

THE ACCESSION NEGOTIATIONS OF ROMANIA TO THE EUROPEAN UNION. COMPLEXITY IN APPROACHES AND RESULTS

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The EU enlargement process has become the main device in building a new Europe and broadening the area of freedom, justice, solidarity and security. Various diplomatic and economic instruments, through which the EU has positioned itself as one of the key actors on the international arena, can be analysed. Still, the process of accession negotiations is particularly important, due to its complexity in results and approaches, interests and procedures and moreover, the pragmatic relationship between Member States and candidate countries that will determine, in the near future, the way Europe moves ahead.

Why this interest in the accession negotiations process? Answers are to be found both in theory and pragmatic policies. First, accession negotiations are much more different than classic, diplomatic negotiations as foreign policy tools and the technical issues used in accession negotiations stand for that. Second, never before state actors have involved themselves into negotiations for accession to an international entity that has so many clear-cut multiple choices to shape its future evolution. The impact can already be seen both in EU Member States and candidate countries (particularly in Central and South-Eastern Europe).

In this complex framework, a definition is certainly needed. Robert Schuman put it correctly: negotiations with or within the EU are defined in terms of harmonisation and in the end, the fusion of interests of the actors involved. Candidates are at the stage where accession negotiations stand for harmo-

nising interests with the EU, following, after provisionally closing all chapters of negotiations, to start preparation for fusion.

Many issues stand for the complexity of accession negotiation: number of actors, continuous evolution of accession criteria and the Union itself, the impact of the European integration in the Member States and candidate countries, the systematic preparation of candidate countries as concomitant with the internal modernisation and transformation process.

In 2004 it seems that the Union will have 25 members. This is a clear example of the fact that every accession moment has become more complex and comprehensive as the Union suffered significant changes. Thus, Great Britain and Denmark have joined a common market, Spain and Portugal a single market. Furthermore, when Finland, Sweden and Austria have negotiated their accession, the European Community has evolved to a political, economic and monetary union. At present, the applicant countries are negotiating their membership of an integrated institutional structure still evolving.

As regards the accession criteria, they have passed from the Cold War specific dynamics and decisions of a more political nature in favour of accession, became clearer with the Copenhagen and Madrid European Councils and are in full swing at the moment, as new elements have been added in terms of behaviour and society modernisation criteria.

To have a clear view on the way the enlargement process is taken, a closer look has to be taken to the Copenhagen and

Madrid moments. The Copenhagen European Council (June 1993) outlined clear accession criteria, providing the necessary guidance for the applicants, in their quest for

EU membership. The Madrid European Council (December 1995) added another issue to these criteria, that of developing administrative capacity.

Institutional framework

This is the initial framework that Romania encountered when applying for membership. Ever since, significant changes have determined a continuous adaptation of Romania's strategies and policies after the start of the accession negotiations on 15 February 2000. For example, differentiations between groups (e.g. "Luxembourg" and "Helsinki" groups) have disappeared in time and own merits in preparation for accession took the lead on the scene.

Changes within the external framework of accession negotiations determined changes and new approaches in the internal preparation of candidate countries.

For example, starting with December 2000, the Government of Romania approached in a new way the preparation process. This involved a total rebuilding of the institutional and legislative concept dealing with accession negotiation issues. The remake has been initiated in January 2001, through a Government Decision establishing the Ministry of European Integration, as a body comprising the main part of the framework for the development of the process. The institutional capacity of the negotiating team was also strengthened.

As regards the accession negotiation strategy, new dimensions were added. In the external plan, cooperation was strengthened with the EU institutions¹ (European Commission², European Parliament), member states and candidate countries. Special attention was paid to improve communication and amplification of the consultation process with these actors.

In the internal plan, new chapters have been approached and supplementary actions were taken for speeding up adoption and implementation of the *acquis communautaire*. Furthermore, improvements have been made in the monitoring methodology as the respecting commitments assumed in negotiation has become a key principle of the internal preparation.

Intensifying the pace of the negotiations includes not only simultaneous approaching of more chapters of negotiations (widening), but also the deepening of it. It has been considered as insufficient to involve actors only at Government level, being absolutely necessary that social partners be part of the process. Thus, in order to involve a larger social spectrum in the negotiation process and to ensure transparency of this process, internal consultations with labour unions, business associations, political parties and other representative organisations of the civil society were also established³.

If former Governments paid attention especially to the easy chapters and to those focusing on political criteria, the current Government of Romania approached negotiations as a whole process. This due to the fact that preparation cannot be done just for one or other chapter, but rather crosswise in order to become a reliable EU member. Thus, the Government shifted its attention toward chapters that have not been approached at all by the end of 2000, chapters regarding the *four freedoms*, the Single Market, main economic sectors, as well as the economic and social cohesion. The chapters addressed were related to the preparation of the market according to the European standards, creating a business milieu and connecting it to the international business climate and internal market.

In this respect, Romania followed a gradual approach towards chapters with serious budgetary impact. From the perspective of contributions to the GDP and of the massive necessary financial resources, Romania entered into the stage of substance negotiations.

In 2002, the year of qualitative preparation for Romania, efforts focused on opening all chapters of negotiations, advancing in negotiations at the open

chapters and provisionally closing as many as possible. Those objectives were fulfilled: at the end of 2002, all chapters were opened, of which 16 were provisionally closed. For 2003, the primary objectives are to provisionally close as many chapters as possible and to continue the systematic preparation as to obtain the statute of functioning market economy at the end of 2003.

The Government of Romania is at present at a stage in accession negotiations

Fulfilling accession criteria

Accession negotiations are more than a process in which interests of Romania and European Union are assessed, evaluated and brought to a common nominator. In fact, the dynamics of opening and provisionally closing chapters in negotiations are based on the progress that candidate countries are making in fulfilling accession criteria.

While fulfilling political criteria⁴ minimizes the risk (of candidates) of being refused to join the EU and later become politically unstable, the same is valid for the economic aspect of the accession, when it comes to the existence of a functioning market economy and the capacity to cope with competitive pressure within the EU.

Additionally, progress in fulfilling economic criteria is not just a condition imposed by the EU and which applicant countries are obliged to consider if they want to join the club. It is mainly their inherent engine toward modernisation. After all, internal economic reform enjoys a high degree of convergence with the EU economic standards. The cumulative empirical experience in the economic field provides first the basis for which the "economic" chapters⁵ are opened and provisionally closed and then the framework in which the economic reform continues, thus enhancing the progress at other chapters.

In other words, in accession negotiations, the economic preparation remains one of the main arguments for claiming advancement in opening and provisionally closing chapters of negotiation.

When analysing Romania from an economic perspective, it is worth emphasizing

where the costs of implementing the *acquis* in the new sectors approached are huge. In this respect, it should not be mentioned only *Agriculture* or *Environment*, by far more important as share of national GDP, but also chapters related to a functioning market economy, such as *Industrial Policy* and *EMU*, where necessary measures were taken by the Government of Romania in order to combat inflation through specific financial and banking means.

that the economic growth, higher exports, increased industrial production and labour productivity, the lower budget deficit and the investments associated with a substantial decrease of inflation are giving substance to the arguments favouring advancement in negotiations.

Several economic details are necessary here. Despite the world economic downturn, Romania registered in 2001 one of the highest rate of economic growth (5.3%) of all Central and South-Eastern European countries. The growth continued in 2002 (4.5%) and a substantial decrease of inflation was registered (17.8%).

Attention is also paid to create sound and attractive economic environment and giving as many long-term opportunities as possible to all investors. At present, a law covering large-scale investments and providing a combination of special fiscal incentives and measures to improve the business environment is implemented. The Romanian Agency for Foreign Investments was created, as an interface with investors, to coordinate the dimension of promoting FDIs in Romania.

As already stipulated by the European Commission in its 2002 Annual Report on Romania, the economic data are indicating that the fulfilment of the Copenhagen economic criteria is achievable on the medium term.

The ability of Candidate States to take on to the responsibilities of EU membership is the third criterion stated in Copenhagen. It is probably the most complex criterion of all, because it implies more than legislative

harmonisation (adopting / incorporating the *acquis* into the national law system), it also means implementation (enforcement).

Transposing the *acquis communautaire* into the national legislation is an essential process for the Romania's preparation for EU accession. The adoption of the *acquis* modernises the legislation, thus creating the framework for the modernisation of the whole society, making the first step towards the full integration into the EU rules and methods system. During September 2001 – September 2002, almost 300 legal acts with Community relevance have been adopted, of which more than two thirds are directly transposing the *acquis*.

However, Romania is well aware of the fact that internal modernisation means more than adopting legislative acts, it also means effectively applying, implementing them at all levels.

The implementation of the *acquis*, an important aspect in Romania's preparations for accession and for its ability to take on the responsibility of membership, strongly depends on the development of the administrative capacity (the criterion added at the Madrid European Council in December 1995).

In order to comply with this sub-criterion, certain adjustments need to be made in the field of institutional building in order to achieve credibility and predictability. It means creating institutions endowed with sufficient openness, transparency, accountability, powers and considerable decision-making independence. At the same time, these institutions have to be subject to specific performance obligations.

Communication framework

The EU enlargement is not an elite project and accession to the EU involves not only the political class, but also the civil society, every citizen, as entity and identity. Dealing with identities, it could be asserted that accession will benefit the whole society, all its components, of ethnically or politically different nature. The majority of the population and the minorities have the same aim in this respect. Recently, the ethnical

For example, as regards the negotiation chapters, the Romanian authorities are currently implementing a programme for strengthening the national system for conformity assessment and ensuring the condition to sign ECAP (*Free Movement of Goods*). The Centre for Recognition of Professional Qualifications has published the procedures for recognition of professional qualifications, the list of regulated professions in Romania as well as the authorities responsible. Twelve working groups for the regulated professions were established and are currently operational (*Free Movement of Persons*). The Working Group for the Identification of Barriers against the Right of Establishment and Freedom to Provide Services was established (*Freedom to Provide Services*). Compliance with the recommendations of the Financial Action Task Force (Financial Intelligence Unit) is ensured (*Free Movement of Capital*). In order to prevent and combat counterfeiting, OSIM (the State Office for Trademarks) is engaged in the modernisation of the internal IT network, creation of the electronic filing and the administration of the electronic files and the assessment of the ways to improve management (*Company Law*). Further examples can be issued on all chapters of negotiation.

The institutional design issues deserve increased attention as they are determining the success or failure of the effective adoption and implementation of the *acquis* in the longer term, as well as the dynamics of the accession negotiations.

minorities living in Romania have signed a statement supporting the accession of Romania to the EU.

Furthermore, as part of the internal preparations for accession to the EU⁶ and internal communication strategy, special attention is paid to NGOs, trade unions, business associations and other representative organisations of the civil society, due to their heavy importance in

supporting democratic participation, involving citizens in the decision-making process, and bringing them in contact with public institutions. At the end of 2001, a caravan with representatives of trade unions and ministers involved in the process of European integration aimed to further explain the procedural aspects of accession negotiations, costs and benefits resulted of the integration into the European Union. Its objective was also to disseminate information and to familiarise the Romanian citizens with the day-to-day life in the EU and responsibilities deriving from membership, to

increase their level of participation to the decision-making process with regard to the European issues.

In approaching the main target groups, the communication strategy combines the principle of an overall blanket impact on the Romanian public with that of addressing individual target population groups. At the same time, the projects associated to the communication strategy contain a main topic chosen on the basis of opinion surveys indicating the main interests of the population that need to be further discussed.

Conclusions

For the last two years, the overall performance proved that Romania is on a positive trend. In this respect, at Copenhagen, a clear framework for accession was formulated for Romania to join the EU in 2007, provided that further progress is made in complying with the membership criteria. Taking this into account, as well as the potential and political will, Romania is likely to become a reliable EU member.

The accession negotiations and the European integration process cannot be viewed only from the perspectives of opening and provisionally closing chapters of

negotiations, adopting and implementing the *acquis*, following economic reforms or developing administrative capacity. They reflect after all the choice of the whole society to resonate with the European nations. Ultimately, Europe cannot be merely technically connected. A closer interdependence of initiatives on different levels will be decisive for the future. In the end, fusion of the interests of the actors involved in the process of enlargement will create new identity, new approaches, and new views: in other terms, a new start for the European community.

¹ The result was a greater fluidisation of information flux, and furthermore the elimination of the blocking points in different negotiation chapters.

² Before the official submission of the position papers to the EU Council, the consultation with the European Commission allows for the identification of specific requirements on different chapters of negotiation, right from the preparation stage and, as a result, for the preparation of complete and quality position papers.

³ For example, in the process of preparing the position papers for the negotiation chapters.

⁴ As a prerequisite for starting accession negotiations, fulfilling political criteria is also perceived as a basis for consolidating democracy and the rule of law, respecting human rights and fundamental freedoms (civil and political rights) and protecting minorities.

⁵ Chapters related to the economic and social cohesion, internal market, and the four freedoms.

⁶ In order to ensure transparency of the accession negotiation process, all of the negotiating chapters were discussed with NGOs, trade unions, parliamentary political parties.