveness. (Fig.1) Although territorial cooperation is especially important to deepening the European integration process, I believe that the focus on the objectives and the actions of the Cohesion Policy should be limited to the two main objectives: convergence and competitiveness. Territorial cooperation should have been embedded in the other two main objectives, as many projects specific to the Convergence and Regional Competitiveness and Employment objectives involve cooperation between regions or they are being implemented across the territory of several regions. Territorial cooperation could have been reduced to some subcomponents or a specific measure of the two big objectives. (Fig. 2) Also, due to the fact that the central purpose of the Cohesion Policy is to reduce disparities and to achieve this central objective, a larger concentration of resources in that direction is required. In addition, as the second largest objective, which is very important to the EU in its attempt to support itself in an increasingly globalized and tech world, the competitiveness objective would need more resources for better results. Allocating funds to various objectives led to their dispersion and to reducing their results.

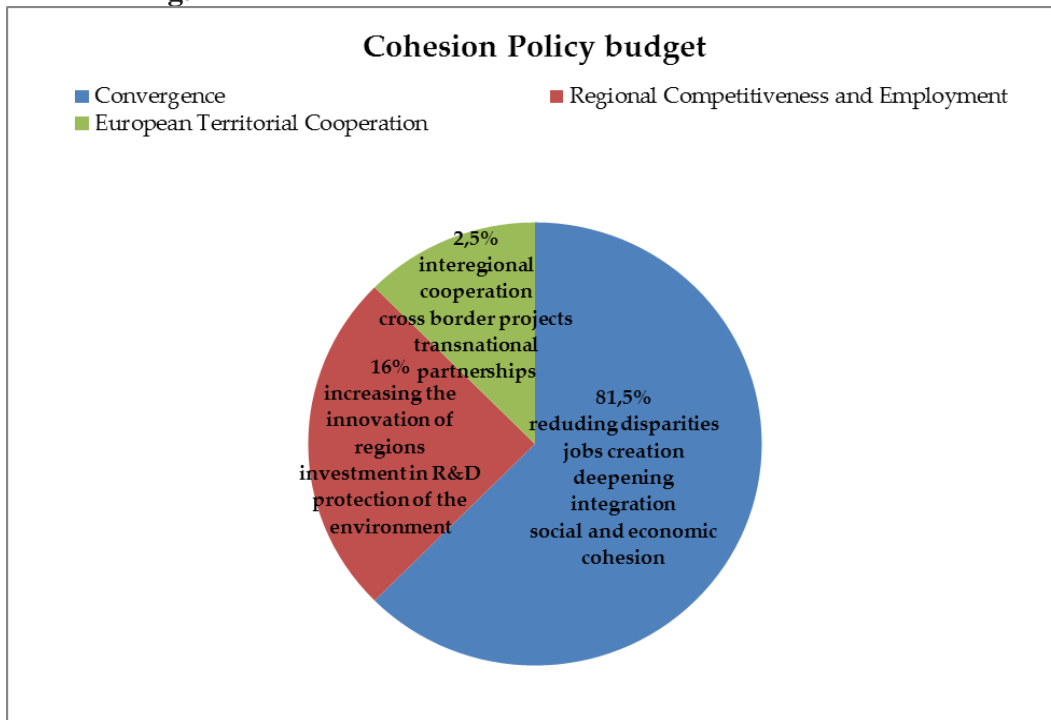
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<sup>80</sup>[[http://ec.europa.eu/regional\\_policy/sources/docoffic/official/regulation/pdf/2007/publications/guide2007\\_ro.pdf](http://ec.europa.eu/regional_policy/sources/docoffic/official/regulation/pdf/2007/publications/guide2007_ro.pdf)], and also *CE Regulation No. 1083/2006* Art. 8, pp. 20-21, [<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CONSLEG:2006R1083:20100625:RO:PDF>], 25 September 2014.

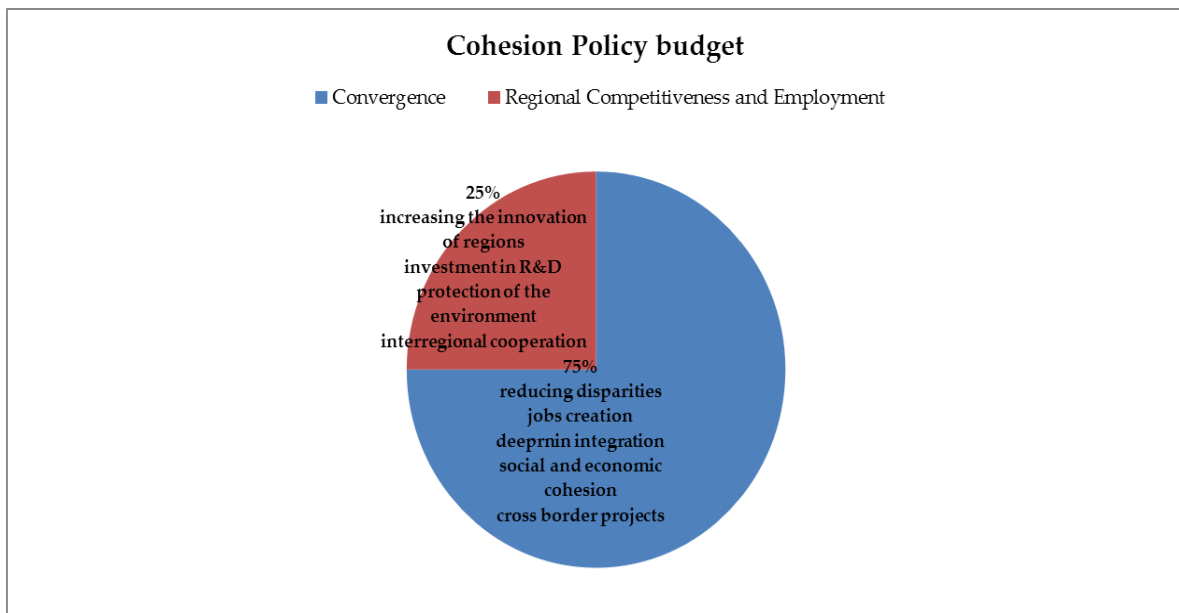
<sup>81</sup> *CE Regulation No 1083/2006* Art. 7, Annex II, Annex III, [<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CONSLEG:2006R1083:20100625:RO:PDF>], 25 September 2014.

That is why focusing on the two big directions of reducing disparities and increasing competitiveness was more appropriate.

**Fig. 1**



**Fig.2**



Even though many changes were made, or they were known under different names, the objectives of the Cohesion Policy were developed and clarified together with the development and transformation of the EU Cohesion Policy and of the EU as a whole.<sup>82</sup> And now it is quite clear that the purpose of the Cohesion Policy is to support an adequate and sustainable economic, social and territorial development of the EU by reducing the gaps between advanced regions and those lagging behind and also to sustain the competitiveness of EU regions.

### **Conclusions**

The original vision standing at the core of the Cohesion Policy was based on the belief that „No Community could maintain itself nor have a meaning for the peoples which belong to it so long as some have very different standards of living and have cause to doubt the common will of all to help each Member to better the conditions of its people<sup>83</sup>. „Accordingly there was a consensus that a strong and sustainable community needed both policies that improved the functionality of the integrated market and policies that ensured everyone could benefit from this improvement<sup>84</sup>. The first step was the creation of the structural funds that were later grouped into a policy, the Cohesion Policy.

Starting with the European Single Act, the European Communities and then the European Union, an increasing importance was given to supporting regions of the Member

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<sup>82</sup> A great influence on Cohesion Policy and its targets had the process of enlargement, and especially expansion to Eastern Europe. Eastward enlargement caused the largest increases in financial resources and also the most important transformations of Cohesion Policy. Also a great pressure on Cohesion Policy had the European Integration process. This process is constant and ongoing and must be supported by all EU policies, including cohesion policy

<sup>83</sup> *Thomson Report* (Commission of the European Communities - Report on the Regional Problems in the Enlarged Community), Brussels 3 May 1973, Title III. Art. 12. [<http://aei.pitt.edu/5888/1/5888.pdf>], 25 September 2014.

<sup>84</sup> Dirk Ahner, op. cit. p. 2.

States. This support took the form of a policy, the Cohesion Policy. During its existence, the policy has been known under various names that reflected its complex nature and mission. Starting with the programming period of 2000-2006, the name of Cohesion Policy is the most commonly used in the specialized literature and in official documents of the EU and its Member States.

The Cohesion policy is a product of the European Communities, of the European thinking, of some visionary leaders; it is an original product, yet, not perfect. The ideas underlying this policy are noble but at the same time pragmatic. This policy remains one of the most important EU policies. Its important mission of reducing disparities and supporting the competitiveness of EU regions allowing them to develop in a harmonious and balanced manner remained unchanged.

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## ROMANIA'S CONTRIBUTION TO THE ECONOMIC EVOLUTION OF UKRAINE AND MOLDOVA IN THE CONTEXT OF THE EUROPEAN NEIGHBOORHOOD POLICY

Alina Ioana Pristas<sup>85</sup>

PhD Student

Babeş-Bolyai University

[a.pristas@yahoo.com](mailto:a.pristas@yahoo.com)

**Research interests:** Alina Ioana Pristas is currently undergoing her PhD studies in International Relations and European Studies at Babes-Bolyai University, Cluj-Napoca, within the Faculty of European Studies. Her focus is on Romania's role within the intricate international context engendered by the Ukrainian and Moldavian cases, from the standpoint of the European Neighbourhood Policy.

**Abstract:** The European Neighbourhood Policy gained importance in the eyes of the energies forming the EU policies, once the increasing of the EU state members from 15 to 25 became certain. At the same time, the enlargement of EU was considered a successful story, especially because it showed its ability to adapt both to the end of the Cold War, and to the vocation of Central Eastern Europe (CEE), that was integrated into the European economic and political structures<sup>86</sup>. Through its Neighbourhood Policy, the European Union represents a Community that treats its neighbours in the light of privileged relationships. These relationships are based on mutual agreement, starting from a set of common values (human rights, the principles of market economy, sustainable development, rule of law). But ENP involves also political association, increased mobility, security and deeper economic integration thus managing to go beyond all existing relationships<sup>87</sup>.

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<sup>86</sup> Jean Zielonka, Policies without strategy: the EU's record in eastern Europe, in Jean Zielonka (ed.), "Paradoxes of European Foreign Policy", London, Kluwer Law International, p. 42.

<sup>87</sup> European External Action Service, *How does it work?* [[http://eeas.europa.eu/enp/how-it-works/index\\_en.htm](http://eeas.europa.eu/enp/how-it-works/index_en.htm)], December 2013.

*The study aims to present the economic relations between Romania and Ukraine in the period 2006-2013, in the light of the European Neighbourhood Policy.*

**Keywords: Neighbourhood, Eastern states, economy.**

## **Introduction**

The accession of Romania to the European Union on the 1st of January 2007 has led to an increase in relations with Moldova and Ukraine which were at the time part of the European Neighbourhood Policy. As a new member, Romania has acknowledged the responsibility of drawing neighbouring states to the East of the EU closer through its involvement in all the EU areas, such as the economic sector.

In both 2007 and 2008, Romania's economic relations with the two neighboring states have gone through difficult time, this due to Romania having had channeled its efforts into participating in the political, cultural and economic aspects of the EU. Moreover, all the economic relations suffered from the impact of the Global recession as well. Later, from 2009 Romania had to adapt along with all the other member states to the changes imposed by the Treaty of Lisbon, which appears to bring "more intricate problems"<sup>88</sup> than the previous similar documents. However, the economic relations of Romania with the Republic of Moldova or with Ukraine had come to known an ascending phase.

### **1.1 Romania – Ukraine economic relations**

The relations between Romania and Ukraine have always had a basis in their common history and culture, their geostrategic position and in the existence of a Ukrainian minority in Romania as well as some important Romanian communities in Ukraine. All of

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<sup>88</sup> Adrian-Gabriel Corpădean, "The Threats to EU Interregional Cohesion in the Post-Lisbon Agenda", in *European Union in times of crisis. Perspectives and solutions*, coord. Gabriela Pascariu, Ramona Țigănașu, Cristian Încălțărău, Ed. UAIC Iași, 2014, pp. 73-82.

these were solid reasons for Romania to consider an economic partnership with Ukraine a priority.

From the beginning of 2008, through the Chamber of Commerce and Industry and through their Embassies, the two states have initiated a number of activities to sustain their common interests, as follows:

- organizing promoting actions with the purpose of attracting private Ukrainian entities to invest in Romanian projects;
- the aiding of Romanian economic agents in researching the creditworthiness of the Ukrainian agents they wanted to partner with;
- consultancy for potential partners, interested in the international legal and commercial norms and regulations;
- the diversification of exchanges in merchandise and services between Ukraine and Romania<sup>89</sup> (among the facilitated partnerships would be the insertion of Romanian cosmetics firms such as Farmec SA from Cluj-Napoca or other firms from the clothing sector which signed partnerships after displaying their products at the Ukrainian international expositions; another effort towards better communication and exchange was the forming of the Aerosvit airline which facilitates these needs essential to the development of the joint businesses);
- the signing of agreements with the Ukrainian Chamber of Commerce which helped increase the volume of bilateral exchanges;
- the organization of events, conferences, forums, seminars and business meeting to help point Romanian businesses towards the Ukrainian market.

The legal framework of the economic relationship between Romania and Ukraine was developed starting with a Treaty on good cooperation between Romania and Ukraine signed in Constanta, on June 1997. The treaty specifies that both countries must assure the means to encourage economical partnerships and must adapt their national legal framework in such a way that would ensure a favorable environment for these activities.

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<sup>89</sup> The Embassy of Romania in Ukraine, accessed online [<http://kiev.mae.ro/node/435>], November 2014.

In 2013 a number of 478 Ukrainian-Romanian firms existed, according to the Romanian Ministry of Economy. The volume of Romanian investments in Ukraine was 18.75 million Euros. In the same year, Ukrainian imports amounted to a total of 59 billion Euros, of which 672 million Euros were Romanian imports, the number of Romanian imports thus consisting 1.13% of all Ukrainian imports. Out of these imports the majority were consumer goods (60.92%), followed by fuel (37.69%) and intermediate goods (23.94%). The total exports amounted to 48 billion Euros, of which 418 million Euros were to Romania constituting 0.86% of Ukrainian exports. Of these, the majority of goods/services were raw materials (38.95%), intermediate goods (37.03%), metals (23.31%), minerals (18.87%), consumer goods (18.87%), wood (16.08%), electricity (10.62%) and footwear (8.55%).

In the following we will present two tables containing global exports and imports performed by Ukraine with Romania, with the EU and with Russia in the period of time 2006 – 2013.

The data was obtained from the World Bank and EU archives. The quantities expressed in dollars have been converted into Euros using the Oanda<sup>90</sup> exchange rate.

Table 1.1 Ukrainian imports from Romania, EU and Russia (2006-2013 billion Euros, where UC=Ukraine, RO=Romania, RU=Russia).

<b>Import</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>
<b>UC-EU</b>	<b>18,28</b>	<b>22,43</b>	<b>25,15</b>	<b>13,99</b>	<b>17,41</b>	<b>21,28</b>	<b>23,86</b>	<b>23,89</b>
<b>UC-RO</b>	<b>0.35</b>	<b>0.56</b>	<b>0,79</b>	<b>0,34</b>	<b>0,51</b>	<b>0,80</b>	<b>0,71</b>	<b>0,67</b>
<b>UC-RU</b>	<b>10,88</b>	<b>12,28</b>	<b>13,19</b>	<b>9,39</b>	<b>16,64</b>	<b>20,68</b>	<b>21,10</b>	<b>17,43</b>
<b>Total imports</b>	<b>35,80</b>	<b>43,83</b>	<b>58,15</b>	<b>32,59</b>	<b>45,81</b>	<b>59,34</b>	<b>65,89</b>	<b>59,01</b>

Source: Own calculations made by compiling data provided by World Bank Archives and European Commission Statistics<sup>91</sup>

<sup>90</sup> Oanda, accessed online [<http://www.oanda.com/currency/average>], November 2014.

Table 1.2 Ukrainian exports to Romania, EU, Russia and global (2006-2013 billion Euros).

Export	2006	2007	2008	2009	2010	2011	2012	2013
UC-EU	9,94	12,48	14,64	7,94	11,54	15,15	14,64	13,88
UC-RO	0,49	0,45	0,45	0,22	0,52	0,67	0,42	0,41
UC-RU	6.83	9.24	10.69	6.02	10.07	14.06	13.57	11.30
Total exports	30,35	35,93	45,47	28,55	38,79	49,14	53,55	48,54

Source: Own calculations made by compiling data provided by World Bank Archives and European Commission Statistics

Based on the data displayed in the tables we can state that the Ukrainian imports from Romania have had a significant increase up to the year 2009 while the exports have not necessarily had a considerable net growth from one year to the next. We consider that the decrease spotted in 2009 on both imports and exports is due to the global economic situation, recorded at the time. In 2010 – 2011 both indicators have picked up the pace only to acknowledge another decrease in 2012<sup>92</sup>. It is our opinion that this new decrease is the result of conflicts that took place in Ukraine which have discouraged the businesses. Also we mention that both import and export with the EU and with Russia have at these times known the same downfall as was the case with Romania. We consider it important to draw the attention to the fact that in 2006, Ukrainian imports from Romania were 1.9% of Ukrainian imports from the EU, Ukrainian imports from the EU were 51% of total Ukrainian imports and imports from Russia were 30.3% of total Ukrainian imports. The exports to Romania were 4.9% of the total exports to the EU, while exports to the EU were 32% of the total Ukrainian exports compared to 22% exports to Russia. In the year 2013,

<sup>91</sup> European Commission, accessed online [http://trade.ec.europa.eu/doclib/docs/2006/september/tradoc\_113459.pdf], March 2013;

<sup>92</sup> World Bank, accessed online [http://wits.worldbank.org/CountryProfile/Country/UKR/Year/2013/TradeFlow/Import/Partner/ROM/Product/all-groups], October 2014.

Ukraine's imports from Romania were 2.8% of imports from the EU, imports from the EU were 40.48% of the total imports and imports from Russia were 29.5% of total imports. The exports to Romania were 2.9% of the total exports to the EU, the exports to the EU were 28% of the total exports and the exports to Russia were 23% of the total exports.

This data shows us that throughout the years, Ukraine has diversified its trade with EU member states and that both in 2006 and in 2013, the EU was Ukraine's main partner in commercial trade with Romania holding a small portion of this trade. Russia, together with the EU has played an important role in the economy of Ukraine.

Starting with the year 2016, Romania as an EU member will start de implementation of the DCFTA agreement, which in our opinion will impact the commercial relations between the two countries. In our opinion this will bring benefits to both states as we foresee an increase in commercial exchanges which have been low so far in and will imply economic growth.

Apart from the commercial aspects of economic relations between Romania and Ukraine, we feel it is also needed to bring into discussion Ukraine's economical activity in the Danube Delta, an aspect wrapped in controversy. Romania and Ukraine have a natural border in the Chilia branch of the Delta which develops its own delta on Ukraine's side. The fact that Ukraine has provided Moldova's access to the Danube Delta and the Black Sea through the building of a new port in the Moldovan town of Giurgiulești has caused a decline of the Ukrainian port of Reni as well as the decline of the Southern region of Odessa. This context increased Ukraine's interest in the Chilia branch, who hoped to build a navigation channel, Bâstroe, and so to redirect a part of the incoming merchandise arriving to Romania from Western Europe, on the Danube. The Bâstroe Channel had always existed however as an integral part of the Chilia branch and benefitted of protection thanks to the Ramsar International Convention from 1971, which stated that hydro technical workings will no longer be permitted. Ukraine has however stated that this was not the case of a new construction but rather a consolidation of an old structure which has been functional until 1990 when it became impracticable because of faulty maintenance



work<sup>93</sup>. From the Ukrainian perspective this channel helps support the economic growth, as a part of the 7th transport corridor, Rhine-Danube-Black Sea, with a length of over 2400 km, and a transit potential of over 20 million tons of merchandise every year. At the time, Ukraine's fees were 40% lower than those of Romania. According to the experts evaluations, every 1\$ invested in the development of these routes can have a return of up to 25\$ of private investments in the industry of these waterway areas. The experts have also estimated that Romania will lose up to 50% of the income from its transit fees once the Ukrainian channel<sup>94</sup> is opened. Moreover, for Ukraine, the channel provides direct access to the Black Sea for its ships, which before this, have had to pay transit fees to Romania for using the Sulina Channel. At the same time, the new channel could take 2/3 of the vessels travelling by the Sulina Channel and this aspect would allow the Ukrainian ports on the Danube to work at full capacity. Last but not least, Ukraine has taken into account all the implications of fully exploiting this new channel which would generate a growth in workplaces and an implicit decrease of the unemployment rate in the Southern region of Odessa. By comparison to Ukraine's vision on the project who pointed out all the upsides, Romania and the international community together with various eco organizations have protested to the idea of further construction of the channel. One of the main arguments presented was the impact on the Delta's ecosystems by comparing with the similar situation of the exploitation of the Sulina Channel. The concerns of Romania in regards to the build of the Bâstroe Channel had also an economic nature. Once the build would be finished ships could opt for this new channel which would cause a decrease in Romania's revenue out of the transit fees. Also, operations on the ports of Tulcea, Salina, Brăila and Galați would be diminished<sup>95</sup>. Our researches have shown that Ukraine had started the works on the first segment of this channel, in 2004. Later, in 2007, the decision to finalize the workings on this channel has been revoked, thus ending tensions between Ukraine and

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<sup>93</sup> Mirela Șofineț, Cristina Dobrotă, *The Romanian – Ukrainian controversy regarding the Bâstroe Channel*, in „Transylvanian Magazine, of Administrative Studies”, No. 241, p. 160.

<sup>94</sup> Viktor Pavlenko, Sergey Sveshnikov, Victor Bocharnikov, *An Analysis of Romania's Foreign Policy Relations in the Context of Ukraine's European Integration*, 2014, p.109.

<sup>95</sup> Mirela Șofineț Cristina Dobrotă, *op. cit.* p. 161.

Romania and leading to discussions between the two states with the purpose of finding a solution for the Bâstroe project that will meet the international laws<sup>96</sup>.

With regards to the tensions related to the economic implications between Romania and Ukraine, we also must consider the timeframe 2004 to 2009 when communication was affected by a conflict over a surface of 12,000 square km in the Black Sea continental platform. According to experts, this area would, contain over 10 billion tons of oil and over 100 billion cubic meters of natural gas, important for both states as it could assure their energy independence for the next 20 years. To this extent, in 2004 Romania has begun a process with Ukraine for the delimitation of this plateau. In its application, Romania has explained that this document is the result of a long and complex process of negotiation based on the Treaty of good neighborliness and friendly cooperation signed with Ukraine in 1997 and several other agreements between the two states, to finalize a Treaty regarding their border regime and an Agreement to delimitate the continental shelf and the economic region of the Black Sea. Between 1998 and 2004, 24 rounds of negotiation have taken place with little to no results. Because of this, Romania had decided to take the matter to the International Court in order to stop the „indefinite lingering of the discussion which [in its opinion] yielded<sup>97</sup> no results”. This process was finalized in 2009 when the International Court of Justice in Hague decided in Romania’s favor<sup>98</sup>. Bogdan Aurescu, Romania’s representative at Hague stated then „ the conflict persists for over 40 years, 34 rounds of negotiations with Ukraine and over 4 years of confrontations before the International Court took place. Our objective has been achieved, one clear line, which opens the way towards the resources of hydrocarbons. It is a line that has taken the international laws into account. It is a far more advantageous solution than what we have achieved through negotiation. The result confirms the strategy adopted in the case by the Romanian side. It is a result that

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<sup>96</sup> Mediafax, *MAE: Ukraina revoked the decision to finalize the Bâstroe project* accessed online [<http://www.mediafax.ro/politic/mae-ucraina-a-revocat-decizia-de-finalizare-a-proiectului-bistroe-2928970>], January 2014.

<sup>97</sup> International Court of Justice, *Report of the International Court of Justice*, No.4 (A/60/4), Hague, 2005.

<sup>98</sup> International Court of Justice, *Report of the International Court of Justice*, No.4 (A/60/4), Hague, 2005.

raises the profile of the Romanian School of Law<sup>99</sup>. We can therefore observe that the Romanian officials consider that the decision of the International Court of Hague is more advantageous than the previous negotiations. We can understand that the decision is valuable not only because it favored the Romanian party but also because previously, without the involvement of a judiciary institute, the dialogue between the two states has not led to a mutual benefit.

Starting with the year 2007, when it has adhered to the European Union, Romania started practicing the EU's integrated tariffs (TARIC) in relations to both Ukraine and Moldova, which incorporates all customs tariffs along with the commercial and agricultural legislation<sup>100</sup>.

### 1.2 Romania-Moldova economic relations

The Republic of Moldova has not previously known state tradition until its independence. Moldova presents a strong Russian minority and is economically dependent on Russia. Furthermore, its position between Romania and Russia, issues historical and cultural claims on Moldovan territory from both countries<sup>101</sup>.

Romania has developed its relations with the Republic of Moldova through two lines of major interest:

- Given the special nature of history, traditions, language and cultural community;
- Bilateral cooperation as a European dimension, which has as its object the integration of Moldova to the European Union

<sup>99</sup> International Court of Justice, *Case concerning maritime delimitation in the Black Sea (Romania vs Ukraine)*, General list No.132, 2007.

<sup>100</sup> European Commission, *TARIC*, accessed online [[http://ec.europa.eu/taxation\\_customs/customs/customs\\_duties/tariff\\_aspects/customs\\_tariff/index\\_en.htm](http://ec.europa.eu/taxation_customs/customs/customs_duties/tariff_aspects/customs_tariff/index_en.htm)], September 2014.

<sup>101</sup> Ruxandra Ivan, *România și Republica Moldova: un bilanț al relațiilor bilaterale*, in „Policy Brief”, No.40, 2012, p. 8.

According to the Romanian Embassy in Moldova<sup>102</sup>, the economic legal framework of the relations between these two states includes 20 agreements, of which the following are considered to be the most representatives:

- Agreement between the Moldovan Government and the Romanian Government on the mutual promotion and protection of investments, which was signed at Bucharest in August 1992 and came into force in July 1997;
- The Convention between the Moldovan Government and Romanian Government for the avoidance of double taxation and prevention of fiscal evasion with respect to taxes on income and on capital, signed at Chişinău, in February 1995 and came into force in April 1996.
- The Protocol between the Moldovan Government and Romanian Government regarding the economic, industrial, technical and scientific cooperation, signed at Bucharest in July 2012 and came into force in January 2013<sup>103</sup>.

It is notable therefore that each of these documents is intended to enhance the exchanges between the analysed states and their economic cooperation or impose certain regulations to facilitate the aspects previously mentioned.

In order to strengthen the economic relations between Romania and Ukraine, an *Intergovernmental Joint Commission for economic cooperation between Romania and the Republic of Moldova* was established, and which institutionally transposes the cooperation mechanism for economic cooperation between the two states. The Commission is coordinated by the Ministers of Economy of the above-mentioned states.

State Registration Chamber of Moldova presented in 2014 the situation of economic organisations with Romanian capital: the number amounts to 1505 legal persons, which are ranked first among companies with foreign capital in Moldova and represent about 16% of all registered enterprises<sup>104</sup>.

<sup>102</sup> The Romanian Embassy in Moldova, *Economical Relations*, accessed online [<http://chisinau.mae.ro/node/168>], February 2014.

<sup>103</sup> The Moldovan Embassy in Romania, *Economic-commercial relations*, accessed online [<http://www.romania.mfa.md/trade-economic-relations-rom-ro/>], February 2014.

<sup>104</sup> The Romanian Embassy in Moldova, *op.cit.*

Next, we would like to present as in the previous analysis of economic relations between Romania and Ukraine, data regarding the registered exchanges of Romania and Moldova. This information will allow us to better understand the level of Romanian involvement into the economic development of Moldova.

According to the National Bureau of Statistics of the Republic of Moldova in 2013, the value of imports in this country amounted to 4.1 billion Euros, of which 541 million Euros were directed to Romania, where the main groups of goods have being imported were consumer goods, fuel, intermediate goods, electricity, chemicals. As regards the imports from Romania, it represented 13.5% of total imports. The exports, on the other hand, amounted to 1.8 billion, of which 308 million Euros came from Romania, which represents a percentage of 13, 13% of the total exports of Moldova<sup>105</sup>.

Below we present the case of imports and exports between Moldova, Romania, the EU, Russia, and global in the period of 2006-2013.

Table 1.3 Imports of Moldova from Romania, EU, Russia and the world (2006-2013, billion Euros, where MD = Moldova)

<b>Import</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>
<b>MD-EU</b>	<b>0,96</b>	<b>1,22</b>	<b>1,43</b>	<b>1,00</b>	<b>1,27</b>	<b>1,60</b>	<b>1,78</b>	<b>1,85</b>
<b>MD-RO</b>	<b>0,27</b>	<b>0,32</b>	<b>0,40</b>	<b>0,22</b>	<b>0,29</b>	<b>0,40</b>	<b>0,47</b>	<b>0,54</b>
<b>MD-RU</b>	<b>0,32</b>	<b>0,36</b>	<b>0,45</b>	<b>0,26</b>	<b>0,43</b>	<b>0,58</b>	<b>0,62</b>	<b>0,59</b>
<b>Total Imports</b>	<b>2,12</b>	<b>2,69</b>	<b>3,33</b>	<b>2,32</b>	<b>2,89</b>	<b>3,68</b>	<b>4,01</b>	<b>4,11</b>

Source: Own calculations made by compiling data provided by the World Bank and the Statistical Office of the Republic of Moldova.

<sup>105</sup> National Bureau of Statistics of the Republic of Moldova, accessed online [http://www.statistica.md/category.php?l=ro&idc=336&], March 2014.

Table 1.4 Exports of Moldova to Romania, EU, Russia and the world (2006-2013 billion Euros).

<b>Export</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>
<b>MD-EU</b>	<b>0,42</b>	<b>0,49</b>	<b>0,55</b>	<b>0,47</b>	<b>0,54</b>	<b>0,76</b>	<b>0,78</b>	<b>0,85</b>
<b>MD-RO</b>	<b>0,12</b>	<b>0,15</b>	<b>0,22</b>	<b>0,17</b>	<b>0,18</b>	<b>0,26</b>	<b>0,27</b>	<b>0,30</b>
<b>MD-RU</b>	<b>0,14</b>	<b>0,16</b>	<b>0,21</b>	<b>0,20</b>	<b>0,30</b>	<b>0,44</b>	<b>0,50</b>	<b>0,47</b>
<b>Total Exports</b>	<b>0,82</b>	<b>0,97</b>	<b>1,08</b>	<b>0,91</b>	<b>1,15</b>	<b>1,57</b>	<b>1,66</b>	<b>1,82</b>

Source: Own calculations made by compiling data provided by the World Bank and the Statistical Office of the Republic of Moldova.

Building on the data presented in the table, one can see that as in the case of Ukraine, Moldova's economic relations with Romania have improved from year to year. However, unlike Ukraine, one can notice that after overcoming the economic crisis that has affected all world economies during 2007-2009 and which had repercussions on the Moldovan economy, especially in 2009, the Romania-Moldova trade relations, meaning both import and export between them, began to grow steadily.

In this situation, there was no decrease in the volume of trade as in Romania and Ukraine, since Moldova currently has no conflict situation newly started. In our opinion this leads to greater stability of the Moldovan economy and greater confidence of investors and partner states in the country.

We consider important to mention in the case of Moldova, as in that of Ukraine, that in 2006, the Moldova-Romania imports represented 28% of Moldova imports with EU, Moldova-EU imports represented 45% of total imports, and the one with Russia 15% of total. The exports to Romania represented 28% of the exports to EU, while the Moldova's exports to EU represented 51% of the total exports, compared with exports to Russia of 17%. In 2013, the Moldova's imports from Romania represented 29% of the imports from EU, the imports from EU were 45% of total imports, and the one with Russia 14%, while the export to Romania was 35% of the export to EU, and the export of Ukraine to EU was 45% of the total exports, and the export to Russia 25%.

We see therefore that Romania is playing an extremely important role in Moldova's trade relations and at the same time that Romania has a great economic importance on the development of Moldova's relations with the European Union.

Like Ukraine, trade and economic relations of Moldova and Romania will be based on the DCFTA agreement, once it comes into force. The DCFTA is part of the Association Agreement, signed in 27<sup>th</sup> June 2014 between the EU and Moldova, so "paving the way for a pro-western future of the country"<sup>106</sup>.

In addition to the economic relations established through trade, on economic level, Romania has submitted effectively measures to reduce the energy dependency of the Republic of Moldova on Russia. Thus, Romania has contributed to the construction of a pipeline between Ungheni and Iași, which has a capacity of 1.5 billion cubic meters/year. This project was financed by European Funds and companies Moldovagaz and Transgaz.<sup>107</sup> In 2014, the project of 43 km was inaugurated, and in the first phase it will transport 50 million cubic meters/year of gas to Moldova. At the inauguration, Romanian Prime Minister Victor Ponta stated the following: "I think that through today's inauguration we send a message to the entire world and I would like to be friends with everyone, but the message should be very clear: Moldova and Romania, in order to be truly independent, they need energy, as we need all the other resources. Together we can be truly independent and together we can be truly respected for this and this is the message we send today to Europe and to all. I am convinced that this gas will be not only cheaper, but it will be safe and in this manner Moldova will never have to face the fear of running out of energy." We see therefore that Romania considers strengthening cooperation with Moldova as a win-win formula, in the context of Russia pressure.

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<sup>106</sup> Adrian-Gabriel Corpădean, "Romania and the Republic of Moldova. Common Assets and Challenges amid the Europe 2020 Agenda", in *The European Union's Eastern Neighbourhood Today. Politics, Dynamics, Perspectives*, ed. Valentin Naumescu, Dan Dungaciu, Cambridge Scholars, London, 2015, pp. 249-268.

<sup>107</sup> Ruxandra Ivan, *op.cit.*, p. 7.

### **Conclusions**

Starting from the data above presented, we can say that economic relations between Romania and Moldova are much more stable than those between Romania and Ukraine. If in the first case, conflict situation which could alter the economic relations of the two states were not encountered, that does not also apply for the second case, where both before and after the initiation of the Neighbourhood Policy there have been moments of tension that have diminished the economic dialogue and beyond. Based on the research we observed a greater involvement of Romania to bring the Republic of Moldova closer to European Union, as well as to reduce the economic dependency on Russia, which was not seen in the case of Ukraine, which is also economically depending on Russia, especially regarding the energy.

Analysing the data above, we note that economic relations between Ukraine and Moldova continue to be underdeveloped, mainly because of the long period of tensions which aroused from their mutual interest in certain strategic economic areas. Furthermore, we consider that these tensions also influenced the trading of goods between them, increased by the period of time which affected the world economies or by the conflict situations between the Russian separatist and Ukrainians which are currently taking place in Ukraine.

In this regard, we propose intensifying the economic dialogue between the reviewed states and identifying joint solutions so that the conflict situation and the insecurity in Ukraine does not diminish its economic relations with Romania. On the other hand, under the economic factor comes also the cross-border cooperation of the two states, which have led to the establishment of new companies, more jobs and therefore decrease of unemployment, on which we have discussed in previous chapter. Moreover, under the same economic impact we can include the collaboration of the two states in what concerns the oil market, but this topic will be presented in more detail in the next chapter, that covers the issues related to security.



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## **DE LA DOCTRINE DE L'ASSOCIATION AU PARTENARIAT ORIENTAL: UNE PERSPECTIVE HISTORIQUE SUR LES POLITIQUES COMMUNAUTAIRES DANS LE VOISINAGE ORIENTAL**

**Dr. Ludwig Roger**

Academy of Business in Society, Bruxelles

[Ludwig.m.roger@gmail.com](mailto:Ludwig.m.roger@gmail.com)

***Priorités de recherche:** Spécialiste des questions touchant aux relations internationales de la Commission européenne avec les nations de l'Europe Sud et extrême orientale. Sa thèse a porté sur les relations de la Commission européenne avec l'Europe du Sud-est et la région Mer Noire pendant et après la Guerre froide. Parallèlement, il s'est construit une expertise sur la levée de fond pour la recherche et le montage de projets. Depuis décembre 2012, il est Manager Fonds Européens à l'Academy of Business in Society à Bruxelles.*

***Résumé :** La crise actuelle en Ukraine révèle le malaise entre Fédération de Russie et Union européenne. Si les événements immédiats sont connus, nous démontrons dans notre papier, que Moscou et Bruxelles entretiennent dans cette région des relations très complexes et anciennes qui expliquent la réaction et le jeu des deux protagonistes dans l'espace s'étendant à l'Est des frontières de l'Union européenne. Dès lors nous proposons une analyse historique des politiques de la Commission européenne en Europe Sud-orientale et orientale afin de comprendre comment une institution supposé et voulu apolitique poursuit en fait un agenda géopolitique.*

**Mots clefs :** Doctrine, Commission européenne, Europe orientale, Accord d'association, Partenariat oriental

### **Introduction**

Dans ce travail, nous souhaitons démontrer que placé dans un continuum plus large que le seul post -1991, “l’attraction politique<sup>108</sup>” de l’Union européenne sur les capitales du voisinage oriental prend une dimension plus vaste que la seule volonté de rejoindre le plus grand marché du monde. L’agenda derrière la succession de politiques déployées aux frontières orientales de l’Union européenne (UE) est très clair pour qui a travaillé sur la politique extérieure de la Communauté économique européenne (CEE) durant la Guerre Froide, et plus particulièrement la place de l’Europe dites Sud-orientale dans cette politique. Ce travail se base essentiellement sur des archives de la Commission et un travail d’enquête et de recoupement à partir de la documentation accessible à la Commission et au Conseil de l’UE pour la période post-guerre froide. Il a pour objectif de mettre en lumière les débats internes à la Commission lors des demandes d’associations des pays d’Europe sud-orientale et de saisir les motivations et la stratégie de la Commission vis-à-vis de ces nations. Nous souhaitons comprendre s’il y a une continuité entre ces politiques de temps de Guerre froide et celles actuellement mises en place par l’UE dans l’espace s’étendant à l’Est de ses frontières orientales.

Notre travail propose donc d’examiner la Politique européenne de voisinage (PEV) ou le Partenariat oriental (PO) avec une perspective historique claire. Il vise à donner une nouvelle lumière aux crises actuellement en cours dans le voisinage oriental de l’Union. Il nous permet de comprendre comment la Commission, une institution supposée et voulue apolitique, poursuit en fait un agenda géopolitique.

### **1. Qu’est-ce que la doctrine d’association de la Commission européenne?**

Dès septembre 1959, la signification politique des accords d’association est soulignée par les services de la Commission. Ainsi, cette année-là, la phrase:

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<sup>108</sup> Foreign Relation of the US, 1964–1968 Volume XVII, Eastern Europe, Document 3, conversation notes, Summary of the secretaries meeting, 31 march 1964, Document: « Western Politic and The Quiet revolution in Eastern Europe », Washington, 31 march 1964.

« l'inoculation de l'esprit de l'économie de marché »<sup>109</sup> est utilisée par la Direction Générale aux affaires extérieures dans un mémo consacré à la possibilité de voir la Communauté s'associait avec la Grèce.

La fin de la Guerre civile en Grèce et le retour graduel à l'ordre constitutionnel dans ce pays, la sécession de Belgrade du Bloc soviétique en 1949, ouvrent aux occidentaux des nouvelles possibilités pour leur diplomatie du *containment*. Quant aux acteurs de la région, ils espèrent un retour à la stabilité, synonyme d'ouverture et d'une fin de leur isolement. Les tractations autour d'un Pacte Balkanique à partir de 1950 sont l'illustration de ce retour « à la normal » pour les capitales yougoslave, grecque et turque. C'est la menace soviétique qui pousse ces trois nations l'une vers l'autre.

À partir de 1955, on assiste à une baisse des tensions sur le front Sud-est de la Guerre froide. Néanmoins, ce n'est que pour mieux faire place à l'offensive économique du bloc communiste contre les positions occidentales à Athènes et Ankara. Or, en 1956, les deux pays s'inquiètent de leur isolement économique à la suite des difficultés des négociations pour une Association économique européenne (AEE) et critiquent la création de la CEE comme une atteinte à l'effort d'unité du continent européen. Suite à l'échec de l'AEE en 1959 et la création de l'Association européenne de libre-échange sans Athènes et Ankara (AELE), les deux capitales demandent toutes deux leur association au Marché commun. Celui-ci se trouve alors dans une position inédite. En effet, pour la première fois, des pays tiers européens demandent au nom de l'article 238 du Traité de Rome leur association avec la CEE. Or, cet article ne donne aucune indication sur le contenu de ces accords, sur les institutions à mettre en place pour leur gestion et sur les pouvoirs exacts de chaque institution communautaire dans l'élaboration et la conclusion des associations. De plus, avec les négociations de l'AEE, leur échec et la mise en place de l'AELE, la Communauté se doit de donner une cohérence à la politique d'association dans une Europe occidentale en voie de fragmentation entre au moins deux blocs économiques.

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<sup>109</sup> Archives historique des Communautés européennes (AHCE) BAC 1/1971 27, Commission des Communautés européennes, DG I, *Association à la Communauté de pays en voie de développement*, Bruxelles le 23 septembre 1959

C'est la très jeune Commission de la Communauté économique européenne qui va être proactive en proposant une véritable « doctrine » de l'association. Celle-ci, devant à la fois répondre aux défis de l'AELE, de l'aide aux pays européens en voie de développement et de la menace soviétique. Cette « proactivité » n'est pas sans rencontrer de résistance de la part des États membres, ni certaines inquiétudes chez les futurs associés. Ce processus de réflexion va durer de 1959 à 1962. Dès le début de son existence, la Communauté va donc devoir faire face à sa propre attractivité et à la question de l'équilibre politique de la Guerre froide. La Commission européenne, à peine créée, va devoir, tout en s'appuyant sur le Traité de Rome, faire preuve d'imagination.

Face à la Commission se dressent en premier lieu les États membres. Ainsi, pour Bonn, toute association bilatérale provoquerait des difficultés pour la Communauté. Elle pourrait être considérée par le GATT et par le département d'État américain comme un système préférentiel. Il ne peut pas être de l'intérêt de la Communauté de voir des « pays périphériques » se rallier à elle seule<sup>110</sup>. La République fédérale allemande, soucieuse de ne pas faire concurrence à Washington dans la région, s'oppose dans un premier temps à des accords bilatéraux entre la CEE, la Turquie et la Grèce.

Pour le représentant allemand, il n'est pas possible que les « pays périphériques » ne fassent pression que sur le seul marché de la CEE. Il faut donc chercher une solution dans un cadre d'ensemble européen afin d'absorber les exportations, notamment agricoles, de ces nations.

Les premières réactions des États membres sont assez diverses. D'un côté, les gouvernements ne se dissimulent pas que l'association soulève un certain nombre de difficultés tant sur le plan économique et commercial que tactique, en raison des négociations sur l'AEE qui sont suspendues mais encore officiellement en cours. D'un autre côté, il paraît difficile de répondre négativement à sa demande, en raison même des offres d'association que comporte le Traité de Rome, ainsi que de la position de la Grèce au sein de l'OTAN et de sa situation intérieure. De plus, il semble opportun pour la Communauté d'agir de façon plus compréhensive et « plus élégante » à l'égard des pays

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<sup>110</sup>*Ibid.*

européens en voie de développement, que les promoteurs de ce qui est encore appelé la « petite zone de libre-échange »<sup>111</sup>. Pour toutes ces raisons, l'avis du Conseil est donc favorable. Il ne s'agira donc jamais pour la Communauté d'une question économique.

Pour Seeliger, Directeur général de la Direction générale I pour les affaires extérieures, « les Américains seraient très préoccupés par l'idée que les pays périphériques pourraient être abandonnés à leur sort par les deux groupes. Le point de vue atlantique en la matière et la position stratégique de deux de ces pays [Grèce et Turquie, NDLR] ne doivent pas être perdus de vue »<sup>112</sup>.

L'association avec les pays tiers, solution encore controversée au sein de la Commission au printemps 1959<sup>113</sup>, se dégage alors comme seule « méthode » pour assurer la cohérence économique de l'Europe libre, et sa cohésion dans la Guerre froide. Cette « option » présente dans le Traité de Rome, n'avait pas encore fait l'objet d'une attention particulière au sein de la Communauté.

#### **- L'Association comme outil « d'influence »**

La Commission estime que ces Accords « successifs d'association permettraient une diffusion plus rapide et générale des conceptions économiques sur lesquelles se fonde la Communauté », éloignant ainsi le spectre du communisme<sup>114</sup>.

L'accueil favorable réservé aux demandes grecques et turques n'est pas dépourvu d'arrière-pensée stratégique dans une Europe coupée en deux par la Guerre froide. Le Parlement européen n'affirme-t-il pas que « l'établissement d'un lien organique entre la

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<sup>111</sup> AHCE, BAC 1/1971 27, Communauté économique européenne, Le Conseil, Secrétariat, Procès-verbal du débat intervenu lors de la réunion du Comité des représentants permanents du 16 juillet 1959, Bruxelles, le 21 juillet 1959

<sup>112</sup> *Ibid.*

<sup>113</sup> Voir AHCE, BAC 3/1978 285, La Commission, Note à Monsieur Seeliger, Directeur Général I, Objet : Turquie, Bruxelles le 10 mars 1959

<sup>114</sup> AHCE BAC 1/1971 27, Commission des Communautés européennes, DG I, *Association à la Communauté de pays en voie de développement*, Bruxelles le 23 septembre 1959.

CEE et la Turquie constitue un intérêt essentiel pour l'ensemble du monde libre »<sup>115</sup> ? C'est dans la logique de la principale tâche de la Communauté, assurer l'unité du camp démocratique face au monde communiste. La Commission dans sa communication de juillet 1960 ne dit pas autre chose : « Au moment où la situation générale du monde libre se complique et s'aggrave en Extrême-Orient, en Afrique et à Cuba, il ne semble pas qu'on puisse se permettre une défaite en Europe et c'est en réalité de cela qu'il s'agit »<sup>116</sup>.

Dans une note du 11 février 1960, la DG I exprime à nouveau la nécessité de l'association d'un point de vue politique, soulignant qu'il s'impose de « rattacher la Grèce à un ensemble économique occidental. Par une telle association, il sera possible dans l'immédiat d'éviter des perturbations politiques dangereuses sur le plan intérieur et extérieur ; il sera aussi possible, à plus long terme, de promouvoir un développement de l'économie grecque qui assure à ce pays un plus haut niveau de vie et, partant, une meilleure stabilité »<sup>117</sup>.

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<sup>115</sup> AHCE, BAC 50/1982 48, *Rapport fait au nom de la Commission politique sur la recommandation de la commission parlementaire d'association CEE-Grèce du 6 juin 1963*, Rapporteur : M. Francis Vals, Edition de langue française, 4 octobre 1963, document 69

<sup>116</sup> AHCE, BAC 26/1969 263 Communauté économique européenne, Commission, Accord d'association avec la Grèce, *décision à prendre par le Conseil*, Communication de la Commission au Conseil, Bruxelles, 12 juillet 1960 - Il s'agit aussi pour la Communauté d'éviter que l'AELE ne prenne trop d'ampleur tout en ménageant son propre avenir, en laissant ouverte la porte de l'intégration à des pays tiers européens à l'Europe des Six. Quelques mois plus tôt, en octobre 1958, la Grèce désigne un délégué auprès de la Commission. Ce geste est perçu par cette dernière comme un avantage face à « la réserve britannique. » Cette désignation doit aussi affermir sa position vis-à-vis du Conseil. Dans sa note du 27 octobre 1958 à l'attention du Président de la Commission, la DG I reconnaît que l'assignation auprès de la Commission du délégué grec ne s'est pas vraiment faite suivant les règles protocolaires, plutôt qu'une demande d'agrément par l'intermédiaire de son ambassade à Bruxelles, la Grèce a fait parvenir les pleins pouvoirs via une note verbale. Pourtant, cette demande du gouvernement grec est jugée particulièrement importante et il ne semble donc pas opportun que la Commission se montre regardant quant à la forme employée. AHCE, BAC 1/1971 27, Note, objet : désignation d'un délégué grec, Bruxelles le 23 octobre 1958

<sup>117</sup> AHCE, BAC *Ibid.*, Direction générale I, « Note », *l'association de la Grèce et le problème général de l'association*, Bruxelles, 11 février 1960



De plus, l'accord avec la Grèce est vu par la Commission comme une possibilité pour la Communauté « d'étendre sa sphère d'influence [...] dans le domaine économique à une importante partie du monde méditerranéen »<sup>118</sup>.

Ainsi, la Commission, dès les premiers temps de son existence, se mêle de « géopolitique. » En rappelant aux États membres l'intérêt supérieur de l'Europe et de l'Occident quand ceux-ci hésitent devant l'impact économique des associations avec la Grèce et la Turquie. Ainsi, dès l'Association avec la Grèce sont établies les bases de la « doctrine de l'association » : étendre l'influence communautaire sur le continent, contenir la Russie soviétique en « inoculant » l'idéal libéral démocratique.

La question de la politique de l'association pose le problème de savoir si un tel élargissement du domaine du Marché commun ne risque pas de porter gravement atteinte à son équilibre économique et au-delà aux possibilités de développements politiques qui sont au cœur des Traités de Rome. La Commission se pose la question, en voyant l'aire du Marché commun ainsi étendue et de nouveaux partenaires s'associer à la Communauté sans avoir les mêmes volontés politiques que les membres de celle-ci, si elle ne risque pas de compromettre le développement du Marché commun, exactement de la même façon que l'acceptation de l'AEE aurait pu compromettre la construction d'une Union politique autour des mécanismes internes de la Communauté. N'y a-t-il pas un risque de voir la Communauté se diluer dans un système multilatéral trop vaste ? Éternelle question, élargissement équivaut-il à dilution ?

Pour la Commission, le problème ne se pose pas vraiment : dans le cas des Associations, ce sont les pays tiers associés qui doivent s'aligner sur la CEE. Alors que dans le cas de l'AEE, c'est la CEE qui risque de se trouver obligée de s'aligner sur les onze autres. Au lieu de voir la Communauté risquer de voir ses décisions retardées ou contrecarrées par un organisme plus large, elle se trouve dans le cas des associations dans la situation inverse.

« C'est la Communauté et notamment la Commission qui serait le centre des différents mécanismes d'association. Elle pourrait entièrement conserver son rôle de moteur et d'initiateur qui est sa justification en Europe »<sup>119</sup>.

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<sup>118</sup>*Ibid.*

Ces accords sont certes pris dans un contexte de Guerre froide et dans l'intérêt du renforcement du flanc Sud-est du front occidental. L'Union soviétique d'ailleurs ne s'y trompe pas, puisque dès que la rumeur s'est répandue sur le début des négociations avec la Communauté, n'a-t-elle pas fait des propositions alléchantes à la Grèce et la Turquie ? L'URSS, tout en ne reconnaissant pas l'existence de la CEE, reconnaît par ses actes en Europe du Sud-est que cette dernière a un impact dans sa stratégie vis-à-vis de l'Europe occidentale.

« Ainsi, l'aspect initial, comme le but final de l'Association reste politique, même si la construction de cette Association se trouve engagée par le biais économique »<sup>120</sup>.

## **2. La Russie, les États du voisinage et les politiques communautaires dans la région**

L'Europe des blocs prend fin avec la chute du mur de Berlin. À l'Est, le Conseil d'assistance économique mutuelle (CAEM) et le pacte de Varsovie se vident de leur substance en moins de deux ans, le premier sera dissous en juin 1991, le second un mois plus tard<sup>121</sup>. Le glacis soviétique en se décomposant emmène dans le sillage de sa débâcle tout ce qui symbolisait la division de l'Europe : l'Allemagne retrouve son unité et sa souveraineté, les institutions d'intégration d'Europe de l'Est disparaissent. L'Europe, pour la première fois depuis 40 ans, se trouve maîtresse de son avenir. L'Europe communautaire hérite des liens qu'elle a tissés au travers des Associations.

Tandis qu'entre l'ex-URSS et l'Europe ex-communiste, des liens économiques importants, en particulier l'approvisionnement en pétrole et gaz, subsistent. Le chaos des années 89-91 affaiblit ces liens, mais ne les efface pas.

À l'Ouest, l'Alliance atlantique se trouve prise dans un processus de renégociation. Elle a été conçue pour faire face à la menace soviétique ; elle repose sur une forte présence américaine en Europe et surtout en Allemagne. Ces données laissent la place à une question majeure : quel rôle pour les États-Unis en Europe ?

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<sup>119</sup> *Ibid.*

<sup>120</sup> Discours Ferdun Cemal Erkin, 1er septembre 1964, 1er conseil d'association CEE-Turquie, le 1er septembre 1964

<sup>121</sup> 1er juillet 1991.

L'équilibre américano-soviétique s'efface. Les États-Unis et l'Union soviétique, d'acteurs dominants, deviennent seulement des protagonistes essentiels, au sein d'une configuration européenne encore très mouvante et allant en se complexifiant.

L'effondrement définitif de l'URSS en décembre 1991 achève la période ayant commencé en 1986. Les tentatives soviétiques de créer un ordre paneuropéen avec la « maison commune européenne » s'évanouissent avec la fin de l'URSS. Le même mois, le 9 décembre est publié le texte du traité de Maastricht qui est signé en février 1992 et qui donne naissance à l'Union européenne. À l'hiver 1991-1992, les nouvelles républiques d'Europe de l'Est parlent déjà ouvertement de leur adhésion à l'UE et à l'OTAN.

Entre 1986 et 1991, l'Europe occidentale, trop occupée par les problèmes dans sa proximité géographique, semble se désintéresser du sort de la périphérie du continent. Les moyens, le temps et l'intérêt de la Communauté étaient tous entiers tournés vers l'Europe centrale.

De fait, l'agenda d'un Ministre des Affaires étrangères occidental entre 1988 et 1993 est chargé. Il y a la situation en Pologne et en Hongrie, l'indépendance des États Baltes, l'accompagnement du mastodonte soviétique vers l'économie de marché et sa transition démocratique, l'éclatement de la Yougoslavie, la crise du Golfe... Un Ministre des Affaires étrangères de l'Europe communautaire doit ajouter à ces questions, les négociations en cours pour le Traité sur l'Union européenne, les mandats à accorder à la Commission pour les associations avec les pays du Pacte de Varsovie, la réunion de Vienne pour la CSCE. À cela, l'on doit ajouter l'absence d'un Lech Walesa ou d'un Vaclav Havel issus d'un pays de la région de la Mer Noire pour attirer l'attention des Occidentaux. Si jusqu'au moins 1986, la région d'Europe du Sud-est et la garde des Détroits de la Mer Noire restaient au centre de l'attention de l'Occident et de l'OTAN, c'est parce que dans cette région se concentrait la menace d'une submersion soviétique de la Grèce, la Turquie ou la Yougoslavie. À partir du moment où cette menace a disparu, ou l'adversaire recule et se disloque, la région elle aussi perd de son importance. Si l'Union soviétique perd ses bases en Bulgarie, que sa flotte de la Mer Noire est démantelée, alors *quid* de l'importance des Détroits, de la péninsule du Sud-est européen, de Chypre ? En 1992, hormis l'établissement de relations formelles avec les États issus de l'URSS et la

Bulgarie, la Commission n'a menée aucune politique volontariste dans la région autour de la Mer Noire, tandis que toute son attention se retrouve « absorbée » par le conflit yougoslave ou elle reste impuissante. La Turquie, seul État associé à la Communauté dans la région, se sent délaissée.

Or, les dirigeants turcs estiment qu'ils ne peuvent attendre que la CEE réponde à ces questions, la situation autour de la Mer Noire, dans le Caucase et en Asie centrale, à l'automne/hiver 1991, donne à l'État turc d'immenses possibilités qu'il ne peut pas se permettre de laisser passer<sup>122</sup>.

La Turquie réagit donc très rapidement en tentant de mettre en place une coopération des États de la Mer Noire afin de faciliter sa politique européenne<sup>123</sup>.

La déclaration d'Istanbul en décembre 1992 est le point culminant des initiatives régionales que la Turquie va prendre à partir de l'été 1990 pour la création d'une Organisation pour la coopération économique de la Mer Noire (OCEMN). Ainsi, à l'aube des années 1990, si l'on ne voit pas encore très clairement comment construire une Europe de « l'Atlantique jusqu'à l'Oural », la Turquie propose elle des bases concrètes pour construire une Europe de « l'Atlantique jusqu'au Caucase. »

La déstabilisation puis l'écroulement de l'ordre qui avait prévalu sur le sol européen pendant presque un demi-siècle, oblige les États de l'Europe à redéfinir les buts et les moyens alloués à la construction européenne. Si jusqu'en 1986, les objectifs de la Communauté dans l'espace sud-oriental européen furent assez simples : contenir la pression soviétique, maintenir les pays à la charnière entre les deux blocs « attachés » à l'Occident, favoriser « l'individualisation » des pays socialistes et, dans le même temps, aménager sa propre sphère d'influence. À partir de cette date, avec l'affaiblissement puis

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<sup>122</sup> Le 1er septembre 1991, devant la Grande Assemblée turque, le président Turgut Ozal appela ses concitoyens à ne pas « manquer cette chance qui se présente pour la première fois depuis 400 ans. » dans Pierre Cyril Cyrus Teymour Pahlavi, *La Turquie à la recherche des éléments fédérateurs de l'identité panturque : le contexte et les causes*, [www.diploweb.com](http://www.diploweb.com), janvier 2003.

<sup>123</sup> Ludwig ROGER, « Coopération économique de la Mer Noire, Vers une «Grande Europe» ? », *Regard sur l'Est*, Dossier : «Regards de l'Est sur l'Union européenne», Par Céline Bayou et Stella Ghervas (direction du dossier). 10/04/2011, sur <http://www.regard-est.com>.

l'effondrement de l'Empire soviétique, la Communauté s'est trouvée face à un immense espace. Cet espace, s'étendant de l'Épire au Caucase et des Bouches du Danube au Golfe d'Alexandrette, s'est trouvé de tout temps aux marges de la civilisation européenne. Son centre de gravité se situe au niveau des Détroits du Bosphore, ce sont ces détroits qui en justifient l'importance pour l'Occident comme pour l'ancien Empire soviétique.

Pendant toute la durée de la guerre froide, c'est la garde de ces détroits qui a légitimé l'investissement de l'Occident en général et de la Communauté en particulier en Turquie. C'est la crainte de fragiliser le front Sud-est de l'OTAN qui passait par la Thrace turque qui amena la CEE à intervenir dans la crise de Chypre. C'est la peur de la submersion par les Communistes qui amena la Grèce vers l'Europe des Neuf. C'est pour le même calcul et le désir de ne pas voir la péninsule Balkanique complètement étouffée par la puissance soviétique qui fit ouvrir à Athènes les portes du Marché commun. Pendant toute la guerre froide, l'antique région pontique, fut coupée en deux, en deux car la mer Égée fait partie sans aucun doute de ce complexe géopolitique. L'importance que la Grèce, depuis le Grand élargissement de 2004, accorde à une politique communautaire dans la Mer Noire l'illustre bien<sup>124</sup>. Comme l'Europe après la guerre froide s'est retrouvée dans « son histoire et sa géographie »<sup>125</sup>, il en est tout à fait de même pour l'antique région pontique. L'espace Mer Noire se présente comme un espace en/de transition, avec les Balkans à l'Ouest et le Caucase à l'Est où, sous l'influence de l'Occident des États nations sont encore en construction.

La Communauté, pendant toute la Guerre froide est restée confinée au rideau de fer. Elle a établi des ponts avec les pays de la région dans le cadre d'une Ostpolitik visant à infiltrer le bloc, à le rendre friable et ainsi éloigner les pays du Bloc de la tutelle de Moscou. Plus au sud, le long du front Sud-est de la guerre froide, elle tentait avec ses moyens de résoudre le problème de Chypre et se placer entre Turcs et Grecs pour éviter un

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<sup>124</sup> Annie JAFALIAN ; « La Mer Noire : un centre de gravité stratégique », Questions internationales, juillet-août 2005, n°14, pp. 62-63

<sup>125</sup> « L'Europe va rentrer, comme l'on rentre chez soi, dans son Histoire et sa Géographie » François MITTERRAND, vœux du Président de la République aux Français, 31 décembre 1989, document ina, <http://www.ina.fr/video/CAB90000172> vu le 09.04.2013

affaiblissement du bloc occidental au sud des Balkans et sur le verrou des Dardanelles. Au-delà, la présence de la flotte russe et le maintien de troupes du Pacte de Varsovie en Bulgarie, avait constitué un adjuvant à l'action communautaire. En 1991, les défis de l'Europe du Sud-est vont soudainement s'étendre vers l'Est, englobant les pays riverains de la Mer Noire.

Les termes d'«Europe plus large», de «Région Mer Noire plus large» ou encore «Voisinage élargi» sont déjà dans les discours des responsables ukrainiens, géorgiens ou turcs. La Commission dans sa communication de 2003 sur le voisinage «plus large» ne fait que reprendre des concepts élaborés 15 à 20 ans plus tôt par des acteurs qui lui sont certes extérieurs mais qui ne demandent rien d'autre que de faire partie de l'«Europe»<sup>126</sup>. Pour les États qui en sont membres -à l'exception notable de la Russie qui parle plus de coopération paneuropéenne que d'intégration européenne- l'OCEMN est donc l'un des outils permettant et justifiant leur intégration ultérieure à l'Union européenne.

Ainsi, la Turquie, bien que se considérant de plus en plus comme un acteur majeur de la région, n'a pas encore renoncé à ses rêves d'Europe. En créant l'OCEMN et en tentant de stimuler les échanges économiques avec son voisinage, elle transpose le modèle européen de stabilisation à la région Mer Noire, engrangeant ainsi une expérience pouvant lui permettre de mieux défendre sa candidature à Bruxelles.

De son côté, la Commission, en 1993, par sa Déclaration de Bruxelles et le projet Transport Corridor Europe-Caucase-Asie (TRACECA), après l'Union de l'Europe Occidentale- est le premier des grands ensembles Occidentaux à marquer son intérêt pour l'espace Mer Noire : il s'agit à terme d'unir par le rail et par les routes le Vieux Continent à son « *Far East* ». Et ainsi, d'assurer « l'indépendance politique et économique des pays d'Asie centrale en améliorant leurs capacités d'accès aux marchés européens »<sup>127</sup>. On peut

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<sup>126</sup> Voir la déclaration d'Istanbul de 1992 sur l'OCEMN et les propos du Ministre turc des Affaires étrangères, Hikmet Çetin dans *Neue Zürcher Zeitung*, 26 juin 1992 dans Ludwig ROGER, « Coopération économique de la Mer Noire, Vers une «Grande Europe»? » Dossier: « Regards de l'Est sur l'Union européenne », *Revue Regard sur l'Est*, Avril 2011

<sup>127</sup> Direction générale – Europaid : [http://ec.europa.eu/europeaid/where/asia/regional-cooperation-central-asia/transport/traceca\\_fr.htm](http://ec.europa.eu/europeaid/where/asia/regional-cooperation-central-asia/transport/traceca_fr.htm)

subodorer derrière cette déclaration la même « doctrine » qui l'avait amenée à ouvrir son marché à la Grèce et la Turquie : attacher par les liens du commerce des pays tiers à la Communauté pour en renforcer l'indépendance et assurer la diffusion des valeurs démocratiques communautaires.

En 1995, un deuxième document publié par l'Assemblée de l'UEO a élaboré à grands traits les possibilités d'intervention de l'UEO dans le Caucase, mentionnant la Mer Noire comme zone de transit<sup>128</sup>. L'UEO a également été attentive aux crises entraînant l'interruption des fournitures énergétiques et menaçant les voies d'acheminement, reconnaissant que « l'acheminement du gaz et du pétrole jusqu'aux marchés européens par gazoduc/oléoducs et voies maritimes fiables revêt une grande importance politique et stratégique »<sup>129</sup>. Ce document fait également certaines suggestions générales à l'intention des États européens : intensifier les efforts pour stabiliser et consolider la situation dans la région, promouvoir les initiatives destinées à résoudre les conflits régionaux en cours, prendre des mesures préventives dans les zones plus vulnérables.

L'UEO a considéré les opérations de maintien de la paix comme un domaine prioritaire et a souligné que l'Europe devrait « se préparer à offrir une contribution concrète au maintien de la paix, de sorte qu'aucune des puissances de la région ne puisse constituer une menace »<sup>130</sup>. Dans la déclaration de Petersberg de Juin 1992, il était indiqué « les unités militaires des États [...] missions de la paix ; des missions de forces de combat pour la gestion des crises y compris des opérations de rétablissement de la paix »<sup>131</sup>. Ces missions dites de « Petersberg » sont expressément incluses dans un nouvel article 17<sup>132</sup> du traité UE.

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<sup>128</sup> Assemblée de l'Union de l'Europe Occidentale, « *La situation en Asie centrale et dans le Caucase et la sécurité européenne* », rapport présenté au nom de la Commission politique par MM. Baumel et Akçali, document 1586, 18 novembre 1997

<sup>129</sup> Conseil des Ministres de l'UEO, *La sécurité européenne : une conception commune des 27 pays de l'UEO*, paragraphe 26, Madrid, 14 novembre 1995

<sup>130</sup> MM. BAUMEL et AKÇALI, *op. cit.*

<sup>131</sup> Conseil ministériel de l'UEO, *Déclaration de Petersberg*, Bonn, 19 juin 1992, partie II, paragraphe 4

<sup>132</sup> Article 17 du traité sur L'Union européenne, 1992

Pour l'UEO, bras armé de l'UE, les missions de Petersberg dans cette région sont certes pour assurer « le maintien de la paix » mais surtout pour faire en sorte que « aucune des puissances de la région ne puisse constituer une menace. » Ainsi, en envoyant des forces dans la région, l'UE s'assurerait que ni la Russie, ni la Turquie ne puisse le dominer à nouveau. Dans le cas de ce document, l'UEO fait référence implicitement à la Russie qui au travers de la CEI entretient des bases sur tout son ancien littoral au nom du maintien de la paix.

C'est donc du point de vue de la sécurité que la région Mer Noire a d'abord été envisagée en Europe, et avec l'objectif que la région ne retombe pas sous la domination d'une seule puissance. Ce faisant, l'Union s'inscrit dans la continuation de la Guerre froide.

On peut donc noter dans l' « immédiat après-guerre froide » deux périodes dans l'établissement et la mise au point de politiques extérieures de l'UE vis-à-vis de la région Mer Noire.

La première période, dans les années 1990, est autocentrée. L'UE est trop préoccupée par son élargissement et la réunification du continent. Elle entreprend des politiques vers la région Mer Noire, mais ce sont des politiques tout azimut sans réel plan d'ensemble ou de connaissance réelle de la région. Le programme « Technical Aid to the Commonwealth of Independent States » (TACIS) par exemple n'a jamais été pourvu de véritables moyens pour soutenir la transition<sup>133</sup>. L'UE tout au long des années 1990 a mis l'accent sur la nécessité pour les États riverains d'appliquer, dans le cadre des Accords de partenariat et de coopération (APC) et du programme TACIS, l'acquis communautaire pour leur transition. L'idée est de promouvoir le modèle européen aux frontières de l'Union comme source de stabilité, de prospérité et de compréhension mutuelle. Selon la définition donnée par l'Union européenne, les APC doivent fournir un cadre approprié au dialogue politique, soutenir les efforts de ces pays pour consolider leur démocratie et développer leur économie, accompagner leur transition vers une économie de marché et

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<sup>133</sup>*Ibid.*



promouvoir les échanges et les investissements<sup>134</sup>. Le tout supervisé par un Conseil de coopération.

Ces accords sont très similaires aux accords d'association, mais sans la possibilité d'adhésion

Il s'agit en fait de la continuation des politiques que la Communauté a mises en place en Europe du Sud-est pendant la guerre froide. La Grèce est un État membre, la Turquie associée, les États comme la Roumanie et la Bulgarie ont vocation à adhérer et donc sous l'impulsion communautaire changent leur système constitutionnel.

Plus au nord, les gouvernements ukrainien et moldave attendent un signal clair et sans équivoque sur la possibilité d'une adhésion éventuelle. Ils y voient un encouragement vital qui les inciterait à transformer leur système politique, économique, juridique et social. L'absence de signal est elle-même considérée comme un signe – que l'adhésion n'est pas proposée et qu'il n'y a donc guère de raisons d'entreprendre les difficiles réformes pour satisfaire les critères européens<sup>135</sup>. Il est donc hors de question pour la Commission de voir naître une organisation qui intégrerait une partie seulement de l'Union et pourrait se transformer en forum où elle serait jugée. Surtout si cette organisation est sous la domination d'une Turquie à qui l'on vient de refuser l'entrée et d'une Russie toujours objet de méfiance, et de pays qui pourraient essayer de forcer la main à la Communauté pour une éventuelle adhésion.

Après 1995, la région Mer Noire devenait un espace pour l'extension de la *gouvernance à l'europpéenne* ; un champ de projection des méthodes européennes en matières de gestion des flux, de l'environnement, des désordres économiques et de la méthode de l'État nation. Cette extension, pour ne pas dire expansion, connaissait cependant des difficultés, car les États de la région n'étaient pas toujours ouverts vers la réforme si au final les ACP ne proposaient pas l'adhésion. De plus l'attitude ambiguë de la

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[http://europa.eu/legislation\\_summaries/external\\_relations/relations\\_with\\_third\\_countries/eastern\\_europe\\_and\\_central\\_asia/r17002\\_fr.htm](http://europa.eu/legislation_summaries/external_relations/relations_with_third_countries/eastern_europe_and_central_asia/r17002_fr.htm), vu le 16.03.2014

<sup>135</sup> Dov LYNCH, « Partenaires et voisins : Une PESC pour une Europe élargie », *Cahier de Chaillot*, n°64, Sept. 2003

Communauté vis-à-vis de la région brouille les cartes, les États de la région Mer Noire se considèrent comme européens, la Commission ne répond pas clairement à cette affirmation. On peut faire un parallèle avec les hésitations de Bruxelles vis-à-vis de la Grèce en 1976 lors de la demande d'adhésion d'Athènes.

Consciente des limites des ACP, l'Union européenne va proposer une nouvelle politique à ses voisins de la Mer Noire pour mieux orienter leur trajectoire intérieure vers une « destinée commune »<sup>136</sup> avec l'Union européenne. C'est la politique de voisinage.

Cette nouvelle politique, en rendant systématique une nouvelle forme d'association de tous les pays du voisinage avec l'UE va, évidemment, faire réagir Moscou.

La politique de voisinage est avant tout perçue par la Russie comme un mode autocentré d'organisation du continent : en repoussant la perspective d'une adhésion pour ses voisins, elle entérine la division entre « cosmos » et « chaos »<sup>137</sup>.

La politique de voisinage, telle qu'elle est formulée, représente une déception pour la Russie : en effet, l'Union place le partenariat russo-européen dans le contexte plus large du voisinage, et développe sa propre stratégie de sécurité vis-à-vis des voisins en marge de ses relations avec la Russie<sup>138</sup>. Ainsi, l'un des apports présupposés de la politique de voisinage est d'influer sur la résolution des conflits de la région ; or, la Russie se perçoit comme un acteur à part entière dans ce processus, non comme un spectateur. Elle refuse donc d'être un simple objet de la politique européenne.

L'Union se retrouve ainsi au centre d'un réseau qu'elle tisse avec chacun de ses partenaires ; ce rôle clé est parfaitement mis en lumière dans les différents modèles élaborés par Michaël Emerson<sup>139</sup>, qui compare la politique de voisinage à une toile d'araignée ou à une roue dont l'Union serait le centre. Or, c'est exactement le même

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<sup>136</sup> Romano PRODI, Discours d'investiture au Parlement européen en 1999

<sup>137</sup> V. SHEMIATENKOV, "The Wider Europe": Can the idea be "sold" in the East", European Policy Centre, issue 9, *Repairing the damage: European disunity and global crisis*, 2003

<sup>138</sup> COMMISSION EUROPÉENNE, *Wider Europe...*, *op.cit.*, et Javier SOLANA, *Stratégie européenne de sécurité, Pour une Europe sûre dans un monde meilleur*, *op.cit.*

<sup>139</sup> Michael EMERSON, Gergana NOUTCHEVA and Nicu POPESCU ; "European Neighbourhood Policy Two Years on: Time indeed for an 'ENP Plus' "; *CEPS Policy Briefs*, 21 March 2007, Bruxelles

modèle que nous avons mis en exergue dans notre description de la « doctrine d'association ».

Il s'agit là d'un levier historique de l'Union, dont la politique extérieure s'est d'abord construite par les relations économiques via une diplomatie qualifiée de « douce » mais ayant des objectifs « durs ».

**Conclusion:** « Temps différents, acteurs différents, mais règles inchangées? »

Ainsi, pour la Commission, le « doux commerce » est seulement une part de l'équation de l'Association. L'aspect politique reste le plus important. Même si, à l'heure actuelle, l'Union est le premier partenaire économique de la région.

2012	Proportion des importations en provenance des pays de l'UE27 en % <sup>140</sup>
Ukraine	30,9
Moldavie	44,48
Turquie	36,95
Géorgie	30,93
Arménie	23,74
Azerbaïdjan	27,66
Bélarusse	19,96
<b>Région</b>	<b>30,66</b>

Outre la portée extérieure de la présence de l'Union dans la région, un autre fait intéressant se dégage, remarquable pour qui étudie la construction européenne. Si les États membres sont toujours bien présents dans la région, c'est la Commission qui gère les politiques mises en place avec tous ses partenaires. Les États membres continuent la diplomatie traditionnelle, en faisant notamment partie du groupe de Minsk pour le conflit entre Azerbaïdjan et Arménie au sujet du Haut Karabakh. Ils entretiennent avec les États

<sup>140</sup> Base de donnée Eurostat pour PEV-Est, [http://epp.eurostat.ec.europa.eu/portal/page/portal/european\\_neighbourhood\\_policy/enp\\_east/data/database](http://epp.eurostat.ec.europa.eu/portal/page/portal/european_neighbourhood_policy/enp_east/data/database) vu le 21.10.2013

de la région des rapports bilatéraux dont le principal objet est la politique énergétique. Sur ce point, malgré les efforts de la Commission pour établir une politique énergétique commune, il y a encore 27 -28 depuis juin 2013- politiques de l'énergie différentes. Même si l'oléoduc BTC a pu faire croire un instant que l'Union pouvait, lorsqu'elle le souhaitait, avoir des résultats, la guerre en Géorgie a démontré que la Russie ne se laisserait pas éjecter du jeu aussi facilement. Le bombardement, très précis, par l'artillerie russe autour de l'oléoduc BTC<sup>141</sup> en août 2008 doit être pris comme un coup de semonce aux ambitions européennes. Force est de constater en 2013, que malgré l'alternance politique du printemps la situation en Géorgie reste en « transition »<sup>142</sup> et que le gouvernement de Tbilissi a mis en pause les réformes de l'État voulu par Bruxelles.

Pourtant les États membres ont bien agréé ensemble, lors de la mise au point des différents mandats de négociation de la Commission avec les pays du voisinage oriental, sur un ensemble de politiques visant à transformer les États à la frontière orientale de l'Union en États « européens ».

C'est la Commission qui ensuite veille à cette transformation, c'est elle qui se trouve en charge de « l'eupéanisation » de toute la région Mer Noire. Ce processus de « passation » se révèle lent et chaotique, initié en 1960 avec le mandat pour l'Accord avec Athènes, il se poursuit au travers de la politique de voisinage. Les résultats en sont encore incertains, il suffit de penser à la faillite de l'État grecque pour comprendre que la construction d'un État « à l'eupéenne » n'est pas chose aisée.

Ainsi, ce serait développé une « Neu Ostpolitik »<sup>143</sup> mais qui de fait, n'a rien de *Neu*, mais puise au contraire dans le préexistant, tant du point de vue conceptuel que concret. La PEV, puis la Synergie et enfin le Partenariat oriental s'inscrivent dans cette

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<sup>141</sup> Entretien du 2 Décembre 2008, Martinez Erades Guillermo, CONSEIL DE L'UNION EUROPEENNE

<sup>142</sup> Piotr SMOLAR, « La Géorgie "en transition", dépeinte par l'envoyé spécial de l'Union européenne », *Le Monde*, 24.09.2013

<sup>143</sup> Iris KEMPE, "A New Ostpolitik, priorities and Realities of Germany's EU Council Presidency", N°4 August 2007, CAP

« tradition » vieille de plus de 50 ans de la volonté des institutions de l'intégration ouest européenne « d'inoculer les valeurs du Traité de Rome » au-delà de leurs territoires.

Le second objectif est toujours le même : contenir la Russie.<sup>144</sup> Les solutions prônées par le Partenariat oriental et avant lui la PEV de la mise en place d'Accords d'association, de zone de libre échange et d'ouverture des visas, est dans la droite ligne de la stratégie qui fut adoptée pour arrimer la Grèce et la Turquie au camp occidental. L'intégration au marché européen devant assurer la fin de l'isolation économique, prélude à l'intégration politique. Ce fut le cas pour la Grèce, pour les anciennes républiques socialistes, la question est toujours ouverte pour la Turquie.

L'Union en proposant l'association à toute la région prépare son intégration dans la sphère occidentale. Elle utilise ainsi des techniques éprouvées par l'expérience de Guerre froide puis par l'élargissement consécutif à la fin de la division de l'Europe. Ce faisant, il est clair qu'elle souhaite se créer son champ d'influence, au détriment de la Russie, en s'engageant dans « l'étranger proche » de Moscou. Cependant, comme pour la Synergie Mer Noire, ce programme, ambitieux, ne dispose pas de réels moyens. Ce manque de moyens est l'illustration de la nature composite de l'Union, tiraillée entre ses différentes parties. Certes, la doctrine d'association est fixée dès 1960, certes, la Commission, malgré tous les événements et changements de l'histoire récente, est au final toujours retournée aux mêmes modes opératoires pour transformer sa périphérie, mais il faut concéder que jusqu'en 2013 et l'élargissement à la Croatie, cette « recette » semble marcher.

Cependant, si au final la PEV semble devoir être un consensus accepté à l'intérieur de l'Union pour les pays de l'Est, celle-ci ne semble pas être suffisante pour amener ces pays à mettre en place les réformes nécessaires pour la transition démocratique et à l'économie de marché.

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<sup>144</sup> <http://www.diploweb.com/L-UE-face-a-la-Russie-combien-de.html>, aussi la formulation par ces nouveaux États membres d'une telle politique « témoigne de leur intégration **réussie dans le processus de formulation de la politique extérieure de l'UE.** » dans <http://www.diploweb.com/UE-Partenariat-Oriental-quelles.html> vu le 10 février 2011

La stagnation politique et économique des États du pourtour de la Mer Noire semble devoir démontrer que la simple association ne permet pas forcément de réformer l'État associé selon les critères de l'Union.

D'un autre côté, les négociations d'adhésion de la Turquie, l'affirmation par l'Ukraine de son « identité européenne », le « désir européen » des gouvernements du Caucase, et l'arrivée enfin de l'UE dans cet espace à partir de 2007 donne à réfléchir sur l'expansion de la politique d'élargissement de l'UE sur ses voisins.

Enfin, le rôle d'impulsion et le leadership, certes discret, de la Commission, dans l'établissement de ces politiques, pose aussi la question de l'influence et des moyens dont dispose l'institution de Bruxelles pour influencer sur la politique étrangère de l'Union européenne. Pour ce qui concerne notre sujet, la Commission a joué et joue encore, un rôle central dans la mise au point d'une vision géopolitique du processus d'intégration européen.

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## **PERSPECTIVES ON NATIONAL STRATEGY ON SOCIAL INCLUSION AND POVERTY REDUCTION (2014-2020) OF ROMANIA**

**Ana-Maria Udrea**<sup>145</sup>

PhD student

Faculty of European Studies

Babeş-Bolyai University Cluj-Napoca, Romania

[anam.udrea@gmail.com](mailto:anam.udrea@gmail.com)

**Research interests:** *Ana-Maria Udrea is currently undergoing her PhD studies in International Relations and European Studies at Babes-Bolyai University, Cluj-Napoca, within the Faculty of European Studies. Her focus is on Romania's social policies amid the context engendered by the Europe 2020 Agenda.*

**Abstract:** *The paper analyses the National Strategy on Social Inclusion and Poverty Reduction (2014-2020) of Romania. The strategy was elaborated by experts from World Bank and it is currently the object of public debate and of a Government Decision proposal<sup>146</sup>. The importance of studying this strategy derives from the multitude of social groups affected by the poverty level in Romania with impact both on individuals and the society. The study focuses on analysing the priorities, objectives and measures established by the strategy. We investigate its feasibility and the opportunity of implementing them relative to the real needs of Romanian society, based on a series of official documents from national and international institutions.*

**Keywords:** social inclusion, poverty, Europa 2020, Romania, social policies

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<sup>146</sup> Project of Government Decision for approving the *National Strategy on Social Inclusion and Poverty Reduction (2014 – 2020)* at: [<http://www.mmuncii.ro/j33/index.php/ro/transparenta/proiecte-in-dezbatere/3654-2014-12-29-proiecthg-incluziunesociala>], last access: 26.03.2015

## 1. Introduction

Social inclusion and poverty reduction represent an important component of Europe 2020 Strategy. In this regard each member state had to commit to fulfil a series of objectives, among them the main challenge is to reduce the number of persons in poverty, and for Romania the target<sup>147</sup> is to pull out 580.000 persons, representing 25% of the total number of persons living in poverty<sup>148</sup>.

In this context, the study has three research objectives regarding the National Strategy on Social Inclusion and Poverty Reduction (2014-2020) of Romania:

- To identify the objectives and action measures covered by it and its limitations;
- To critically analyse the positive and negative aspects of the objectives and action measures covered by it in terms of defining the key concepts, cause-effect analysis, projection, work methodology, information sources (statistical data used), and proposed measures;
- To propose implementation measures for the objectives and actions established by the strategy.

The research methodology refers to content analysis with two components: form, style, and content, concepts. Therefore our research is built on a series of official documents: other national strategies on inclusion and poverty targeting specific social groups (Roma, disabled persons) of specific activities (social economy), documents from European Commission etc.

## 2. Argument

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<sup>147</sup> For details see: Adrian-Gabriel Corpădean, "Europe 2020 - A "Soft" Agenda for Central and Eastern Europe?", in Ramona Frunză, Gabriela Pascariu, Teodor Moga (eds.), *The EU as a Model of Soft Power in the Eastern Neighbourhood*, EURINT Conference Proceedings, Al. I. Cuza University Editions, Iași, 2013, pp. 220-230.

<sup>148</sup> Strategy Europe 2020, English language at:  
[<http://ec.europa.eu/eu2020/pdf/COMPLET%20EN%20BARROSO%20%20%20007%20-%20Europe%202020%20-%20EN%20version.pdf>], last access: 20.02.2015

The post-communist Romania has went through a series of profound transformations, which have modified its social development profile: from planned economy to market economy, from the certainty of workplace to the flexibility of work relations etc., which had both positive and negative impact on society. The outcomes of these transformations were changes in the financing sources of social sector and increases in different social risks. During the nearly 25 transition years, creating, developing and applying social policies have been under the pressure of alignment aspiration with the developed west-European societies, considering the influence of the underdevelopment legacy from the previous communist years. Poverty can be considered one of the most important issues regarding the design and the implementation of social policies, which until now in Romania represented a product of the underdevelopment, and not only a cost of the development (engaging financial resources allocations for infrastructure, institutional reorganization). Thus, it is important to build an efficient social protection system, and to create the premises for the socio-economic development of the country, which start with the appointed institutions on social sector and continue with a sustainable economy and a non-corrupted political system which decides following the benefit of the citizens.

In a recent study<sup>149</sup> it is shown an evaluation of the poverty rate and occupation rate of the member states, at the middle of the implementation period of Europe 2020 Strategy. Under these conditions, there are few questions needing an answer: “Is Europe continuing to suffer from the consequences of the economic crisis or the current situation is instead the result of wrong policy decision? Or if, truly, there have been implemented bad policy decisions, are there any alternatives more suitable?”<sup>150</sup>. A possible answer is that the policies are applied at the level of each state in an inconsequential manner as an attribute of the subsidiarity principle. In this regard, we will analyse to what extent there are premises for successfully implementing the National Strategy on Social Inclusion and Poverty

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<sup>149</sup> Benchmarking Working Europe 2014, ETUI aisbl, Bruxelles, 2014 at [\[www.etui.org/.../file/14+BENCHMARKING+2014+A4+Web+version.pdf\]](http://www.etui.org/.../file/14+BENCHMARKING+2014+A4+Web+version.pdf), last access: 22.01.2015

<sup>150</sup> Idem, p. 7

Reduction (2014-2020) of Romania, and how appropriate are the established priorities, objectives and measures in line with the real needs and problems of Romanian society.

There are some basic principles which need to be fulfilled when discussing the social Europe concept, namely: the access to basic services (education, health, and infrastructure); a minimum guarantee income; social protection (health, unemployment, active ageing); financial redistribution in favour of certain categories: mono-parental families, disabled; decent work conditions and a higher level of protection at the work place. We address a question regarding the final role of the social policies: the social protection must ensure all people a decent living standard or to ensure the necessary environment where all people are able to earn decent living conditions based on their work? Thus, it is necessary to establish how to attain a balance between capitalist society and social economy, or how we can achieve the capitalist welfare state<sup>151</sup>.

From a conceptual point of view, the social exclusion refers to the incapacity or shortcomings of certain specialized structures of the state and to achieve an equitable social level of integration/ inclusion, of course, between the limits of the legal regulations and economical and social available resources. And, as a consequence of the persisting disadvantages and inequalities the citizens become socially excluded from the community they live.

### **3. Content analysis of the National Strategy on Social Inclusion and Poverty Reduction (2014-2020) of Romania**

The strategy includes five chapters on: defining and explaining the poor and vulnerable groups, types of people-oriented policies, defining and proposing regional policies, institutional capacity building consolidation measures for achieving the planned objectives and results, presenting nine key initiatives recommended to be implemented for the period 2015-2017<sup>152</sup>, and an annex referring to the action plan regarding the

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<sup>151</sup> For details see: Frericks, P., Maier, R., *European Capitalist Welfare Societies*, Palgrave Macmillan, London, 2012, p. 28

<sup>152</sup> It is to be noted that the Romanian Government, after analysing the strategy and the action plan, should select 10 key priorities for which experts for World Bank will develop concrete action plans.

implementation of this strategy. The strategy itself contains 66 pages, and the action plan 47 pages, both A4 format.

We note that the current strategy offers a complex vision on the priorities that need to be established and implemented to achieve the objectives committed in regard to Europe 2020. In our vision, the strategy can be summarized by the following goals:

1. Identifying the specific need of different vulnerable groups, there is the need of a relevant data collecting system to be able to implement personalized social services;
2. Elaborating social interventions to encompass both people-oriented policies and regional policies;
3. To ensure the necessary conditions for the citizens in risk of poverty or vulnerable persons to become active citizens;
4. Providing quality education, higher level of access to medical services, decent living conditions and creating job opportunities for persons coming from disadvantaged environments or if they are vulnerable persons;
5. Implementing a complex and efficient monitoring and evaluation system of social services and social benefits;
6. Developing integrated services, involving different institutions and correlating different policies: economic and social, and ensuring the necessary legislative regulations.

The envisaged social policies by this strategy rest on two pillars: social inclusion and poverty reduction. In this respect, there are four key aspects regarding Romania:

- All citizens should have equal opportunities;
- To satisfy the primary needs of all citizens;
- To respect the differences among citizens;
- The dignity and the appreciation of all citizens should be respected.

These four aspects can be considered to be the main elements of the philosophy of the strategy and the conducting vision of its objectives and action measures. In our view,

personal responsibility it is to be encouraged, for the state is responsible only to provide equal opportunities to all citizens<sup>153</sup>.

Next, we will consider the manner of how the strategy defines the key concepts, the cause-effect analysis, the projections, the work methodology, the information sources used (statistical data), and the proposed measures as well. In this regard, we notice a negative aspect that even though there statistical data are used in abundance, not all of the sources are mentioned for all the data mentioned<sup>154</sup>, but on the other hand, the mentioned information sources are: Eurostat, ILO and World Bank studies, EU-SILC documents.

Also, in the text there are references to different concepts which are not explained or detailed enough for a better understanding of them: “rehabilitation services” (page 24), separate funding sources for social assistance can reside in “certain difficulties” (page 24), or the necessity of ensuring an “improved financial framework” (page 28) regarding the sustainability of social services. On one hand, the strategy defines and explains few key concepts, such as: “relative poverty and social inclusion”<sup>155</sup>, „poverty threshold” (page 8), multiple material deprivation (page 10), low work intensity (page 10), but on the other hand, the strategy analyses briefly a mix of concepts which are not sufficiently defined: persistent poverty, regional disparities, in the context of presenting certain social categories exposed to poverty and socially vulnerable<sup>156</sup>, such as: children, youth, freelancers, Roma.

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<sup>153</sup> Bufacchi, V., *Social Injustice*, Palgrave Macmillan, London, 2012, p. 25

<sup>154</sup> „approximately 1,4 million poor children (aged between 0 and 17 years old), over 725.000 elderly aged over 80 years old, 687.000 children and adults with disabilities who live in households and other 16.800 who live in institutions, over 62.000 children enrolled in special protection system (either in foster care or family care points) and approximately 1.500 children abandoned in medical units.”, p. 13; „The unemployment rate in Romania is relatively low, but the informal employment is widespread. In the mid-2014 the unemployment rate was 7,3% and recorded only a slight increase from the 2008/09 economic crisis (unemployment rate was 5,8% in 2008 and 6.9% in 2009), p. 17

<sup>155</sup> Any person who is in the following situations: population exposed to relative poverty risks after the social transfer, persons who live in households with low work intensity and persons who are severely materially deprived (they cannot afford to acquire goods and services considered necessary for a decent living)

<sup>156</sup> Constanzo Ranci, *Social vulnerability in Europe. The New Configuration of Social Risks*, Palgrave Macmillan, London, 2010, p. 14



The strategy presents forecasts aimed at analysing the further development of social services as a result of the implementation of certain measures, such as making a complex projection with 3 scenarios on the impact of economic growth and employment on the evolution of relative poverty in terms of income (page 11) and the evolution of poverty in terms of implementation of the Insertion Income program (page 24). However, it is noted that it is not sufficiently clearly defined the methodology used to achieve the forecasts in order to check if the scenarios are likely to materialize under the conditions set by the authors of the strategy.

The first chapter of the strategy envisages the poor and vulnerable groups considering two categories: people at risk of poverty and social exclusion, and people belonging to vulnerable groups. The strategy indicates that although there have been significant steps towards reducing relative poverty in absolute terms, the population is poorer than in 2008. The strategy proposes a number of areas of intervention that would determine a large reduction in poverty involving the lowest costs in terms of action, but does not show an alternative inventory of areas of intervention that would cause a large reduction in poverty with lower cost, in order to justify the proposal of those measures as priority areas for the Romanian Government. The authors of the strategy identify two areas that could have a greater impact on poverty, involving the lowest costs<sup>157</sup>, namely, "(i) extension of water supply to homes and (ii) the acquisition of outdoor play facilities for children", but only the first in our view could contribute to poverty reduction, while the second domain, has no relevant impact on poverty reduction and does not necessarily imply lower costs. It is also worth underlining that only for the first area considered a priority, the authors make an argument factually: "Around two thirds of Romanians who are at risk of poverty and social exclusion have no indoor plumbing (which is defined as the absence of indoor toilets and a bathtub or a shower). In the poorest regions of the country (east and south), more than half of the entire population, not just the poor (AROE), have no indoor plumbing".

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<sup>157</sup> *The National Strategy on Social Inclusion and Poverty Reduction (2014-2020)* of Romania, at [http://www.mmuncii.ro/j33/images/Documente/Proiecte\\_in\\_dezbatare/2014/2014-12-29\\_HG\\_SIncluziune-Anexa1.pdf](http://www.mmuncii.ro/j33/images/Documente/Proiecte_in_dezbatare/2014/2014-12-29_HG_SIncluziune-Anexa1.pdf), last access: 18.03.2015, p. 11

The second chapter of the Strategy envisages seven aspects regarding the people-oriented policies:

1. Employment
2. Social protection
3. Social services
4. Education
5. Health
6. Habitation
7. Social participation

The section on employment includes a series of principles such as ensuring decent wages; combining social benefits with employee status for those who are not currently active on the labour market; the need to integrate employability measures with economic policies that would create jobs, but these principles can be seen as platitudes or tautologies, for which are not shown in the text of the strategy clear and concrete measures to ensure their implementation. In the document “Draft Action Plan on Social Inclusion and Poverty Reduction (2014-2020)” there are presented four recommended priority actions on employment growth “increasing the funding for active and effective policies”, targeting young people, promoting job creation through partnerships with the private sector, accessing European funds for monitoring and improving the developed programs (page 6). Also here is a remarkable lack of designing concrete steps to implement these principles.

Furthermore, this section envisages that “Engaging in exchange for decent wages is the surest way out of poverty and vulnerability. This strategy addresses a number of policies aimed at increasing labour market participation of the poor, reducing seasonal employment for them and increase their income or gains by increasing or enabling poor people to combine their low income social benefits.”, policies which are not detailed in a concrete manner (page 17) neither in the Annex 1, the strategy itself, nor in the Action Plan, Annex 2. The authors specify that these measures should be correlated with economic measures to create jobs, without detailing concrete solutions to this problem.

Although there is a separate section of the strategy aimed at strengthening the institutional capacity, there is a reference to it in the section for employability measures,

and, in our opinion, the proposal to create new local agencies working on the occupation forces cannot be justified only by the need to increase the access to information<sup>158</sup>, given that there are county agencies, and that at the same time, the strategy mentions the economic burden of hiring new staff in providing social services.

The section on social services identifies five areas of intervention concerning the development of standards of social care, strengthening preventive care services, providing specialized personnel in the existing public services, regulating the decentralization of service delivery and compliance with quality standards.

Romania spends on social services less than 1% of GDP<sup>159</sup>, except for providing medical services, which account for over 85% of all social benefits granted<sup>160</sup>.

The strategy focuses the measures on social services in several major subsections: Improving social community assistance, which refers to social assistance law no. 292/2011, yet unapplied, which provides local government with the right to establish locally the public services. It is mentioned in the strategy that the provision of social services is adversely affected by “lack of financial resources at the local level jobs and the freezing public sector’s wages restraints”<sup>161</sup>. Also, now there is a major problem in providing certain services in rural areas or small towns, such as social cantinas or medical cabinets or low capacity for evaluation and development of social services in terms of the personnel involved in this area.

The development of integrated social services through integrated policies and institutional cooperation at horizontal and vertical level involving specialists from various public agencies covering health, education, employment, social services etc. It is important that these agencies cooperate, starting with the development of common strategies, coordinating the budgetary allocations to the community in which it operates in order to

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<sup>158</sup> The National Strategy on Social Inclusion and Poverty Reduction (2014-2020) of Romania, at [[http://www.mmuncii.ro/j33/images/Documente/Proiecte\\_in\\_dezbatere/2014/2014-12-29\\_HG\\_SIncluziune-Anexa1.pdf](http://www.mmuncii.ro/j33/images/Documente/Proiecte_in_dezbatere/2014/2014-12-29_HG_SIncluziune-Anexa1.pdf)], last access: 18.03.2015, p. 18

<sup>159</sup> Idem, p. 29

<sup>160</sup> Idem, p. 29

<sup>161</sup> Idem, p. 31

have a synergistic impact. In this regard, the emphasis is on the development and establishment of procedures, methodologies and clear protocols to support multidisciplinary collaboration between different agencies.

The development of customized services for various vulnerable groups, services where there is a deficit of 11,000 social workers<sup>162</sup>, and the need for the Government to develop a training system for this purpose. Secondly, the strategy presents a series of objectives and actions tailored for different vulnerable groups.

The need for involvement of beneficiaries in decisions relating to the provision of social services; the strategy underlines that the social responsibility of each citizen should be stimulated and encouraged.

Improving the design of social services through an effective system of collection, processing and interpretation of data, while identifying a low capacity of local authorities in this respect, which leads to problems on the assessment of the needs of different social groups and monitoring the effectiveness of services provided.

The main reproach that can be made to this section refers to the lack of solutions considering lower costs and greater impact in solving the identified problems and needs in the subsections mentioned above. In this regard, we note two concrete proposals:

To develop mechanisms to encourage the establishment of public-private partnerships on the delivery of social services by NGOs and experts to provide community needs analysis and impact assessment methods of provided social services.

To provide clear explanations, examples and arguments for a clearer understanding of the causes and the impacts for each measure, course of action or objective proposed.

The section on education aims at developing education on preschool, primary, secondary, tertiary levels, enhancing the access to quality training for various social groups, including vulnerable groups and children with disabilities, Roma or marginalized areas. The Action Plan presents action measures, but, on the one hand, it lacks to provide budgetary costs, clear targets data subjects, or to show their impact on growth and social

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<sup>162</sup> The National Strategy on Social Inclusion and Poverty Reduction (2014-2020) of Romania, at [\[http://www.mmuncii.ro/j33/images/Documente/Proiecte\\_in\\_dezbatare/2014/2014-12-29\\_HG\\_SIncluziune-Anexa1.pdf\]](http://www.mmuncii.ro/j33/images/Documente/Proiecte_in_dezbatare/2014/2014-12-29_HG_SIncluziune-Anexa1.pdf), last access: 18.03.2015, p. 36

inclusion and poverty reduction. There are, however, measures proposed in the strategy, which could have a negative impact in society, such as the impact of initiating a loan program for students in order to promote access to tertiary education for poor students. And those effects are not addressed in detail.

The strategy addresses a number of general health measures such as increasing equity concerning access to health services, provision of health services relevant to various vulnerable social groups and access to quality health services. This section addresses important aspects of infant mortality, the infectious diseases, poor health in various poor communities, including the Roma or rural minor issue of abortion and maternal and life expectancy lower than the European average<sup>163</sup>. The Action Plan proposes a series of objectives and priority actions, but does not cover measures for providing care for the elderly, for instance.

The Section on housing covers issues related to increasing access to housing, quality of living conditions, development of social housing, and emergency support for persons deprived of their homes. The action plan specifies two targets for emergency support and housing services increased access to vulnerable people, ignoring other categories such as young people, young families, people who lost their homes in natural disasters or confiscation by banks. These few categories mentioned, will become a burden for the state or later will have a negative impact on social inclusion and on the fulfilment of their role as active citizens in society, as it is pursued by this strategy<sup>164</sup>.

The social participation (seventh section of the second chapter) is viewed as a separate section on people-oriented policy, but it is mentioned at the section referring to social services as well. This makes the concept of social participation to be highly important, but the arguments for it are losing strength, because the envisaged aspects focus on stimulating volunteering, reducing discrimination, increasing tolerance, increasing the level of trust in institutions, by using new technologies to increase information society, and

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<sup>163</sup> The National Strategy on Social Inclusion and Poverty Reduction (2014-2020) of Romania, at [[http://www.mmuncii.ro/j33/images/Documente/Proiecte\\_in\\_dezbatere/2014/2014-12-29\\_HG\\_SIncluziune-Anexa1.pdf](http://www.mmuncii.ro/j33/images/Documente/Proiecte_in_dezbatere/2014/2014-12-29_HG_SIncluziune-Anexa1.pdf)], last access: 18.03.2015, p. 42

<sup>164</sup> Idem, p. 4

to stimulate and empower people, rather than designing measures involving the correlation between providing good quality education with a focus on social involvement and the openness of specific responsible institutions requiring civic participation, as a consequence active citizenship starts in school and continues in the society<sup>165</sup>. The level of trust should be, indeed, an objective pursued by this component of the strategy, because the institutions are “performing a role in economic transactions”<sup>166</sup>. Thus, the level of trust can influence the level of confidence of citizens when addressing certain institution for social provisions. Nevertheless, considering that the beginning of the third millennium comes with the technological revolution that immerses the digital sphere in the everyday life of society, the rapid expansions of media technology, the universal access to the Internet, the continuous online presence in the social media are fundamentally changing the cultural and social experience. These emerging technologies have transformed everything that constitutes our notion of “reality” and perception of the world<sup>167</sup>, so their use by the institutions could significantly increase social participation. This area is opening up new possibilities and it is a direction that should be highly considered within people-oriented policies.

The third chapter of the strategy refers to regional policies involving two components: the analysis of the geographical extent of poverty and the integration of marginalized communities<sup>168</sup>. The strategy emphasizes the need for measures aimed at reducing geographic inequalities, to be observed between rural area and small towns and larger cities in terms of supply, demand and access to social services and specialized and trained staff. With regard to marginalized communities, the strategy divides it into: rural

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<sup>165</sup> Tony Breslin, *Building Social Cohesion: The Role of the Citizenship-Rich Schools*, p. 125 in Shuayb, M. (Ed.), *Rethinking Education for Social Cohesion*, Palgrave Macmillan, London, 2012, pp. 125-136

<sup>166</sup> Kluth, M. F., *The Political Economy of a Social Europe. Understanding Labour Market Integration in the European Union*, Palgrave Macmillan, London, 1998, p. 10

<sup>167</sup> Anamaria Tomiuc, *Navigating Culture. Enhancing Visitor Museum Experience through Mobile Technologies. From Smartphone to Google Glass*, *Journal of Media Research* 7, no.3, 2014, p.34

<sup>168</sup> „areas where the shortage of human capital is combined with the low employment and with inadequate living conditions”, The National Strategy on Social Inclusion and Poverty Reduction (2014-2020) of Romania, at [\[http://www.mmuncii.ro/j33/images/Documente/Proiecte\\_in\\_dezbatare/2014/2014-12-29\\_HG\\_SIncluziune-Anexa1.pdf\]](http://www.mmuncii.ro/j33/images/Documente/Proiecte_in_dezbatare/2014/2014-12-29_HG_SIncluziune-Anexa1.pdf), last access: 18.03.2015, p. 54

and urban communities and Roma communities. Priority actions targeting the two components define the complexity of the measures to be taken in order to have real impact in reducing poverty and social disparities. Thus, the action plan envisages directions that relate to serious issues such as the development of road infrastructure, water, sewerage, medical, educational or lack of property documents or identity documents.

The fourth chapter of the strategy refers to strengthening institutional capacity to reduce poverty and increase social inclusion. In this respect, the authors of the strategy identify four strands aimed at addressing the capacity to formulate and implement social policies, cross-sectorial cooperation and integrated approach to policy development, creation and development of monitoring and evaluation, and the use of new technologies in the provision of social services. Referring to the integrated approach to social policy, the authors propose establishing a committee on social inclusion, which has the responsibility for implementing the action plan of this strategy; development of quality standards, specific legislation; training of specialists required in implementing social policies; encouraging active participation of vulnerable groups in the communities to which they belong; and adequate funding social policies.

However, we may be underlying three major criticisms:

1. The need of arguing the proposal to establish a committee of social inclusion by considering that there are already specialized institutions in the following ministries: Labour, Family and Social Protection for the Elderly, National Education and Research, Health, European Funds, respectively Regional Development and Public Administration and other central public administration authorities competent in the field: the National Authority for Child Protection, Directorate-General for the Protection of Persons with Disabilities, the National Payments and Social Inspection, National Agency for Employment, National Agency Antidrug etc., and those institutions should coordinate their courses of action and to cooperate in the implementation of these directions in order to reduce poverty and promote social inclusion.
2. We believe that, the lack of trained specialists is not so much a problem, but the lack of public sector employment opportunities for young graduates in the fields of

social work and providing specialized courses for those already engaged in providing social services are the real issues.

3. The authors of the strategy propose that the state should “provide an appropriate budgetary allocation from local and national” for the targeted measures, but we consider that the strategy itself should contain a separate section on the budget proposal for each envisaged measures<sup>169</sup>.

The last chapter of this strategy presents nine key initiatives recommended for the period 2015-2017, while after analysing the action plan, the Romanian Government should select ten priority initiatives. These initiatives could be classified as follows: two on income and employability, two on poor communities, three with regard to children and young people through the social services and education, and the last three focus on capacity building measures of the responsible institutions.

#### 4. Conclusions and recommendations

The national strategy on social inclusion and poverty reduction is a global and complex document, with a very difficult, ambitious purpose to achieve. All this while the great drawback of this strategy is that it does not describe the *status quo* for each target area from analysing the roles of the involved institutions and the financial allocations in recent years, continuing with arguing the impact provided by the proposed measures or setting clear targets for each area mentioned in the strategy. These drawbacks will make the development of action plans for each area to be difficult and to require a longer time to achieve them or to create superficial action plans. This issue might involve a progress report from the European Commission similar to the one from February 2015 criticizing the results and actions Romania today<sup>170</sup>. Also, due to lack of data and specific targets on

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<sup>169</sup> The National Strategy on Social Inclusion and Poverty Reduction (2014-2020) of Romania, at [\[http://www.mmuncii.ro/j33/images/Documente/Proiecte\\_in\\_dezbatare/2014/2014-12-29\\_HG\\_SIncluziune-Anexa1.pdf\]](http://www.mmuncii.ro/j33/images/Documente/Proiecte_in_dezbatare/2014/2014-12-29_HG_SIncluziune-Anexa1.pdf), last access: 18.03.2015, p. 56

<sup>170</sup> For more details see: *Country Report Romania 2015, Including an In-Depth Review on the prevention and correction of macroeconomic imbalances*, Commission Staff Working Document, Brussels, at: [\[http://ec.europa.eu/europe2020/pdf/csr2015/cr2015\\_romania\\_en.pdf\]](http://ec.europa.eu/europe2020/pdf/csr2015/cr2015_romania_en.pdf), last access: 16.03.2015



action measures and objectives, the impact analysis for intermediate or end result of the implementation of the strategy will be a difficult step to take, perhaps involving erroneous results. However, given that the action plan derived from this strategy does not present sufficient concrete actions it will be difficult to be implemented in the near future.

As a result of the mentioning in the text for several times of a shortage of specialists and the budget constraints currently incurred as a result of the economic crisis, we propose outsourcing certain services necessary for the development and implementation of social services, such as collecting field data on vulnerable groups and their specific needs, developing performance indicators, monitoring and evaluation of social services supply. Concretely, the state needs to establish legal and financial mechanisms for cooperation with independent experts, research institutes, universities or specialized NGOs to provide these services.

The collaboration based on the method of case management method should be conducted as in the case of project management, which involves establishing a clear timeframe, the necessary resources (especially human, financial, material), defining the responsibilities of local authorities and the concerned institutions with very concrete objectives and activities addressing specific target groups, following certain outcomes that are measured by precise indicators, and of course, based on clear, but flexible legal regulations.

In order to achieve the indicator of 580,000 people out of poverty, we propose directing efforts at the level of 41 counties plus Bucharest on an average of 13,809 people, which would mean a total of 3,452 poor families per county<sup>171</sup> on which to focus the integrated supply of social services, the financial efforts and monitoring process until the end of 2020. Otherwise, if the strategy and policy strategies are not focussed and without a coordination at the local level in all existing institutions involved in providing social services or design, the aim of reducing the number of poor people will be almost

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<sup>171</sup> Considering a family of two parents and two children

impossible to be achieved, and, obviously, only if the optimistic scenarios about economic growth and income will materialize<sup>172</sup>.

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<sup>172</sup> The National Strategy on Social Inclusion and Poverty Reduction (2014-2020) of Romania, at [http://www.mmuncii.ro/j33/images/Documente/Proiecte\_in\_dezbatere/2014/2014-12-29\_HG\_SIncluziune-Anexa1.pdf], last access: 18.03.2015, p. 12

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