

## INSTITUTIONAL COOPERATION BETWEEN ROMANIA AND EUROPEAN UNION IN SOCIAL CRISES PREVENTION

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*Romania, as an European Union member, needs to reassess some of its constitutional provisions in order to ensure full alignment of its national institutions to the EU structures. In this respect, some important additions to the Romanian Constitution are mandatory. First, a clear delineation of competences is necessary. Second, the principle of subsidiarity governing the EU exercise of competences should also be part of the Constitution.*

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Romania, as an European Union member needs to reassess some of its constitutional provisions in order to ensure full alignment of its national institutions to the EU structures. In this respect, some important additions to the Romanian Constitution are mandatory. First, a clear delineation of competences is necessary since, at the level of the EU, there are two types of competences: exclusive and shared. Second, the principle of subsidiarity governing the EU exercise of competences should also be part of the Constitution. Moreover, the same document should set out very clearly the role of the national Parliament in supervising the Romanian Government's application of the European law, as well as in monitoring the correct application of the principle of subsidiarity by the European Union.

The principle of subsidiarity is a feasible and real solution already put into practice in Romania. From this perspective, the subsidiarity should be viewed both as an answer to the growing expectations of citizens to increasingly take part in the making of those decisions that are of direct concern to them, and a necessary debate over the "power" relationships. On the other hand, the subsidiarity is also an organization principle that distributes competences among local, county and national authorities. Moreover, this principle should be viewed as a means to change the manner in which the state acts towards local communities. Thus, besides helping or supporting them, by applying the principle of subsidiarity the state should also encourage their initiatives to find solutions to their own

problems instead of solving these in their place. In other words, the state should “withdraw” itself from the social areas where a community can manage its own current problems. The reasons for such an approach are more than obvious and reside in the fact that a community is more aware of its problems than the central institutions and, therefore, can find better more objective means to solve them.

Obviously, the inclusion in the Romanian Constitution of article 148 in 2003 [1] was necessary and granted Romania’s accession to EU. For the time being, the aforementioned article defines the relationship between Romania and the European Union concerning the transfer of some responsibilities to the European Union institutions and the management of the competences listed in the treaties in a shared manner with the other EU member states. Related to these aspects, the Romanian Constitutional Court ruled out that Romania’s accession to the EU respects national sovereignty and is a process that allows for a renewed and more complex approach to the latter given the historical circumstances.

However, the collaboration framework among Romanian institutions and between these and their EU counterparts, such as the European Court of Auditors or the European Ombudsman in the field of social crises prevention can be improved.

On the other hand, one must notice that in the EU states community law and national law are interdependent and complementary, and they have some common goals and objectives: the economic development of the member states, as well as ensuring an increasing standard of living for all EU citizens.

Community regulations do not exclude national norms. Every state has the right to develop and implement its own legal framework in order to solve its national issues by observing, at the same time, the general EU requirements. One may rightfully regard this as a correct implementation of the subsidiary principle. The community legal norms and the national norms are thus complementary and address the challenges which Europe faces at the beginning of a new century and millennium.

Our country has made significant efforts to accede the EU, and in doing so it has adopted a new legal framework that is harmonized with the community one, as well as a European-like administrative framework, which address cooperation between Romanian and European institutions in the field of social crises prevention.

After EU accession, the whole national administrative philosophy has to be compatible with the EU’s transnational administration. More precisely, an institutional construction must be made to ensure the efficient coordination of the national administrations for the purpose of

preparing Romania to solve the EU-related problems. In order to accomplish this goal, it is necessary to assess the national interests from the community partners' viewpoint: EU Commission, EU Parliament, other member states.

To various extents, the entire national administration is involved in the community's public policies management, whereas the skill transfer at the transnational level makes the line between internal and external policies thinner and thinner in the effort to find common solutions [2]. This process encompasses adapting the Romanian administration to the new realities to achieve performance at the national and community level.

At this moment, Romania has strong democratic institutions engaged in a dynamic process of consolidation and improvement, and are able to sustain the state's normal functioning both inside and within international cooperation activities. The state's institutions must be credible, accountable to the citizens, and endowed with an independent justice system. Also, they must be major landmarks of the state's stability and democracy, in accordance with the values that characterize Romania as a member of international bodies and organizations. From this perspective, any major deviation from providing such a performance in the actions taken by the Romanian institutions can be regarded as a threat to national security. Thus, the risk factors identified in the last years in the proper functioning of democracy

and legality, as well as of the strategic components of the state pertain to permanent analysis and action [3].

An efficient and democratic administration implies the radical improvement of the institutional potential at the central and local level, while the sole utilization of the administrative tools, i.e., transparency, correctness and accountability in terms of spending the public money, can effectively contribute to increasing the citizens' standard of living and decreasing the likelihood of social crises. Therefore, public administration bodies must be competent, agile, and adaptable to the new requirements while serving the citizens' interests. On the way to the EU accession, the Romanian institutions had to display the ability to implement the regional development policies and to assure that structural funds should be used totally, efficiently, and legally.

The efficiency of public administration has always been an essential prerequisite of Romanian citizens' security and prosperity. The EU integration process has proved that both the efficiency and the public perception of the administration can be affected by some factors such as corruption, excessive bureaucracy, limited experience in critical fields of activity, unrealistic programs, insufficient authority of justice, public authorities' reduces capacity to manage civil emergencies.

As some of the main pillars of good governance, justice independence and efficiency, as well as the increase

in the people's trust in justice are top priorities meant to guarantee its European quality standards. In the context of this national effort, the state institutions should provide the necessary conditions – legal, organizational, human and material – to support the radical transformation of the state institutions for the purpose of accomplishing Romania's strategic objectives as a EU member state.

Currently, the war on corruption requires that the state institutions should function and be integrated in a system in which vital information circulates in legally and adequately, responsibilities are clear and not redundant, collaboration is tightened among European bodies, and roles are performed timely and legally [4].

For a better understanding of the state's current situation in the new international context and its interdependencies with the transnational organizations, one should comprehend the three-stage process of the state transformation and adaptation: at the political level, from a subjects' state to a citizens' state; at the economic level, from an autarchic state to an interdependent state; at the symbolic level, from a state in charge with providing physical security to a state in charge with providing its citizens' economic and social security.

As far as the EU is concerned and according to the principle of subsidiary, the member states commonly decide upon the problems that are better solved at that level than the national level. If decisions

prove to be more efficient at the state or regional level, that is, more closely to the citizens, than they must be taken without the EU interference [5]. Consequently, the EU states have delegated part of their power to the EU, and decisions of common interest are made at the community level.

The three main decision-making institutions are: the European Parliament, which represents the EU citizens and is elected by them, the EU Council, which represents the member states, and the European Commission, which pursues the EU interests. This institutional triangle develops policies and adopts documents (regulations, directives, decisions, etc.) applied in the entire EU. The EU norm application is supervised by the Court of Justice, whereas the financial part is verified by the European Court of Audit.

The relationships between the EU and Romanian institutions are based on partnership, cooperation and mutual advantages. Their objective is to increase the citizens' social, economic and cultural wellbeing, to promote peace and social-economic development all over Europe and worldwide. Ever since it was set up in 1957, the European Parliament fully participates in developing community legislation and in managing the EU. The European Parliament exerts three fundamental powers: legislative, budgetary and control over the executive.

The goals of the European politics are to go beyond the boundaries of

the social and economic framework established by the community treaties and to achieve a common strategy in preventing the social crises, as well as many other fields of activity such as war on drugs, fraud and international crime.

In addition to the aforementioned aspects, the EU Parliament pays special attention to human rights in Europe and all over the world, with an emphasis on social, economic, political aspects which are referred to in six main chapters: dignity, freedom, equality, solidarity, citizenship and justice.

As far as the strategic goal of solidarity and prevention of social crises is concerned, the most important topics approached by the Parliament included: demographic challenges and solidarity between generations, sustainable economic growth and the use of labor force, social and economic impact of enterprise restructuring in Europe (particularly in the car industry), social protection and integration, effects of globalization on the internal market [6].

The EU Council, also known as the Council of Ministers, has no equivalent. The EU member states issue laws, establish policy objectives, coordinate national policies and solve disagreements between them and other institutions. One may state that the EU Council sometimes displays the characteristics of a transnational organization, and some other times it displays the characteristics of an intergovernmental organization.

Besides, it comprises the representatives of every member state at the ministry level.

On the grounds of the European Community establishment treaty, the Council has the following responsibilities: it is the European Community's legislative body with regard to a wide range of aspects; it coordinates the member states' general economic policy; it secures international agreements on behalf of the community; together with the European Parliament it is the community's budgetary authority [7].

The EU Council adopts the following documents, which become mandatory for all the members: regulations, which are applicable everywhere and in the most comprehensive way; directives, which harmonize the members' goals and objectives, but allow them, at the same time, to choose the methods to achieve these goals and objectives. This means that the national governments need to take measures to put in practice these documents.

The European Council comprises the chiefs of the 27 EU states and/or governments and the president of the European Commission. It is not the same as the Council of Europe, which is an international body; nor is it the same as the Council of United Europe, which consists of ministers. From a legal point of view, the European Council is not an institution of the European Communities, but it plays an important role in all the EU's fields of activity by defining the general political trends [8]

or by providing solutions to difficult problems such as social crises.

The European Commission represents the common interest and personality of the union, with an emphasis on protecting its citizens' interests. Its role is to ensure the free circulation of goods, services, capitals and people across the EU territory. The commission is the EU engine: it elaborates legislative proposals and supervises their practical application. Also, it acts as an executive body meant to manage and implement the EU budgetary policies.

Apart from the institutions previously presented, there are other bodies, offices, and agencies at the EU level that represent the members' social, economic and regional interests: consultative bodies (Economic and Social Committee, Regions Committee), financial bodies (European Banks of Investments, Central European Bank), control bodies (European Ombudsman, European Control for Data Protection), subsidiary offices and agencies, inter-institutional offices and agencies, decentralized offices and agencies, personnel

selection offices, administration schools, foundations, authorities, etc.

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