

The European Union of 25-27. The Enlargement Towards Central and Eastern Europe. The Romanian Case

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The enlargement represents the second major dimension of the European construction. It is part of the European

integration and of Europe's federal unity plan devised by the founding fathers.

Theoretical considerations

In the specialized literature the enlargement is defined as "an organization as a process of gradual and formal horizontal institutionalization of organizational rules and norms" (Schimmelfennig, Sedelmeier 2005: 5).

Institutionalization means a process through which the actions and the interactions of certain social actors become normative models.

In other words, the enlargement is the process through which the political, economic, normative system of an international organization, for example the European Union, was and is horizontally extended to other member states. The difference between horizontal and vertical in this process is comparable to "widening" and "deepening", these concepts being used in the European integration process.

This is a step by step process because it is based on several stages, which begin for the countries in Central and Eastern Europe with the accession demands, the negotiation process established by the Copenhagen criteria (1993) and continue after the accession when the new members put into practice their commitments and the Union's policies.

This process is based on the Rome Treaty (A. 237), which states that any European country can apply for becoming a member of the European Communities. The Treaty was reinforced by the Maastricht Treaty (1992), without clearly defining the term "European".

The failure of Marco to become a member of the European Economic Community showed that to be "European" means at least to be geographically in the North of the Mediterranean Sea (Coffey 2003: 5-7).

A better definition of the "European" term was given by the European Commission at the

Lisbon European Council (1992), when were underlined the geographical, cultural and historic aspects of the term (Vesa, Ivan 2001: 16).

The historical-cultural dimension of the integration process was a constant aspect of the enlargement, especially as it corresponded to the diversity and pluralism that characterized and characterizes Europe. One of the European Union's founding fathers said "We have to foster Europe not only for the free nations, but also for the ones in the East who need our assistance and moral support" (Dumont 1997:81).

The enlargement process was based on various reasons coming from the European Union and the candidate countries (Wallace 2005: 292-294).

The integration vectors were economic and political for the first wave of enlargement (Great Britain, Ireland, Denmark) or political (security) for the last one (Central and Eastern Europe).

The success or the failure of the Union's enlargement can be measured according to its costs and benefices. If the Union succeeded to integrate new members, thus reducing *the marginal cost in favor of certain net benefices (common norms and rules, a bigger market, competitiveness, a greater negotiation capacity in international relations)* the enlargement was a success. We will find out the answer in the following years, after the transitions periods offered to the new members.

We think that the European Union is the present answer the founding countries of the European Communities and those who acceded after their creation gave to the European unity plan, presented by Robert Schuman on 9 Mai 1950.

The European Union tends to become a more important global actor, who can and has to offer to its members the framework for a modern economic development, an integrated market based on economic and monetary union, but also security.

The Union had to respond to the division consequences caused by the Cold War, the transition in the former communist countries through a coherent policy, gradual, determined by economic relations (market relations), political and security ones (the management of the European crises) in which the enlargement was an important element, underlined by Jacques Delors, Romano Prodi, Gunther Verheugen, etc.

The enlargement towards Central and Eastern Europe will confront the Union with numerous nationalisms and transition problems, but will also bring numerous competitive and dynamic economies, a large number of consumers and qualified workers, which might represent the comparative advantage of the United Europe with respect to its global competitors (Kok 2005).

The accession reasons for one state or another were determined by economic, political, security interests, etc. For some states like Great Britain, Ireland or Denmark, which represented the first enlargement wave (1973), it was not about coming back to Europe or reuniting with the European family because they've never left the Liberal Europe.

As Desmond Dinan showed, for Great Britain, the economic reason was the most important (Dinan 2004:7). The best example in this respect was the moment when Great Britain, realizing the damages caused by the restrictions its products had on the European economic market, did not hesitate to abandon the European Free Trade Association, an organization it had created in 1959.

Moreover, the British guessed the global potential the European Community had, especially in the commercial area.

On the contrary, the Irish saw the integration as a possibility to affirm their European identity as a way of keeping their national identity and a way of fighting against the English hegemony. As the author says, acceding to the EEC Ireland did not become more European, but less British (Dinan 2004: 8).

As for the next group of countries that acceded to the Community: Greece (1981) Portugal and Spain (1985), the accession motives

were rather political, taking into consideration the authoritarian regimes from which they liberated themselves at the end of the '70s. Their accession was a guarantee for the consolidation of democratic regimes, but also a support for economic development and modernization.

The next group, made up of Austria, Sweden and Finland, integrated in 1995. All the three countries corresponded to the "European" definition of the integration criteria, having sound economics and consolidated democratic regimes. However, their *neutrality*, so important during the Cold War, risked now to jeopardize their international position. They need to immediately join a security community, without underestimating the role the Internal Market had in their external options.

At the beginning of the 21st century, the enlargement was part of a European geopolitics different from the one of the '90s. The variables that influenced the change were determined either by the "Kosovo crisis" and the "Austrian crisis", or by the reversal of the federalist movement at the end of the 20th century and at the beginning of the 21st century, as well as by a more profound crisis of the nation-state.

If until the Kosovo crisis (1999) the discontent of France and of other member states towards the United States was still timid, after this crisis we witness a stronger criticism towards the American foreign policy, distinguishing a group of states that were interested in developing a military component of the European Union (the creation of an integrated army). The number of those who sustained the affirmation of the European Union not only as a provider of economic stability and modernization, but also as a security provider increased in after 2000.

The enlargement trend announced by the Helsinki European Council (December 1999) was surely influenced also by the effects of the economic globalization- mass migration, conquest of markets, the dynamic commerce with Central and Eastern Europe, which was in a transition period, and the positive political and economic reforms from this region.

The Nice institutional reform (2000) will include in the European institutions' structure 12 of the 13 candidate countries. Moreover, the European Convention will have representatives from Central and Eastern Europe.

In 2004 the European Union enlarged with ten new members, the biggest and maybe the

most challenging enlargement in the history of the European construction.

All in all, the enlargement had *general motives* like the issues related to economic independence and global policies, geopolitical interests (the German case in Central Europe, security interests or the European Union's interest to have states with democratic political regimes and market economy in order to reduce the risks that other interethnic conflicts, like the one in former Yugoslavia, might outburst).

On the other hand, the process had *specific motives*, different from one country to another and might vary from socio-economic problems to security issues and identity preservation.

The enlargement towards Central and Eastern Europe. Reasons and conditions

The integration reasons for the countries in Central and Eastern Europe were more complex, concerning security, economic, political and socio-cultural issues. There is no other ideological alternative or systemic paradigm for Central and Eastern Europe than the one related to the "return to Europe", presented in the studies on the European Union's enlargement (Hughes, Sasse, Gordon 2004: 1-2).

The accession of the countries in Central and Eastern Europe was characterized by certain conditions imposed by the Copenhagen European Council in 1993, which determined certain analysts to be more critic regarding the Union's policies towards the median area and equality principle in the accession negotiations,

However, as Paul Magnette said:

"The enlargement of the European Union with ten new states is the event of the decade. The accomplishment of the Big Europe from the Baltic to the Mediterranean Sea and soon from the Atlantic to the Black Sea represents an essential stage in the history of this region" (Magnette 2004: 6-7).

The enlargement issue represented an important subject for the international relations' theoreticians, especially for those interested in the European integration issue. The writings on this matter were oriented on three dimensions concerning the EU's enlargement policies: the policies of the candidate countries, the policies of the member states as regards the enlargement, the policies of the EU and the enlargement's impact (Shimmelfennig, Sedelmeier 2005: 6-7).

The enlargement process was not a linear one. It was based on the European Union's conditions expressed in the Copenhagen criteria:

1. *politic criterion: rule of law, stability of institutions guaranteeing democracy, human rights and respect for and protections of minorities;*

2. *functional market economy as well as the capacity to cope with competitive pressure and market forces within the Union; the adherence to the aims of political, economic and monetary union;*

3. *implementation of the community acquis* (European Council, Presidency Conclusions para. 7 A (iii), Copenhagen European Council, 21-22 June 1993).

In this respect, the analysis concentrated on the decision making process, the formal acts or the horizontal institutions. In the enlargement analysis we can identify two theoretical currents: rationalism and institutional constructivism.

The rationalist explanations are based on two steps: 1. explanation of the preferences of the candidate countries and of the member states; 2. explanation of organizational collective enlargement decisions at the macro-and policy levels (Shimmelfennig, Sedelmeier 2005: 11).

The institutional-rationalists describe a world where the actors are preoccupied by the maximization of their economic and security preferences. In the event of an interest conflict, the actors turn to negotiations, which have the aim of finding equilibrium between costs and benefits. From this point of view the enlargement is a test to show the power distribution among the members of the EU, but it also shows, according to the game theory, the organization's capacity to maximize its economic, political and security benefits and in the same time to reduce the economic, budgetary and institutional costs of the enlargement (Moravcsik 1993, 1998).

As for the EU members, they also try to maximize their share of the collective benefits and to reduce their contribution to the enlargement's costs.

Sonia Piedrafita and Jose I. Torreblanca consider that there are three logics of the EU's enlargement policy; *efficiency logic, identity logic and argumentation logic* (Sonia Piedrafita and Jose I. Torreblanca 2005: 32-35).

The efficiency logic is based on the rational choosing theory. Based on agreements, the EU's member states define their preference a priori taking into consideration their particular interests and in accordance with the main technical medium, expressed in a common procedure. The power relationships established among the actors are based on coercion, compensation and conviction. The limit of the power relations takes into consideration the particular interests of the actors and their negotiation capacity. In this case, the political institutions are the consequence of the political actions, of agreements practical plans and of the collective actions' resolution of dilemmas. This type of logic considers that the governments of the EU's member states are the most important actor within the European Union, which, on the basis of their interests and expectancies of their political actions, define their preferences before the final phase of the common decision making process, acting for the maximization of their benefits.

The "argumentation" logic (Habermas) is based on the *communicative action theory*, on the "power of language" and on the discourse effects. Thus we talk about a collective communication process, opposed to negotiation, which seeks consensus in the logic of discourse actions and collective norms- finding the "better argument" starting from the discourse and norms logic. The actors are considered to be rational not only when they act in accordance with their interests, but also when they obey the norms and principles accepted by all the others and when they can explain and justify their actions. Thus, legitimacy is determined more by *argumentation* than by *identity* and *efficiency*.

The "identity" logic belongs to the institutional constructivism, starting from the premise that norms and principles influence the negotiations between the member states and the candidate countries, between them and the Union's institutions. According to this theory, the actors' rationality is rather contextual than instrumental, coming from the *community identity* to which the actors belong.

On the other hand, a very important role in the EU's enlargement was played by the democratic values and the cultural context. The decision making process takes into consideration the creation of a *common identity*, based on the promotion of common objectives and visions of the member and candidate countries. Thus, the

collective decision is rather the subject of *identity* than of efficiency. It seeks to develop and protect "the sense of *wenness*" and to establish the solidarity limits.

The sociological current, **the institutional constructivism**, also known as the sociological institutionalism, deals with the *systemic* analysis of the organizational level of the enlargement (the actors, the relationships among them, the principles that determine the actors actions, the norms, the common values). Moreover, the constructivism relies on the ideative and cultural factors of the enlargement- like "community" or "cultural matrix" of the candidate countries, concepts like "socialization" and "Europeanization" (European identity). It is also interested in the degree of the actors' participation (from within or from outside the organization) in the *collective identity* or *fundamental beliefs* definition process (Shimmelfenning, Sedelmeier 2005: 14).

If we compare the enlargements of the European Communities and of the European Union we can notice that for the EFTA countries the proper theory was that of the rational institutionalism- Great Britain, Denmark, Ireland, Austria, Sweden and Finland wanted to maximize their economic and security benefits through the organization - while for the Central and Eastern countries we can notice a constructivist logic - these states wanted to get out of the "Eastern identity" and to "return to Europe". For these states the democratic norms and the values of the European Union were more important than the logic of the maximization of economic and security benefits.

We can not neglect the preferences of the Union and of the member states if we take into consideration some variables like the geographical proximity of Central and Eastern Europe (economic and geopolitical interdependencies) and the socio-economic structure (market access competition, investments and budgetary collections).

The dissolution of the communist regimes in Central and Eastern Europe was soon accompanied by major political and economic changes of the states in the region, which were confronted with the transition from a centralized economy to a market economy (Ghilhaudis 1993: 137-150; Pop 2000; Kornai 2000; Tismăneanu 2001). The only hope of these states was the integration in the Euro Atlantic (NAIO) and

European structures (the European Communities - the European Union). Consequently, these countries showed, ever since the beginning of the '90s, an increased interest in joining the European Communities. The institutions of the 12 did not formally make commitments to these states, but they showed their will to support their efforts towards a democratic regime and a market economy.

Thus, the European Communities proposed to the countries in Central and Eastern Europe several association agreements, known as "European agreements" (Ramses '96: 273-283; Lesquene 1994: 111-136). The first such agreements were signed in 1991 with Hungary, Czechoslovakia and Poland. They were followed in 1993 by the association agreements between the European Communities and Romania and in 1994 by the one with Bulgaria. The last agreements were concluded with the Baltic states. Based on the general principles of market economy, political pluralism and human rights, "the European agreements" replaced the intermediary agreements from 1988-1989, aiming at creating a free-exchange area between the EEC and the countries from Central and Eastern Europe.

The agreements were very profitable for these countries as the EEC eliminated quantitative restrictions, customs fees to some products and provided constant support for the implementation of the community *acquis* in this region. The agreements enjoyed great support in these states although they were not immediately followed by concrete promises of accession.

In Romania, the lack of professionalism inherited from the totalitarian regime, the dissolution of the alliances which Romania was part of, such as CAER and the Warsaw Treaty (1991), had an impact upon Romania's foreign policy.

Shortly after the revolution of December 1989, Romania's image credit was seriously damaged facing a potential threat of isolation in terms of foreign affairs.

Like its neighbours in the Central Europe (The Czech Republic and the Slovak Republic, Hungary and Poland), Romania stated out its firm desire to 'return to Europe', to integrate in NATO and the European Union.

Nevertheless, this approach was more likely a formal one as the Romanian state was far from the 1993 Copenhagen criteria (rule of law, human rights and ethnic minorities protection, functional

market economy able to cope with the competition on the Single European Market and the adoption of the community *acquis*).

In order to respond to these exigencies, Romania had to implement rapidly a radical reform of its economic system which required with priority the privatisation of state owned companies.

The 7 January 1990 Declaration highlighted Romania's desire to set off a collaboration with the EEC. The first results of this new orientation emerged in October 1990 when Romania signed the *Trade and cooperation agreement with the EEC* which became operative in 1991 (Gog 2001: 203). Although this was supposed to be a 10-year agreement, Romania signed it for a five-year term. It applied to all the products originating from the Community except for coal and steel, and agricultural products.

In the second stage, Romania signed a *Treaty of EU Association* (1 February 1993) which was part of the European agreements (see the European association treaty between Romania and the EU posted on the Internet site of the Foreign Affairs Ministry).

This treaty set out an important juridical framework for surpassing the gap between Romania and the civilisation space embodied by the European organisation. The EEC committed to support Romania on its way to a new political and economic system which would respect the rule of law and human rights, including minority rights, practice a multiple party system based on free democratic elections and build up a market economy.

The association agreement also created an institutional framework aimed at developing closer relations between Romania and the EU: the Association Council (political-national level) and the Association Parliamentary Committee (a Commission for Romania's European integration was created) and the Association Committee. The latter is composed of high officials of the Romanian government and the European Council and Committee and assists the Association Council.

The new framework between Romania and the EU allowed a structured dialogue between the two parts at all levels, improved access of the Romanian products on the community market, participation of the Romanian state at all the development projects of trans-European infrastructure networks - transport, communica-

tion, energy, participation in community programs (research, industrial cooperation, energy, environment protection, transborder cooperation, support in the formation and training of staff). The essential component of this agreement was the economic one, seriously affected in previous years and even by the delays in the harmonization of the Romanian legislation with the community legislation.

The European Council from Copenhagen (June 1993) pointed out more clearly the exigencies of the European Union towards the candidate countries, the structures and the synthetic guidelines of evaluation at the political, economic and social levels.

A new step ahead was made through the publication of the White Book in 1995 and, particularly, through the 2000 Agenda, acknowledged in 1997.

The abovementioned documents were preceded by the *Pre-accession strategy* adopted by the European Council from Essen (December 1994), aimed at preparing the economy of the candidate countries for the rules of the EU internal market. This strategy made the distinction between the alignment to the internal market and the EU accession. The EU accession involved thorough acceptance of the community *acquis*.

Romania's answer to the abovementioned documents was the working out of a 'Declaration' (Snagov Declaration from 21 June 1995 signed by most of the Romanian political forces) which supported the '*National strategy for Romania's pre-accession to the EU*' (From Essen to Cannes 1995: 145-227).

The flaws of the document consist in the lack of understanding of the European integration phenomenon by overlooking the economic and social costs of this action. We find ourselves again in the '*mimesis*' era as the government pleaded for a '*Europe of the countries*' in which the transfer of sovereignty is limited.

In 1995 Romania submitted the application in view of accession. The change of the political regime in 1996 forecast the improvement of Romania's image abroad but this was soon damaged by the lack of coherent policies of Ciurbea government. The application was analysed by the European Commission which worked out and published its '*Opinion*' on 22 June 1997 (Agenda 2000. Avis de la Commission sur la demande d'adhésion de la Roumanie à

l'Union Européenne, suppl. 8/1997, OPOCE, Luxembourg, p. 92).

The Commission analyzed in depth the situation of our country on account of the Copenhagen criteria (1993). They pointed out that the political action was on the right track, still there were gaps to fill in the field of privatization, the enhancement of the juridical regime and the coherence of the economic policies, competition and the adoption of the community *acquis*. The conclusions of the Commission stated out in its '*Opinion*' was highly detrimental to Romania. According to the Commission, Romania could fulfill the medium term economic obligations.

The Government of Romania answered to this '*Opinion*' in September 1997 by criticizing the Commission's lack of sympathy with the economic and social transformations in Romania. The Executive of Bucharest also criticized the EU enlargement strategy which, allegedly, created two groups of countries treated differently, although the EU had committed to respect the principle of equal treatment of the candidate states. At the same time, they criticized the Commission's proposal that the reform of the European institutions, stated out in the new Amsterdam treaty, cover only 20 states (Herlea 1997: 9-27).

In 1997, Romania replied to the Commission by launching the '*National Program for the Adoption of the Community Acquis*' with support from all political parties. In this document, Romania stated out its intentions to create a functional market economy, the strict control of the borders, a stable macroeconomic climate, the consolidation of the legislative framework with regard to property consolidation etc. The modest achievements of the Romanian government in the following period were disappointing to the EU. Consequently, Romania was left out of the group of 'Luxembourg countries' (1997) (Decisions of European Council from Luxembourg, 12-13 December 1997:2)

The European Council from Luxembourg (1997) decided to call out the bilateral Intergovernmental Conference in the spring of 1998 in order to start negotiations with Cyprus, Hungary, Poland, Estonia, The Czech Republic and Slovenia.

Despite the failure in Luxembourg, the '*National Program for the Adoption of the Community Acquis*' allowed further negotiations

between the Romanian institutions and the EU. The European institutions committed to support Romania in several fields: the modernization of the infrastructure, environment protection, the development of small and medium enterprises, the reform of the public administration and statistics. Unfortunately, the report presented by the Commission in 1998 highlighted the weak economic performance of the governments acting between 1996-1998.

Romania's historical moment was 10-11 December 1999 in Helsinki when the European Council decided to organize bilateral intergovernment conferences in February 2000 for setting off negotiations with Romania, Slovakia, Latvia, Bulgaria and Malta (Regular Report from the Commission on Progress towards Accession by Each of the Candidate Countries, *European Commission*, IP/99/75: 1).

On this occasion, the 13 candidate countries were grouped in a unique framework meant to ensure full equity.

The preparations for the European Council from Helsinki took place in Wien (11-12 December 1998) when the Council requested the Commission to work out a *Report* on the candidate countries. The Commission chaired by Romano Prodi was more responsive to the problems of the Central and Eastern Europe. The *Report* concerning Romania stated out the need for Romania to fulfill two criteria: the mobilization of financial resources, the implementation of structural reform of childcare institutions and improvement of the macroeconomic climate. The 1999 Commission Report was earmarked by the Kosovo crisis. The Commission stated out in the forefront the positive political issues in Romania as a consequence of the attitude showed by our country towards the bombing of Yugoslavia. The acceptance of the negotiations with Romania was a step forward on the way to the EU accession.

The negotiations with Romania started on 16 February 2000. On 26 May 2000, the Romanian government closed 5 chapters: small and medium enterprises, science and research, education, training and youth, foreign relations and common foreign and security policy. Position documents were issued for competition, statistics, the law of trading companies, consumer protection, culture and media, telecommunications and information technology, customs union and transport policy. The negotiations with the EU revealed once again

that the Romanian institutions lacked knowledge and specialists in different areas of European integration. The insufficient coordination among ministries and the shortcomings of the 1999-2000 government were also unsatisfactory. However, since 2001, negotiations have improved following a clearer strategy, which was constantly expressed in the reports from the European institutions. (Pușcaș 2004: 5-11).

The Helsinki decision was a political one as Romania claimed serious economic, administrative and juridical delays. The situation worsened in 1999-2000. Romania's official position towards the future European architecture to be discussed in Nice (November 2000) was favorable to a 'United Europe of the Nations'. This position was very much close to Great Britain's, a country which showed very little willingness to give up sovereignty in favor of the Union.

The reform of the European institutions drawn up in Nice (2001) included Romania in the future enlarged Europe (Vese, Ivan 2001). Romania became more active in its relation with the European Union, which shared Romania's opinions with regard to the Constitution of the future united Europe (Jinga 2002: 118-134).

Regrettably, the weak economic performances and the lack of a juridical and economic framework meant to comply with the EU's exigencies, have been delaying Romania's term of accession. In early 2002, the removal of the obstacles from the free circulation of the Romanian citizens in the Schengen area was a positive signal that Romania started to make progress, especially in the field of border control and the uniformization of the Romanian legislation with the European legislation in this field. In 2002, the European Commission's Country Report pointed out the economic progress achieved by Romania. However, contrary to Bulgaria, Romania's status was not labeled as functional market economy, which was an important criteria to finalize the negotiations with the EU. The 2003 Report did not bring any change in this respect using an ambiguous formula which stated that Romania could be considered a functional market economy if they continued the satisfactory progress achieved to date (2003 Regular Report on Romanian's progress towards accession: 121).

Romania continued to fulfill the political criteria, made economic progress, worked out

structural reforms, made progress in the adoption of the community acquis, took anti-inflation measures but was still facing the threat of generalized corruption across the entire society and had little administrative capacity to implement the legislation adopted. At the same time, the Commission criticized the lack of total reform in the field of energy, agriculture, environment protection, mining etc. Nevertheless, the Commission stated out the positive measures taken in the area of inflation and corruption (see Anticorruption National Prosecutor's Office) and ethnic minority protection, especially in respect of the Roma population.

On the whole, the 2003 Report was positive allowing the continuation of the negotiations with the EU. However, the forecast for 2004 was not very encouraging given the general elections which were expected to slow down the pace of the structural reforms.

It is remarkable, however, that ever since 1995, when Romania submitted the application for accession to the EU and until 2003, the country has made significant progress towards finalizing the negotiations and signing the pre-accession treaty with the EU in 2005.

Nevertheless, important negotiation chapters, such as agriculture, competition policies, regional development policies, energy, justice and home affairs, financial and budgetary forecast etc. remained open as they required political will and immediate reforms.

We believe that the accession of the 10 states in May 2004, the greatest enlargement in the history of the European integration, have hampered Romania's negotiations with the EU. In this respect, Romania can build up a new negotiation strategy mainly because the perspectives of immediate enlargement do not always bring up positive effects. For instance, in the field of agriculture, Romania will have to negotiate the statute of over four million individual households for which subsidies will cease starting from 2011-2012. At the same time, we believe that the price of energy will be difficult to liberalize because of the social consequences it draws. Also, there will be delays in public administration, mostly as a result of the fact that the Romanian state lacks sufficient specialists who can implement the community legislation.

Romania managed to finalize the accession negotiations in December 2004, shortly after it received the status of functional market economy. However, 11 conditions were stated out with regard to the reform of the justice, corruption fighting, the reduction of steel production, environment protection etc. The accession treaty was signed in April 2005.

A difficult implementation process of the community acquis will follow and, in our opinion, Romania is not duly prepared. The continuation of the reform in the field of justice and home affairs is, nevertheless, a must.

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