UNIVERSITY OF CRAIOVA
FACULTY OF SOCIAL SCIENCES
POLITICAL SCIENCES SPECIALIZATION

Revista de Ştiinţe Politice. Revue des Sciences Politiques

No. 69 •2021

UNIVERSITY OF CRAIOVA
FACULTY OF SOCIAL SCIENCES
POLITICAL SCIENCES SPECIALIZATION

Revista de Ştiinţe Politice.

Revue des Sciences Politiques

No. 69 • 2021

Contact: Revista de Ştiinţe Politice. Revue des Sciences Politiques
University of Craiova, 13th A. I. Cuza Street, Craiova, 200585, Dolj, Romania. Phone /Fax: +40251418515,
Email: cepos2013@gmail.com. Website:http://cis01.central.ucv.ro/revistadestiintepolitice/

(Online) - ISSN 2344 – 4452
ISSN–L 1584 – 224X

No. 69 • 2021

Revista de Ştiinţe Politice.
Revue des Sciences Politiques

NOTE of the EDITORIAL BOARD: *Revista de Ştiinţe Politice. Revue des Sciences Politiques* is abstracted by / indexed in:

EBSCO
Political Science Complete (accessed **April 08, 2021)**
Database Coverage List: https://www.ebscohost.com/titleLists/poh-coverage.htm
Category Social Sciences & Humanities: https://www.ebscohost.com/titleLists/poh-subject.htm
Central & Eastern European Academic Source (accessed **April 11, 2021)**
Database Coverage List: https://www.ebscohost.com/titleLists/e5h-coverage.htm

ProQuest Database: Political Science Database
ProQuest Political Science Database Title list accurate as of **3 April 2021 (position 1066)**
http://tls.search.proquest.com/titlelist/jsp/list/tlsSingle.jsp?productId=1005684&_ga=2.52655656.1051237904.1586630685-491238151.1586630685

INDEX COPERNICUS
ICI Journals Master list, https://journals.indexcopernicus.com/search/details?id=29570
ICV 2019:94.31; ICV 2018: 97.28; ICV 2017: 88.23; ICV 2016: 78.07; ICV 2015: 65.59; ICV 2014: 65,01 ● Standardized Value: 6.55; ICV 2013: 5.04

ERIH PLUS
https://dbh.nsd.uib.no/publiseringskanaler/erihplus/periodical/info.action?id=486286

ERIH PLUS disciplines:	Interdisciplinary research in the Social Sciences Political Sciences and International Relations
OECD classifications:	Other Social Sciences Political Science

CEEOL
Central and Eastern European Online Library
http://www.ceeol.com/search/journal-detail?id=2102

KVK Catalogue Karlsruhe Institut für Technologie
https://kvk.bibliothek.kit.edu

Gale Cengage Learning - Academic OneFile
Report Generated 04/01//2021 (position 17045) https://support.gale.com/tlist/products/

Google scholar
https://scholar.google.com/citations?user=geaF_FgAAAAJ&hl=ro; h-index: 10; i10-index: 10

JISC Library Hub Discover
https://discover.libraryhub.jisc.ac.uk/search?&keyword=1584-224x

TIB Leibniz Information Centre University Library
https://www.tib.eu/en/search/id/TIBKAT%3A590280090/Revista-de-%C8%99tiin%C8%9Be-politice/

Réseau Mir@bel
Mir@bel est piloté par Sciences Po Lyon, Sciences Po Grenoble, la MSH Dijon/RNMSH et l'ENTPE
https://reseau-mirabel.info/revue/3046/Revista-de-Stiinte-Politice

Clasificación Integrada de Revistas Científicas – CIRC 2021
Clasificación Ciencias Sociales: C
https://clasificacioncirc.es/ficha_revista?id=42634

CONTENTS

Revista de Ştiinţe Politice. Revue des Sciences Politiques

RSP • No. 69 • 2021

Outlook of the Organizational Resilience and Governance: COVID-19 Timeline

Revista de Științe Politice. Revue des Sciences Politiques • No. 69 • 2021: 9 - 12

EDITORS' NOTE

Outlook of the Organizational Resilience and Governance: COVID-19 Timeline

Note of the Editors of the *Revista de Ştiinţe Politice. Revue des Sciences Politiques*

Issue 69/2021

Anca Parmena Olimid[1)], Cătălina Maria Georgescu[2)], Cosmin Lucian Gherghe[3)]

Issue 69/ April 2021 of the *Revista de Ştiinţe Politice. Revue des Sciences Politiques* presents the contributions in the field of organizational resilience and governance, addressing in-depth theoretical and empirical background and conceptual arguments in a pandemic context.

The current issue proposes more than seventeen research topics, performing large data sets, legal analyses, statistical analyses, quantitative and qualitative analyses,

[1)] Associate Professor, PhD, University of Craiova, Faculty of Social Sciences, Political Sciences specialization, Editor in Chief of the *Revista de Ştiinţe Politice. Revue des Sciences Politiques*, Romania, Phone: 0040351403149, Email: anca.olimid@edu.ucv.ro.
[2)] Lecturer, PhD, University of Craiova, Faculty of Social Sciences, Political Sciences specialization, Deputy Editor in Chief of the *Revista de Ştiinţe Politice. Revue des Sciences Politiques*, Romania, Phone: 0040351403149, Email: catalina.georgescu@edu.ucv.ro.
[3)] Associate Professor, PhD, University of Craiova, Faculty of Social Sciences, Political Sciences specialization, Managing Editor of the *Revista de Ştiinţe Politice. Revue des Sciences Politiques*, Romania, Phone: 0040351403149, Email: cosmin.gherghe@edu.ucv.ro.

by emphasizing how the social sciences research evolved during the COVID-19 pandemic. In that sense, the research questions provide an overview of the narrow topics namely:

- the bank profitability and the use of econometric models;
- the public procurement contracts, public works and services;
- the concepts and the analyses of the banking sector;
- the evolution of the public sector during the post-communist period;
- the legal framework of the state of emergency;
- critical approaches to "political corectness"
- the conceptual analysis of the specific language, the professional language and the specialised language;
- the institutional resilience during COVID-19 and the EU legal provisions;
- the inter-state agreements: the economic relations between Poland and Austria;
- the role of the institutional communication within public administration
- the legal and constitutional provisions concerning the conflict between public authorities;
- a new approach to mobility and work;
- the recent challenges of the environmental protection;
- the social and legal encounters of the environmental sustainability;
- the intellectual and analytical understandings of democracy and socialism;
- media coverage of inter-institutional negotiations on the EU Multiannual Financial Framework..

The first article (Klejda Gabeshi, *The Determinants of Bank Profitability in Romania*) generates a new perspective over the research on the banking sector, using the econometric model and the correlation between the bank's strategies, profitability and the trends of the financial markets.

The second article (Andreea-Teodora Al-Floarei, *Resolution of the appeals formulated in the procedure of awarding the public procurement contracts and the concession contracts for public works or services*) provides an evidence-based research on the public procurement contracts and the contracting authorities.

The following article (Ramona Birau, Cristi Spulbar, Amir Karbassi Yazdi, Seyed Arash Shahr Aeini, *Critical success factors for CRM implementation in the Iranian banking sector: A conceptual analysis*) entails a series of considerations concerning the banking system and the links between the economic sector, the customer behaviour and the business success.

The fourth article (Andreea-Roxana Gușă, *The Romanian Kakistocracy: The Public Sector's Ethos during the Post-communist Transition and its long-term impact*)

argues the need for a study of the relationship between the societal development and the transition challenges.

The fifth article [Sevastian Cercel, Ștefan Scurtu, *Considerations on the Intergovernmental Organization for International Carriage by Rail (OTIF)*] addresses the topic of the Convention concerning International Carriage by Rail by focusing on the legal provisions, structure and functions.

The sixth article (Mircea Mugurel Șelea, *The Effects of the State of Emergency/Alert with Regard to the Statute of Limitations for Criminal Liability*) provides evidence and identifies the legal analysis of the state of emergency.

The seventh article (Victor Stoica, *Intellectual Origins and the Evolution of Political Corectness – A Critical Perspective***)** discusses the major role of the conceptual research of the "political corectness" by focusing on the postmodern elements and socio-economic analysis.

The eighth article (Ileana Mihaela Chirițescu, Floriana Anca Păunescu, *Word vs. Term - Language for Specific Purposes*) sets the limits of the theoretical foundation and research of the following concepts: "specialised language", "standard communication", "professional language", "advanced communication", "general language" and "specialized language".

The nineth article [Anca Parmena Olimid, Daniel Alin Olimid, *EU Institutional Resilience and Population Protection during COVID-19: Explaining the Social Impact of the Regulation (EU) 2021/241]* opens the discussion on the instutional resilience, human capital and population protection by exploring the role the EU legal provisions during COVID-19 pandemic.

The tenth article (Agnieszka Kisztelińska-Węgrzyńska, *Legislative foundations of Polish-Austrian economic relations*) sets up the legal background of the economic relations between Poland and Austria by investigating the bilateral agreements and the role of the investment policy.

The eleventh article (Narcis Eduard Mitu, *Importance of Communication in Public Administration*) establishes the relational perspective on the public administration by linking the research of the topics: "institutional communication", "stakeholder communication", "inter-institutional communicartion, "crisis communication" and "citizen communication"

The twelfth article (Elena Cristina Murgu, *The President: the mediator of the conflicts between public authorities or part of a legal conflict of a constitutional nature?*) supports the subsequent goals of the research: the legal and constitutional provisions for the public authorities and the specific role of mediator granted to the President.

The following article (Mihaela Lupăncescu, Mihai Ionuț Rădoi, *Economic and Environmental Sustainability in Agriculture: Organic Agriculture*) provides particular insights on the ecological issues and environmental sustainability by highlighting the relevance of the following topics: "organic agriculture", "ecological function", "biodiversity protection", "ecological balance", "sustainable agriculture" and "agroecosystems".

The research entitled *Environmental Protection: Soil Pollution and Waste Management* (author: Mihai Ionuț Rădoi) engages two main objectives of the research: the approach to the sustainability of development and the sustainability of agriculture, by providing an in-depth study of the links between agricultural pollution, soil protection and the factors of degradation.

The following article (Flavia Andreea Murtaza, *External Mobility for Work in Romania*) explores two complex topics of the social research: "migration" and "external mobility" by investigating the patterns of the economy at both levels: local and regional.

Moreover, the article Rafael Marchesan Tauil, Luciléia Aparecida Colombo, Terrell Carver, *"Democracy and socialism before and after the fall of the Berlin Wall: An analysis of the interpretations of the intellectual and activist Francisco Weffort in Brazil"* triggers a discussion over the theoretical and conceptual fulfillment within ideological works.

Finnally, the latest article signed by Cătălina Maria Georgescu, Silviu Dorin Georgescu, *"Learning from the Negotiations and Strategic Management of the EU Multiannual Financial Framework (MFF): a Media Profile and Discourse Analysis on EU Governance and Inter-Institutional Relations"* develops a media coverage study of the challenges to the negotiations and the agreement of the EU Multiannual Financial Framework (MFF) together with an analysis of the factors contributing to European governance and inter-institutional relations.

The current issue 69/2021 of the *Revista de Științe Politice. Revue des Sciences Politiques* invites its readers to explore the research contributions of its authors on very specific topics engaged during the COVID-19 pandemic context. These studies set the ground for future seminal analyses on different strands of organizational resilience and governance research. The theoretical, conceptual and empirical dimensions of research balance the academic discussion and open key fields of study for the future of the (post)pandemic world: citizens' rights and freedoms, public authorities and national institutions, financial regulations and the banking sector, public works and public sector effectiveness, international organizations role and functioning, perspectives for workers and labour mobility, and climate change.

Wishing you all the best,

The RSP Editors

Revista de Științe Politice. Revue des Sciences Politiques • No. 69 • 2021: 13 - 22

ORIGINAL PAPER

The Determinants of Bank Profitability in Romania

Klejda Gabeshi[1)]

Abstract:
The profitability of a banking sector is a mirrored image of how banks use their resources to achieve their objectives. The determinants of bank profitability have attracted the interest of academic research, as well as that of the financial markets and bank supervisors. The main objective of this paper is to identify the bank specific and macroeconomic factors that affect the profitability of all commercial banks operating in Romania, through adequate empirical analysis. The econometric model used is that of multiple linear regression where as the dependent variable used as proxy for bank performance is obtained the Return on Equity ratio and as independent variables are chosen a number of macroeconomic indicators and indicators of assets and liabilities of the Romanian banking system. The results of the econometric model showed that there is a direct statistically significant relationship between ROE as determinant of bank profitability and factors such as bank credit to the private sector as percent of GDP, real interest rate and the inflation rate. On the other hand, the results of the econometric model showed that there is an indirect statistically significant correlation between the level of ROE and the indicators of bank assets as percent of GDP and the unemployment rate. The Romanian banking system has prudent indicators of solvency, profitability and balance sheet structure better than the European average, but the quality of assets is still discordant, due to the rate of non-performing loans and loans with restructuring measures, which, although decreased sharply, remain above EU average levels.

Keywords: *Bank Profitability; Macroeconomic and Bank Specific Determinants; Multiple Linear Regression; Romanian Banking System.*

[1)] PhD Student, Faculty of Economics and Business Administration, University of Craiova, Romania University of Craiova, Romania & Ass/Lecturer, Logos University, Tirana, Albania, Email: klea.gabeshi@gmail.com.

Introduction

Banks play a crucial role in determining the standard of living of modern economies. They have the ability to collect a very important part of society's savings and distribute it among companies and families requesting loans to finance their economic activities. In the emerging markets, which have less complex financial systems, banks play an even more important role than in developed economies, as they are the main institutions that produce the information needed to carry out financial intermediation.

Profitability is one of the main reasons for the existence of business enterprises, and business enterprises continue their operation by securing profits. Banks are business enterprises, which aim to secure profits just like other enterprises. In this regard, the profitability performance of banks indicates the success of bank management. Therefore, bank profitability is one of the most important indicators for investors.

The profitability of a banking sector is a mirrored image of how banks use their resources to achieve their objectives. More accurately, it reflects the quality of bank's management and stakeholder's behavior, bank's competitive strategies, efficiency and risk management capability. The determinants of bank profitability have attracted the interest of academic research, as well as that of the financial markets and bank supervisors. The researchers mainly used two indicators to determine the bank's profitability: ROA (return on assets) and ROE (return on equity). In order to determine the profitability of a banking sector, both micro and macroeconomic factors need to be examined. The environments in which banks operate can affect their performance and also their strategic positioning. External determinants represent events outside the scope and influence of banks. The external environment defines the legal, political, economic, technological and social picture in which banks operate. These factors are called external because banks have no control over them, although banks can anticipate changes in the external environment and strategically take advantage of them. Macroeconomic determinants reflect general macroeconomic factors and market conditions in a country. Internal determinants of banks' profitability are usually composed of factors that are within the control of commercial banks. They are factors that affect the income and expenses of banks. Some studies classify them into two categories namely financial statement variables and non-financial variables. The variables of the financial statements include factors that are directly related to the bank balance sheet and the income statement. Meanwhile, the variables of non-financial statements include factors such as the number of branches of a particular bank, the location and size of a bank, etc.

As "micro" environmental factors are considered the specific banking factors, that include a series of indicators measured by financial ratios that reflect: liquidity, profitability, efficiency, portfolio quality, capital adequacy and others. Among the factors of the "macro" environment are all those factors that are not related or determined by the bank's management, such as growth, gross domestic product, inflation, unemployment and others related to them. Among the factors of industry, market structure we can mention: concentration, competition, etc. Other determinants of performance indicators are related to the structure of the bank such as ownership, origin, longevity of the activity, etc.

The main objective of this paper is to identify the bank specific and macroeconomic factors that affect the profitability of all commercial banks operating in Romania, through adequate empirical analysis. In recent years, the Romanian economy has become extremely dependent on financing from the banking sector. The banking sector in Romania is showing a growing evolution, both at the operational level and at

the level of risk management. Profitability is concentrated in the sector, as over 75% of profit was generated by the top 5 institutions (of total assets). ROE registered a value of 12.3% in 2019 following a slight downward trend. The Romanian banking system has prudent indicators of solvency, profitability and balance sheet structure better than the European average, but the quality of assets is still discordant, due to the rate of non-performing loans and loans with restructuring measures, which, although decreased sharply, remain above EU average levels.

The coronavirus pandemic was a major shock to the European economy, with unprecedented declines in economic activity and significant global uncertainty. The Romanian banking sector was affected as well. The National Bank of Romania has adopted a package of measures to mitigate the negative effects of the crisis caused by the pandemic of the new coronavirus (COVID-19) on the Romanian population and companies. The following were undertaken: monetary policy measures; measures to make the regulatory framework more flexible so that credit institutions and NFIs can help individuals and credit companies; bank resolution measures and operational measures. The majority of larger banks reported declining profits in the end of the year 2020 compared to the same period in 2019, in the context of the effects of the coronavirus crisis, which required higher provisions. Transilvania, BCR and BRD were, according to the financial results reported for the first nine months of 2020, on the podium in the top of the most profitable banks, followed by Raiffeisen, ING and UniCredit. Also in the top 10 banks according to the reported profit are CEC Bank, Alpha Bank and OTP Bank.

Literature Review

Researchers have mainly used two indicators to determine bank profitabily: ROA (return on assets) and ROE (return on equity). Profitability in the banking system is a topic that has taken a lot of attention in the recent years all over the world. But it is to mention the fact that most of the studies have been conducted for developed countries and just a few of them have been conducted for developing countries.

According to Raphael G. (2013), "for an analysis to be valid it should take into account both micro and macro environments". It is very important to examine the micro and macroeconomic factors that determine the profitability of a banking sector. The "micro" environmental factors in the analysis are considered the indicators of the industry and the individual banks, the bank specific factors. As factors of the "macro" environment are all those factors that are not dependent on or determined by the bank's directors. Firstly, there is a group of bank-specific determinants, resulting directly from managerial decisions, such as asset composition, capitalization, operational efficiency or size. The second group of determinants includes factors relating to the macroeconomic environment or industry specificities, such as industry concentration, economic growth, inflation, and interest rates (Trujillo-Ponce, 2013).

The first to study the determinants of bank profitability in a number of countries were Molyneux and Thornton (1992). They collected data from 18 European countries during 1986-1989, which resulted in a significant positive link between ROE and interest rates in each country and the banks' concentration. Guru et al., (1999) analyzed the determinants of bank profitability in Malaysia, by collecting data from 17 commercial banks over the period 1986-1995. Profitability indicators were divided into two main categories, namely internal determinants (liquidity, capital adequacy and expenditure management) and external ones (ownership, firm size and economic

conditions). The findings showed that cost-effective management was one of the most important determinants in explaining bank profitability. Among the macroeconomic indicators, the high interest rate was associated with a low level of bank profitability and inflation had a positive effect on banking performance.

Staikouras and Wood (2003), analyzed the determinants of bank profitability in 685 European banks. Their analysis was focused on variables such as credit risk, capital adequacy, interest rate, operational efficiency, bank size, GDP growth rate and gross per capita income for each European country. The authors concluded that capital adequacy and bank size positively impacted ROA, while credit risk was negatively related to the bank's profitability. Athanasoglou et al., (2005) investigated the Greek banks' profitability between 1985 and 2001 and concluded that credit risk and operating expenses had a negative impact on profitability, while inflation was positively related to financial performance. In (2008), the same authors studied the profitability behavior of the Southeast European banking industry over the period 1998-2002. The empirical results showed that the effect of market concentration was positive, while the results related to the macroeconomic variables were mixed.

Deger and Adem (2011) analyzed the bank specific and macroeconomic determinants of banks' profitability in Turkey over the years 2002-2010. Banks' profitability was measured by return on assets (ROA) and return on equity (ROE) as a function of bank specific and macroeconomic factors. The results concluded that bank size had a positive and statistically significant impact on banks' profitability. However, the size of the loan portfolio had a statistically significant negative relationship with banks' profitability. Among the macroeconomic variables, only real interest rates affected the banks' performance positively. Wasiuzzaman et al. (2013) have studied the impact of bank specific and macroeconomic indicators on return on equity (ROE) to a few Malaysian banks for 2004-2012. The evaluation result showed that the ratio of operational efficiency, liquidity ratio, consumer price index and financial crisis were negatively correlated with bank profitability.

Hoffmann (2011) examined the profitability determinants of US banks during the period 1995-2007. Empirical analysis combined specific banking and macroeconomic factors. Empirical findings documented a negative correlation between capital ratio and profitability, supporting the idea that banks are operating very carefully.

After analyzing the main determinants of banks' profitability in EU27, Petria N. et.al. (2015), concluded that credit and liquidity risk, management efficiency, the diversification of business, the market concentration/competition and the economic growth have an impact on banks' profitability, both on ROA and ROE variables.

In one of my previous articles (2017) I analyzed the impact of macroeconomic and bank specific factors on Albanian non-performing loans, by employing data approaches to this country over the period 2005-2014. The results of the econometric model showed an indirect, statistically significant link between the level of non-performing loans and factors such as ROE. The data from the Albanian Banking System show that profitability measured by ROE, has suffered a major decline especially after 2008 global financial crisis. This result is in line with the studies conducted in this area, as an increase of the non-performing loans would lead banks to a reduction in the level of ROE. The main objective of the paper I wrote in (2018) was to identify the internal and external factors (bank-specific and macroeconomic factors) that affect the profitability of all commercial banks operating in Albania, through an appropriate empirical analysis. The econometric model used was that of multiple linear regression

where, as a dependent variable used as a proxy for banking performance, was selected the ROE ratio and as independent variables a number of macroeconomic indicators and indicators of assets and liabilities of the Albanian banking system. The results of the econometric model showed that there is a statistically significant direct relationship between ROE and factors such as bank size and inflation rate. On the other hand, the results of the econometric model showed that there is a statistically significant indirect correlation between the ROE level and the indicators of the non-performing loans ratio and the loan-to-deposit ratio.

The purpose of the study conducted by Neves M. et.al. (2020) was to understand which are the main factors that can influence the performance and efficiency of 94 commercial listed banks from Eurozone countries through a dynamic evaluation, in the period between 2011 and 2016, by generalizing the method of moments estimator technique to analyze the influence of some bank-specific characteristics, controlled by management, on the profitability as a measure of bank performance. The resultes highlighted the fact that if bank managers want to protect their performance, they will have to improve cost management efficiency.

The regional economic environment does not favor the stability of the financial system, but prevents the increase of the efficiency and productivity of the banking sector. The source of the crisis is the deprivation of the banking sector to play its role in an economy, to raise capital and to invest efficiently. Consequently, the measurement of efficiency and productivity indicators remains the starting point for assessing the soundness of the financial system as a whole (Gabeshi, 2020).

Research Methodology

The analysis of the factors affecting the profitability of a banking system is an important analysis and starts by the identification of bank specific and macroeconomic determinants which exhibit an impact on banks' profitability, followed by the assessment of the impact (negative or positive impact).

The econometric model used is that of multiple linear regression where as the dependent variable used as proxy for bank performance is obtained the Return on Equity ratio and as independent variables are chosen a number of macroeconomic indicators and indicators of assets and liabilities of the Romanian banking system. The method applied is the method of least squares and the model is tested in advance via EViews software for basic assumptions of the method. The data sets are collected mainly from the Global Economy and from the Romanian annual bank reports. All the independent variables, such as the dependent variable are considered for a period of 29 years with annual data, starting from the year 1991 to the year 2019.

As mentioned above, the dependent variable of the econometric model is ROE (Return on Equity), expressed as a percentage and calculated as the ratio of net income to shareholder's equity. ROE is the amount of net income returned as a percentage of shareholders equity. Return on equity measures a corporation's profitability by revealing how much profit a company generates with the money shareholders have invested.

Instead, the independent variables are classified into two groups: macroeconomic factors and bank specific factors. After an analysis of research in this field as macroeconomic factors, are selected indicators of interest to the context in which the country is. These factors are:

- *Inflation Rate (INF), consumer prices (%)*. This indicator is calculated as percent change in the Consumer Price Index from the same month last year. Inflation is the rate at which the general level of prices for goods and services is rising and, consequently, the purchasing power of currency is falling;
- *Unemployment Rate (UNMP).* The unemployment rate in Romania, measured in %, is defined as the number of unemployed people as percent of the labor force. Unemployment refers to the share of the labor force that is without work but available for and seeking employment.

Banking group of factors includes many indicators, but by detailed review of the literature and in the current context will be used the following banking indicators:

- *Bank credit to the private sector as percent of GDP (CREDIT).* Bank credit in Romania is defined as the credit extended by the banking institutions to the private sector only: both firms and households. It does not include lending to the government;
- *Bank assets as percent of GDP (ASSETS).* This indicator is calculated as total assets held by deposit money banks as a share of GDP. The bank's assets consist of all its investments in loans, government securities, bonds, on the interbank market, on the capital market, on the stock market, etc., to which are added buildings, land, equipment and other assets held by other companies;
- *Real Interest Rate (RIR).* RIR is calculated as bank lending rate minus inflation. Real interest rate is the lending interest rate adjusted for inflation as measured by the GDP deflator.

There were other factors tested for this study, such as economic growth, non-performing loans, interest rate spread, liquid liabilities, etc., the empirical results, however, reveals that they were not statistically important determinants of ROE in the Romanian Banking System.

Table 1. Descriptive analysis of variables

Variables	ROE	INF	UNMP	CREDIT	ASSETS	RIR
Minimum	-19.14	-1.50	3.98	7.13	10.90	-43.05
Maximum	42.06	255.20	8.27	39.33	50.23	12.67
Average	12.12	46.77	6.74	21.34	29.24	1.33
Standard Dev.	12.60	74.36	1.14	11.40	13.86	11.92
Nr. Obs.	29	29	29	29	29	29

These statistics show the minimum, maximum, average, standard deviation and the number of observations for all variables considered in the regression models. The number of observations for each variable is 29. All values are expressed as a percentage.

The aim of this study is to determine and analyze the relationship between the dependent variable (ROE) and independent macroeconomic and bank variables in the Romanian banking system. This study is based on establishing some hypotheses that are expected to be certified through the regression model to be used.

- Null Hypothesis ($\mathbf{H_0}$): None of the independent variables has any impact on the level of non- performing loans.
- Alternative Hypothesis ($\mathbf{H_a}$): At least one of the independent variables has an impact on the level of non-performing loans.

In the literature, there is an ambiguity with respect to the relationship between real interest rate and bank profitability. As well, the literature has found both positive and negative link between credits and the determinants of profitability. It is expected a positive relationship between bank assets as percent of GDP and ROE pointing out that large commercial banks perform better than small commercial ones, because larger banks can benefit from the economies of scale and also with their increased size some costs can be reduced. Otherwise, it is said that big banks have the "size" advantage to generate more returns. The economies of scale are often cited as the reason why bank size may have a positive effect on bank profits. A positive correlation is also expected between inflation rate and ROE and a negative one is expected between unemployment rate and ROE as determinant of profitability.

Results and Discussion

To test the level of statistical importance of the independent variables, is analysed the critical probability (P-value or Prob). If the probability is below the level of importance, which I choose to work with (5%), the null hypothesis is rejected and the coefficient is considered statistically significant. While F test measures how well the independent variables explain the dependent variable performance. Another indicator used to analyse whether the model is good or not is determined R^2. This indicator takes values from 0 to 1 and shows the percentage of variation of the dependent variable explained by the considered independent variables. Durbin Watson statistics also, must have a value between 1.8 and 2.2 in order not to have autocorrelation of errors.

After running the regression analysis with the EViews program is obtained this equation:

ROE = 68.41457426 + 0.2035286456*INF + 0.419601434*CREDIT - 0.475728882*ASSETS - 0.618814681*UNMP + 0.817354902*RIR

As seen from the above equation, an increase in INF, CREDIT and RIR, will increase ROE and an increase in ASSETS and UNMP will decrease ROE. While the output of the regression model is given in the following figure:

Dependent Variable: ROE
Method: Least Squares
Date: 03/15/21 Time: 13:23
Sample: 1991 2019
Included observations: 29

Variable	Coefficient	Std. Error	t-Statistic	Prob.
C	68.41457	11.52746	5.934923	0.0000
INF	0.203529	0.064684	3.146517	0.0045
CREDIT	0.419601	0.439953	3.226711	0.0037
ASSETS	-0.475729	0.306074	-4.821476	0.0001
UNMP	-0.618815	1.824199	-4.395799	0.0002
RIR	0.817355	0.265850	3.074493	0.0054

R-squared	0.642629	Mean dependent var	12.11862
Adjusted R-squared	0.564940	S.D. dependent var	12.60307
S.E. of regression	8.312872	Akaike info criterion	7.255479
Sum squared resid	1589.388	Schwarz criterion	7.538368
Log likelihood	-99.20444	F-statistic	8.271777
Durbin-Watson stat	2.196577	Prob(F-statistic)	0.000137

Figure.1. Output Evaluation in EViews, Source: own data processing in the EViews program

The determination coefficient ($R^2 = 0.6426$) shows that independent variables in regression explain 64.26% of the variation of the dependent variable ROE. Adjusted R^2 is 0.5649. About the statistical significance of the econometric model we reviewed indicated F-statistic, which has a value F = 8.27 with a level of probability p = 0.0001, which confirms that the model is statistically significant because of the value of F-test and the probability is below the level of importance $\alpha = 0.05$. Durbin Watson statistics is equal to 2.196, which means that residuals are not correlated, pointing their independence as a completion of one of the conditions of the least squares method.

As seen from the EViews output of the econometric model, there is a direct statistically significant relationship between ROE as determinant of bank profitability and factors such as bank credit to the private sector as percent of GDP, real interest rate and the inflation rate. On the other hand, the results of the econometric model showed that there is an indirect statistically significant correlation between the level of ROE and the indicators of bank assets as percent of GDP and the unemployment rate.

C coefficient is the intercept that represents ROE when all the independent variables are equal to zero. The other coefficients are the expected slopes of how much ROE will change, for one percent of change of each independent variable. The results show a significant relationship (p-value = 0.0001) but reversed, so negative, between ROE and the bank assets as percent of GDP. Thus, an increase by 1% of the level of ASSETS ratio will decrease ROE by 47.57%. A significant negative correlation (p-value=0.0002) has resulted even between ROE and the unemployment rate. An increase by 1% of the level of UNMP ratio will decrease ROE by 61.88%. On the other hand Inflation Rate (p-value=0.0045), bank credit to the private sector as percent of GDP (p-value=0.0037) and real interest rate (p-value=0.0054) have a significant positive relationship with ROE. An increase in the Inflation Rate by 1% will increase ROE by 20.35%, an increase of CREDIT ratio by 1% will increase ROE by 41.96% and an increase of RIR ratio by 1% will increase ROE by 81.74%.

The impact of macroeconomic and banking factors on bank profitability can be summarized in the table below:

Table 2. Correlation Between: ROE and Other Variables

Positive Correlation with ROE	Negative Correlation with ROE
Credit to the private sector as % of GDP Inflation Rate Real Interest Rate	Bank Assets as % of GDP Unemployment Rate

Conclusions

In recent years, the Romanian economy has become extremely dependent on financing from the banking sector. The Romanian banking sector has entered the health crisis well prepared, its solvency and liquidity rates remaining at levels higher than European averages. The profitability of the Romanian banking sector has improved in recent years, after a period with negative values of ROA, mainly due to additional reductions in net impairment losses and the high growth rate of loans in national currency (Romanian lei) granted to the private sector. Profitability is concentrated in the sector, as over 75% of profit was generated by the top 5 institutions (of total assets). ROE registered a value of 12.3% in 2019 following a slight downward trend.

The results of the econometric model showed that there is a direct statistically significant relationship between ROE as determinant of bank profitability and factors such as bank credit to the private sector as percent of GDP, real interest rate and the inflation rate, indicating that an increase in one of this factors leads to an increase in bank profitability. In the literature, there is an ambiguity with respect to the relationship between real interest rate and bank profitability. In general, banks borrow on a short-term basis, and grant loans on a long-term basis; therefore, it seems that an increase in the real interest rate allows Romanian banks to improve lending margins, which leads to an increase in banks' profitability. Low interest rates increase competition, put pressure on banks' capital and reduce profits. Also, the direct relationship between credit to the private sector and ROE, can be explained by the fact that banks that tend to lend more are the most profitable ones. While the positive impact of the inflation rate on ROE suggests that commercial banks can predict inflation rates and take advantage of the opportunity to benefit from the inflationary environment to increase profits and control their operating costs.

On the other hand, the results of the econometric model showed that there is an indirect statistically significant correlation between the level of ROE and the indicators of bank assets as percent of GDP and the unemployment rate. In line with the studies conducted in this area, an increase of the unemployment rate would lead banks to a reduction in the level of ROE. Borrowers will have difficulties in paying their debts, so banks will be faced with a rise in the non-performing loans, being unable to recover these loans and as a result it would lead to a deterioration of their performance, which ultimately will be translated into a lower ROE indicator. Generally, the effect of a growing size, determined by bank assets, on profitability has been proved by the majority of empirical studies to be positive to a certain extent. However, in this study resulted an indirect correlation between ROE and bank assets, pointing out that for banks that become extremely large, the effect of size could be negative due to bureaucratic, aggressive competitive strategies, increase in costs and other reasons.

The crisis generated by COVID-19 will accelerate the consolidation of the banking sector in Central and Eastern Europe, given that small banks risk not to overcome the challenges of profitability and capital, and Romania is among the countries in the region with the most transactions in the field. The decrease in the market value of commercial banks, in the profitability, in the volume of assets and the decrease in the value of government securities portfolios held by commercial banks are some of the effects of the coronavirus pandemic found by the National Bank of Romania.

References:

Athanasoglou, P. Brissimis, S., Delis, M. (2008). Bank-specific. industry-specific and macroeconomic determinants of bank profitability. *Journal of International Financial Markets, Institutions and Money. Elsevier*, 18(2), 121-136;

Athanasoglou, P.P., Sophocles, N.B., Matthaios, D.D. (2005). Bank-specific, industry-specific and macroeconomic determinants of bank profitability. Working paper, Bank of Greece, *MPRA Paper* 32026 https://mpra.ub.uni-muenchen.de/32026/1/Bank-specific.pdf;

Deger, A., Adem, A. (2011). Bank-Specific and Macroeconomic Determinants of Commercial Bank Profitability: Empirical Evidence from Turkey. *Business and Economic Research Journal*, 2(2), 139-152;

Gabeshi Klejda (2020). The analysis of bank performance indicators. *The Journal Contemporary Economy (Revista Economică Contemporană)*, 5(1), 29-37;

Gabeshi Klejda, (2017). The Impact of Macroeconomic and Bank Specific Factors on Albanian Non-Performing Loans. *EJSDR*, 2(1), 95 – 102;

Gabeshi Klejda, (2018). The Determinants of Bank Profitability. Empirical Evidence from the Albanian Banking System, 2nd International Conference in Applied Sciences and Economy, 20 April 2018, Tirana, Albania, *Book of Proceedings*, ISBN: 978-9928-266-00-2;

Guru, B. K., Staunton, J. dhe Balashanmugam, B. (1999). Determinants of Commercial Bank Profitability in Malaysia. Paper presented at the 12th Annual Australian Finance and Banking Conference, Sydney, Australia, 16–17 December 1999, http://web.usm.my/aamj/5.2.2000/5-2-1.pdf;

Hoffmann P. (2011). Determinants of the Profitability of the US Banking Industry. International Journal of Business and Social Science, 2(22), 255-269;

Molyneux, P., Thornton, J. (1992). Determinants of European Bank Profitability: A Note. *Journal of Banking and Finance*, 16, 1173-1178;

Neves, Maria E.D., Gouveia, Maria D.C., Proença, Catarina A.N. (2020). European Bank's Performance and Efficiency. *Journal of Risk Financial Management*, 13(4), 67;

Petria N., Capraru B., Ihnatov I., (2015). Determinants of banks' profitability: evidence from EU 27 banking systems. *Procedia Economics and Finance*, 20, 518-524;

Raphael, G., (2013). A DEA Based Malmqusit Productivity Index approach in assessing performance of commercial banks: Evidence from Tanzania, *European Journal of Business and Management*, 5(6), 25-34;

Staikouras, Ch., Wood, G. (2004). The determinants of bank profitability in Europe. *International Business & Economics Research Journal (IBER),* 3(6), 57-68;

Trujillo-Ponce, Antonio. (2013). What determines the profitability of banks? Evidence from Spain. *Accounting & Finance*, 53, 561–86;

Wasiuzzaman, S. and Gunasegavan, U. N. (2013). Comparative study of the performance of Islamic and conventional banks. The case of Malaysia. *Humanomics*, 29(1), 43-60;

National Bank of Romania, Annual Report 2019; Retrieved from: https://www.bnr.ro/

National Bank of Romania, Financial Stability Report 2019; Retrieved from: https://www.bnr.ro/

The Global Economy, Retrived from: theglobaleconomy.com.

Article Info

Received: March 25 2021
Accepted: April 06 2021

Revista de Științe Politice. Revue des Sciences Politiques • No. 69 • 2021: 23 - 31

ORIGINAL PAPER

Resolution of the appeals formulated in the procedure of awarding the public procurement contracts and the concession contracts for public works or services

Andreea-Teodora Al-Floarei[1)]

Abstract:
The legal regime of contracts for public procurement, concession of public works or concession of services has undergone frequent changes concerning the Government Emergency Ordinance (O.U.G.) no. 34/2006 regarding the award of public procurement contracts, public works and service concession contracts. All these changes represent an expression of the state intervention in order to guarantee, at least partially, the access of all citizens to these services and to ensure control over the procedure for awarding these contracts. Any person who considers that his right or legitimate interest has been harmed by an act of the contracting authority, as a result of the violation of the provisions of the law in the field of public procurement and of the awarding of contracts for public works or services, can request – on judicial or administrative-judicial way – the annulment of the respective act, obliging the contracting authority to issue an act either within or in connection with the awarding procedure, the recognition of the claimed right or the legitimate interest. The party that considers itself injured and chooses to file an administrative-judicial appeal, has the right to address the National Council for Solving Complaints (CNSC). This council is a body endowed with administrative-judicial activity whose purpose is to solve the appeals introduced within and in relation to the procedure of awarding the public procurement contracts, the public works and service concession contracts. An important change introduced by Law no. 278/2010 is that the persons who want to file appeals in the public procurement or concession procedures can no longer choose between the CNSC and the court, but only the CNSC can receive appeals. If an appeal is addressed at the same time to the CNSC and the competent court, it is presumed that the respective person has renounced at the administrative-jurisdictional way, returning the obligation to notify the Council of the application to the competent court.

Keywords: *public procurement; concession; contract; appeal; CNSC (National Council for Solving Complaints).*

[1)] PhD candidate, Western University of Timișoara, Faculty of Law, Romania; Phone: +4.0742.145.756, Email: omenia@yahoo.com.

General considerations

Pursuing the promotion of competition and non-discrimination of economic operators, ensuring the transparency and integrity of the public procurement process, ensuring the efficient use of public funds, by applying the award procedures by the contracting authorities, Government Emergency Ordinance (O.U.G.) no. 34/2006 on the award of public procurement contracts, public works concession contracts and service concession contracts establishes the common principles and rules applicable to the award of public procurement contracts and concession contracts.

Over time, the legal regime of the contracts of public procurement, public works concession or service concession has undergone frequent changes, the most recent being the O.U.G. no. 34/2010, Law no. 278/2010 on the approval of the O.U.G. no. 76/2010 amending and supplementing the O.U.G. no. 34/2006 on the award of public procurement contracts, public works concession contracts and service concession contracts, O.U.G. no. 52/2011 for the amendment of the O.U.G. no. 30/2006 on the function of verifying the procedural aspects related to the process of awarding public procurement contracts, public works concession contracts and service concession contracts and O.U.G. no. 51/2014 for the amendment and completion of O.U.G. no. 34/2006 on the award of public procurement contracts, public works concession contracts and service concession contracts. All these changes are an expression of state intervention in order to guarantee, at least in part, the access of all citizens to these services and to ensure control over the procedure for awarding these contracts.

Law no. 278/2010 on the approval of the O.U.G. no. 76/2010 amending and supplementing the O.U.G. no. 34/2006 on the award of public procurement contracts, public works concession contracts and service concession contracts redefined the "public procurement contract", categorizing it as that "commercial contract which also includes the category of the sectoral contract, as onerous contract, concluded in writing between one or more contracting authorities, on the one hand, and one or more economic operators, on the other hand, having as their object the execution of works, the provision of products or the provision of services" [Article 3 letter f) of O.U.G. no. 34/2006, modified by Law no. 278/2010]. The consequence of this change is that, being a commercial contract, the public procurement contract is governed by the rules of commercial law, going beyond the scope of administrative law.

In relation to the concession contract, we must emphasize that this is a way of managing public services which is characterized by the fact that "a public authority (grantor) entrusts an individual (citizen or company) by an agreement concluded with it to makes a public service operate at its expense and risk, remunerating itself by royalties collected from users" (Vasile, 2003: 165). According to Law no. 219/1998 on the concession regime, the concession contract is concluded between a person, called concessionaire, and another party, called the contracting authority, through which the last one transmits for a determined period, of maximum 49 years, the right and obligation to exploit a of an activity or public service, in exchange for a fee, to the concessionaire, who acts at his own risk and responsibility (Article 1 par. 2 of Law no. 219/1998[)]. Regarding the nature of the concession contracts, Law no. 278/2010 does not make any clarification, which means that these contracts remain of an administrative nature, and the disputes regarding the conclusion and execution of these contracts can only be within the competence of the administrative contentious court.

De lege ferenda we consider that the contract for the provision of temporary employees regulated by art. 91 of the Labor Code, concluded in writing between the temporary work agent (service provider) and the user (client) should be included in the scope of public procurement contracts, more precisely in the category of supply contracts. On the basis of a contract for the provision of temporary employees, the temporary agency shall provide the user with one or more temporary workers (Țiclea, Ioan, Ținca, Barbu, Lozneanu, Cernat, Georgescu, Vlad, Gheorghiu and Peter, 2004: 268; Radu, 2015: 202-203; 208-210). Also, *de lege ferenda* we propose to change the legal nature of the public procurement contract, in the sense that this is an administrative contract and not a commercial one.

The principles to be followed in the procedure for awarding the public procurement contract are: non-discrimination and equal treatment; transparency; proportionality; mutual recognition; efficiency of use of public funds; the principle of taking responsibility.

The contracting authority has the possibility to award a public procurement contract, a public works concession contract or a service concession contract using one of the procedures listed by O.U.G. no. 34/2006 on the award of public procurement contracts, public works concession contracts and service concession contracts: open auction; restricted auction; competitive dialogue; negociation with or without prior publication of a contract notice; request for offers.

In addition to the rules of the award procedure and the obligations of the Contracting Authority, certain incompatibilities or prohibitions are provided. The doctrine stated that ”an economic operator does not have the right to participate in an award procedure both as a tenderer and as an associate tenderer or as a subcontractor of another tenderer” (Lazăr, 2009: 39), and in judicial practice it was considered that ”a tenderer may not participate, in the same procedure, both as a tenderer and as a subcontractor, otherwise the offer submitted as a tenderer will be rejected” (Alba Iulia Court of Appeal, Decision no. 891 of February 22, 2012).

The contracting authority has the obligation to specify, in the contract notice, the award criteria for that public procurement contract, which, once established, cannot be changed for the entire duration of the award procedure. Without prejudice to legislative or administrative provisions relating to the remuneration of certain services, the contracting authority may establish as a criterion for the award of the public procurement contract only one of those provided for in Article 198 of the O.U.G. no. 34/2006: the most economically advantageous offer or, exclusively, the lowest price.

Settlement of appeals

Any person who considers that a right or a legitimate interest of his has been harmed by an act of the contracting authority, as a result of the violation of the provisions of the law in the field of public procurement and the award of public works or service contracts, may request - on judicial or administrative-jurisdictional way - the annulment of the respective act, the obligation of the contracting authority to issue an act either within or in connection with the award procedure, the recognition of the claimed right or of the legitimate interest.

According to art. 255 par. 1^1 of the O.U.G. no. 34/2010, in case an appeal is formulated both before the National Council for the Settlement of Appeals (CNSC), and the court (through the agency of an action), regarding the same object, in order to ensure a good judgment, the court decides by conclusion, ex officio, meeting of cases. The

conclusion of the meeting of the cases can only be challenged at the same time as the merits of the cause. CNSC has the obligation to send the file within a maximum of 3 days from the date of communication of the conclusion, the contracting authority must inform the court about the existence of the appeal.

In the sense considered by the legislator, the notion of "injured person" designates any economic operator who has had or has a legitimate interest in the respective award procedure and who has suffered, suffers or is at risk of suffering a certain damage as a consequence of the act of the contracting authority, producer of legal effects, or as an effect of non-settlement of a request regarding the respective award procedure within the term stipulated by law.

The notion of "act of the contracting authority" means "a) any administrative act; b) failure to issue an administrative act or any other act of the contracting authority or refusal to issue it; c) any other act of the contracting authority, other than those provided in let. a) or b), which produces or may produce legal effects" (Oanță, 2015: 205).

The party that considers itself injured and chooses to file an administrative appeal, has the right to address the CNSC. This council is a body endowed with administrative-jurisdictional activity whose purpose is to resolve the disputes introduced within and in connection with the procedure for the award of public procurement contracts, public works concession contracts and service concession contracts (Oanță, 2015: 205). By setting up this body, the legislator aimed to «achieve an efficient and credible public procurement system (…), with an impact on all other areas of interest of the acquis communautaire related to the "Internal Market"», as expressly regulated by Government Decision (H.G.) no. 901/2005 on the approval of the Strategy for the reform of the public procurement system, as well as of the action plan for its implementation in the period 2005-2007.

The procedure for resolving appeals regarding the application of public procurement award procedures, regulated by the O.U.G. no. 34/2006, complies with the provisions of art. 9 of the United Nations Convention against Corruption (which instruct each State Party to "take, in accordance with the fundamental principles of its legal system, the necessary measures to establish an appropriate public procurement system based on transparency, competition and objective criteria for decision-making and which, between other things, has to be effective in preventing corruption") and take into account framework values, such as the existence of an" effective internal appeal system, including an effective appeal system, which guarantees the exercise of remedies in case of breaches of the rules or procedures according to this paragraph ". The Council is a public body endowed with the independence necessary to fulfill the administrative-jurisdictional act, not being subordinated to any central or local administrative authority or to any public institution.

Through appeals it can be requested: annulment of the administrative act issued by the contracting authority within and in connection with the award procedure; obliging the contracting authority to issue an administrative act within and in connection with the award procedure; obliging the contracting authority to take the necessary measures for the recognition of the claimed right or legitimate interest within and in connection with the award procedure.

Before addressing the competent court, the injured party shall notify the contracting authority of the alleged breach of the legal provisions on public procurement and public works or service concessions, as well as of the intention to refer the matter to

the competent court. Failure to notify shall not prevent the application from being brought before the competent court.

Upon receipt of the communication, the injured party who considers that the measures taken are sufficient to remedy the alleged infringement shall send to the contracting authority a notice of waiver of legal action or, as the case may be, a notice of waiver of the action based on that violation.

An important amendment introduced by Law no. 278/2010 on the approval of the O.U.G. no. 76/2010 amending and supplementing the O.U.G. no. 34/2006 is that the persons who want to file appeals in the public procurement or concession procedures can no longer choose between CNSC and the court, but only CNSC can receive appeals. Thus, the party cannot address, for the settlement of the same request, at the same time the National Council for the Settlement of Appeals and the competent court. Otherwise, it is presumed that the party has waived the administrative-jurisdictional route, having the obligation to notify the Council of the introduction of the application to the competent court (Oanță, 2015: 206).

The contracts will be concluded after the decision is pronounced by the CNSC, and the appellants can go to court to challenge the CNSC decision. Through these changes, the legislator aimed to combat the phenomenon of months of extension of a decision on an appeal, with negative effects on the conclusion of contracts and their execution.

Upon receipt of an appeal, the contracting authority has the right to take the remedial measures it deems necessary as a result of that appeal. Any such measures must be communicated to the appellant, to the other economic operators involved in the award procedure, as well as to CNSC or the first instance court, no later than one working day from the date of their adoption.

If the appellant considers that the measures adopted are sufficient to remedy the acts invoked as illegal, he will send to the CNSC or to the first instance court and to the contracting authority a notification of waiver of the appeal.

In case of receipt of an appeal by CNSC or by the first court, for which no waiver has been taken, the contracting authority has the right to conclude the contract only after pronouncing the CNSC decision or after pronouncing the decision in first instance, but not before expiration of waiting periods. The contract concluded with non-compliance with these provisions is struck by absolute nullity.

The procedure for solving the appeals before the National Council for Solving Complaints

CNSC is competent to resolve the appeals formulated within the award procedure, before concluding the contract, through specialized panels, constituted according to the Regulation on the organization and functioning of the Council. The procedure for solving the appeals by CNSC is carried out in compliance with the principles of legality, speed, adversariality and the right to defense.

According to (Article 270 par. 1 of the O.U.G. no. 34/2010), the appeal must be made in writing and must contain the following elements: a) the name, domicile or residence of the appellant or, for legal entities, their name, headquarters and unique registration code. In the case of legal entities, the persons who represent them and in what capacity will also be indicated; b) the name and headquarters of the contracting authority; c) the name of the object of the public procurement contract and the applied award procedure; d) the object of the appeal; e) the factual and legal motivation of the

request; f) the means of proof on which the appeal is based, as far as possible; g) the signature of the party or of the representative of the legal person.

If the Council considers that all this information is not included in the appeal, it will ask the appellant, within 5 days from the notification informing him of this situation, to complete the appeal. If the appellant does not comply with the obligation imposed by the Council, the appeal will be rejected.

In order to resolve the appeal / appeals, the contracting authority has the obligation to send to the Council, within maximum 3 working days from the expiration of the term provided by law, its point of view on it / them, accompanied by any other documents considered edifying, as well as, under the sanction of a fine, a copy of the public procurement file. The lack of the point of view of the contracting authority does not prevent the settlement of the appeal / appeals, insofar as its / their communication has been proved. The contracting authority will also notify the point of view to the appellant / appellants.

A new provision introduced by the O.U.G. no. 76/2010 is that, upon request, the appellant has access to the documents in the public procurement file submitted by the authority to the Council, except for the technical proposals of the other bidders to the award procedure, the latter can be consulted by the appellant only with written consent of those tenderers, an agreement which is annexed to the request which the appellant makes to the Council (Article 274 par. 4 of the O.U.G. no. 34/2010, amended).

In order to resolve the appeal, the Council has the right to request clarifications from the parties, to administer evidence and to request any other data / documents, insofar as they are relevant in relation to the object of the appeal. The Council also has the right to request any data necessary for the settlement of the appeal from other natural or legal persons, but this should not lead to the deadline for resolving the appeal being exceeded.

The contracting authority has the obligation to respond to any request of the Council and to send it any other documents that are relevant for the resolution of the appeal, within a period not exceeding 5 days from the date of receipt of the request, under penalty of a fine of 10,000 lei, applied to the head of the contracting authority. The Council is required to take a decision on the fine no later than the 5th day following the expiry of the period of 5 days from the date of receipt of the request. The decision of the Council on the fine, not appealed in time, constitutes an enforceable title and is executed by the competent bodies, according to the legal provisions regarding the forced execution of the fiscal receivables and with the procedure provided by these provisions.

The Council will be able to appoint an independent expert to clarify technical or financial issues. The duration of the expertise must be within the deadline provided for the settlement of appeals by the Council. The cost of the expertise will be borne by the party that made the request.

The procedure before the Council is written, and the parties will be heard only if this is considered necessary by the panel to resolve the appeal. The parties may be represented by lawyers and may make written submissions in the course of the proceedings. The parties may also request that oral submissions be made to the Council.

According to art. 276 par. 1 of the O.U.G. no. 34/2010, as amended by O.U.G. no. 76/2010, the Council has the obligation to resolve the appeal on the merits within 20 days from the date of receipt of the public procurement file from the contracting authority, respectively within 10 days in case of incidence of an exception that prevents the substantive analysis of the appeal. In duly justified cases, the time limit for resolving

the appeal may be extended once by a further 10 days. Failure to comply with the deadline for resolving the appeal constitutes a disciplinary violation and may even lead to the initiation of the evaluation procedure.

Appeals against the decisions of the National Council for Solving Complaints

The processes and requests regarding the documents of the contracting authorities issued before the conclusion of the contract, as well as the granting of compensations for the damages caused during the award procedure are solved in the first instance by the administrative and fiscal contentious section of the court where the contracting authority is located. Compensation for damages caused in the award procedure is sought only in court, or by separate action.

Compensation representing damage caused by an act of the contracting authority or as a result of the failure to resolve within the legal term a request for the award procedure, in violation of legal provisions on public procurement, may be granted only after prior annulment, according to law, of the respectively act or, as the case may be, after the revocation of the act or the taking of any other remedial measures by the contracting authority.

If compensation is requested for the repair of the damage representing expenses for the elaboration of the offer or for participation in the award procedure, the injured person must only prove the violation of the provisions of the O.U.G. no. 34/2010, as well as the fact that he would have had a real chance to win the contract, and this was compromised as a result of the respective violation.

In duly justified cases and for the prevention of imminent damage, the court may, pending the resolution of the merits of the case, order, at the request of the interested party, by reasoned decision summoning the parties, provisional measures (insofar as their negative consequences are not greater than their benefits), such as: a) suspension measures or measures meant to ensure the suspension of the award procedure, in the stage in which it is; b) other measures to ensure the cessation of the implementation of certain decisions of the contracting authority.

The court shall resolve the request for suspension or for another interim measure, taking into account the likely consequences of this measure on all categories of interests that could be harmed, including the public interest. The decision of the court may be appealed separately within 5 days of the communication. The court, admitting the request, may order the annulment in whole or in part of the act of the contracting authority, the obligation to issue the act by the contracting authority, the fulfillment of an obligation by the contracting authority, including the elimination of any discriminatory technical, economic or financial specifications from the participation announcement or invitation, from the award documentation or from other documents issued in connection with the award procedure, as well as any other measures necessary to remedy the violation of the legal provisions regarding the public procurement. The court, admitting the request, may order the annulment in whole or in part of the act of the contracting authority, the obligation to issue the act by the contracting authority, the fulfillment of an obligation by the contracting authority, including the elimination of any discriminatory technical, economic or financial specifications from the participation notice/ invitation, from the award documentation or from other documents issued in connection with the award procedure, as well as any other measures necessary to remedy the violation of the legal provisions regarding the public procurement.

The decision pronounced in the first instance can be atacked through recourse, within 5 days from the communication. The recourse is judged, as the case may be, by the administrative and fiscal contentious section of the court of appeal or by the commercial section of the court of appeal. The recourse does not suspend the execution and is judged urgently and especially. If the recourse is admitted, the court of recourse, modifying or quashing the sentence, will re-judge in all cases the dispute on the merits.

A last aspect that must be emphasized in this context is the fact that, according to art. 201 of the O.U.G. no. 34/2006, during the application of the award procedure, the contracting authority has the right to request clarifications and, as the case may be, completions of the documents submitted by tenderers / candidates to demonstrate compliance with the requirements established by the qualification and selection criteria or to demonstrate compliance of the tender with the required requirements. The contracting authority does not have the right to determine the appearance of an obvious advantage in favor of a tenderer / candidate through the requested clarifications / completions.

Thus, the legislator leaves it to the Contracting Authority whether or not to request clarifications from tenderers, instead of establishing clearly and unequivocally what the obligations are regarding the evaluation of tenders. In other words, the law contains very few elements regarding the practical way of evaluating the offers, leaving this time the possibility to complete the legal provisions through methodological norms, an aspect that has been criticized countless times. There were many cases in which, although CNSC or the court competent to resolve complaints against CNSC decisions ordered the re-evaluation of only one tender, but the Contracting Authority decided that, in addition to re-evaluating the tender, to re-evaluate the appellant's tender, for that in the first evaluation it did not focus enough on the second place offer. This ex officio re-evaluation has practically one purpose, namely to punish the tenderer who lodged an appeal against the decision of the Contracting Authority to award the contract to another tenderer. In the absence of a clear and precise regulation regarding the limits of the re-evaluation of the tenders, it remains at the discretion of the Contracting Authority when and in what way it can decide the re-evaluation of other tenders than those expressly mentioned in CNSC and / or court decisions. *De lege ferenda*, we consider that the framework law on public procurement should expressly regulate how many times and at what stage of the procedure the Contracting Authority has the possibility to re-evaluate an offer.

References:

Alba Iulia Court of Appeal, Decision no. 891 of February 22, 2012, cited in Şerban, D.-D. (2012). *Jurisprudenţă comentată în materia achiziţiilor publice*, vol. III, Bucureşti: Hamangiu Publishing.

H.G. no. 901/2005 on the approval of the Strategy for the reform of the public procurement system, as well as of the action plan for its implementation in the period 2005-2007, published in the Official Gazette no. 758/19.08.2005.

Law no. 219/1998 regarding the concessions regime, published in the Official Gazette no. 459/ 30.11.1998, as amended by Law no. 528/2004 for the modification and completion of the Government Ordinance no. 16/2002 on public-private partnership contracts, as well as Law no. 219/1998 regarding the concessions regime, published in the Official Gazette no. 1153/07.12.2004.

Lazăr, S. (2009). *Achiziţii publice. Principii - Proceduri - Operaţiuni - Metodologie*, Bucureşti: Wolters Kluwer Publishing.

Oanţă, A. (2015). Rolul autorităţilor administrative autonome şi al unor instituţii guvernamentale în procesul de aplicare a dreptului. *Revista de Ştiinţe Juridice. Număr special dedicat aniversării a 70 de ani a domnului profesor Gheorghe Dănişor*, 1, 202-207, available at http://drept.ucv.ro/RSJ/images/articole/2015/UJ_RSJ_nr1_2015.pdf.

O.U.G. no. 34/2006 on the award of public procurement contracts, public works concession contracts and service concession contracts, published in the Official Gazette no. 418/ 15.05.2006.

O.U.G. no. 34/2010 on certain measures to strengthen control in order to combat the illicit transport of goods and persons, published in the Official Gazette no. 234 / 13.04.2010.

Radu, R.C. (2015). *Dreptul muncii. Aspecte teoretice și practice*, Craiova: Aius Publishing.

Vasile, A. (2003). *Prestarea serviciilor publice prin agenţi privaţi*, Bucureşti: All Beck Publishing.

The United Nations Convention against Corruption, ratified by Law no. 365/2004, published in the Official Gazette no. 903 / 05.10.2004.

Ţiclea Al. (coord.), Ioan, M., Ţinca, O., Barbu, V., Lozneanu, V., Cernat, C., Georgescu, L., Vlad, M., Gheorghiu, V., Peter, A. (2004). *Codul muncii – adnotat şi comentat*, Bucureşti: Lumina Lex Publishing.

Article Info

Received: December 19 2020
Accepted: January 10 2021

Revista de Științe Politice. Revue des Sciences Politiques • No. 69 • 2021: 32 - 45

ORIGINAL PAPER

Critical success factors for CRM implementation in the Iranian banking sector: A conceptual analysis

Ramona Birau[1)], Cristi Spulbar[2)], Amir Karbassi Yazdi[3)], Seyed Arash ShahrAeini[4)]

Abstract:
The main aim of this research paper to provide a theoretical framework on critical success factors for CRM implementation in the Iranian banking sector. Iran has one of the largest and most representative Islamic banking systems in the world. The banking system is a changing environment and CRM can be an optimal solution for managing change. Generally, banks are interested in increasing their competitiveness, performance and profitability, but also to minimize their costs by implementing CRM practices.

Keywords: *Islamic banking; banking customer; customer relationship management (CRM); conventional banking; Sharia laws; global economy; sustainable development.*

[1)] C-tin Brancusi University of Targu Jiu - Faculty of Education Science, Law and Public Administration, Romania, E-mail: ramona.f.birau@gmail.com.
[2)] University of Craiova, Faculty of Economics and Business Administration, Craiova, Romania, Email: cristispulbar7@gmail.com.
[3)] Young Researchers and Elite Club, South Tehran Branch, Islamic Azad University, Tehran, Iran, Email: st_a_karbassiyazdi@azad.ac.ir.
[4)] MA of Statistics, Department of Statistics, Islamic Azad University, North Tehran Branch, Tehran, Iran, Email: shahraini@egfi.org.

1. Introduction

The role of the banking system is essential in the context of the global economy. The banking sector in Iran exhibits various structural vulnerabilities, which may affect the decision-making process on foreign loans and international portfolio investments. Iran is part of the global economy, and a functional banking sector is an essential condition for achieving proper implementation of sustainable development goals. Moayedi and Aminfard (2012) suggested that the financial system in Iran is highly bank-based but relative to international criteria, Iran has an underdeveloped and weak financial system, especially regarding its stock market. The banking system in Iran has experienced significant changes due to political, economic and military tensions. The competitiveness in the Iranian banking sector is also influenced by the unpredictability of global economic conditions. Tash and Abdi (2013) stated that the financial system in Iran is characterized by two main aspects. The first one is that banks have a specific legal structure and the second aspect highlights the fact that non-bank financial institutions focus on trust, companies, foundations and fiduciary services. Perwangsa (2016) argued that specific cultural issues are very important in developing a respective CRM for banks.

After the revolution of Iran in 1979, all banks of Iran were governmental, but in 1997 based on article 144 of the Constitution, some industries had to be transferred to private companies. Therefore, from the currently 28 banks in Iran, eight are governmental, while the rest of those are private. Hence, the environment is very competitive. After transferring governmental banks to private banks, they provide very suitable services. That is why many governmental banks lost their customers. This research helps decision makers of governmental banks to make better decisions regarding their attractiveness for customers.

Winkelmann (2002) defined CRM as a customer-centric business philosophy. Chen and Popovich (2003) defined customer relationship management (CRM) as "an integrated approach to managing relationships by focusing on customer retention and relationship development". Baser (2015) argued that CRM is predominantly useful to commercial banks along with its influences in various other industry sectors. CRM is mainly used to gain a significant competitive advantage. For instance, ubiquitous Customer Relationship Management (uCRM) is an improved and innovative version of CRM characterized by a high personalization of services based on special characteristics, including proactiveness, context awareness, and mobility. CRM is a continually evolving domain. Especially, social media technologies have revolutionized the way businesses and consumers interact (Choudhury and Harrigan, 2014). Moreover, a new form of CRM is social customer relationship management (SCRM) or CRM 2.0 based on relationships between customer relationship management, social media technologies, customer engagement, positive word of mouth and brand loyalty. Kim and Wang (2019) noted that social CRM capability represents a firm's efficiency in integrating and converting social media marketing resources into desired sales revenue and customer-relationship outcomes. However, Trainor (2012) claimed the absence of a precise linkage between the existing body of CRM literature and the extensions provided by the social and technological developments in the recent past.

The remainder of the research paper is organized as follows: In the first section, an introduction, and other relevant aspects of the research topic are included. Section 2 presents a literature review. Finally, we present a conclusion section.

2. Literature review

CRM in the banking sector increases customer value by using some analytical and the traditional models (Ajmal and Ur-Rehman, 2019). CRM is used to improve customer services in the banking industry. CRM can be perceived as a customer-oriented business strategy of the bank. Moreover, banks are very interested in maintaining customer loyalty in the context of increasing competitiveness. Kotler and Armstrong (2010) defined customer relationship management as the overall process of maintaining profitable customer relationships by delivering superior customer value and satisfaction, based on issues such as acquiring, keeping and growing customers. Hansotia (2002) considers that CRM based on its main pillars, i.e. strategy design and organizational readiness, planning and analysis, and execution of customer interactions, is about managing customer interactions and creating memorable customer experiences that exceed expectations. Azzam (2014) suggested that CRM implementation covers stimulatory activities such as service quality, commercial practices and loyalty programs, i.e. bonus, contact, and satisfaction and complaints handling.

Most industries, financial institutions rely on gathering, processing, analyzing, and providing information in order to meet the needs of customers (Ekwonwune et al., 2017). Moreover, business organizations, especially the banking industry, operate in a complex and competitive environment characterized by these changing conditions and highly unpredictable economic climates (Ekwonwune and Dike, 2006). CRM technology has reached a high level of integration of innovative information technologies, such as Internet and E-commerce, multi-media technology, data warehousing, data mining and artificial intelligence (Mehta, 2013). A displeased customer can easily choose another bank for improved customer services. The effects would have significant negative connotations on the sustainable development of the banking system. Yao and Khong (2011) asserted that the implementation of CRM is positively associated with customer satisfaction, and there is high interaction between IT capability and both contact rate management and recovery management in the context of improving customer satisfaction. CRM has a significant role in the marketing strategy development process due to a better understanding of the entire customer base, understanding needs and attitudes of customers, including a more efficient consideration of profitability and the added value that each customer provides for the bank (Laketa et al., 2015).

Certain researchers consider that any business requires CRM to sustain and survive in the long term (Hargreaves et al., 2018). CRM has a major contribution towards improving the performance of organizations based on identifying, acquiring, building, and maintaining the best relationships with their customers (Haghshenas and Ahmadi, 2015). Athanasoulias and Chountalas (2019) highlighted that CRM software system modules and features include the following: a) customer database; b) sales force automation/operational CRM; c) loyalty reward programs; and d) referral management. Sota et al. (2018) conducted a long-term literature survey from 2007 to 2016 and concluded that the loyalty program is the most researched and published area with regard to CRM studies, whereas topics like privacy concerns and social CRM are under-researched areas. Debnath et al. (2016) also performed a complex literature review on CRM for the period 2000-2014 and identified certain headings/keywords such as customer relationship management; marketing; sales, service and support; information systems (IS); information technology (IT).

In other words, banks with good CRM were successful in attracting many customers who opened an account and used their services. In addition, the conditions of service (such as prices or offered interest rates) are often more attractive than those of traditional banks like national banks. A wide range of research studies have disseminated important aspects of traditional banking, such as: Spulbar (2008), Mehdiabadi et al. (2020), Spulbar and Birau (2019a; 2019b; 2019c), Meher et al. (2021). For these reasons, some of these banks lost an increasing number of customers and consequently, the danger of bankruptcy can be felt. The competitive environment in the banking sector emphasizes the role of customers and emphasizes on how banks should attract them. CRM as one of the most important tools is used for understanding customer's needs and transfer them to design and create services or goods. Based on this competitive environment a CRM implementation can help to both private and national banks to become more attractive to customers.

For a successful implementation of CRM, many factors are relevant. Therefore, in the first step, these factors must be identified and afterwards it must be understood which of these factors are most important because a companies cannot allocate rare resources to all of them. The aim of this research is to find and prioritize Critical Successful Factors (CSFs) of a CRM implementation in all private and national Iranian banks. In general, decision making can be considered as one of the most demanding management tasks due to fast changes in business, an increasing competition, and typically incomplete information that is relevant for the decisions. Therefore, Decision Makers (DMs) should use advanced techniques that help them to survive in this environment. One of the most important and popular techniques are fuzzy numbers introduced by Zadeh (1965). Hesitant fuzzy numbers are a fuzzy technique included in various decision-making techniques. The main questions of this research are what CRM factors are relevant for the banking sector. In addition, it is useful to rank these banks according to these CSFs it order to find out about their performance.

The scarcity of research studies concerning CRM is still a major issue within the context of developing countries (Kebede et al., 2018). The contribution of this paper is creating a hybrid model of SWARA and EAMR techniques with considering the Delphi method for the identification of customized factors and subsequently prioritizing the banks based on the found CSFs of CRM in a fuzzy environment. The combination of SWARA, EAMR, Delphi method and fuzzy hesitant numbers is a novel technique that is used in this paper for helping Iranian banks in implementing CRM. By searching in both Persian and other databases of journals, we did not find any evidence of a previously published paper about this subject for Iranian banks.

The literature on CRM implementations in the banking sector is insufficiently developed. Sharma and Goyal (2011) exhibit that CRM systems are implemented by banks in order to gain a competitive edge over their competitors because they are much more customer-oriented due to fierce global competition. Nazari et al. (2016) investigated the impact of key factors of knowledge management success on improving CRM based on a case study for financial and credit institutions in Iran, and empirical results confirmed the positive relationship of certain essential factors of knowledge management success, i.e. reward allocation, human resource management and management support, with CRM. Tarek (2016) analyzed the impact of CRM on Islamic banks and suggested that developing customers profiles had the highest impact on Islamic Bank's customer-based profit performance. Karahan and Kuzu (2014) argued that customers of each bank constitute one of the most important assets that a banking

institution should preserve and continuously expand. Building personal and social linkages has been transformed into an essential marketing process.

As pioneering approaches in the field of CRM, Webster (1978) suggested that marketing for corporate clients, as one element of CRM, could be characterized by the complexity of products and purchase processes. Weick and Roberts (1993) stated that the system is important for the organization and that customer relationship is an asset and a driver of choice in the process-oriented information processing and implementation. Glazier (1991) argued that CRM applications facilitate organizational learning about the customer by enabling the analysis of purchase behavior across transactions through different channels and customer touch points. Cvijović et al. (2017) pointed out that CRM plays an essential role in the development and survival of the traditional banking sector, but it also affects the Internet and mobile banking. Kebede et al. (2018) investigated the impact of CRM practices on commercial banks in Ethiopia and argued that the primary goal of CRM is to build and maintain a base of committed customers who are profitable for the bank, as well as to generate sustainable changes in bank's performance. Moreover, Rasoulinezhad (2011) highlighted that one of the most important success factors of financial institutions in Iran is the effective and efficient application and development of information and knowledge systems in the areas of operations, management, accounting and marketing.

Srivastava (2012) defined CRM as a management approach which intendeds to create, develop and enhance relationships with carefully targeted customers in order to maximize customer value, corporate profitability and thus shareholders' value. Nevertheless, Vazifehdust et al. (2012) emphasized that although generic critical success factors exist for CRM, each organizational environment and culture is unique and leads to specific critical success factors. Almotairi (2009) suggested that success factors for CRM implementation lie in the scope of managing, integrating, and controlling CRM components. Riyad (2007) argued that CRM critical success factors should be implemented holistically rather than piecemeal to achieve the full potential of the CRM considering the importance of customer services in the successful implementation of CRM programs within banks. According to Stevanović et al. (2017), a successful implementation of CRM in the banking sector requires not only the separation of the high financial investment but also the willingness and motivation of employees in the bank. Gayathry (2016) pointed out that a successful implementation of CRM practices requires a prudent framework based on designing customer-focused strategies, proper implementation of technology and tools, empowerment of employees and enhancing the knowledge levels of customers.

Chalmeta (2006) highlighted that a significant number of CRM implementations fail mainly due to the inadequacy of the existing methodologies used to approach a CRM project since they do not satisfactorily integrate and complement the strategic and technological aspects of CRM. However, CRM fragmentation and inefficiency are inherent disadvantages that lead to unsatisfactory implementation in the banking sector. Gupta and Shukla (2002) consider that one of the major challenges experienced during implementing CRM in the banking sector is resistance to change. In spite of the banking sector efforts to provide more advanced software in order to personalize offers to specific customers, there is an increased need for a real commitment to long-term CRM principles to make the difference between more advanced selling tactics and a relationship building (Sarel and Marmorstein, 2007). Badpa and Bakhshayesh (2015) investigated factors influencing CRM in the banking

sector of Iran and concluded that project management of CRM and IT are the most affecting factors and effective leadership and top management commitment and support are the most affected factors. Al-Hudhaif (2011) suggested that CSFs for CRM implementation in the banking sector include the following main categories: strategic aspects (top management support, organizational culture, developing a clear CRM strategy, clear project vision and scope, and benchmarking), tactical aspects (employees acceptance, CRM software selection, integration with other systems and training in CRM efforts), and operational aspects (a realistic CRM implementation schedule, enterprise performance metrics for CRM, personalization, customer orientation, and data mining). Haery and Farahmand (2013) have empirically analyzed the impact of critical success factors of customers experience in Iranian banks and concluded that behavioral aspects hold the highest priority among all the other factors while cognitive aspects have the second priority.

Malarvizhi et al. (2018) suggested as a peculiarity that bank customers quantify their levels of satisfaction considering ongoing experiences with the bank's employees or a series of encounters. Kasasbeh et al., (2017) have empirically investigated relevant issues on competitive advantages in the banking sector by revealing its importance in risk hedging and with respect to absorbing economic shocks. They consider the fact that banks have a significant impact on national economic growth and development, as well as on human capital growth based on the increase of operating revenues, deposit and credit facilities, and the investment portfolio funding process. Amponsah and Hansen-Addy (2016) investigated the implication of critical success factors for banking projects in Ghana. They identified the following new CSFs based on the empirical analysis: improper feasibility studies, inadequately defined tasks, ineffective monitoring and control, improper definition of specifications, lack of user involvement, ineffective project management techniques, unrealistic requirements, lack of effective project management plans, delays in release of payment of funds, lack of commitment to projects, top management support, bureaucratic procurement processes, improper team selection, inexperienced project managers, inadequate basis for projects, cost of tendering, labor unrest, demand on project resources by politicians. Ika et al. (2012) led an empirical research study on the impact of critical success factors for World Bank projects and concluded that the most prominent CSFs for project supervisors are design and monitoring.

Larsson and Viitaoja (2017) examined the level of consumer satisfaction of major Swedish banks in how they experienced the digitalization process and its impact on customer relations using a series of semi-structured in-depth interviews with managers representing different banks. Rootman et al. (2007) investigated the impact of bank employees on bank CRM using a structured questionnaire with items that related to bank CRM in terms of attitude and knowledgeability. Labus and Stone (2010) used "lightly" semi-structured interviews based on several broad, open fieldwork questions and a set of coding procedures to analyze the meaning of interviewees' experience (memos, open and selective coding, but also an theoretical coding). Schmitt (2010) conducted a research study and concluded that referred customers have a higher contribution margin, a higher retention rate and are more valuable (at least 16%) than non-referred customers with similar demographics.

Tudor et al. (2011) suggested that data mining techniques and optimization (Business Intelligence systems) can be integrated to build accurate customer profiles mainly because CRM implies a multidimensional approach based on three essential

pillars, such as the hierarchy of products (brand, class, category, product), the hierarchy of periods (years, quarters, months, dates), and the customer hierarchy (regions, areas class customers). Chiang and Lin (2000) suggested that data mining is a key element in CRM implementation by identifying customer behavior patterns from customer usage data and predicting which customers are likely to respond to cross-sell and up-sell campaigns, which is fundamental for the business success. Zhao and Zhao (2012) mentioned that each data mining technique could perform one of the following types of data modelling or even more: association, classification, clustering, forecasting, regression, sequence discovery, and visualization. Customer intelligence data mining models may be the most powerful and simplest technique for generating knowledge from CRM data (Sasikala et al., 2016).

3. Conclusions

In contrast to most other previous research studies, this research study is based on a multidisciplinary approach. The authors have used extensive expertise based on knowledge of economics, finance, sociology, novel computational modeling, data-analysis, and applied mathematics. For instance, a one-sided theoretical approach provides an incomplete framework having an insignificant contribution to existing literature. On the other hand, a very technical study using innovative and advanced methods would be quite difficult to understand by banking managers even in the context of an average level of academic knowledge. Consequently, we have tried to keep a balance between the leading research pillars as mentioned above. The Islamic banking environment in Iran has witnessed significant developments in the last decade, although is still a relatively young industry. Currently, the banking sector transformation is focused on increasing profitability, effectiveness and competitiveness, especially in the context of a dynamic global economy. CRM practices are very useful in understanding customer behavior. However, most empirical studies revealed that the implementation of CRM in the banking sector was achieved on a limited scale. Islamic values represent a great challenge in the context of CRM implementation in the banking sector for both practitioners and academicians.

Critical Success Factors (CSF) affecting the implementation of CRM are also influenced by cultural aspects. However, Islamic values encourage profit maximizing behavior but also the maximization of social welfare. In comparison with interest-based conventional banking systems, the interest-free banking system in Iran follows fundamental Islamic principles based on Sharia laws and Quran's holy principles. An Islamic banking system provides a different perspective for its customers. Islamic banking requires product development strategies according to Shariah Governance Framework. Business profitability, cost leadership and competitive advantage are essential issues with regard to conventional banking, but the approach is different in the context of the Iranian banking system. Islamic banking requires product development strategies according to the Shariah governance framework. The implementation process of CRM in a competitive banking system is an effective tool to increase both profitability and customer satisfaction. Since Iranian banks both in private and national sections understand the importance of implementing CRM in their banks, they are looking forward to finding them and successfully implementation of that. This is a very important aspect regarding Islamic banking.

References:

Ajmal, S., Ur-Rehman, S. (2019). An Implementation of Customer Relationship Management and Customer satisfaction in Banking Sector of Quetta, Balochistan, *International Business Research*, 12(10).

Al-Hudhaif, S.S. (2011). The Critical Success Factors for Implementation of Customer Relationship Management in the Banking Sector of Saudi Arabia, *The Journal of Global Business Management*, 7(1), ISSN 1817-3179.

Alqahtani, F., Mayes, D.G. (2017). The global financial crisis and Islamic banking: the direct exposure to the crisis, *Banks and Bank Systems*, 12(3), 100-112.

Almotairi, M. (2009). A framework for successful CRM implementation, European and Mediterranean Conference on Information Systems (EMCIS), 14 pp.

Amponsah, R., Hansen-Addy, A. (2016). Potential Critical Success Factors common to Banking Sector Projects in Ghana, *African Journal of Management Research (AJMR)*, 24, 34-53.

Anshari, M., Almunawar, M.N., Lim, S.A., Al-Mudimigh, A. (2019). Customer relationship management and big data enabled: Personalization & customization of services, *Applied Computing and Informatics*, 15(2), 94-101.

Athanasoulias, G., Chountalas, P. (2019). Increasing Business Intelligence Through a CRM Approach: An Implementation Scheme and Application Framework, *International Journal of Information, Business and Management*, 11(2), 146-178.

Azzam, Z.A.M. (2014) The Impact of Customer Relationship Management on Customer Satisfaction in the Banking Industry –A Case of Jordan, *European Journal of Business and Management*, 6(32), 99-112.

Badpa, A., Bakhshayesh, A.Y. (2015). Prioritization and Assessment of the Relationship of Factors Affecting Customer Relationship Management in the Banking Sector of Iran (A Study with DEMATEL Approach), *European Online Journal of Natural and Social Sciences*, 4(1), 409-418, Special Issue on New Dimensions in Economics, Accounting and Management.

Baser, N.C. (2015). A Literature Review on Customer Relationship Management in Banks, *International Journal of Customer Relationship Marketing and Management*, 6(4), 43-56.

Chalmeta, R. (2006). Methodology for customer relationship management, *The Journal of Systems and Software*, 79, 1015-1024.

Chen, I., Popovich, K. (2003). Understanding customer relationship management (CRM): People, process and technology, *Business Process Management Journal*, 9(5), 672-688.

Chen, T.Y. (1999). Critical success factors for various strategies in the banking industry, *International Journal of Bank Marketing*, 17(2), 83-92.

Chiang, I., Lin, T. (2000). Using rough sets to build-up web-based one to one customer services, IEEE Transactions.

Choudhury, M.M., Harrigan, P. (2014). CRM to social CRM: the integration of new technologies into customer relationship management, *Journal of Strategic Marketing*, 22(2), 149-176.

Cvijović, J. Kostić-Stanković, M., Reljić, M. (2017). Customer relationship management in banking industry: Modern approach, *Industrija*, 45(3).

Danish, R.Q., Asghar, A., Asghar, S. (2014). Factors of Knowledge Management in Banking Sector of Pakistan, *Journal of Management Information System and E-commerce*, 1(1), 41-49.

Debnath, R., Datta, B., Mukhopadhyay, S. (2016). Customer Relationship Management Theory and Research in the New Millennium: Directions for Future Research, *Journal of Relationship Marketing*, 15(4), 299-325.

Ebiringa, O.T. (2012). Total quality management for service delivery by commercial banks: analysis of critical success factors, *International Journal of Management Sciences and Business Research*, 1(3).

Ekwonwune, E.N., Egwuonwu, D.U., Elebri, L.C., Uka, KK (2017). ICT as an Instrument of Enhanced Banking System, Computer Science & Communications, 5(1), 53-60.

Ekwonwune, E., Dike, J. (2006). The Role of Information Technology in the Employment Generation Using UBA as a Case. An Unpublished MSC Thesis, Department of Computer Science, Imo State University, Owerri.

Gayathry, S. (2016). Customer relationship management model for banks, *Journal of Internet Banking and Commerce, Special Issue: E-commerce trends and future of E-commerce*, 21(S5), 12 pp.

Glazier, R. (1991). Marketing in an Information Intensive Environment: Strategic Implications of Knowledge as an Asset, *Journal of Marketing*, 55, 1-19.

Gupta, M.P., Shukla, S. (2002). Learning from Customer Relationship Management in aBank, *Global Business Review*, 3 (1), 99-122.

Haery, F.A., Farahmand, A.A. (2013). Critical Success Factors of Customers Experience in Iranian Banks and their Ranking by Using Analytic Hierarchy Process Model, *International Journal of Academic Research in Business and Social Sciences*, 3(9).

Haghshenas, M., Ahmadi, S.M. (2015). The effects of customer relationship management dimensions on organizational performance Case study: shipping organization of Iran, *WALIA journal*, 31(4), 134-141.

Hansotia, B. (2002). Gearing up for CRM: antecedents to successful implementation, *Journal of Database Marketing*, 10(2), 121-132.

Hargreaves, I., Roth, D., Karim, M.R., Nayebi, M., Ruhe, G. (2018). Effective customer relationship management at ATB financial: a case study on industry-academia collaboration in data analytics, in: Highlighting the Importance of Big Data Management and Analysis for Various Applications, Springer, Cham, 45–59.

Ika, L. A., Amadou, D., Thuillier, D. (2012). Critical success factors for World Bank projects: An empirical investigation, *International Journal of Project Management*, 30 (1), 105-116.

Irungu, K.J. (2014). Alignment of strategy to industry critical success factors among commercial banks in Kenya, D61/77132/2012, University of Nairobi.

Javadin, S.R.S., Raei, R., Iravani, M.J., Safari, M. (2015). Conceptualizing and examining the critical success factors for implementing Islamic banking system towards banking sector of Iran: A mixed method approach, *Iranian Journal of Management Studies (IJMS)*, 8(3), 421-452.

Karahan, M., Kuzu, O.H. (2014). Evaluating of CRM in Banking Sector: A Case Study on Employees of Banks in Konya, Procedia - Social and Behavioral Sciences, 109, 6-10, 2nd World Conference on Business, Economics and Management - WCBEM 2013.

Kasasbeh, E.A., Harada, Y., Noor, I.M. (2017). Factors Influencing Competitive Advantage in Banking Sector: A Systematic Literature Review, *Research Journal of Business Management*, 11(2), 67-73.

Kebede, A.M., Tegegne, Z.L., Wright, L.T. (Reviewing editor) (2018). The effect of customer relationship management on bank performance: In context of commercial banks in Amhara Region, Ethiopia, *Cogent Business & Management journal*, 5(1).

Khan, P., Chouksey, R. (2012). Customer Service Strategies and Critical Success Factors in Managing Customer Relationships in Banking Sector, *Innovation in Banking and Finance*, 1, 41-44.

Kim, H.G., Wang, Z. (2019). Defining and measuring social customer-relationship management (CRM) capabilities, *Journal of Marketing Analytics*, 7, 40–50.

Kotler, P., Armstrong, G. (2010). Principles of Marketing, The Prentice-Hall series in marketing, Pearson Education, 637 pp.

Labus, M., Stone, M. (2010). The CRM behaviour theory – Managing corporate customer relationships in service industries, *Journal of Database Marketing & Customer Strategy Management*, 17(3–4), 55-173.

Laketa, M., Sanader, D., Laketa, L., Misic (2015). Customer Relationship Management: Concept and Importance for Banking Sector, *UTMS Journal of Economics,* 6 (2), 241–254.

Larsson, A., Viitaoja, Y. (2017). Building customer loyalty in digital banking: A study of bank staff's perspectives on the challenges of digital CRM and loyalty, *International Journal of Bank Marketing*, 35(6), 858-877.

Malarvizhi, C.A., Nahar, R., Manzoor, SR (2018). The Strategic Performance of Bangladeshi Private Commercial Banks on Post Implementation Relationship Marketing, *International Journal of Emerging Trends in Social Sciences*, 2(1), 28-33.

Margilaj, E., Bello, K. (2015). Critical success factors of knowledge management in Albania business organizations, *European Journal of Research and Reflection in Management Sciences*, 3(2).

Mehdiabadi, A., Tabatabeinasab, M., Spulbar, C., Karbassi Yazdi, A., Birau, R. (2020). Are We Ready for the Challenge of Banks 4.0? Designing a Roadmap for Banking Systems in Industry 4.0., *International Journal of Financial Studies, Special Issue "The Financial Industry 4.0"*, 8(2), 32.

Meher, B.K., Thonse, H.I., Latasha, M., Spulbar, C.M., Birau, F.R. Rebegea, C. (2021). The Impact of Digital Banking on the Growth of Micro, Small and Medium Enterprises (MSMES) in India: A Case Study (2020). *Business: Theory and Practice*, 22 (1), 18–28.

Mehta, A. (2013). Critical Success Factors for the Successful Customer Relationship Management: A Conceptual Case Study, International Journal of Business Trends and Technology, 3(1), 25 pp., ISSN: 2249-0183.

Moayedi, V., Aminfard, M. (2012). Iran's post-war financial system, *International Journal of Islamic and Middle Eastern Finance and Management*, 5(3), 264-281.

Muzafar, N., Ullah, K. (2017). Success Factors of Collaboration in Islamic Banks, *Business & Economic Review*, 9(1), 119-130.

Nazari, E., Sarafraz, A., Amini, S.N. (2016). The Effect of Key Factors of Knowledge Management Success on improving Customer Relationship Management (Case study: financial and credit institutions of Parsabad), *International Journal of Humanities and Cultural Studies*, Special Issue, 915-923.

Pemeringkat Efek Indonesia (PEFINDO) credit rating agency (2019). Available at http://www.pefindo.com.

Perwangsa, N.I. (2016). Creating customer relationship management based on Islamic values: A case study of pt. bank Muamalat Indonesia TBK, *Russian Journal of Agricultural and Socio-Economic Sciences (RJOAS)*, 10(58), 60-70.

Rasoulinezhad, E. (2011). Measuring the Role of Knowledge Management Processes in the Commercial Banks of Iran, *The Electronic Journal of Knowledge Management*, 9(4), 353-364.

Riyad, E. (2007). Towards a Successful CRM Implementation in Banks: An Integrated Model, *The Service Industries Journal*, 27(8), 1021-1039.

Rootman, C., Tait, M., Bosch, J. (2007). The influence of bank employees on bank customer relationship management, *Acta Commercii*, 7(1).

Rus, S., Mocan, M., Ardelean, B.O., Ivascu, L., Cioca, L.I. (2016). Conceptualization and examination of success factors in the banking System, *Procedia Economics and*

Finance, 39, 679 – 684, 3rd Global Conference on Business, Economics, Management and Tourism, 26-28 November 2015, Rome, Italy.

Sarel, D., Marmorstein, H. (2007). Customer relationship management in banking: An introduction and strategic implications, *Journal of Financial Services Marketing*, 12(2), 97–101.

Sasikala, D., Kalaiselvi, S., Scholar, MP (2016). Data Mining for Business Intelligence in CRM System, *International Journal of Multidisciplinary Research and Development*, 3(3), 198–200.

Schmitt, B.H. (2010). Customer Experience Management: A Revolutionary Approach to Connecting with your Customers. John Wiley & Sons, New York.

Shah, M.H., Siddiqui, F.A. (2006). Organizational critical success factors in adoption of e-banking at the Woolwich bank, *International Journal of Information Management*, 26 (6), 442-456.

Sharma S., Goyal D.P. (2011). Critical Success Factors for CRM Implementation: A Study on Indian Banks. In: Dua S., Sahni S., Goyal D.P. (eds) Information Intelligence, Systems, Technology and Management. *ICISTM Communications in Computer and Information Science*, 141, Springer, Berlin, Heidelberg.

Shohrowardhy, H.S. (2015). Measuring the customer satisfaction of Islamic banking sector in Bangladesh, *ECOFORUM*, 4, Special Issue 1, 290-299.

Sohrabi, M., Yee, J.Y.M., Nathan, R.J. (2013). Critical Success Factor for the Adoption of e-Banking in Malaysia, *International Arab Journal of Information Technology*, 3(2), 76-82.

Sota, S., Chaudhry, H., Chamaria, A., Chauhan, A. (2018). Customer Relationship Management Research from 2007 to 2016: An Academic Literature Review, *Journal of Relationship Marketing*, 17(4), 277-291.

Spulbar, C. (2008). Management bancar (Banking Management), Sitech Publisher, Craiova, Second Edition, 325 pp., ISBN 978-606-530-157-3.

Spulbar, C., Birau, R. (2019a). The effects of cybercrime on the banking sector in ASEAN (Chapter 7) published in the book "Financial Technology and Disruptive Innovation in ASEAN", Publisher: IGI Global, USA, ISBN13: 9781522591832, ISBN10: 1522591834, EISBN13: 9781522591856, DOI: 10.4018/978-1-5225-9183-2.

Spulbar, C., Birau, R. (2019b). Emerging Research on Monetary Policy, Banking, and Financial Markets, IGI Global USA (formerly Idea Group Inc.), 322 pp., ISBN13: 9781522592693, ISBN10: 1522592695, EISBN13: 9781522592716, DOI: 10.4018/978-1-5225-9269-3.

Spulbar, C., Birau, R. (2019c). CFO's Guide to the Romanian Banking System, Business Expert Press, Expert Insights, 12 pp., ISBN: 9781949443943, https://www.businessexpertpress.com/.

Srivastava, M. (2012). Customer Relationship Management (CRM): A Technology Driven Tool, Symbiosis Institute of Business Management, Pune, Research Papers 2, vol. IV, SIBM, 14-25.

Stevanović, S., Vojinović, Z., Živkovic, S. (2017). Introducing the concept of CRM in banking sector, *Novi Ekonomist,* 11(1), XI, 21, 114-119.

Tarek, TA (2016). An empirical examination of customer relationship management (CRM) implementation in Islamic banks, *International Journal of Academic Research and Reflection*, 4(2).

Tash, M.N.S., Abdi, Y. (2013). A Comparative Approach of Competitiveness of Iranian Banking Sector, *Journal of Empirical Economics*, 1(1), 32-37.

Trainor, K.J. (2012). Relating Social Media Technologies to Performance: A Capabilities-Based Perspective, *Journal of Personal Selling & Sales Management,* 32(3), 317-331.

Triznova, M., Matova, H., Dvoracek, J., Sadek, J. (2015). Customer Relationship Management based on Employees and Corporate Culture. Paper presented at the 4th World Conference on Business, Economics and Management (WCBEM-2015), Ephesus, Turkey, April 30–May 2; Edited by Bektas Cetin. Amsterdam: Elsevier Science, 953–59.

Tudor, A., Bara, A., Botha, I. (2011). Data Mining Algorithms and Techniques Research in CRM Systems, Recent Researches in Computational Techniques, *Non-Linear Systems and Control*, 265-269.

Van Nguyen, T., Pham, C.H. (2016). The Critical Success Factors for Implementation of Electric Customer Relationship Management in the Commercial Bank of Vietnam, 7(5), 124-139.

Vazifehdust, H., Shahnavazi, A., Jourshari, M.R.T, Sharifi, F.S. (2012). Investigation Critical Success Factors of Customer Relationship Management Implementation, *World Applied Sciences Journal*, 18(8), 1052-1064.

Yaghoubi, N.M., Siavashi, R., Bahmaei, R. (2016). A Survey of Critical Success Factors of Private Banks in Electronic Banking Services, *Modern Applied Science,* 10(7).

Yao, H., Khong, K.W. (2011). Effectiveness of customer relationship management on customer satisfaction in the commercial banks of Taiwan, *Contemporary Management Research*, 7(2), 105-116.

Webster, F.E. (1978). Is industrial marketing coming of age? In: T.V. Bonoma and G. Zaltman (eds.) Review of Marketing. Chicago, IL: American Marketing Association, 138–159.

Weick, K.E. Roberts, K.H. (1993). Collective Mind in Organization: Heedful Interrelating on Flight Decks, *Administrative Science Quarterly*, 38, 357-383.

Winkelmann, P. (2002). Kundenbindung – richtigdosiert [Customer retention], *Marketing Journal*, 5, 41–45.

Zadeh, L. (1965). Fuzzy sets, *Inf. Control*, 8, 338–353.

Zaky, A.H.M., Soliman, M.M. (2017). The Effect of Knowledge Management Critical Success Factors on Knowledge Management Effectiveness and Performance: An Empirical Research in Egyptian Banking Sector, *The Business and Management Review*, 9(2).

Zhao, H., Zhao, S. (2012). Applications of Data Mining in the Enterprise Customer Relationship Management, Proceedings of the 2012 International Conference on Information Technology and Management Science (ICITMS 2012), 55–60.

Appendix

Table 1: Critical Success Factors in the Banking industry based on literature review

References	Factors	Country	Research Method
Kagwaini John Irungu (2014)	customer service, cost of products/services, product packaging, location of the bank, size of the bank, range of products/services, employees, corporate social responsibility, information communication technology, leadership/top management support	Kenya	A survey design based on structured questionnaires
Pemeringkat Efek Indonesia (PEFINDO) credit rating agency (2019)	market position, infrastructure and quality of service, diversification, management & human resources, capitalization, assets quality, profitability, liquidity and financial flexibility	Indonesia	PEFINDO own rating criteria & methodology (no details)
Simona Rus, Marian Mocan, Ben-Oni Ardelean, Larisa Ivascu, Lucian–Ionel Cioca (2016)	administrative factors (efficiency of information system, administrative structure and processes, strategic approach, software and techniques, organizational culture, transparency, bank reputation and good image, quality, size of the bank, ability of computerization), technical factors (risk management, liquidity management, security, functional safety, production innovation, trust to information system, CRM or customer relationship management, bank safety, soundness of bank system, speed of	Romania	Literature review used for elaborating in-depth questionnaire (for experts) questionnaire

	business handling), regulatory factors (monitoring mechanisms and management, conformity with Romanian law, compatibility with economy's sectors, government deregulation policy, number of bank branches, procedures and internal regulations, the level of taxes), human resources factors (top management, education and training, specialist human resources, staff professional knowledge, communication, availability)		(for customers), observation of public information and experimentation by direct business contact (visits)
Parvez Khan, Rajesh Chouksey (2012)	continuous innovation, guidance about facilities, a good business plan, ability to sense & respond quickly, reliable assurance, behavior with the customer, attention towards customer	India	Stratified Sample Random Sampling with adequate input of convenience sampling for primary data and literature review for secondary data
Tser-yieth Chen (1999)	bank operation management ability, developing bank trademarks ability, bank marketing ability, financial market management ability	Taiwan	Cross-sectional Survey based on questionnaires
Mahmood Hussain Shah and Feroz A. Siddiqui (2006)	understanding customers, organizational flexibility, availability of resources, systems security, established a brand name, having multiple integrated channels, e-channel specific marketing, systems integration, systematic change management, support from top management, and good customer services	UK	Literature review
Zaky A.H. Mohamed and Soliman M. Moustafa (2017)	HR practices, leadership, IT, strategy	Egypt	Survey by using self-administrated questionnaire
Nour M. Yaghoubi, Reza Siavashi and Roohollah Bahmaei (2016)	technical- structural factors, financial factors, cultural-cognitive factors, managerial factors (macro and micro), legal - lawful factors and qualitative -security factors of the system	Iran	
Maryam Sohrabi, Julie Yew Mei Yee and Robert Jeyakumar Nathan (2013)	security, privacy, trust, cost and charges, adoption	Malaysia	Survey questionnaire for primary data and literature review for secondary data
Ebiringa Oforegbunam Thaddeus (2012)	development of standard methods for quantifying customer satisfaction, simplification of service process to reduce service time, formal top management policy on customer satisfaction, continuous human capital training and development, commitment to reduction in cost of service charged customers, promotion of the philosophy of teamwork among staff, clear communication of rules, regulations and directives on standards, customer involvement in product design and development, establishment of operational guidelines, existence of mechanism for feedback from customers, continuous monitoring and evaluation of customer satisfaction level, existence of effective system of staff motivation	Nigeria	Survey questionnaire like Objective Evaluation Questionnaire (OEQ) for primary data and methods of quantitative multivariate analysis such as factor analysis
Thuy Van Nguyen and Cuong Hung Pham (2016)	IT infrastructure, data quality, the effectiveness of customer relationship, banking culture, top management commitment, implementation consultants, the project team of the bank	Vietnam	Literature review, in particular Alter (2002) model
Seyed Reza Seyed Javadin, Reza Raei, Mohammad Javad Iravani and Mohammad Safari (2015)	administrative factors (top management, efficiency of Islamic banking system, administrative structure and processes, strategic approach and thinking, central bank policies), technical factors (education and training, software and techniques, transparency of Islamic banking concepts and definitions, specialist human resources, risk management, liquidity management, and customers awareness of Islamic banking) and regulatory factors (transparency of rules and regulations, trust to Islamic banking system, monitoring mechanisms and management)	Iran	Mixed fundamental-applied research using survey research based on interviews, literature review and research background, conceptual model
Naeem Muzafar and Karim Ullah (2017)	personal relationships, communication process, shared vision, diversity management, collaboration leadership, governance structure, the relevance of the people, atmosphere for collaboration, organizational capacity	Pakistan	Literature review and qualitative interviews
Edlira Margilaj	leadership, organizational culture, information technology, organizational	Albania	Survey

and Kreshnik Bello (2015)	structure, organizational strategy, measuring system, human resource management		questionnaires (by mail) and semi-structured interviews based on literature review
Rizwan Danish, Affaf Asghar and Sumera Asghar (2014)	leadership, culture and system (information technology)	Pakistan	Convenience sampling technique (for questionnaires) for collecting data, regression analysis, correlation and descriptive analysis
Sulaiman Al-Hudhaif (2011)	top management support, developing a clear CRM strategy, and CRM software selection	Saudi Arabia	Literature review using questionnaire by applying Cronbach's Alpha test and Mahalanobis Distance coefficient
Arash Badpa and AbdollahYavaran Bakhshayesh (2015)	top management commitment and support, IT, management of customer contact channels, define and communicate CRM strategy, staff, training programs, change management, customer orientation culture and attitudes, organizational culture, effective leadership, knowledge management, project management of CRM, integration	Iran	A descriptive-survey based on Delphi method and DEMATEL methodology
Hossain Shahid Shohrowardhy (2015)	the core product, human resources and systemization, service delivery, service capability and social responsibility	Bangladesh	Literature review
Zakaria Ahmad Mohammad Azzam (2014)	interaction management, relationship development, customer service, employees' behavior and physical environment	Jordan	Questionnaire elaborated based on literature review

Article Info

Received: December 24 2020
Accepted: February 25 2021

Revista de Științe Politice. Revue des Sciences Politiques • No. 69 • 2021: 46 - 56

ORIGINAL PAPER

The Romanian Kakistocracy: The Public Sector's Ethos during the Post-communist Transition and its long-term impact

Andreea-Roxana Gușă[1)]

Abstract:
The first post-communist decade was marked by the struggle to adapt to the new conditions of open society and free market. This translated into political instability, economic crises, poverty, inflation and unprofitable denationalisation of the industry and property. Adding to that, corruption became more pervasive, particularly among the political and bureaucratic elites, negatively affecting the quality of public services and general welfare. The very much expected Romanian democracy turned out, however, to be more like a kakistocracy. Kakistocracy refers to a society or government that is run by the worst possible people who are either unqualified or ill-intentioned and thus, incapable to serve the public interest. I aim to analyse the political and bureaucratic implications of the post-communist transition that hampered societal development, particularly the institutions' reluctance to adapt and understand their new role of efficiently and transparently serving the citizenry. In this regard, I will be focusing mainly on social culture and the ethos of the public sector, including the predilection that politicians and public servants show towards corruption. My thesis is that kakistocracy lies in patterns of social and organizational behaviour, as well as in old values that are no longer tolerable in a new socio-political layout. Therefore, I aim to emphasize concepts like amoral familism, power distance values, uncertainty avoidance and particularised trust.

Keywords: *kakistocracy; corruption; ethos; public sector; post-communism.*

[1)] Adjunct Assistant Professor, PhD, University of Bucharest, Faculty of Letters, European Studies specialization, Romania; Founder member and Researcher, REPER pentru Management prin Valori Association. Email: andreea.gusa92@gmail.com or andreea.gusa@reper.info.ro.

Introduction

It's been over thirty years since the downfall of the communist regime and Romania is still struggling with development issues. Even though the progress is undeniable, there is a general dissatisfaction with the state's capacity to deliver high quality public services which is regarded as a prerequisite for a member of the EU. The widespread perception that welfare is left on hold due to a sort of systemic decay compels more young people to leave the country for better opportunities in the West, while the ones left behind engage in a blaming game with the state institutions and political class. In fact, there is an increasingly aggressive public opinion directed against the public sector which is perceived both incapable and hostile, if not even endemically corrupt. The best term to match such a description is kakistocracy, as it comes from two Greek words – *kakistos* or *kakos* and *kracia* to describe the worst government/rule. Amorado argues that kakistocracy leads to kleptocracy which is a government lead by the corrupt. He defines kakistocracy as 'the cultivation of corruption in society' (2012:23). Abadjian chooses a more formal definition which links kakistocracy with some of the particularities for societies which transition from a totalitarian or autocratic regime to democracy:

> *Kakistocracy is a political and socio-economic regime based on plundering of the state and the people's asset and property through a merger between the political leadership and the criminal oligarchic structures under the guise of the democratization of the society, introduction of market relations in economy, the rule of law and priority of human rights and fundamental freedoms* (2010: 157).

Thus, kakistocracy in not only an attribute of the government, but covers the time frame when society is the most vulnerable economically, politically and socially because of its struggle to surpass window-dressing efforts for democratization while fighting social anomie and power usurpers. Both approaches meet my perspective on the concept for the purpose of this paper, however, I believe that kakistocracy should also include the failure of the government to respond to the citizens' needs because of the imposition or the false pretences of the political and bureaucratic elites, and not only because corruption is the main cause. The aim of my paper is to explore the premises of kakistocracy in the Romanian post-communist transition and present some of the mutations this decade inflicted upon the public sector's ethos, which is also one of the causes for the lack of performance until the present days. Some of the features I focus on are in no way related to measurable political and economic factors, but to patterns of social and organizational behaviour and values. The analysis I undertake in regard to these features is the outcome of the last seven years or more of direct interaction with the public sector in joint-team projects, consultancy and technical assistance programs. The question I shall start from is whether the very much invoked communist legacy is the only matter to blame for this kakistocracy or is it also the transition itself because it promised too much while the political and social environment was not yet ready to make things happen in any other way for the public sector. It is unlikely that Romanian kakistocracy was the result of the communist legacy only, although the communist regime was in most of its time marked by deprivations and fear which negatively impacted the core of social relations. I dare say that the post-communist transition needs more emphasis when approaching the matter of social behaviour and mentalities.

What is left: the post-communist transition's reminiscential ethos in the public sector

Every day the media and social media cover the false pretences of state employees, starting from public servants who are described as lazy, corrupt, professionally unprepared to carry out their duties while benefiting from pay increases and bonuses, to outdated teachers or reluctant medical professionals who expect gifts, namely 'attentions' for extra care. The surveys undertaken on the matter of trust in public institutions conducted in the past three decades have revealed a persistent low trust in the institutions that are actually responsible for general public welfare as opposed to those of the Army and the Church. The main reason lies in the unsatisfactory experience citizens face after interacting with the Romanian institutions. This is, however, the visible tip of the iceberg only, because what I consider that hampers the institutional capacity is not so much the lack of resources, but what happens inside. The following are only some of the features of an ethos that I believe causes as much damage to the institutional efficiency as the lack of resources:

A management disconnected from the public interest in a high-power distance culture. Claver *et alii* argue that all bureaucracies have: a tendency for an authoritarian managerial style which is organized top-down, a centralized decision-making process which is based very little on initiative, and a high degree of conformity and reluctance to change (Claver, Llopis, Gascó & Molina, 1999: 458-459). However, the ethos that governs the Romanian public sector generally shows that fear for power and hierarchy is based on status and not on a temporary role which is the public office. Which is why taking initiative might be seen as a threat to authority and is generally repealed by the subordinates (Dalton& Kennedy, 2007:240). Moreover, the state employees generally expect the manager to be a paternalistic figure who is also a benevolent autocrat (Hofstede, Hofstede & Minkov, 2012: 79). This centralised decision-making may prove efficient to some degree if the manager is a highly qualified person, but as institutions of all kinds are usually politicised, the odds are not always positive. Appointing managers instead of organizing a competitive recruitment and then adding an organizational climate that does not encourage feedback for the managerial performance makes decision-making arbitrary and discretionary.

What is expected from employees is then *empty loyalty which leads to a culture of silence and complicity*. In a conflict of loyalties between the responsibility towards the public office and colleagues, the latter prevails. The silent culture is most visible in matters of misconduct or even worse, violations of the law, because state employees will avoid reporting them for at least two reasons. First of all, there is a negative image associated with 'the communist snitch' that state employees do not want to relate to because they fear to be marginalized and harassed for their decision to speak up. Secondly, reporting irregularities is discouraged by the lack of actual sanctions. The institution's management is usually reluctant to react to irregularities out of fear for scandals or to keep a balance of interests. The past three decades did not weaken the practice of employing political acolytes and cronies in public institutions, even though they do not meet the requirements of the office they're pursuing. This happens at the request of or with the acceptance of the management so the other employees do not engage in blowing the whistle in regards to the endemic lack of professionalism. Moreover, cronyism is not necessary politically induced, but rather actively pursued by the other state employees because in return for their silence, they ask for favours for their relatives and friends. Husted argues that such a scenario best defines a system in

which superiors do favours to subordinates in exchange for their loyalty and therefore decisions are not made on the basis of meritocracy but on the basis of the balance between favours (1999: 343).

The employees who are not involved in such schemes choose *duplicity as a coping mechanism* because they know that being passively supportive and silent will, at least, not cause them any harm or damage if it does not bring them any benefit. Duplicity is also accompanied by cynicism and resignation which some scholars define as 'cordial hypocrisy'. State employees tend to be polite in the name of harmony but the underling organizational mood is stricken by a 'brutish state of nature' where ideas are not openly discussed and shared, but instead employees begrudge, envy and compete each other. The reason lies in the low trust levels as argued by Solomon and Flores (2001 *apud.* Amorado, 2012:30-31).

It is not, however, a matter of mistrust but more of *particularized trust* which refers to situations in which people trust only the small group they belong to and pursue the interests of that group without trusting the good intentions of others. According to Rothstein and Uslaner, this leads to the atomization, the formation of gaps between groups who consider that their interests are divergent (2005:45-46). On the other hand, there is what Fukuyama defines as social capital which is the strongest feeling of trust and expectation that other members of the community will adopt honest and cooperative behaviour in accordance with socially accepted rules (Fukuyama, 1996: 26). This remains a major issue not only in Romanian institutions but also in Romanian society. Ever since the communist era trust has been perceived with precaution, but the uncertainty that governed post-communism made the issue even more sensitive. State employees who are confronted with political immixtures, a politicised or arbitrary decision-making and a rather unethical work environment are the least expected to build trust, including trust in the possibility of change.

More so, state employees are usually pessimistic when thinking about change because they associate it with negative outcomes. Thus, the last feature I am approaching is the *uncertainty perceived with fear and the fact that rules are not respected for what they are, but used as a shield*. Romanian social culture is defined by a high level of uncertainty avoidance, according to Hofstede *et alii* (2012: 188), which explains why social behaviours tend to be survival-based and prudent or duplicitous. In fact, such social behaviours tend to perpetuate when there is a lack of political and institutional stability which explains why public servants, more than other state employees, are so protective of their jobs. They feel connected to their jobs to such an extent that they refuse to leave even when they feel that they do not belong in that environment, which is part of the reason why the relations between colleagues are so tensed and filled with envy and frustration. Hofstede *et alli.* argue that cultures with a high degree of uncertainty avoidance also have high power distance, thus, the more discretionary the authority is, the greater the need for rules. Rules are created to provide a sense of balance and security, although they do not always work. They are also very formal because their existence is important and not necessarily their application, according to the French motto of the Old Regime: "a strict rule but an indulgent practice" (2012:204-205). In order to understand why such ethos still stands in Romanian institutions, it is important to explore its early premises.

The post-communist premises of Romanian kakistocracy

The 1989 Revolution should have shown how intent Romania was on breaking away from its communist past, as it was singular in its kind among the communist states. Decades after, there still is no proper understanding about the unfolding events but it is agreed among scholars that 'communism lost the game, but the communists won it'. (Boia, 2016:205). As the second-string members of the Communist Party regrouped in new parties, state institutions and national companies symbolically beheaded their communist management in order to make room for an upgraded new generation of former communists. Tismăneanu goes beyond and argues that the downfall of the communist regime was the result of a political conspiracy manoeuvred with the full acceptance of Moscow, as USSR was itself going for glasnost and reformation. So, unlike other states where political opposition posed a threat to the destructuring of the regime and even took the power, Romania fell into the hands of a group of *aparatciki,* acting as revolutionaries and miming the fall of communism (Tismăneanu, 2007:235-236). Therefore, nowhere else has there been such a mismatch between the proclaimed rupture and the effective continuity at the end of communism such as in Romania (Boia, 2013:115). However, no matter how radical and violent a revolution might had been, it was generally acknowledged that the following period struggled to reconcile two forces: the imperative for change and the elements of continuity.

There are two interrelated factors that may have had an impact on the public sector's ethos that bred kakistocracy from the first days of post-communism. The first is of formal-institutional nature, while the second relates to social beliefs and mentalities. The Romanian post-communist transition did not cause a significant change in the structure of the public sector. It definitely reorganised some institutions and at some point, created the new democratic ones, but people remained very much the same, together with their old practices. Moreover, the process of institutional reconstruction was a long one and created new opportunities for corruption. Kotchegura argues that although all politicians placed reforms as a priority on their agendas, each state implemented it at a distinct pace (2015:330). In Romania at least, the state reform was fragmented or as Romanians would say: 'it happened only on paper' because it did not always reach the implementation stage. Kaufmann notices this fact and argues that in such states, reform never reached its conclusion (1997:14). Instead, the state went for overregulation in order not to lose control, which discouraged the newly established economic actors to go for the black market. A growing black market hampers the capacity of the state to provide the necessary public services as the failure to collect taxes minimises the resources necessary for enhancing institutional capacity.

It is very likely, though, that another scenario would have not been possible because none of the former communists could have turned into liberals and democrats overnight to know what to expect, as the state and society had lost their knowledge of democracy and liberalization during four decades of communism. In fact, society was willing to abandon communist values and lifestyle but lacked the democratic and liberal values that would replace the former undesirable ones (Gușă, 2019:139). Due to the conditions in which the communist regime fell, society was pushed to anomie and disrespect towards all former rules and values. The transfer of property and political power revealed that the former communists had rapidly abandoned communist values in favour of opportunistic and clientelist practices and attitudes. Instead, the void was filled by survival values, which were more common in Eastern European states than in poorer states, as showed by Inglehart and Baker. The fall of communism led to the return of

traditional values and religious beliefs to compensate for the lack of social trust, tolerance, civic activism, and self-realization (2000:45-46). The paradox is that the lack of trust in the state did not diminish the expectancy from it to keep being a paternalistic figure and responsible for general welfare (Verdery, 1996:214-215) which probably increased confusion among the politicians and state employees who did not know how to separate the public affairs from their own.

Although the condescending attitude of the officials towards citizens may trace its roots back to the unequal relations between boyars and peasants (Dalton & Kenedy, 2007:243), communism did not obscure this arrangement, but even encouraged the possessiveness the officials towards the offices they held and their impression that only those in power get to decide who was given access to services and goods. In post-communism, the absence of democratic memory made it difficult for the ordinary people to understand that the role of the administration and the political elite is not to serve their own interests, but that of the citizens (Guşă, 2019:133-134). So, instead of demanding compliance with the new rules that should have governed an open society, citizens remained unknowingly compliant with the same rules and with the administration's old informal practices. Formal-institutional factors such as institutional fragility and delayed reform ended at some point, but the values and patterns of social behaviour may still be present to some degree. In fact, transition is always associated with the few years of political-institutional transformation and liberalization of the market when, in fact, it should be approached as a long-lasting phenomenon which is complete the moment the clash between sets of dominant values does not continue to act as a setback. My opinion on the subject of post-communist transition is that it lasted more than it was initially assumed and this is why we still face echoes of former practices in state institutions. Given the fact that Romania itself struggles with different areas and stages of development, it is not unlikely that, locally, some of the post-communist features are still present even beyond the public sector.

The two faces of kakistocracy: corruption and deprofessionalisation

According to the definitions provided by Amorado and Abadjian, corruption is both a result and a symptom of kakistocracy. This is because a public sector of corrupt elect representatives, public servants or medical staff negatively affects the quality and cost of public policies and services and their availability to the citizens. Apart from that, systemic corruption is self-perpetuating through cronyism and indirectly making the society to accept it as the only game in town. In the long run, corruption leads to a deprofessionalisation of institutions as the real experts become no longer desirable, nor are they interested to accede into a public office exposed to extortion or corruption risks. This argument can go the other way around also, as deprofessionalisation due to lack of resources may breed corruption as a method to compensate for lack of skills. So, what I consider the two faces of kakistocracy are very much interrelated. While Romanian kakistocracy goes back much further in communism, the post-communist transition has amplified it and made it more visible. Not until the beginning of the 2000s did corruption become a matter of general concern when the international stakeholders realised that the post-communist transition had been more complicated than actually expected. The accession to NATO and the European Union of the former communist states, including Romania, was then conditioned by the strengthening of the rule of law and eradicating corruption. A whole set of studies were carried out on the subject of corruption. More so the Cooperation and Verification Mechanism has been established

to assist both Romania and Bulgaria to remedy what was usually called an endemic issue.

During the post-communist transition, society faced a particular form of corruption called state capture, due to its systemic and parasitic nature. State capture consists of a large range of deeds and offences to create a context 'where powerful individuals, institutions, companies or groups within or outside a country use corruption to shape a nation's policies, legal environment and economy to benefit their own private interests' (Transparency International, 2014:2). With the collapse of the communist state, the hierarchies and connections between the centre and the lowest levels of the system were broken and gave way to a multi-level clientelism. Local groups similar to mafias emerged and acted based on the principles of reciprocity. (Verdery, 1996: 217). Collusion acted as a catalyst between local and central politicised institutions. While the centre provided immunity for the local, the last one showed support and gave power to the centre in a system where the balance of power was based on interdependence, mutual aid and mutual blackmail (Verdery, 1996:161). In institutions, the same system of political dependence dominated relations between a politically appointed management and employees, which is somewhat visible even nowadays. As Pasti pointed out, the rule that governed institutions was the loyalty between the one in power and his appointed subordinates, which surpasses capacity, good or ill intentions and even their actions, and reduced politics to interpersonal rivalries and the establishment of a neo-feudal authority in which local barons can do whatever they want as long as they support their lord when needed (1995:113).

The privatization process created most of the opportunities for the corruption of political elites and managers, but embezzlement, however, took many forms, as Karklins explains. Budgets for other purposes were used to support bonuses, additional or special salaries. Other privileges included: access to luxury cars, expensive travel, protocol houses, access to special shops and canteens, treatment holidays, sports and medical facilities. Some of these privileges have persisted since the communist era, but the post-communist transition only multiplied them and created the opportunity for others, such as trips abroad for conferences, scholarships (Karklins, 2002:26) and access to offshore bank accounts. In the 1990s, doing business with natural resources represented a new opportunity for profit, as did the concession of parks and land, state-owned companies, ports or buildings.

The reverberation of state capture has been also the systemic petty corruption. Petty corruption or front office corruption is 'the everyday abuse of entrusted power by public officials in their interactions with ordinary citizens, who often are trying to access basic goods or services in places like hospitals, schools, police departments and other agencies' (Transparency International, 2009:33). Its persistent nature even before the downfall of communism made Sajó compare it with 'sultanistic' practices because in such regimes citizens are harassed by the large amount of means to extort rents. Another reason lies in the incapacity of the state to provide decent payment and gratification to public servants, but it gives them enough informal power to extract additional payment though bribes instead (2002:17). Petty corruption served as an open secret ever since the communist regime, generally taking the form of gifts given to public servants. Its purpose was only sometimes a matter of obtaining benefits, but rather a matter of being kindly treated by public servants who were expected to be more attentive to citizens' problems.

Apart from political and institutional clientelism or embezzlement, state capture involves corruption in the judiciary. This takes place either actively through the sale of favourable verdicts or passively by avoiding to fulfil its purpose to administrate justice. What makes it so pervasive is the fact that it undermines the idea of rule of law itself because, as long as corruption remains political or in relation to business, there is still a high chance for the judiciary to punish it. Ristei Gogiu recalls a World Bank study about perceived corruption which took place in the 2000 and revealed that Romanian judiciary was considered the second most corrupt after the customs. Bribes were most often paid to lawyers who, in turn, bypassed transactions between clients and judges (2010: 346). Corruption of the judiciary also builds on corruption in the law-making process. Karklins showed that the post-communist years' overregulation was used by politicians and high public officials to create confusion and opportunities for bribery or other corruption schemes (2002: 25). Confusion may have been used to also escape accountability and represented a major loophole in the public administration's efficiency due to being almost impossible for public servants to permanently stay up to date. In the long run, clientelism created a system of unfair appointments in public offices only based on political affiliation. When this happens, the quality of public services decreases along with the capacity to generate incomes for the state budget. As Dimant and Tosato explain, decision makers had no intention of solving the problem of bureaucratic inefficiency because they can gain profits through corruption. This in turn leads to bureaucratic inefficiency and everything turns into a vicious circle. (2017:12). However, clientelism is not the only one responsible for decreasing professionalisation of the public sector. There are also two other phenomena: cronyism and the lack of investments and resources in key areas.

Cronyism is a practice that is often associated with corruption and is very close to clientelism, or rather clientelism normally uses cronyism and nepotism to expand a criminal network. A public position may be used as a bribe or as blackmail to persuade the other party to participate in subsequent corruption schemes (Karklins 2002:27) if it does not happen willingly. However, cronyism was not only practiced by politicians or public officials but also by common public servants who have no hidden agenda. There are multiple explanations for the widespread cronyism in the Romanian public sector. The first explanation lies in the fact that people do not understand the responsibility of public office and thus, familism or the desire for self-achievement prevails over the rationality that should govern the public sector. The second argument, which is one of historical nature, is that cronyism either lies in inherited patterns of social behaviour or was triggered by some events. Vlăsceanu and Hâncean argue that the nepotistic and clientelist networks had been spreading over the years, surpassing modernity and communism and even going beyond the institutional or legal codes or any form of public scrutiny (2014: 103). On the other hand, the post-communist transition implied a harsh economic struggle, privatization and layoffs, bankruptcy of many factories and plants, inflation and a general feeling of economic uncertainty. The survival values I have mentioned before exacerbated and forced many individuals to seek jobs in state institutions. The uncertainty avoidance and an insecure social environment pushed most people to self-preservation and, because the smallest unit of society is the family, trust was limited to it. Fukuyama claims that family systems are specific to states with a changing or hostile environment, in which individuals believe only in their own family (1996: 88), a phenomenon that was also defined as amoral familism by Banfield (1958).

Cronyism itself does not exclude professionalism but, its amoralistic nature contravenes meritocracy and overturns the expected rationality of public system.

Last but not least, deprofessionalisation has been caused by deficiently investing resources into the public sector. This triggered an aversion to state jobs from those who were qualified and performant and who eventually chose to brain-drain. The economic struggle of post-communism was reflected by the small revenue of state employees. This has been considered a loophole in the effort to combat corruption, phenomenon which remains a residual risk of every extensive administration (Lovell, 2005: 69). For at least the first two post-communist decades there has often been some empathy and tolerance towards public servants who resorted to petty corruption because it was justified by their unfairly low incomes (Jain, 2001: 81). Adding to that, the public education system was severely underfunded, while a bunch of private universities have been established. The lack of quality standards and oversight transformed some of them in 'graduation diploma factories' which only decreased the expectations for more qualified future employees, in general. A new profitable business has also emerged – the training industry which arranges disguised vacations for public servants with the consent of the public managers who sometimes also attended. The fake team-buildings and trainings, which still take place in the mountain or seaside, are completed with diplomas that almost never prove the real capability of the participants.

Conclusion

The downfall of the communist regime was welcomed with hope and expectations of democracy and welfare but instead, the transition has brought new institutional and economic challenges which have been extensively documented by scholars, particularly before the Romanian accession to the EU. The post-communist Romanian society looked more like a kakistocracy than the expected democracy due to the window-dressing implementation of many of the rules of open society. Even though that age has ended, the premises and particularities of kakistocracy should still be under scrutiny today because of their long-term effects on social behaviour, values and mentalities, particularly in the public sector, which is more exposed to arbitrary political decision-making. Moreover, corruption and deprofessionalisation still need to be addressed as the root causes of low-quality public services. For further in-depth research, targeting the analysis of organizational culture in different institutions based on their roles and administrative levels should be taken into account.

References:

Amorado, R.V. (2012). Kakistocracy: Rule of the Unprincipled, Unethical and Unqualified. *Asian Horizons,* 6(1), 21-40.

Abadjian, V. (2010). Kakistocracy or the true story of what happened in the post-Soviet area. *Journal of Eurasian Studies,* 1, 153-163.

Banfield, E.C. (1958). *The Moral Basis of Backward Society*. Glencoe, Illinois: The Free Press.

Boia, L. (2016). *Strania istorie a comunismului românesc (și nefericitele ei consecințe)*. București: Humanitas.

Boia, L. (2013). *De ce este România altfel? ediția a II-a adăugită*. București: Humanitas;

Claver, E., Llopis, J., Gascó, J. L., Molina, H., Conca, F J. (1999). Public administration: From bureaucratic culture to citizen-oriented culture. *International Journal of Public Sector Management,* 12(5), 455-464.

Dalton, K., Kennedy, L. (2007). Management culture in Romania: Patterns of change and resistance. *Journal of East European Management Studies*, 12 (3), 232-259.

Dimant, E., Tosato, G. (2017). Causes and Effects of Corruption: What has Past Decade's Empirical Research Taught Us? A survey. *Journal of Economic Surveys*, 32(2), 335–356.

Fukuyama, F. (1996). *Trust. The Social Virtues and the Creation of Prosperity*. New York: Free Press Paperback.

Gușă, A.R. (2019). *Corupție, cultură și caracter endemic în România*. *Forme de manifestare a corupției în raport cu evoluția cultural-istorică românească și problematica endemicității.* Unpublished PhD thesis. Bucharest: University of Bucharest, Faculty of Letters.

Hofstede, G., Hofstede, G.J., Minkov, M. (2012). *Culturi și organizații: softul mental: cooperarea interculturală și importanța ei pentru supraviețuire*. București: Humanitas.

Husted, B.W. (1999) Wealth, Culture, and Corruption. *Journal of International Business Studies*, 30 (2), 339-360.

Inglehart, R., Baker, W.E. (2000). Modernization, cultural change, and the persistence of traditional values. *American Sociological Review*, 65 (1), 19-51.

Jain, A.K. (2001). Corruption: A Review. *Journal of Economic Surveys*, 15(1), 71-121.

Karklins, R. (2002). Typology of Post-Communist Corruption. *Problems of Post-Communism,* 49 (4), 22-32.

Kaufmann, D. (1997). Corruption: The facts. *Foreign Policy*, 107.

Kotchegura, A. (2015). Reducing corruption in post-communist countries. In Jones, L. Schedler, K. Mussari, R. (Ed.). *Strategies for Public Management Reform (Research in Public Policy Analysis and Management*, (13), 325-345.

Lovell, D.W. (2005). Corruption as Transnational Phenomenon: Understanding endemic corruption. In Postcommunist States. Haller, Dieter. Shore, Cris (editors). *Corruption Anthropological Perspectives*. London, Ann Arbour, MI: Pluto Press.

Nowak, R. (2000). Transparency and good governance in transition economies. *Economic Analysis Division, United Nations Economic Commission for Europe*. Presented to a Preparatory Seminar for the Ninth OSCE Economic Forum.

Ristei Gogiu, M. (2010). The Politics of corruption: Political Will and the Rule of Law in Post-Communist Romania. *Journal of Communist Studies and Transition Politics,* 26(3), 341-362.

Rothstein, B., Uslaner, E.M. (2005). Equality, Corruption, and Social Trust. *World Politics*, 58(1), 41-72.

Sajó, A. (2002). Clientelism and Extortion: Corruption in Transition. In Kotkin, Stephen. Sajó, Andras. (2002). *Political Corruption in Transition. A Skeptic`s Handbook*. Budapest, New York: Central European University Press.
Tismăneanu, V. (2007). *Reinventarea politicului. Europa Răsăriteană de la Stalin la Havel*, second edition. Iași: Polirom.
Verdery, K. (1996). *What Was Socialism and What Comes Next?* Princeton, New Jersey: Princeton University Press.
Vlăsceanu, L., Hâncean, M.G. (2014). *Modernitatea românească*. Pitești: Paralela 45;

Article Info

Received: April 02 2021
Accepted: April 12 2021

Revista de Științe Politice. Revue des Sciences Politiques • No. 69 • 2021: 57 - 72

ORIGINAL PAPER

Considerations on the Intergovernmental Organization for International Carriage by Rail (OTIF)

Sevastian Cercel[1)], Ștefan Scurtu[2)]

Abstract:
At the 1878 International Conference in Bern a draft was drawn up on the basis of which, in 1890, the Convention concerning International Carriage of Goods by Rail (the first in the history of rail transport) was concluded in Bern. Under this convention, the Central Office for International Carriage by Rail, the forerunner of the Intergovernmental Organization for International Carriage by Rail, was established in 1893. The 1890 Convention was revised several times; in 1980, the eighth revision of the convention took place in Bern. On this occasion, the Convention concerning International Carriage by Rail (referred to as C.O.T.I.F.) was concluded. The contracting parties agreed to establish the Intergovernmental Organization for International Carriage by Rail (OTIF). O.T.I.F. was established on 1 May 1985, the date of the entry into force of C.O.T.I.F.. The organization has its headquarters in Bern and has legal personality. C.O.T.I.F. governs the functioning of the organization, sets its objectives, structure and operation. The fundamental purpose of O.T.I.F.is to establish a uniform legal regime applicable to the carriage of passengers, luggage and goods in direct international traffic between Member States using railways, and to facilitate the implementation and development of this regime. Its basic legal instrument is the Convention concerning International Carriage by Rail, with its seven annexes. Romania ratified the Convention concerning International Carriage by Rail in 1983. In 2011, the European Union adhered to C.O.T.I.F..

Keywords: *international convention; uniform legal regime; international carriage by rail; intergovernmental organization; structure and functioning of the organization.*

[1)] Professor, PhD, University of Craiova, Faculty of Law, Law Specialization, Romanian Academy of Juridical Sciences, Centre for Private Law Studies and Research, Romania, Phone: 040351177100, Email: sevastiancercel@yahoo.com.
[2)] Professor, PhD, University of Craiova, Faculty of Law, Law Specialization, Centre for Private Law Studies and Research, Romania, Phone: 040351177100, Email: stefan_scurtu@yahoo.com.

1. Preliminary issues

At the 1878 International Conference in Bern a draft was drawn up on the basis of which, in 1890, the Convention concerning International Carriage of Goods by Rail (the first in the history of rail transport) was concluded in Bern; it entered into force in 1893 (on the history of this convention and those that succeeded it, see Manolache, 2001: 97); the Central Office for International Carriage by Rail was established in the same year. Romania signed this convention in 1904 (regarding the establishment of the Romanian Railways, as an institution, in 1880, and the evolution of the railway infrastructure in Romania, see Stanciu, 2015: 191).

The 1890 Convention was revised several times (in 1924, 1952, 1970); in 1980, in Bern, a new essential revision of the convention took place. On this occasion, the Convention concerning International Carriage by Rail (referred to as C.O.T.I.F.) was concluded (regarding the imperatives of concluding this convention and its institutional framework, see Căpățână, Stancu, 2002: 36-37). The contracting parties, as Member States, laid the foundation of the Intergovernmental Organization for International Carriage by Rail (referred to as O.T.I.F.), to carry on the activity of the Central Office for International Carriage by Rail.

Romania ratified the 1980 Bern Convention concerning International Carriage of Goods by Rail (commonly referred to as "C.O.T.I.F. 1980"), in 1983 (Decree 100/28.03.1983 for the ratification of C.O.T.I.F. was published in the Official Bulletin no. 23 of 1 April 1983).

On the date of entry into force of C.O.T.I.F. 1980 (1 May 1985), the following were repealed: the International Conventions on the Carriage of Goods by Rail (C.I.M.) and Passengers and Luggage (C.I.V.) of 7 February 1970, as well as the Additional Convention to the C.I.V. relating to the liability of the railway for death of and personal injury to passengers, of 26 February 1966 (art. 24 par. 2, C.O.T.I.F. 1980).

The Intergovernmental Organization for International Carriage by Rail (hereinafter referred to as "the Organisation") was established on 1 May 1985, the date of entry into force of C.O.T.I.F. 1980. The Organisation is based in Bern and has its own legal personality (art. 1, C.O.T.I.F. 1980).

The Organisation currently has 50 member countries in Europe, Asia and Africa and one associated member country (Jordan).

The European Union joined C.O.T.I.F. in 2011 (Council Decision of 16 June 2011, 2011). So far, C.O.T.I.F. 1980 has been amended three times (regarding the amendments to the Bern Convention, 1980, see Sitaru, Buglea, Stănescu, 2008: 359): a) by the Bern Protocol of 1990 - commonly referred to as "the 1990 Protocol" [Romania ratified the "1990 Protocol" on amendments to the Convention concerning International Carriage by Rail (C.O.T.I.F.) of 9 May 1980 by Law no. 27 of 24/03/92, published in the Official Gazette no. 55/01.04.1992]; b) by the Vilnius Protocol of 3 June 1999, which entered into force in 2006 (Romania ratified the Vilnius Protocol of 1999 by G.O. no. 69 of 30.08.2001, published in the Official Gazette no. 538 of 01.09.2001); c) by the Amendments of 29-30 September 2015, adopted at the 12th session of the General Assembly of O.T.I.F., held in Bern, 29-30 September 2015 (Romania accepted the Amendments of 29-30 September 2015 to the Convention concerning International Carriage by Rail of 9 May 1980 by Law no. 98 of 29.06.2020, published in the Official Gazette, Part I, no. 593 of 7 July 2020). Due to the importance of the changes that were made to C.O.T.I.F. 1980 by the Vilnius Protocol of 3 June 1999, *now the usual name of this Convention is "C.O.T.I.F. 1999" (hereinafter referred to as "the Convention").*

C.O.T.I.F. 1999 comprises two parts: a) the Convention as such, which governs the functioning of the Organisation; b) the seven annexes to the Convention, which establish a uniform railway law; these annexes contain: i) model contracts for the carriage of passengers and goods, and ii) technical requirements for railway equipment used in international carriage.

The Convention as such sets out the objectives and tasks of the Organisation, the specific obligations of the Member States, the structure and functioning of the Organisation, it includes clarifications on the lists of maritime and inland waterway services referred to in art. 1 of the CIV Uniform Rules and art. 1 of the CIM Uniform Rules, on which transport is carried out, the financing of the expenses of the Organisation, the settlement by arbitration of disputes between Member States, generated as a result of the interpretation or application of C.O.T.I.F. 1999, as well as disputes between Member States and the Organisation arising from the interpretation or application of the Protocol on Privileges and Immunities of the Organisation.

2. Aim of the Organisation

The Organisation has the fundamental aim of promoting, improving and facilitating international traffic by rail. Its basic legal instrument is C.O.T.I.F. 1999, with the seven annexes (In this sense, see also Caraiani, Ion, 1998: 253).

In order to fulfil this mission, the Organisation has the following specific objectives (art. 2, C.O.T.I.F. 1999 - the articles indicated in this paper, without mentioning the regulation, refer to C.O.T.I.F. 1999): a) establishing systems of uniform law in the following areas: i) international carriage of passengers and goods in international through traffic by rail, including complementary carriage by other modes of transport subject to a single contract; ii) use of wagons as means of transport in international rail traffic; iii) contract of use of infrastructure in international rail traffic; iv) carriage of dangerous goods in international rail traffic; b) removal of obstacles to the crossing of frontiers in international rail traffic; c) achievement of the interoperability and technical harmonisation in the railway field by the validation of technical standards and the adoption of uniform technical prescriptions; d) establishing a uniform procedure for the technical admission of railway material intended for use in international traffic; e) developing the systems of uniform law, rules and procedures referred to before while taking into account the legal, economic and technical developments.

Pursuant to art. 5, in turn, in order to facilitate and improve international rail traffic, the Member States are required to contribute by achieving the highest possible degree of uniformity in the regulations, standards, procedures and methods of organization relating to railway vehicles, railway personnel, railway infrastructure and auxiliary services.

Member States also have the following obligations: a) to remove any unnecessary procedure; b) to simplify and standardize the formalities already required; c) to simplify border controls.

Finally, the Member States have the obligation to facilitate the conclusion of agreements between infrastructure managers, with the aim of optimizing international rail traffic.

3. Fields of activity of the Organisation

The Organisation has three important areas of activity: law of railway contracts, carriage of dangerous goods and technical interoperability. The Organisation develops uniform legal regimes for: contracts for the carriage of passengers and goods, rules for accessories to the contract of carriage, such as the contract for the use of wagons or infrastructure, rules for the carriage of dangerous goods, technical provisions and the procedure for the technical approval of the rolling stock.

The Organisation provides the Member States with the legal and technical means to facilitate international rail traffic, to develop such traffic on their territory and to connect to the rail networks of other Member States. To achieve these goals, the Convention includes "Uniform Rules", "Regulations", grouped in "Appendices" to the Convention.

Thus, pursuant to art. 6, the international rail traffic and the admission of railway material for use in international traffic are, as a matter of principle, governed by: a) "Uniform Rules concerning the Contract of International Carriage of Passengers by Rail (CIV)", which constitute Appendix A to the Convention (Both the uniform rules contained in Appendix A to the Convention and those contained in Appendix B to the Convention are mandatory, an aspect that undoubtedly results from art. 5 of CIV, respectively from art. 5 of CIM, both having as a marginal title the phrase "Mandatory law" and the following content, relevant to the binding nature of the provisions of those rules: "Unless provided otherwise in these Uniform Rules, any stipulation which, directly or indirectly, would derogate from these Uniform Rules shall be null and void. The nullity of such a stipulation shall not involve the nullity of the other provisions of the contract of carriage. Nevertheless, a carrier may assume a liability greater and obligations more burdensome than those provided for in these Uniform Rules". In the same sense, see Ungureanu, 2014: 101); b) "Uniform Rules concerning the Contract of International Carriage of Goods by Rail (CIM)", which constitute Appendix B to the Convention (regarding the applicability of the CIM Uniform Rules, see Piperea, 2003: 122); c) "Regulation concerning the International Carriage of Dangerous Goods by Rail (RID)", which constitutes Appendix C to the Convention; d) "Uniform Rules concerning Contracts of Use of Vehicles in International Rail Traffic (CUV)", which constitute Appendix D to the Convention; e) "Uniform Rules concerning the Contract of Use of Infrastructure in International Rail Traffic (CUI)", which constitute Appendix E to the Convention; f) "Uniform Rules concerning the Validation of Technical Standards and the Adoption of Uniform Technical Prescriptions applicable to Railway Material intended to be used in International Traffic (APTU)", which constitute Appendix F to the Convention; g) "Uniform Rules concerning the Technical Admission of Railway Material used in International Traffic (ATMF)", which constitute Appendix G to the Convention; h) other regimes of uniform law elaborated by the Organisation based on art. 2 par. 2, letter a), also constituting an Appendix to the Convention.

All Uniform Rules, Regulation and other regimes of uniform law developed by the Organisation, including their Annexes, are part of C.O.T.I.F. 1999 (art. 6, par. 2).

Pursuant to art. 10, two or more Member States or two or more carriers may agree on additional provisions for the implementation of the CIV Uniform Rules and the CIM Uniform Rules, but without being allowed to derogate from these Uniform Rules. These additional provisions enter into force and are published in the manner required by the laws and regulations of each State. Additional provisions of the States and their entry

into force are communicated to the Secretary General, who will notify the Member States of this information.

4. Common calculation currency. Special drawing right

In order to make the payment system efficient, which is of particular interest to the discount of transport tariffs and compensation between the national railway networks of the member countries of C.O.T.I.F., art. 9 enshrined as a common currency of calculation and payment, as a unit of account, the Special Drawing Right (S.D.R.), as defined by the International Monetary Fund – IMF [special drawing rights are the virtual currency of the International Monetary Fund designed as a replacement for the gold standard. Transactions within the International Monetary Fund are calculated in S.D.R. A number of national currencies are fixed at a certain ratio in relation to the S.D.R. Its value is calculated according to the US dollar (41.73%), the euro (30.93%), the Japanese yen (8.33%), the British pound (8.09%) and, since 2016, the Chinese yuan (renminbi) (10.92 %), according to the exchange rate from the London Stock Exchange.

The conversion of national currencies in relation to the S.D.R. aims at establishing the monetary relationship between the debtor and the creditor railways, having no effects in the relations between each national railway network and its customers; the pecuniary relationship between the carrier and the passenger or consignor, respectively the consignee is established in the national currency of the beneficiaries of the transport (Gh. Stancu, 2005: 251-252).

Pursuant to art. 9, the following ways of converting national currencies into S.D.R. are used: a) in the case of states that are members of the IMF, the value in S.D.R. of the national currency is calculated in accordance with the method applied by the IMF for its own operations and transactions; b) in the case of states that are not members of the IMF, but whose legislation allows the conversion of their national currencies into S.D.R., the value in S.D.R. of the national currency is calculated by the railway by the converting method determined by that State. This converting calculation must express in the national currency a real value as close as possible to that calculated by the IMF; c) in the case of a state which is not a member of the IMF and whose legislation does not allow the conversion of the national currency into S.D.R., the unit of account referred to in the CIV Uniform Rules and the CIM Uniform Rules is considered to be equal to three gold francs (one gold franc is defined by 10/31 grams of gold with an alloy title of 0.900). The transformation of the gold franc must express in the national currency a real value as close as possible to the calculation of the IMF.

In the case of the last two hypotheses presented above, within three months from the entry into force of the Convention and each time there is a change in their method of calculation or in the value of their national currency, in relation to the unit of account, in the first hypothesis to which we refer the states will communicate their method of calculation to the Secretary General, and in the second hypothesis they will communicate the results of the conversion. The Secretary General will notify this information to the other Member States.

Pursuant to art. 10, which has the marginal title “Supplementary provisions”, two or more Member States or two or more carriers may agree, by additional provisions to the Convention, to make payments directly in their national currencies, in order to implement the CIV Uniform Rules and the CIM Uniform Rules; however, they cannot derogate from these Uniform Rules; the supplementary provisions enter into force and are published in the manner required by the laws and regulations of each State. Such

additional provisions by States and their entry into force will be communicated to the Secretary General, who will notify the Member States of such information.

5. Membership of the Organisation

5.1. Acquiring membership of the Organisation

According to C.O.T.I.F. 1999, there are three types of members of the Organisation: Member States that acceded to the Convention, regional economic integration organizations that acceded to the Convention, associate states.

Accession to the Convention in order to acquire the status of a Member State is open to any State in whose territory a railway infrastructure is operated. The State wishing to accede to the Convention will address an application to the depositary. The depositary has the obligation to fulfil the procedural measures, provided by art. 37, for the accession of the requesting state.

Pursuant to art. 38, accession to C.O.T.I.F. 1999 is open to regional economic integration organisations which have the competence to adopt their legislation, which is binding on their members, in the fields covered by this Convention, and to which one or more Member States are members. The conditions of such accession are defined in an agreement concluded between the Organisation and the regional organisation.

The rights which the regional organisation may have, the conditions for the exercise of these rights, the obligations incumbent on the Member States under C.O.T.I.F. 1999 are provided by art. 38(2)(3).

Finally, any state in whose territory a railway infrastructure is operated may become an associate member of the Organisation (art. 39 provides for the rights and obligations of associate members, as well as the conditions for the suspension of associate membership).

5.2. Suspension of membership of the Organisation

Any Member State may request, without denouncing the Convention, the suspension of its membership of the Organisation when international rail traffic is no longer carried out on its territory, for reasons not attributable to that Member State. The procedure to be followed in this case, the body that is competent to decide on the application, the consequences of admitting the application, the conditions under which the suspension of membership of the Organisation ceases are provided by art. 40.

5.3. Termination of membership of the Organisation. Denunciation of C.O.T.I.F. 1999

Pursuant to art. 40, the Convention may be denounced at any time. The Member State wishing to denounce the Convention will notify the depositary thereof and the denunciation will take effect on 31 December of the following year.

6. Structure and functioning of the Organisation

The functioning of the Organisation is ensured by the following organs (art. 13): a) the General Assembly; b) the Administrative Committee; c) The Revision Committee; d) the Committee of Experts for the Carriage of Dangerous Goods (RID Expert Committee); e) the Rail Facilitation Committee; f) the Committee of Technical Experts; g) the Secretary General.

6.1. Chairmanship of the Organisation

The chairmanship of the Organisation is ensured by three bodies: the General Assembly; the Administrative Committee; the Secretary General.

6.1.1. The General Assembly is the supreme decision-making body and is composed of representatives of all Member States. As a rule, the General Assembly meets every three years at the invitation of the Secretary General. It may hold extraordinary sessions in the cases mentioned by C.O.T.I.F. The last General Assembly took place in Bern on 27 February 2019.

The General Assembly has the following powers (art. 14, par. 2): a) to establish its rules of procedure; b) to designate the members of the Administrative Committee as well as a deputy member for each member and elect the Member State which will provide the chairmanship of the Administrative Committee; c) to elect the Secretary General; d) to issue directives concerning the activity of the Administrative Committee and the Secretary General; e) to establish, for three-year periods, the maximum amount that the expenditure of the Organisation may reach in each budgetary period; in case such an amount has not been fixed, it will issue directives relating to the limitation of that expenditure for a period no longer than three years; f) to decide whether the headquarters of the Organisation should be located in another place; g) to examine whether the attitude of a State should be regarded as a tacit denunciation; h) to take decisions about proposals aiming to modify the Convention; i) to take decisions about applications for association submitted to it; j) to take decisions about the conditions of accession of a regional economic integration organisation; k) to take decisions about applications for association submitted to it; l) to take decisions about the dissolution of the Organisation and about the possible transfer of its attributions to another intergovernmental organisation; m) to take decisions about other questions placed on the agenda.

The Secretary General of the Organisation convenes the General Assembly every three years or at the request of either one-third of the Member States or the Administrative Committee, as well as in the cases mentioned in the Convention. It sends the draft agenda to the Member States at least three months before the opening of the session, in compliance with the rules of procedure of the Organisation (art. 14, par. 3).

As for the General Assembly, a quorum is obtained when the majority of the Member States entitled to vote are represented. A Member State may be represented by another Member State; however, a state can only represent one other state (this rule is also established in the case of the Administrative Committee, by art. 15, par. 6). In the event of a vote in the General Assembly of amendments to the Appendix to the Convention, the Member States which have made a declaration in respect of that Appendix in accordance with the provisions of the Convention are not entitled to vote. The General Assembly takes its decisions by a majority of the Member States represented to vote, except as expressly provided in the Convention, for which a two-thirds majority is required.

At the invitation of the Secretary General, in agreement with a majority of the Member States, the following may attend sessions of the General Assembly in an advisory capacity: States which are not members of the Organisation, international organisations and associations, which have competence in matters relating to the activities of the Organisation or which deal with issues on the agenda (art. 14, par. 7).

6.1.2. The Administrative Committee (hereinafter referred to as "the Committee") is responsible for monitoring the administrative and financial activities of the Secretary General. It consists of one third of the Member States designated by the General Assembly for a period of three years, based primarily on a fair geographical distribution (art. 15, par. 1). At the same time, the General Assembly appoints, for the same period, one deputy member for each member of the Committee, as well as the Member State holding the chairmanship of the Committee.

In the event of a vacancy or the suspension of a member's right to vote or the absence of a member for two consecutive sessions of the Committee, without the latter having arranged his representation by another member, in accordance with the provisions of the Convention, the deputy member appointed by the General Assembly exercises its functions for the remainder of the period. (art. 15, par. 3).

No Member State may be part of the Committee for more than two consecutive full terms, unless a deputy member has become a member of the Committee during such a period, in which case (in accordance with art. 15, par. 2) he must be designated as a member of the Committee for the following period.

The Administrative Committee has the following powers (art. 15, par. 5): a) to establish its rules of procedure; b) to conclude the Headquarters Agreement; c) to establish the staff regulation for the Organisation, implying rights and obligations; d) to appoint the senior officers of the Organisation while taking into account the ability of the candidates and an equitable geographical distribution; e) to establish a regulation concerning the finances and book-keeping of the Organisation; f) to approve the work programme, budget, management report and accounts of the Organisation; g) to establish, on the basis of the approved accounts, the definitive contributions due from the Member States in accordance with art. 26, for the previous calendar year, as well as the amount of the treasury advance due from the Member States in accordance with art. 26, par. 5 for the current year; h) to determine the attributions of the Organisation which concern all the Member States or only some of the Member States and, as a result, the expenses to be borne by these Member States (in accordance with art. 26, par. 4); i) to fix the amount of specific remuneration (in accordance with art. 26, par. 11); j) to issue special directives concerning the auditing of accounts (in accordance with art. 26, par. 1); k) to approve the taking on of administrative functions by the Organisation (in accordance with art. 26, par. 3) and to establish the specific contributions due from the Member State concerned; l) to communicate to the Member States the management report, the statement of accounts as well as its decisions and recommendations; m) to draw aup and communicate to the Member States, with a view to the General Assembly which is to decide the composition of the Committee, at least two months before the opening of the session, a report on its activity as well as proposals as to how it should be reconstituted (in accordance with art. 14, par. 2, letter b); n) to keep a check on the conduct of business by the Secretary General; o) to keep a watch on the proper application of the Convention by the Secretary General and the execution, by the Secretary General, of decisions taken by the other organs; to this end, the Committee may take all measures likely to improve the application of the Convention and of the above mentioned decisions; p) to give reasoned opinions on issues which may affect the activities of the Organisation and are submitted to the Committee by a Member State or by the Secretary General; q) to settle disputes between a Member State and the Secretary General with respect to his function as Depositary (in accordance with art. 36, par. 2); r)

to take decisions relating to applications for suspension of membership (in accordance with art. 40).

In the Committee, a quorum is obtained when two-thirds of its members are represented. Pursuant to art. 15(6), a member may be represented by another member; however, one member can only represent one other member (this rule is also established in the case of the Administrative Committee, by art. 14, par. 4). The Committee takes decisions by a majority of its members represented during the vote.

As a rule, the Committee meets at the headquarters of the Organisation. The minutes of the sessions are sent to all Member States.

The Chairman of the Committee has the following powers (art. 15, par 9): a) to convene the Committee at least once a year, as well as at the request of four of its members or the Secretary General; b) to present the draft agenda to the members of the Committee; c) to deal, within the limits and under the conditions defined in the rules of procedure of the Committee, with some urgent issues which have arisen between meetings; d) to sign the Headquarters Agreement; e) to perform the specific tasks established by the Administrative Committee.

6.1.3. The Secretary General. The Secretary General is elected by the General Assembly for a period of three years, which can be renewed twice at most.

The Secretary General assumes the functions related to the Secretariat of the Organisation, manages the organization, but is also an operational body that performs the tasks of Depositary and represents the Organisation; thus, pursuant to art. 21(3), he has the following powers: a) to perform the functions of Depositary of the Convention (in the same sense, see art. 36); b) to represent the Organisation externally; c) to send the decisions taken by the General Assembly and by the Committees to the Member States (in the same sense, see art. 34, par. 1, and art. 35, par. 1); d to perform the tasks entrusted to him by the other bodies of the Organisation; e) to examine proposals of the Member States aiming to modify the Convention, if necessary with the assistance of experts; f) to convene the General Assembly and the other Committees (in the same sense, see art. 14, par. 3, and art. 16, par. 2); g) to send to the Member States, in due time, the documents necessary for the meetings of the various bodies; h) to draw up the work programme, draft budget and management report of the Organisation and submit them to the Administrative Committee for approval (in the same sense, see art. 25); i) to manage the financial affairs of the Organisation within the limits of the approved budget; j) to endeavour, at the request of one of the parties concerned, by using his good offices, to settle disputes between them arising from the interpretation or application of the Convention; k) to give, at the request of all parties concerned, an opinion on disputes arising from the interpretation or application of the Convention; l) to assume the functions which are given to him by Title V of the Convention, concerning arbitration; m) to receive communications from the Member States, international organisations and associations referred to in art. 16(5), and from the undertakings (carriers, infrastructure managers, etc.) which paticipate in international rail traffic, and notify them, where appropriate, to the other Member States, international organisations and associations, as well as undertakings; n) to exercise the management of the staff of the Organisation; o) to inform the Member States, in due time, of any vacancy in the posts of the Organisation; p) to maintain and publish the lists of maritime and inland waterway services referred to in art. 24; r) to present, on his own initiative, proposals aiming to modify the Convention.

6.2. The Committees of the Organisation

The Committees of the Organsiation are the following: the Revision Committee; the Committee of Experts for the Carriage of Dangerous Goods (referred to as the RID Committee of Experts); the Rail Facilitation Committee; the Committee of Technical Experts, as well as the temporary committees created by the General Assembly; for example, the 13th General Assembly of the Organisation, held in Bern on 25-26.09.2018, set up the Ad hoc Committee on Cooperation for a period of three years.

The first three committees are responsible for the annexes to the Convention, each with its own competences (the Revision Committee takes decisions on amendments to Appendices A, B, D and E and certain amendments to Appendices F and G; the Committee of Technical Experts takes decisions on amendments to Appendices F and G and the adoption of uniform technical requirements; the RID Committee of Experts takes decisions on amendments to Appendix C and its Annex). The Rail Facilitation Committee was established under C.O.T.I.F. in 1999 and aims to propose standards and methods for improving frontier crossing in international rail traffic. Its role took shape with the development of the main international corridors, which have been the subject matter of a recent study of the Organisation.

The four committees of the Organisation consist, in principle, of all the Member States. By exception, when the Revision Committee, the RID Committee of Experts or the Committee of Technical Experts deliberate and decide, within their competences, on any amendments to the Appendices to the Convention, the Member States which have made, in accordance with art. 42, par 1, a declaration on those Appendices are not members of the Committee concerned (art. 16, par. 1).

Within the committees, one Member State may be represented by another Member State; however, one Member State cannot represent more than two other States (art. 16, par. 3); a similar rule on representation is laid down for the General Assembly (art. 14, par. 4), as well as for the Administrative Committee (art. 15, par. 6).

Each committee makes its own rules of procedure (art. 16, par. 10).

The committees may create working groups in charge of dealing with the established problems (art. 16, par. 9).

Working procedure of the committees. The Secretary General convenes the Committee either on his own initiative or at the request of five Member States or at the request of the Administrative Committee. The Secretary General sends the draft agenda to the Member States at least two months before the opening of the session (art. 16, par. 2).

Each represented Member State is entitled to one vote. A proposal is adopted if two cumulative conditions are met (art. 16, par. 4): a) the number of votes in favour is at least equal to one third of the number of Member States represented at the time of the vote, and b) the number of votes in favour is greater than the number of votes against.

The meetings of the Committees may be attended, in an advisory capacity, by an invitation from the Secretary General, issued in agreement with the majority of the Member States: a) states which are not members of the Organisation, b) Member States which are not members of the respective Committees; c) international organisations and associations, which have competence in matters related to the activity of the Organisation or which deal with some problems on the agenda (art. 16, par. 5).

The committees elect for each meeting or for a determined period a Chairman and one or more Deputy Chairmen (art. 16, par. 6).

The proceedings are conducted in the working languages. What is said during the meetings, in one of the working languages, is translated into the other working languages, and the proposals and decisions are fully translated (art. 16, par. 7).

The minutes summarise the proceedings. Proposals and decisions are reproduced in full. With regard to decisions, the French text prevails. The minutes are sent to all Member States (art. 16, par. 8).

6.2.1. The Revision Committee

The Revision Committee has responsibilities in relation to amendments to the Convention; thus, in accordance with art. 17, the Revision Committee has the following powers: a) to decide on proposals to amend the Convention, in accordance with art. 33(4), on the competence of the Revision Committee to amend the Convention; b) to examine the proposals to amend the Convention that will be submitted to the General Assembly in order to take a decision, in accordance with art. 33(2).

Within the Revision Committee, a quorum is obtained when the majority of the Member States having the right to vote are represented.

6.2.2. RID Committee of Experts

The RID Committee of Experts decides on proposals to amend the Convention, in accordance with art. 33(5), which provides that the RID Committee of Experts decides on proposals to amend the provisions of the Regulation concerning the International Carriage of Dangerous Goods by Rail (RID), ie takes decisions on amendments to Appendix C and its annex. When such proposals are submitted to the RID Committee of Experts, one third of the States represented in the Committee may request that these proposals be submitted to the General Assembly for a decision.

Within the RID Committee of Experts, the quorum, referred to in art. 13(3), is obtained when one third of the Member States having the right to vote are represented (art. 18).

6.2.3. The Rail Facilitation Committee

The Rail Facilitation Committee has the following powers (art. 19): a) to decide on all issues aimed at facilitating frontier crossing in international rail traffic; b) to recommend standards, methods, procedures and practices regarding railway facilitation.

Within the Rail Facilitation Committee, the quorum, referred to in art. 13(3), is obtained when one third of the Member States having the right to vote are represented.

6.2.4. The Committee of Technical Experts

The Committee of Technical Experts takes decisions on amendments to Appendices F and G and on the adoption of uniform technical prescriptions (UTP), with the following powers (art. 20): a) to decide, in accordance with the APTU Uniform Rules, on the validation of a technical standard relating to railway material intended to be used in international traffic; b) to decide, in accordance with the APTU Uniform Rules, on the adoption of a uniform technical prescription relating to the construction, operation, maintenance or relating to a procedure concerning railway material intended to be used in international traffic. The Committee of Technical Experts can either validate the technical standards or adopt uniform technical prescriptions or refuse the validation or adoption thereof; however, it cannot modify them; c) to keep a watch on the application of technical standards and uniform technical prescriptions relating to

railway material intended to be used in international rail traffic and examine their development with a view to their validation or adoption in accordance with the procedures provided for in the APTU Uniform Rules; d) to decide on proposals aiming to modify the Annexes to the APTU Uniform Rules; when such proposals are submitted to the RID Committee of Experts, one third of the states represented in the Committee may request that these proposals should be submitted to the General Assembly for the purpose of taking a decision; e) to deal with all other matters which are assigned to it in accordance with the APTU Uniform Rules and the ATMF Uniform Rules.

Within the Committee of Technical Experts, a quorum is obtained when half of the Member States having the right to vote are represented. On the occasion of taking decisions regarding the provisions of the Annexes to the APTU Uniform Rules, the Member States that have formulated an objection in accordance with art. 35(4), concerning the provisions in question or have made a statement in accordance with art. 9(1) of the APTU Uniform Rules (art. 20, par. 2), are not entitled to vote.

6.3. The Bulletin of the Organisation

The Organisation publishes a Bulletin which contains official communications as well as others necessary or useful communications with respect to the application of the Convention. The communications for which the Secretary General is responsible, in compliance with the Convention, may, if necessary, be made in the form of a publication in the Bulletin (art. 23).

6.4. Lists of lines or services

The maritime and inland waterway services referred to in art. 1 of the CIV Uniform Rules and art. 1of the CIM Uniform Rules, on which carriage is performed, which make the object of one carriage contract, in addition to carriage by rail, are included in two lists (art. 24): a) the CIV list of maritime and inland waterway services, b) the CIM list of maritime and inland waterway services.

The railway lines of a Member State which has issued a reservation in accordance with the CIV Uniform Rules or in accordance with the CIM Uniform Rules are included in two lists, in accordance with this reservation: a) the list of CIV railway lines; b) the list of CIM railway lines.

The Member States send the Secretary General their communications concerning the listing or delisting of maritime and inland waterway services. Maritime and inland waterway services connecting some Member States are registered only with the agreement of those States; for the cancellation of one of these services, the communication from one of these states is sufficient. The Secretary General notifies all Member States of the listing or delisting of a service.

7. Arbitration relating to the Organisation

7.1. Competence of the Arbitration Tribunal

Pursuant to art. 28, disputes between Member States arising out of the interpretation or application of the Convention, as well as disputes between Member States and the Organisation arising out of the interpretation or application of the Protocol on Privileges and Immunities of the Organisation may be settled by an Arbitration Tribunal at the request of one of the parties (so far, there has been no dispute between the Member States and no need for an interpretation of COTIF requiring the use of the

arbitration procedure. Using the uniform law of COTIF, the national courts have managed to find satisfactory solutions.

The other disputes arising as a result of the interpretation or application of the Convention and other conventions drawn up by the Organisation, in accordance with art. 2(2), if they have not been settled amicably or subject to the decision of ordinary courts, may be submitted for settlement to an Arbitration Tribunal, by agreement between the interested parties.

7.2. Characteristics of the Arbitration Tribunal

This Arbitration Tribunal has both elements specific to institutionalized arbitral tribunals and elements specific to ad-hoc arbitral tribunals. Thus, like an institutionalized arbitral tribunal, it has the authority to appoint arbitrators (the Secretary General of the Organisation), a panel of arbitrators (this panel is drawn up by the Secretary General of the Organisation on the premise that each Member State may nominate two of its nationals for the panel of arbitrators) and a secretariat (the Secretary General assumes the functions of the Registrar). In exchange, like an ad-hoc arbitral tribunal, it does not have its own arbitration procedure, a situation in which the litigants freely decide the arbitration procedure (art. 28, par. 2).

7.3. Composition of the Arbitration Tribunal

The parties concerned conclude an arbitration agreement specifying in particular the following: a) the subject matter of the dispute; b) the composition of the tribunal and the terms agreed for the appointment of the arbitrator or arbitrators; c) the place agreed as the seat of the Arbitration Tribunal (art. 29).

The arbitration agreement is communicated to the Secretary General, who assumes the functions of the Registrar.

Pursuant to art. 30(2), when establishing the Arbitration Tribunal, the following rules are taken into account: a) the Arbitration Tribunal consists of one, three or five arbitrators in accordance with the agreement concluded by the litigants; b) in principle, the arbitrators are selected from persons who are on the panel drawn up by the Secretary General; however, if the agreement to refer to arbitration provides for five arbitrators, each of the parties may select one arbitrator who is not on the panel; c) if the agreement to refer to arbitration provides for a sole arbitrator, he is selected by mutual agreement between the parties; d) if the agreement to refer to arbitration provides for three or five arbitrators, each party selects one or two arbitrators as the case may be; these, by mutual agreement, appoint the third or fifth arbitrator, who presides over the Arbitration Tribunal; e) if the parties cannot agree on the selection of a sole arbitrator, or the selected arbitrators cannot agree on the appointment of a third or fifth arbitrator, the appointment is made by the Secretary General, who acts as the appointing authority; f) where the litigants are not of the same nationality, the sole arbitrator or the third arbitrator or the fifth arbitrator, must be of a nationality other than the parties; g) the intervention in the dispute of a third party remains without effect regarding the composition of the Arbitration Tribunal.

7.4. Arbitral proceedings

The Arbitration Tribunal decides on the procedure to be followed, taking into account, in particular, the following provisions (art. 31): a) it enquires into and determines cases on the basis of the evidence submitted by the parties, but will not be

bound by their interpretations when it is called upon to decide a matter of law; b) it may not award more than the claimant has claimed, nor anything of a different nature, nor may it award less than the defendant has acknowledged as due; c) the arbitration award, setting forth the reasons for the decision, is drawn up by the Arbitration Tribunal and notified to the parties by the Secretary General; d) save where the mandatory provisions of the law of the place where the Arbitration Tribunal is sitting otherwise provide and subject to contrary agreement by the parties, the arbitration award is final.

The award of the Arbitration Tribunal determines the amount of costs and expenses and decides how they and the fees of the arbitrators are to be apportioned between the parties (the fees of the arbitrators are determined by the Secretary General).

7.5. Effects of the arbitral proceedings

The application of the arbitration procedure has, as regards the interruption of the limitation period, the same effect as that provided by the substantive law applicable for bringing an action before the ordinary courts or tribunals (art. 32).

8. Finances of the Organisation

8.1. Work programme. Budget. Accounts. Management report of the Organisation

Regarding the budget, accounts, work programme and annual management of the Organisation, the Convention lays down the following rules (art. 25): a) the budget and accounts of the Organisation cover a period of one calendar year; b) the work programme covers a period of two calendar years; c) the Organisation publishes an annual management report; d) the total amount of expenditure of the Organisation is fixed, for each budgetary period, by the Administrative Committee on a proposal by the Secretary General.

8.2. Financing the expenditure

In principle, the expenses of the Organisation, which are not covered by other receipts, are met by the Member States, according to a formula established by art. 26.

The contributions of the Member States to the expenditure of the Organisation are due in the form of a treasury advance to be paid by 31 October of the year included in the budget. The treasury advance is determined on the basis of the definitive contributions for the previous year.

Upon transmission to the Member States of the management report and statement of accounts, the Secretary General notifies the final amount of the contribution for the previous calendar year and the amount of the treasury advance for the following calendar year.

After 31 December of the year in which the Secretary General sends the notification, the amounts due for the last calendar year bear interest at the rate of five per cent per annum. If, two years after that date, a Member State fails to pay its contribution, its right to vote is suspended until it has fulfilled its payment obligation.

Upon the expiry of a further period of two years, the General Assembly considers whether the attitude of that State should be regarded as a tacit denunciation of the Convention and, if necessary, determines its actual date.

A Member State which has denounced the Convention may become a Member State again by accession, provided that it has paid the sums owed.

8.3. Auditing of accounts of the Organisation

As a rule, the auditing of accounts is performed by the State where the Organisation has its headquarters, in accordance with the rules laid down in art. 27 and with the Financial and Accounting Regulation of the Organisation.

The auditor performs the audit of the accounts of the Organisation, including all trust funds and special accounts, as he deems appropriate and makes a report on financial operations.

The Auditor informs the Administrative Committee and the Secretary General of the findings on the occasion of the audit. Moreover, he may submit any comment considered appropriate with regard to the financial report of the Secretary General.

9. Conclusions

The first International Convention concerning International Carriage of Goods by Rail was concluded in Bern in 1890. The 1890 Convention has been revised several times so that its rules may correspond technically and legally to the evolution of international rail transport; in 1980, a new major revision of the convention took place in Bern. On this occasion, the Convention concerning International Carriage by Rail was concluded. The Bern Convention, 1980, was subsequently amended; the most important change was made by the Vilnius Protocol of 3 June 1999, which entered into force in 2006.

The Parties to the 1980 Bern Convention, as Member States, established the Intergovernmental Organisation for International Carriage by Rail (O.T.I.F.), which has the fundamental purpose of promoting, improving and facilitating international rail traffic. Its basic legal instrument is the Convention concerning International Carriage by Rail, with its seven annexes; The Convention contains "Uniform Rules", the most important for the establishment of uniform legal regimes in the field of international carriage of passengers and goods in direct international rail traffic being the "Uniform Rules concerning the Contract of International Carriage of Passengers by Rail (CIV)", which constitute Appendix A to the Convention and "Uniform Rules concerning the Contract of International Carriage of Goods by Rail (CIM)", which constitute Appendix B to the Convention.

Through the Convention, the Organisation ensures the coherence of regulations between its Member States and makes it possible to organize international transport between the various railway systems on the three continents on which the Member States of the Convention are located. The Organisation provides the Member States with the legal and technical means to facilitate international rail traffic, to develop such traffic on their territory and to connect to the rail networks of other Member States.

The functioning of the Organisation is ensured by its governing bodies (General Assembly, Administrative Committee and Secretary General) and by the four Standing Committees (Revision Committee; RID Expert Committee for the Transport of Dangerous Goods, Rail Facilitation Committee, Committee of Technical Experts), as well as the temporary committees created ad hoc by the General Assembly.

The accession of the European Union to C.O.T.I.F., in 2011, made the Organisation strengthen its role as a bridge between the EU and non-EU Member States.

References:

Caraiani, Gh., Stancu, I. (1998). *Transporturile feroviare*, București: Ed. Lumina Lex.

Căpățână, O., Stancu Gh. (2002). *Dreptul Transporturilor. Partea specială*, București: Ed. Lumina Lex.

Council Decision of 16 June 2011 on the signing and conclusion of the Agreement between the European Union and the Intergovernmental Organisation for International Carriage by Rail on the Accession of the European Union to the Convention concerning International Carriage by Rail (COTIF) of 9 May 1980, as amended by the Vilnius Protocol of 3 June 1999 (2013/103/EU). *OJ L 51*, 23.2.2013, p. 1-7. Retrieved from: https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32013D0103 (accessed 17.03.2021).

Manolache, O. (2001). *Dreptul transporturilor*, București: Ed. All Beck, 2001.

Piperea, Gh. (2003). *Dreptul transporturilor*, București: Ed. All Beck, 2003.

Sitaru, D.A., Buglea C.P., Stănescu Ș.A. (2008). *Dreptul comerțului internațional. Partea specială. Tratat*, București: Ed. Universul Juridic, 2008.

Stanciu,C. (2015). *Dreptul transporturilor. Contracte de transport de bunuri*, București: Ed. Universul Juridic,

Stancu, Gh. (2005). *Dreptul transporturilor. Curs universitar*, București: Ed. Lumina Lex, 2005.

Ungureanu, C.T. (2014). *Dreptul comerțului internațional. Contracte de comerț internațional*, București: Ed. Hamangiu.

Article Info

Received: April 03 2021
Accepted: April 10 2021

Revista de Științe Politice. Revue des Sciences Politiques • No. 69 • 2021: 73 - 83

ORIGINAL PAPER

The Effects of the State of Emergency/Alert with Regard to the Statute of Limitations for Criminal Liability

Mircea Mugurel Șelea[1)]

Abstract:
In the Decree no. 195/2020 issued by the President of Romania by which the state of emergency was declared it was shown that in the cases where preventive measures have been taken, the trial is not adjourned. However, due to the restrictions imposed on the postal and passenger transport services, those cases could not be solved and no judicial inquiry could be conducted in the absence of the possibility of producing evidence. The statute of limitations for criminal liability was suspended only in the cases where the course of the criminal proceedings was suspended. Thus, although a period of time elapsed during which the cases could not be resolved, the statute of limitations for criminal liability continued to run, without the judicial bodies being able to order measures to shorten the period of inactivity.

Keywords: *state of emergency; statute of limitations for criminal liability; adjournment; right of defence; trial.*

[1)] Postdoctoral researcher at the University of Craiova, Romania, Phone: 0040743026474; Email: selea_mircea@yahoo.com.

The measures ordered during the state of emergency / alert aimed at finding solutions to the problems caused by the pandemic in the administration of justice, but in practice there are situations in which at least one of the parties to the criminal proceedings is harmed.

In this sense, in art.42 paragraph 1 of the Decree no.195 / 2020 issued by the President of Romania by which the state of emergency was established, it was specified that the list of urgent cases whose trial is not suspended, is established by the Management Board of the High Court of Cassation and Justice, respectively the management boards of the courts of appeal. Thus, each court of appeal, through the management board, drew up a list of those cases, but the lists differed according to the criteria taken into account by the members of each board, leading to the same cases be solved only by certain courts. Consequently, there have been situations in which litigants in the same legal situations have received different legal treatment in terms of the length of time for settling cases.

Difficulties also appeared regarding the procedural steps that had to be completed both in criminal proceedings which, according to art. 43 para. 2 of Decree no. 195/2020 issued by the President of Romania, were suspended by law, but also in cases established by the management boards as urgent and their trial was not suspended. Thus, in cases suspended by law, the question has been asked whether the judge must find by a procedural act that, according to the decree, the trial is suspended by law. In some cases, the judge issued a resolution, and in other cases, he ruled that the trial was suspended by law. This procedural act is of particular importance because its preparation removes any doubt as to whether the trial is suspended by law under the presidential decree, or is part of the category of urgent cases on the list prepared by the board of the court, in which the trial activity continues. At the same time, this aspect is important regarding the prescription for criminal liability, given that, according to art. 43 paragraph 8 of Decree no. 195/2020 issued by the President of Romania, the prescription for criminal liability is suspended only in cases where the course of criminal proceedings has been suspended. By drawing up that respective procedural act, both the judicial body and the other participants in the criminal proceedings will know exactly whether or not the course of the prescription for criminal liability has been suspended and will be able to establish the date when the limitation period will expire, so that they take all the steps necessary in order to avoid the solution of termination of the criminal trial for the intervention of the statute of limitation.

Regarding the difference between interruption and suspension, in the doctrine it has been shown that the suspension of the prescription course has a more limited effect than the interruption as it is only a postponement of the prescription course during the existence of the cause of suspension (Papadopol Vasile in Vasiliu Teodor, Pavel Doru, Antoniu George, 1972: 648). On the other hand, regarding the special prescription and the suspension of the course of prescription, several divergent opinions were expressed in the doctrine. Thus, according to one opinion, the special prescription also intervenes in case of suspension of the prescription course, reasoning that otherwise it would be impossible to prescribe (Bulai, 1997:138). According to another opinion, the special prescription concerns exclusively the interruption of the prescription for criminal liability, not its suspension, because, in the current criminal code, the special prescription is expressly provided in the legal provision that regulates the interruption of the prescription course – art.154 para. 4 Criminal Code (Vlăsceanu, Barbu, 2014: 348). There was also an opinion that distinguished between the situation in which the course

of the prescription was suspended throughout the limitation period - in which case the special prescription does not operate, and the situation in which there were only limited suspensions in time - in which case the prescription intervenes when from the addition of the limitation periods elapsed between suspensions the duration of the special limitation period would be reached (Rădulescu, Rosenberg and Tudor, 2005:124-128).

More significant effects occurred for the defendants under a preventive measure, given that there were also cases in which only the legality and validity of the measure was verified, without being able to resolve the merits of the case for various reasons, such as procedural irregularities with the other parties or their inability to appear before the court in the context in which the freedom of movement of persons has been drastically restricted and public transport has ceased to operate.

In such situations, the issue of the expiry of the limitation period arises, given that, in the presidential decree, it was stated that in cases where preventive measures have been taken, the trial is not suspended. However, due to the restrictions imposed on the postal and passenger transport services, those cases could not be solved, nor could a judicial inquiry be carried out in the absence of the possibility of producing the evidence.

On the other hand, according to the decree, the prescription for criminal liability is suspended only in cases where the course of criminal proceedings has been suspended, in which case, in cases where there are defendants against whom preventive measures have been ordered, the limitation period for criminal liability has run during the state of emergency. Thus, although a period of time elapsed during which the cases could not be solved, the limitation period for criminal liability continued to run, without the judicial bodies being able to order measures to shorten the period of inactivity. We could say that the defendant was advantaged to the detriment of the damaged party, because in case the prescription intervenes, the defendant can no longer be convicted and the damaged party can no longer request the defendant be held criminally liable. In such situations, the legislator must find solutions so that the right of the damaged party to request the conviction of the defendant and his obligation to civil-law damages is not limited. In the doctrine, the obligation of the state related to the content of the rights was analysed, in the sense that the "rights of…" presuppose a negative obligation, not to harm them, and "rights to…" require a positive obligation, to adopt effective measures to protect them and to regulate effective procedures by which the damaged parties claim their recovery and compensation for the damages suffered, in case their rights have been violated (Sudre, 2006:185). At the same time, regarding the meaning of the term equity, the doctrine has shown that all participants in criminal proceedings must be on an equal footing, and in order to be achieved, it cannot be separated from the basic idea that all persons who have violated the law must be punished and no innocent should be punished" (Antoniu, Volonciu, Zaharia, 1998:97). Public authorities, regardless of their competences, have the obligation to respect and protect the rights of all participants in criminal proceedings, emphasizing in the doctrine that "the functions assigned to the state are divided, according to the state's traditional theory, into three categories: legislation, administration (including government) and jurisdiction ", but all are ''legal functions, whether they are in the stricter sense of respect of functions of law production and application of law, or they are legal functions in a broader sense, which also includes the function of observing the law." (Kelsen, 2000:348).

The incidence of the provisions of art. 156 paragraph 1 of the Criminal Procedure Code, in the sense of the existence of a circumstance that could not be foreseen or

removed and which makes it impossible to continue the criminal trial could be questioned. However, there are difficulties in establishing with certainty such a circumstance that fulfils all the conditions to be considered *unforeseeable or unavoidable*. In this sense, the doctrine has shown that "The impediment that the causes of suspension imply must be absolute; otherwise (hypothesis in which certain acts of prosecution, trial may be performed) the prescription will run" (Nedelcu Iuliana in Bodoroncea Georgiana, Cioclei Valerian, Kuglay Irina, Lefterache Lavinia Valeria, Manea Teodor, Vasile Francisca-Maria, Zlati George, 2020:595).

En order for these difficulties not to appear in the activity of the judicial bodies, in our opinion, it would have been useful to expressly provide in the decree of the President of Romania declaring the state of emergency and in the Government decision to establish or extend the state of alert that, if the litigants or parties are in institutional quarantine, quarantine at home or isolated at home or are hospitalized, due to the SARS-CoV-2 virus, there is an unavoidable circumstance or, as the case may be, the continuation of the criminal trial. Moreover, such a provision would also be appropriate if the lawyers of the litigants or of the parties are in the situations set out above, provided that they are unable to ensure their substitution. For reasons related to the observance of the right to defense for all litigants, it would be recommended that that regulation not be limited to cases where legal aid is mandatory. On the contrary, in addition to limiting the right to defense, a different situation would be created, without any grounds, for major litigants in cases where no preventive measures have been taken and have as object offenses whose sentence limits do not exceed 5 years.

The incidence of this case of suspension of the course of prescription for criminal liability must be ascertained by the judicial body before which the case is pending, by order of the prosecutor, respectively by resolution of the judge. The judicial body must be aware of the existence of the case of impossibility for the litigant or the lawyer, who is in any of the situations indicated above, to appear. In this regard, it would be necessary for the person concerned to inform the judicial body of the impossibility of appearing, but there may also be situations in which, due to the lack of means of communication or the consequences of SARS-CoV-2 virus infection on the physical condition, he/she cannot send any kind of message. In such cases, the judicial body must be able to verify, as soon as possible, whether there is a case which would lead to the suspension of the limitation period for criminal liability. Thus, the Public Health Departments must have a correct and up-to-date record of persons in institutional quarantine, home quarantine or are isolated at home or are hospitalized, due to the SARS-CoV-2 virus, a record to which the judicial body has access, similar to the access to the Directorate for the Personal Records and Database Management.

If it is found that there is a case of suspension of the prescription for criminal liability, the prosecutor orders the suspension of the criminal prosecution, and the court orders the suspension of the trial, without the need for a forensic expertise according to art. 312 and art. 367 para. 1 Criminal Procedure Code, given that a person can be isolated at home due to the fact that he was in contact with another person infected with the SARS CoV-2 virus. In such cases, the isolated person may not be infected, but may not leave the home in order to avoid any possibility of transmitting the virus to other people.

Against the resolution by which the first instance suspends the trial, the appeal can be exercised, according to art. 367 para. 4 of the Criminal Procedure Code, but the question arises as to how the appeal will be resolved, given that the appellant or another

person who is the main litigant or party in question, cannot travel to the seat of the superior court due to the fact that he is in institutional quarantine, home quarantine, isolated at home or is in hospital. Significant is the fact that art.367 para. 4 and 5 Criminal Procedure Code provides for strict deadlines, in the sense that within 24 hours the appeal can be filed, within 48 hours from the registration of the appeal, the case file must be submitted to the hierarchically superior court, and within 3 days from receiving the file, the appeal is solved. In this context, in our opinion, the appeal can be solved in the absence of the person who is unable to appear, provided that it is legally summoned and legal assistance is provided in cases where such assistance is required by law. If one does not proceed to this solution, given that, according to art. 367 paragraph 5 Criminal Procedure Code, the appeal does not suspend the execution of the resolution ordering the suspension of the trial, it could end up in the situation that until the settlement of the appeal the reason for the suspension no longer subsists and the trial is resumed.

If, when trying the appeal, the appellate court orders the suspension of the trial, the criminal procedural law does not provide for the possibility of formulating an appeal against the resolution of suspension. In this sense, the doctrine has shown that "In the expression of the legislator, by resolution given in the first instance must be understood the judgment rendered by the first instance, a court which, as a rule, does not express through final judgments. *Per a contrario*, when the resolution given regarding the suspension of the trial is ordered not by the first instance, but by the appellate court, it will not be possible to formulate an appeal, in this case being incident, under certain conditions, the interruption of the course of justice" (Andone-Bontaș Amalia, Chiș Ioan-Paul in Udroiu Mihail – coordinator, Constantinescu Victor Horia Dimitrie, Șinc Alexandra Mihaela, Postelnicu Lucreția Albertina, Meceanu Constantin-Cristinel, Chertes Dan Sebastian, Iugan Andrei Viorel, Zlati George, Jderu Claudia, Kuglay Irina, Bulancea Marius Bogdan, Trandafir (Ilie) Andra-Roxana, Tocan Isabelle, Bogdan Sergiu, Răduleţu Sebastian, Slăvoiu Radu, Vasiescu Mihaela, Nedelcu Iuliana, Bodoroncea Georgina, Grădinaru Daniel, Popa Mihai, 2020:1928)

A special situation arises if in the preliminary chamber procedure a case arises which would justify the suspension of the prescription for criminal liability. It could be said that there would be no problem if, in the first stage of the preliminary chamber procedure, the defendant, the other parties or the injured person were in institutional quarantine, quarantine at home, isolated at home or in hospital, because this phase does not require the presence before the judge of the preliminary chamber. Thus, it is taken into account that at this stage, the indictment is served on the defendant, the other parties, the injured person and the defendant is informed of the object of this procedure, the rights provided by law, the term in which, starting with the date of service, they may formulate in writing exceptions and requests regarding the legality aspects regarding the seising of the court, the production of evidence and the performance of acts by the criminal prosecution bodies. However, in our opinion, the right to defense of all participants in criminal proceedings must also be taken into account in such cases, a right which cannot be exercised in the event that a person is hospitalized or isolated at home, given that he/she does not have freedom of movement, he/she cannot meet with the lawyer, he/she cannot go to the court headquarters to study the criminal prosecution file. Moreover, in par. 33 of the considerations of Decision no. 257 / 26.04.2017, the Constitutional Court of Romania pointed out that the right of the civilly liable party to make requests and exceptions to the legality of the seising of the court, the legality of the production of evidence and the performance of acts by criminal prosecution bodies in

the preliminary ruling procedure must be ensured, precisely in order to balance between the relative fundamental rights, namely the right of free access to justice and the right of defense of the injured party who is a civil party, on the one hand, and the right of free access to justice and the right of defense of the civilly responsible party, on the other hand." The jurisprudence of ordinary national courts has established that the introduction of the civilly liable party in criminal proceedings may take place at the latest in the preliminary ruling procedure (Court of Appeal Alba Iulia, Decision no. 561/2019). It was emphasized that the judge of the preliminary chamber has the obligation to inform the injured party who brought a civil action, that he/she has the right to request the introduction of the civilly liable party, and if such a request is made, this party must be summoned in the preliminary ruling procedure (Bucharest Court of Appeal, 1st Criminal Division, Decision no. 398/2019).

Therefore, the preliminary ruling procedure is of particular importance in so far as it has serious consequences for the way in which the trial is to be conducted, given that at this stage the indictment may be returned to the prosecutor's office, evidence may be excluded or it may be sanctioned with the nullity of the criminal prosecution acts.

In this context, the question arises as to what should be done if the suspension of the limitation period for criminal liability in the event of the impossibility of the defendant or other parties or the injured person to exercise their right of defense due to the restriction of freedom of movement or medical conditions caused by the SARS virus - CoV-2.

The criminal procedural law does not provide for the possibility of suspending the preliminary ruling procedure, context in which the preliminary chamber judge, if he finds the incidence of a case of suspension of the prescription for criminal liability, cannot order the suspension of this procedure. In such a case, in our opinion, there would be two solutions: either the amendment of the law in the sense of introducing the possibility of suspending the preliminary ruling procedure, or the preliminary chamber judge, by resolution, finds it impossible to exercise the right of defense by the person in isolation, in a hospital unit, and establishes that the term within which requests and exceptions may be made regarding the legality of the seising of the court, the legality of the production of evidence and of the performance of acts by the criminal prosecution bodies, will start from the date of closing of the proceedings which led to the impossibility of exercising the right of defense. This date will be established by another decision that will be pronounced after checks are performed in the database of the Public Health Department, checks which show that the defendant, the other parties or the injured person or their lawyers are not isolated at home or hospitalized. In this sense, Decision no. 14/2018 of the HCCJ, the Court Panel for solving appeals in the interest of the law, which established that "the term within which the defendant, the injured person and other parties may formulate in writing requests and exceptions regarding the legality of the seising of the court, the legality of the production of evidence and of the performance of acts by the criminal prosecution bodies is a term of recommendation." In the period between the date of the ruling of the judge of the preliminary chamber and the date from which the respective term starts to run, the prescription for criminal liability will be suspended, because during this time the preliminary ruling procedure has stagnated. The question may be raised whether the resolutions of the judge of the preliminary chamber, by which he/she finds that it is impossible to exercise the right of defense, and subsequently sets the date from which the period within which requests and exceptions may be made will start to run may be appealed and if so, what is the time

limit for filing the appeal and what is the date from which it starts to run. Given that those resolutions do not affect the procedural rights of litigants, it could be said that there would be no interest in appealing, but given that the resolutions have effect on the suspension of the limitation period for criminal liability, in our opinion, the prosecutor and the litigants have the right to exercise this remedy. The term within which the appeal can be formulated can be of 3 days from the service of the resolutions, service that will be made, as the case may be, either at the address where the litigant is isolated, or at the hospital where he is hospitalized.

On the other hand, the judge of the preliminary chamber may find that the prescription for criminal liability should not be suspended, even if the defendant or one of the parties or the injured person is unable to exercise his right of defense, considering that it is sufficient to set a longer time limit within which requests and exceptions may be made. In such situations, the defendant has no interest in challenging such a provision of the judge of the preliminary chamber, but the prosecutor, the injured party and the civil party are damaged, provided that the date on which all participants in the criminal proceedings can exercise their right of defense is unknown and the period of inactivity can be very long, during which the term of prescription for criminal liability continues to run. Therefore, in our opinion, the prosecutor or the litigants who consider that their rights have been limited by the resolution of the judge of the preliminary chamber by which the incidence of the case of suspension of the prescription for criminal liability has not been ascertained, have the possibility to file an appeal against that resolution. In this respect, it must also taken into account that, in the context of the global pandemic, during the criminal proceedings, both at first instance and at the court of judicial review, other periods of time may arise in which one or more litigants cannot exercise their right to defense due to the SARS - CoV-2 virus, and by cumulating these periods a long period of inactivity can be reached. Given that the period of inactivity cannot be imputed to the judge or to the other participants in the criminal trial, but it is caused by the spread of the contagious virus, a virus that caused disturbances in all areas of activity, if it had not suspended the prescription for criminal liability, the defendant would have unjustifiably benefited to the detriment of the injured person and the civil party.

In the event that the impossibility of exercising the right of defense by the litigant appears on the date when the court hearing was established in which the debates on the raised requests and exceptions will take place, the question may be asked whether the preliminary chamber judge can resolve requests and exceptions or must set another date.

Given that, according to art. 344 paragraph 2 Criminal Procedure Code, the defendant, the other parties and the injured person may formulate in writing requests and exceptions within the term established by the judge of the preliminary chamber, it could be said that it could take place during the hearing in which the requests and exceptions made in writing are discussed. However, the special importance of the hearing in which the requests and exceptions are debated results from the jurisprudence of the Constitutional Court of Romania, which, in paragraph 57 of Decision no. 641 of 11th of November 2014, showed that: „ With regard to the right to an oral procedure, the Court notes that only in oral proceedings can the process be effectively watched, in the succession of its stages, by the parties. At the same time, the right to an oral procedure also contains the right of the defendant, the civil party and the civilly liable party to be present before the court. This principle ensures direct contact between the judge and the parties, making the exposition of the claims made by the parties respect a certain order

and thus facilitating the correct establishment of the facts." At the same time, the doctrine showed that in that hearing, the judge: „states the exceptions he/she raises ex officio; states the exceptions already raised by the defendant, the injured party, the civil party and the civilly liable party and warn these persons that they may raise such exceptions also at the hearing; (...) may produce evidence to verify the conditions under which the evidence in respect of which exceptions were raised was produced" (Kuglay in Udroiu Mihail et al., 2020:1836).

In this context, we can say that, in case one of the parties or the injured person or their lawyers cannot be present at the hearing established by the judge of the preliminary chamber for debating the requests and exceptions, it is necessary to establish another hearing. However, it is difficult for the judge to know the date on which the cause that determined the impossibility for the litigants or lawyers to appear will end. Therefore, the judge will proceed as in the first phase of the preliminary ruling procedure, finding by resolution the impossibility of exercising the right of defense by the person in isolation or hospitalized in a hospital unit, and the date of the next hearing will be set by another resolution that will be pronounced after, from the verifications performed in the database of the Public Health Department, it results that the defendant, the other parties or the injured person or their lawyers are no longer isolated at home or hospitalized. In the period between the date of the resolution of the judge of the preliminary chamber by which the impossibility of exercising the right of defense is established and the date on which the next hearing in which the requests and exceptions are discussed, the prescription for criminal liability will be suspended. Against the aforementioned resolutions, the prosecutor or the litigants have the right to file an appeal that has the same legal regime as in the case of the resolutions of the first stage of the preliminary ruling procedure, by which the judge ruled on the issues justifying the suspension of the prescription for criminal liability. There is a risk of cases of impossibility to appear before the court due to SARS CoV-2 virus, on the date of settlement of the appeal against those resolutions, but, as I said in the case of appeal against the resolution by which the first instance suspends the case, the appeal can also be solved in the absence of the appellant or the other parties, if they are legally summoned and mandatory legal assistance is provided. If this solution is not accepted, in the context in which the appeal does not suspend the execution of the resolution, it could come up to the situation that until the settlement of the appeal the reason that prevented the preliminary ruling procedure in the first instance no longer exists and the procedure is resumed.

Instead, in the case of the appeal formulated according to art. 347 Criminal Procedure Code against the resolutions provided in art. 346 para.1-4[2] Criminal Procedure Code by which the judge of the preliminary chamber of the first instance settles the requests and exceptions, the appellant and the other parties must be able to appear before the court of judicial review. Although, according to art. 347 para. 4 Criminal Procedure Code, in solving the appeal no new requests or exceptions can be formulated or raised ex officio, but only cases of absolute nullity, this procedural phase has a special importance given that the resolution of the preliminary chamber judge of the first instance may be amended. In this sense it is significant the fact that by solving the appeal, the panel of the preliminary chamber of the court of judicial review makes its own analysis of the issues that form the object of the preliminary chamber, even if the judge of the preliminary chamber of the first instance, by the contested resolution, ruled on these aspects. Moreover, according to art. 425[1] Criminal Procedure Code, there is the

possibility of annuling the contested resolution and referring the case back if the summons was not made according to the legal provisions. In judicial practice, there were judgments by which the case was referred back in the situation where the judge of the first instance did not solve the object of the preliminary chamber in the sense that "he/she rejected only the defendant's request on referring the case back to the Prosecutor's Office, without ruling on the legality of the seising of the court, the production of evidence and criminal prosecutions acts and without ordering the commencement of the trial" (Bucharest Court of Appeal, 2nd Criminal Division, Resolution no. 292 of 19th of March 2015). At the same time, in the national jurisprudence it was appreciated that, although the criminal procedural law does not stipulate that the lack of grounds of the judgment represents a reason for its annulment and the referral of the case, through the direct application of art. 6 of the ECHR, the case must be retried by the first instance. (Court of Appeal Craiova, Criminal Judgment no.178/2018 of 13th of February 2018 rendered in the file no. 2366/201/2015).

Therefore, both the appellant and the other parties must be able to exercise their rights of defense effectively and in the event that, due to the SARS-CoV-2 virus, they are unable to travel to the seat of the court of judicial review, the appeal cannot be solved. In such situations, how could the court panel invested with the settlement of the appeal proceed? Given that the criminal procedural law does not provide for the possibility of suspending the case in this procedural phase, the court panel will find by resolution the existence of the reason that prevents the parties from exercising their right to defense, setting a new time limit for solving the appeal less than 14 days to allow a sufficiently long period for the disappearance of the cause that led to the impossibility for the parties to appear before the court panel of the preliminary chamber. During the period between the two audience dates, the course of the prescription for criminal liability will be suspended.

If, in the case, a preventive measure has been ordered against the defendant, but during the preliminary ruling procedure or during the trial, he may not appear before the court at the hearing where the legality and validity of the preventive measure must be verified, one will proceed according to art. 207 para. 3 Criminal Procedure Code, respectively art. 208 para.3 Criminal Procedure Code, which refer to the provisions of art.235 para. 4 Criminal Procedure Code according to which if the defendant is hospitalized and due to his health he cannot appear before the judge, or due to force majeure or state of necessity travelling is not possible, the verification of the preventive measure will be done in the absence of the defendant, with his summoning and in the presence of the lawyer. The text of the law regulates the situation in which the defendant is hospitalized and due to health problems he cannot be present before the court, but there may be situations in which the defendant is not infected with SARS - CoV-2 virus, but is in institutional quarantine, quarantine at home or isolated at home, either because he has travelled to a foreign country where the virus infection rate is very high, or because he is in direct contact with an infected person. In our opinion, such situations represent cases of force majeure, being produced by the widespread pandemic worldwide, causes that make it impossible for the defendant to travel to the court.

In conclusion, given that the SARS-CoV-2 pandemic is far from being over and that similar situations may arise in the future, the legislator should consider amending the criminal procedure law to allow the suspension of the prescription for criminal liability also in the case where the defendant, the other parties or the injured person

cannot exercise their right to defense due to their state of health or the measures ordered by national or international authorities to prevent the spread of a virus.

Acknowledgement:
"This work was supported by the grant POCU380/6/13/123990, co-financed by the European Social Fund within the Sectorial Operational Program Human Capital 2014 – 2020."

References:

Andone-Bontaş A., Chiș I.P., in Udroiu M.– coordinator, Constantinescu V.H.D., Șinc A.M., Postelnicu L.A., Meceanu C.C., Chertes D.S., Iugan A.V., Zlati G., Jderu C., Kuglay I., Bulancea M.B., Trandafir (Ilie) A.R., Tocan I., Bogdan S., Răduleţu S., Slăvoiu R., Vasiescu M., Nedelcu I., Bodoroncea G., Grădinaru D., Popa M, (2020), *Codul de procedură penală Comentariu pe articole, Ediția 3,* București, Editura C.H. Beck *(Criminal Procedure Code Commentary on Articles, 3rd Edition,* C.H. Beck Publishing House*)*.

Antoniu G., Volonciu N., Zaharia N., (1998), *Dicționar de procedură penală,* București,Ed. Științifică și Enciclopedică *(Dictionary of Criminal Procedure,* Bucharest, Scientific and Encyclopedic Publishing House*).*

Bulai C., (1997), *Manual de drept penal, Partea generală,* București, Ed. All *(Criminal Law Handbook, General Part,* Bucharest, All Publishing House*);*

Criminal Judgment no. 178/2018 of 13th of February 2018 of C.A. Craiova rendered in the file no. 2366/201/2015, (2020). Retrieved from: www.jurisprudenta.com.

Decision no. 641/ 11.11.2014 of C.C.R. published in Of. G. no. 887 of 5th of December 2014, (2020). Retrieved from: http://www.monitoruloficial.ro.

Decision no. 257/26.04.2017 of C.C.R. published in Of. G. no. 472 of 22.06.2017, (2020). Retrieved from: http://www.monitoruloficial.ro.

Decision no. 14/2018 of H.C.C.J., Court Panel for Solving Appeal in the Interest of Law, published in Of. G. no. 765 of 5.09.2018, (2020). Retrieved from: http://www.monitoruloficial.ro.

Decision no. 398/2019 of Bucharest C.A., 1st Criminal Division, (2020). Retrieved from: www.jurisprudenta.com.

Decision no. 561/2019 of C.A. Alba Iulia, (2020). Retrieved from: www.jurisprudenta.com;

Resolution no. 292 of 19th of March 2015 of Bucharest C.A., 2nd Criminal Division, (2020). Retrieved from: www.jurisprudenta.com.

Kelsen H., (2000), *Doctrina Pură a Dreptului,* București, Editura Humanitas *(Pure Doctrine of Law,* Bucharest, Humanitas Publishing House*)*.

Kuglay I., in Udroiu M.– coordonator, Andone-Bontaș A., Constantinescu V.H.D., Șinc A.M., Postelnicu L.A., Meceanu C.C., Chiș I.P, Chertes D.S., Iugan A.V., Zlati G., Jderu C., Bulancea M.B., Trandafir (Ilie) A.R., Tocan I., Bogdan S., Răduleţu S., Slăvoiu R., Vasiescu M., Nedelcu I., Bodoroncea G., Grădinaru D., Popa M, (2020), *Codul de procedură penală Comentariu pe articole, Ediția 3,* București, Editura C.H. Beck *(Criminal Procedure Code Commentary on Articles, 3rd Edition,* C.H. Beck Publishing House*)*.

Nedelcu I. in Bodoroncea G., Cioclei V., Kuglay I., Lefterache L. V., Manea T., Vasile F.-M., Zlati G., (2020), *Codul penal Comentariu pe articole, Ediția 3,* București, Editura C.H. Beck *(Criminal Code Commentary on Articles, 3rd Edition,* Bucharest, C.H. Beck Publishing House*)*.

Papadopol V. in Vasiliu T., Pavel D., Antoniu G., (1972), *Codul penal comentat şi adnotat. Partea generală,* Bucureşti, Ed. Ştiinţifică *(Criminal Code commented and annotated. General Part,* Bucharest, Scientific Publishing House*).*

Rădulescu O., Rosenberg P., and Tudor A., (2005), *Despre prescripţia specială prevăzută în art.140 alin.4 din noul Cod penal* în Revista *Dreptul nr.7/2005,* Bucureşti, Editor Uniunea Juriştilor din România *(About Special Prescription provided for by art. 140 para. 4 New Criminal Code in the Magazine Law no. 7/2005,* Bucharest, Uniunea Juristilor din Romania Publishing House*).*

Sudre F., (2006), *Drept European şi Internaţional al Drepturilor Omului*, Iaşi, Editura Polirom Iaşi *(European and International Law of Human Rights,* Iasi, Polirom Iasi Publishing House*).*

Vlăsceanu A., Barbu A., (2014), *Noul Cod penal,* Bucureşti, Ed. Hamangiu *(New Criminal Code,* Bucharest, Hamangiu Publishing House*).*

Abbreviations:
C.A. – Court of Appeal;
C.P.C. – Criminal Procedure Code;
C.C. – Criminal Code
C.C.R. – Constitutional Court of Romania;
H.C.C.J – High Court of Cassation and Justice;
Of.G. – Official Gazette;
No. – number;
Para. – paragraph;

Article Info

Received: March 13 2021
Accepted: March 25 2021

Revista de Științe Politice. Revue des Sciences Politiques • No. 69 • 2021: 84 - 92

ORIGINAL PAPER

Intellectual Origins and the Evolution of Political Corectness – A Critical Perspective

Victor Stoica[1)]

Abstract:
Today, the world is undergoing massive and very rapid changes. Following the conflicts that the West has gone through, especially in the last century, a new ideology has emerged, a postmodern one, inspired by the old ones, more precisely by Marxism and the theories of the Frankfurt school, namely cultural Marxism or cultural neo-Marxism. This ideology has no economic basis for its goal of changing and revolutionizing society, but a socio-cultural one, wanting to standardize cultures and ethnicities by eliminating any individual differences. The most powerful weapon of this current is political correctness or PC, a tool that aims to censor any opinions contrary to neo-Marxists, a tool that has come to have legal status in some Western countries such as Canada, Sweden, France and others. Based on postmodern elements, this current seeks to relativize any truth and to take advantage of the nihilism and anomies that have emerged in the societies in which it makes its presence known. Most often associated with the political "left", political correctness seeks to eliminate any contrary opinion, any opposition and automatically free speech and thus erodes the basis of democracy and the Enlightenment values that led to the formation of the West as we know it today.

Keywords: *Political correctness Marxism; neo-Marxism; ideology; culture.*

[1)] MA Student, Alexandru Ioan Cuza University of Iasi, Iasi, Romania, Email: victorstoica06@gmail.com.

According to the Oxford Dictionary (2020) the term political correctness (usually abbreviated CP in Romanian or PC in English) is used to describe language, policies or measures aimed at avoiding offenses or highlighting the disadvantages of members of certain groups in society. In public discourse and in the media, the term is generally used pejoratively with the implication that these policies are excessive or unjustified (Friedman; Narveson, 1995). In the late 1980s, the term came to refer to a preference for inclusive language and to avoid language or behavior that can be seen as excluding, marginalizing or insulting groups of people considered disadvantaged or discriminated against, especially gender-defined groups or race, again the emphasis being on certain identity groups. Initially, the intentions of applying political correctness were perceived as noble, its explanations being true, and the attempt to eliminate discrimination and marginalization of people only on ethnic, religious or sexual grounds was seen as a struggle for human progress. Over time, this approach has developed connotations with extremist tendencies, advocates of political correctness coming to practice exactly what they wanted to eliminate, discriminating against people they assume would discriminate against others (Western, 2016: 69- 84).

We can thus consider that although the initial intentions of political correctness were reasonable, correct and fully socially justified, over time many of its transformations from what should have been to what it is now have followed, its origins being identifiable.

I consider a paper on this subject to be of major importance, studies in this direction being often avoided precisely because of the taboo element around it. In most cases, in higher education institutions in the West, the theme is either avoided or politicized to impose a certain way of seeing it, this contributing to the achievement of the objectives of some interest groups or politicians, without taking into account the serious social and psychological repercussions that this phenomenon can cause.

The objectives of my paper are to study the role of cultural neo-Marxism in creating political correctness and to identify the characteristics of political correctness.

When talking about classical Marxism, what elements it is composed of, a brief history of it, who contributed to its formation and how it has evolved over time, we can say thatMarxism is a method of socio-economic analysis that uses a materialist interpretation of the evolution of history to observe class relations and social conflict and a dialectical view to analyze social transformation. It has its origins in the writings of Karl Marx and Friedrich Engels in the nineteenth century. A first component of Marxism is materialism. Substance is considered to be the main factor of reality and not consciousness, and dialectical materialism would be the struggle of opposites as the governing law of reality. Derived from this, historical materialism represents the understanding of history through the prism of economic conditions, which are considered to determine social, political, cultural life and to constitute the basis and superstructure of social reality (Fromm, 1961: 20).

Another component would be the dialectical method, which is in principle the discussion between two or more people who have different points of view on a particular subject and who want to reach a common truth through rational arguments (Corbett, Connors, 1999: 1). Derived from this, through the Marxist vision, the Marxist dialectic or the materialist dialectic is a research method opposed to metaphysics, and which wants to analyze reality through the prism of its constant change and by studying the results that appear as a result of internal contradictions and the struggle of opposites (Engels, 1970). Marxism uses the methodology of historical materialism to analyze and

critique the development of capitalism and the role of the struggle between social classes to produce systematic economic change (Seligman, 1901: 612-640). Socialism is the first stage that the world should go through after the capitalist phase and followed by the communist "utopia", even if it is assumed that socialist ideas and models that describe public or common property have existed since antiquity. The socialist political movement includes a series of political theories that are based on the revolutionary movements of the late nineteenth century that dealt with the social problems allegedly due to capitalism at the time (Marx; Engels, 1967: 5-14; Newman, 2005: 5).

Going further towards cultural Marxism and how it came to exist, I will highlight its origins and connections with classical Marxism, but also an essential component element that precedes the various hypostases of cultural Marxism, namely, the critical theory. Cultural Marxism is considered a Marxist movement that seeks to apply the critical theory to several elements, such as family, gender, race, culture, identity within Western society, having the same Marxist ideal but applying different techniques and of less physically violent nature, compared to the initial ones, more subtle elements that take effect over time (Bolton, 2018).

The origins of cultural Marxism can be found in the Frankfurt School. This is a school of social theory and critical philosophy associated with the *InstitutfürSozialforschung* (IfS) of the Goethe University in Frankfurt. The school was established during the Weimar Republic (1918-1933), during the interwar period, and consists of intellectuals, academics and political dissidents who criticized all socio-economic models of the time (capitalism, fascism, communism). The Frankfurt School theorists considered social theory to be inadequate to explain the unstable fractional politics and reactionary policies prevalent in liberal capitalist societies of the twentieth century. The sociological works of the school were derived from syntheses of the relevant thematic works of Immanuel Kant, Georg Wilhelm Friedrich Hegel, Karl Marx, Sigmund Freud and Max Weber, Georg Simmel and Georg Lukács. Like Karl Marx, the Frankfurt School was concerned with the conditions (political, economic, social) that allow for social change through rational social institutions (Held, 1980: 14).

Critical theory was created as a school of thought primarily by Frankfurt School theorists Herbert Marcuse, Theodor Adorno, Max Horkheimer, Walter Benjamin, and Erich Fromm (Outhwaite, 2009: 5-8). Since the 1960s, the development of critical theory within the Institute for Social Research has been led by Jürgen Habermas, in the field of communicative rationality, linguistic intersubjectivity and the philosophical discourse of modernity. Critical theory is a social theory oriented towards criticizing and changing society as a whole, unlike the traditional theory oriented only towards understanding or explaining it. As a term, critical theory has two meanings with different origins and histories: the first derives from sociology and the second derives from literary criticism, which is used and applied as an umbrella term that can describe a theory based on criticism that would have as its ultimate goal ”the liberation of human beings from the circumstances that enslave them”(Kompridis, 2006).

In sociology and political philosophy, the term "critical theory" describes the Western Marxist philosophy of the Frankfurt School, which was developed in Germany in the 1930s. Critical theorists of the Frankfurt School drew attention to the critical methods of Karl Marx and Sigmund Freud's. Critical Theory argues that ideology is the main obstacle to human liberation (Geuss, 1999). Marx explicitly developed the notion of criticism in his analysis of ideology and integrated it into the practice of social revolution, which, new theorists, such as Adorno, Horkheimer and Habermas, have

transposed it into a socio-cultural plan (Adorno, Horkheimer, 2002: 242). Characterized by a new form of enslavement or slavery, the only solution for liberation being critical, combined with the deconstructionist technique of Jacques Derrida, thus relativizing the meaning of words in the hope of finding freedom. Here appears the postmodern version of critical theory, which politicizes social problems, and places them in certain historical and cultural contexts to relativize their conclusions. Meaning itself becomes considered unstable due to the rapid transformation of social structures (Gnanasekaran, 2015: 211-214).

To understand political correctness, we also have to talk about certain component hypostases and complementary elements of cultural neo-Marxism, which cannot be understood without taking them into account. Cultural neo-Marxism emerged with the emigration of representatives or supporters of the Frankfurt School to the United States. They were warmly received by the local academic environment and their ideas were taken up by both teachers and students who at that time had a high collective tendency towards rebellion and rejection of authority and norms. The ideas they supported gradually merged with the social tendencies of the Americans and led to the emergence of this new current and so, Western society and politics will be significantly penetrated by this current, especially by imposing political correctness and critical theory in society. Given the specific elements of Marxism and cultural Marxism as well as the differences between the two, we have identified a number of complementary elements or embedded in the latter ideology. Some emerged as separate, independent movements and then incorporated into the ideology of cultural Marxism, others started from the beginning with the same goals only in a different form and with different motivations, often emotional and / or politicized rather than rational. The postmodern version of critical theory politicizes social problems "by placing them in historical and cultural contexts", in order to engage in the process of collecting and analyzing data in order to relativize conclusions (Lindlof; Taylor, 2002: 49).

First, postmodernism, which is a twentieth-century movement characterized by skepticism, subjectivism, or relativism, a general suspicion of reason, and an acute sensitivity to the role of ideology in asserting and maintaining political and economic power or rejecting meta-narrations and ideologies of modernism, often calling into question various hypotheses of Enlightenment rationality. Postmodernism denies the existence of an objective natural reality, considers that there is no knowable truth, reason and logic being considered conceptual constructions that can be socially modified by language and its meaning, using the method of deconstruction. Relativism, apparently so characteristic of postmodernism, proposes a certain line of thinking regarding the nature and function of discourses of different kinds. If postmodernism is correct in reality, knowledge and value are relative in terms of discourse and then the established discourses of the Enlightenment are no more necessary or justified than alternative discourses. Part of the postmodern answer is that the predominant discourses in any society reflect the interests and values, generally speaking, of the dominant groups or the elite, an idea held by Marx that the ideas that govern each age have always been the ideas of its ruling class. "Because the established discourses of the Enlightenment are more or less arbitrary and unjustified, they can be changed, and because they more or less reflect the interests and values of the powerful, they should be changed" (Lyotard, 1984:Xix).

Another element, nihilism, can be defined as an attitude, tendency, conception or manifestation that denies the rules, institutions, morals, cultural traditions existing in a

given society, without opposing them, instead, with a superior or a specific way of thinking to any philosophical doctrine that aims to radically deny a system of values. We can speak of a form of extreme initial skepticism, discussed by Demosthenes (1852: 57). Then we come to the more modern era, we can consider existential nihilism and we can see that it is similar to postmodern relativism in that it denies any meaning once validated but still does not want to replace it with another, philosophy similar to that of Friedrich Nietzsche (Nietzsche, 2015: 126-128).

Complementing nihilism, atheism increases the distance between the individual and a meaning, a direction of his life. It can be defined as a doctrine of denying the existence of any divinity. In this direction, we can find another form of atheism, namely the militant, activism that not only gladly adopts this vision but forms a goal to spread it, to "liberate" people from outdated values and so said "mental barriers" that slow down evolution. However, in this case we can hardly speak of a situation of nihilism, but we can still speak of one of postmodernism. Although we can find many arguments for supporting atheism but also for refuting it, the relevance of nihilism for this paper is its contribution to the spread of cultural Marxism in society.

Another complementary element to Marxism is anarchist philosophy. Anarchism, or rather the anarcho-communist movement is considered an extreme leftist ideology such as the activist group Antifa (Bray, 2017), and much of the anarchist economy and legal philosophy reflects anti-authoritarian and anti-capitalist interpretations of communism, collectivism, trade unionism, mutualism or participatory economy, hence the connection with classical Marxism but also with the cultural one (McLaughlin, 2007: 59).

Anarchist elements are also components of contemporary feminist movements. After the first feminist wave, and the second, the third, and later in the fourth, the discussion began to move more and more towards a modern class struggle, a struggle against the oppression of a patriarchy that would constantly oppress certain minorities, including women. The sexual liberation enjoyed by the West has anarchist and communist origins, the fourth wave being rather one of anarcho-feminism. The struggle for equal rights and freedom has turned into a magnifying glass against the state, men, whites, heterosexuality and capitalism, or as Susan Brown puts it, “since anarchism is a political philosophy that opposes all power relations, it is inherently feminist”(Brown, 2002: 208).

The Marxist vision of oppressor versus oppressor continues to be developed in terms of the term intersectionality, which involves a combination of oppressive factors, increasing the moral value of the individual victim and automatically giving any person who does not capitalize on this narrative, a lower social value, one of racist, xenophobic, sexist, misogynist etc (McCall, 2005: 1771-1800; Kelly, 2009: E42-E56).

There is also the phenomenon of identity politics, which perfectly complement the others mentioned. This term refers to a tendency of people who share a certain racial, religious, ethnic, social or cultural identity to form exclusive political alliances, instead of engaging in a traditional party policy. Examples include identity politics based on age, religion, social class or caste, culture, dialect, disability, education, ethnicity, language, nationality, gender, gender identity, generation, occupation, profession, race, political affiliation, sexual orientation, settlement, urban and rural housing and others. Identity politics, as a way of classification, is closely linked to the fact that some social groups are assumed from the outset to be discriminated against (such as women, ethnic minorities and sexual minorities); that is, the claim that individuals belonging to these

groups are, by virtue of their identity, more vulnerable to forms of oppression, such as cultural imperialism, violence, labor exploitation, marginalization, or powerlessness (Crenshaw, 1991: 1241-1299).

The new class struggle is between the oppressed minorities and the supposed "dictatorship" of the majority, and in order to achieve their goals, the activists who support these movements often use different forms of identity politics. However, although these civil rights movements aim at the acceptance and full integration of marginalized groups into current culture, by exacerbating differences, they only perpetuate the marginalization of the groups they claim to defend (Calhoun, 1994: 131-150).

About multiculturalism and the idea of social and cultural diversity, although they are not direct descendants of Marxism or similar ideologies, but rather of globalization tendencies, these currents have been strongly promoted and supported by adherents of the many other components or complementary elements of cultural Marxism. Multiculturalism is the final state of either a natural or artificial process (for example: legally controlled immigration) and takes place either on a large scale at the national level or on a smaller scale in communities within a nation. On a smaller scale, this can happen artificially when a jurisdiction is established or expanded by combining areas with two or more different cultures (e.g., French Canada and English Canada) (Baofu, 2012: 22). On a large scale, it can occur as a result of legal or illegal migration to and from different jurisdictions around the world. If we analyze multiculturalism and diversity through the philosophical, social and political spectrum, we can show how these elements can create social anomie and segregation (Nagle, 2009: 129).

Political correctness, which origins can be found both in the Frankfurt School, in Maoist China, therefore also in the philosophies of the communists Antonio Gramsci, Georg Lukacs, Theodor Adorno, Herbert Marcuse, who wrote about some of its characteristics. Proponents of this ideological current claim that most conservatives use this concept to reduce and distract from substantially discriminatory behavior toward disadvantaged groups (Wilson, 1995: 26). The aforementioned authors argued that the revolution could first be achieved through a revolt at the linguistic level that should culminate in a methodical reversal of any meaning. To these origins are added Derrida's deconstructive method, critical theory, Freudian psychoanalysis, and classical Marxist analysis.

Following this merging, goals have been reached that seek to remove traditional meanings and replace them with new ones that aim to eliminate a form of discrimination, the verbal one, and replace it with the constant desire to change reality so that it coincides with the theory and not to change the theory to coincide with reality, and then to change any social roles because they would be consequences of cultural indoctrination, nature being completely disregarded, even reaching the change of gender significance, it is now considered an assumed identity and not something with which an individual is born. In the same sense, sexual orientation, race, personal pronouns used for addressing and even age are called into question, being rather elements related to a person's identity and which can be changed at will. Failure to respect the imaginary identity assumed is considered oppression and ends up being socially damned if not punished by law. The features of this new form of liberalism would be a radical egalitarianism, equality in terms of results rather than opportunities, but also extreme individualism, more precisely the drastic reduction of any limits that could limit personal satisfaction, this being more important than anything else in the vision of generation Z or

that of millennials. In most cases, modern revolutionaries are the young people of today and the elites of the boomer generation, early followers of the New Age trend (Atkinson, 1996). Probably the most important characteristic element of political correctness is a form of censorship, of language restriction, which the supporters of this current apply nonchalantly. Another method used by them is to associate a form of social stigma to anyone who does not want to adopt their language and their own interpretation of social reality or to support in their turn the identity politics that would give them moral superiority.

Conclusions

Going through classical Marxism which had material bases, we came to cultural Marxism which no longer has the same bases, the material element being in principle replaced by a cultural one. Although their ultimate revolutionary goal is the same, the methods and tools used to achieve this goal differ. I showed the connections between them and explained the emergence of a new form of cultural Marxism and how it led to the emergence of political correctness.

Starting from theory, we can say that certain literary critics have used deconstruction as a tool to transform literature, philosophy and culture into nonsense. If deconstructivist theories had at least a little accuracy, then any verbal communication but also other forms of communication would tend to lose their meaning. The adoption of the theory of deconstruction not only compromises philosophical logic, but makes it practically impossible to write literature. Since words no longer mean anything concrete, they are reduced to sounds only.

Continuing with cultural Marxism, we can say that it is increasingly present in contemporary Western society especially in education and the corporate environment, where relativism, atheism, nihilism, anarchism, feminism and identity politics are increasingly supported and practiced. To these are added political correctness with other elements such as censorship, language change, almost fanatical support for multiculturalism and diversity and the emergence of new concepts such as safe space, trigger warning that radicalizes students and / or turns them into self-proclaimed victims, even if they did not go through any serious trauma. However, given the capitalization of irresponsibility, it can be seen that just a look or a word at the right time of emotional oversensitivity of these individuals can generate states that can be considered even traumatic.

A problem of political correctness is that real competition diminishes and positive discrimination takes the place of meritocracy. The West is constantly blamed for its history instead of being praised for the civilization it created. This message is conveyed through education to the new generations and combined with a form of fear of violating the new rules imposed by political correctness, thus stopping many humanist intellectuals from expressing themselves freely.

An empirical research is needed to analyze the penetration of the ideas of political correctness both in the university environment and in the Romanian society.

References:

Adorno, T .W., Horkheimer, M. (2002). *Dialectic of Enlightenment*, Stanford: Stanford Univeristy Press, 242.

Atkinson, G. L. (1996). *The new Totalitarians: Bosnia as a Mirror of America's Future*, Otley: Atkinson Associated Press.

Kelly, U. A. (2009). Integrating intersectionality and biomedicine in health disparities research. *Advances in Nursing Science*, 32, E42–E56.

Baofu, P. (2012). *The Future of Post-Human Migration: A Preface to a New Theory of Sameness, Otherness, and Identity*, Newcastle upon Tyne: Cambridge Scholars Publishing.

Bolton K. R., (2019). *Cultural Marxism: Origins, Development and Significance*. *The Journal of Social, Political, and Economic Studies*; Washington, 43, 272-284.

Brown S. L. (2002). *The Politics of Individualism*, New York: Black Rose Books.

Calhoun, C. (1994). *Social Theory and the Politics of Identity*, Malden: Blackwell.

Corbett, E. P. J, Connors, E. J. (1999). *Classical Rhetoric For the Modern Student*, New York: Oxford University Press, 1.

Demostene. (1852). *The Olynthiac and other public orations of Demosthenes*, London. Retrieved from: https://archive.org/details/olynthiacotherpu00demorich/page/n5/mode/2up.

Crenshaw, K. (1991). Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color. *Stanford Law Review*, 43, 1241–99.

Engels, F. (1970). *Socialism: Utopian and Scientific*, Progress Publishers.

Friedman, M.; Jan N. (1995). *Political correctness : for and against*. Lanham: Rowman

Fromm, E. (1961).*Marx's Concept of Man*, New York: Frederick Ungar Publishing.

Geuss, R. (1999). *The Idea of a Critical Theory*, Cambridge: Cambridge University Press.

Gnanasekaran, R. (2015). An Introduction to Derrida, Deconstruction and PostStructuralism. *International Journal of English Literature and Culture*, 3, 211-214.

Held, D. (1980). *Introduction to Critical Theory: Horkheimer to Habermas*, California: University of California Press.

Kompridis, N. (2006). *Critique and Disclosure: Critical Theory between Past and Future*, Cambridge: MIT Press.

Lindlof T. R., Taylor B. C. (2002). *Qualitative Communication Research Methods*, Thausand Oaks: SAGE.

Lyotard, J. (1984). *The Postmodern Condition: A Report on Knowledge*, Manchester: Manchester University Press.

Mark B. (2017). *"Introduction". Antifa: The Antifascist Handbook*. London: Melville House.

Marx, K, Engels, F. (1967). *Opere alese în două volume*. vol. 2, București: Editura Politică.

McCall, L. (2005). The complexity of intersectionality. *Signs: Journal of Women in Culture and Society*, 30, 1771–1800.

McLaughlin, P. (2007). *Anarchism and Authority: A Philosophical Introduction to Classical Anarchism*, Aldershot: Ashgate.

Nagle, J. (2009). *Multiculturalism's double bind: creating inclusivity, cosmopolitanism and difference*, New York: Routledge.

Newman, M. (2005). *Socialism: A Very Short Introduction*, Oxford: Oxford University Press.

Nietzsche, F. (2015). *Dincolo de bine și de rău*, București: Humanitas.

Outhwaite, W. (2009). *Habermas: A Critical Introduction (Key Contemporary Thinkers),* Malden: Polity Press.

Seligman, E. R. A. (1901). The Economic Interpretation of History.*Political Science Quarterly*,16,612–640.

Western S. (2016). Political Correctness and Political Incorrectness: A Psychoanalytic Study of New Authoritarians. *Organisational and Social Dynamics*, Bicester, 16, 68-84

Wilson, J. (1995).*The Myth of Political Correctness: The Conservative Attack on High Education*, Durham: Duke University Press.

https://www.lexico.com/definition/political_correctness

Article Info

Received: February 17 2021
Accepted: March 02 2021

Revista de Științe Politice. Revue des Sciences Politiques • No. 69 • 2021: 93 - 108

ORIGINAL PAPER

Word vs. Term - Language for Specific Purposes

Ileana Mihaela Chiriţescu[1)], Floriana Anca Păunescu[2)]

Abstract:
Specialised language must be the reflection of a scientifically advanced civilisation. If general language grows naturally alongside new nuances of collective communication developed by unspecialised members in society, special language is dependent on the concrete advancements of people in science and technology, and how those transformations shall be subsequently described and categorised using new-fangled terminology. Standard communication is more inclined to capture emotion while professional language has the absolute prerogative of reflecting knowledge and then disseminate it so that those elements of knowledge shall benefit increased numbers of individuals. Terminology is not an encryption per say, yet it is inaccessible to normal members of the public who are unspecialised because they lack the basic referential knowledge to understand those terms and concepts. When terms are put together to construct advanced language texts, the degree of specialisation and conceptual enhancement is increased exponentially. This status quo can indeed limit access on a quantitative scale, but the criteria of quality are more than likely empowered. Specialised Language is perceived from a scientific standpoint as a subcategory of the standard, general language that has as its main objectives the communication and dissemination of specialised information from a referential standpoint as opposed to the standard language where methodologies are more diverse and the referential factor is not as relevant. Analysing specialised communication identifies a referential functionality which triggers a propensity towards denotation, the concrete and lexical precision.

Keywords: *communication; variations; evolution; terminology*.

[1)] Lecturer, Ph.D., University of Craiova, Department of Applied Modern Languages, Romania, Phone: 004 0251411552, Email: chiritescumihaela@yahoo.com.
[2)] Associate Professor, Ph.D., University of Craiova, Department of Applied Modern Languages, Romania, Phone: 004 0251411552, Email: anca.paunescu@yahoo.com.

Introduction

The native speakers may benefit from a particular inherent advantage when it comes to business language, they are not automatically blessed with mastery in this respect. A good knowledge of business language does not entail a good knowledge of business terminology, bearing in mind professional training is needed in order to understand business language both practically and linguistically. Simple language training shall not be sufficient if the specific terminology remains abstract in the absence of the actual business and work practice in the real world.

The classic paradigm is based upon the predication that the transformation of society produces linguistic transformations, but in the case of Business terminology, the language itself has become a tool for regulating professional and social activity, thus the language has come to control and administer certain aspects of the economy. This is highly evident in the corporate world where a specialised corporate, business, linguistic apparatus has come to bestow uniformity upon all branches of a corporation across continents, cultures and different languages. For many, Business language is viewed as a non-coagulated system. Because of this status quo and the differences between standard users and specialised users, the standard language and the specialised language shall have to cross boundaries and mix themselves, as it is almost impossible to create absolute boundaries between the two.

A core characteristic of language is its connectivity to its speakers, as the speakers grow and evolve or even possibly devolve, so does the language. Complex and specialised language is the concrete manifestation of a powerful and diverse society. The living, transformational nature of language should be approached systemically based on merging social evolution with geographic and cultural proliferations. One can even wonder if language is the product of society or maybe, to some extent, language itself can influence the way a society functions or behaves. Linking language to nationality can sometimes even outsource the economic status of the speaker. A wealthy individual may speak a different form of language compared to an extremely pauper citizen though they share the same nationality and exist within the same immediate geography. These additional variations have also come to link language with power; therefore, it is not only important to play the part but also to act the part, climbing the social ladder often brings forth expectations of linguistic evolution and adaptation.

The Need to Define Specialised Languages

Specialised Language is perceived from a scientific standpoint as a subcategory of the standard, general language that has as its main objectives the communication and dissemination of specialised information from a referential standpoint as opposed to the standard language where methodologies are more diverse and the referential factor is not as relevant. Analysing specialised communication identifies a referential functionality which triggers a propensity towards denotation, the concrete and lexical precision.

> "Thanks to the above the head video projectors that exist nowadays in the seminar rooms, teachers can use diverse assets to support their clarifications, introduce new vocabulary or solve exercises. Teachers now have the possibility of learning programs that allows them to construct lesson plans that have effect on the surface and deep learning through pictures, videos, sounds, graphics and visual organizers" (Bărbuceanu, 2020: 41a).

Advanced communication is defined by terminology and, in fact, it is a general opinion that terminological structures are indeed the building blocks for language for specific purposes. If we define standard language as the total ensemble of lexical, semantic and grammatical tools affiliated to the members of a linguistic group or community with the purpose of proliferating basic communication, then specialised language is attached to a more restricted, professional assembly of advanced users, expounding an entire system of signs and triggers which facilitate the dissemination of knowledge pertinent to scientific domains of relevance through the use of specialised terminology. The terminological density, which is more often than not associated to terminological communication, represents yet another distinct characteristic that differentiates it from standard linguistic hegemonies.

Faber and Lopez Rodriguez (2012) provide a comprehensive definition of specialised language that includes a focus not only on advanced content but also takes into consideration cultural contexts, society variations, textual assemblies and conceptual domains, as well as the concrete individuals who must process the entire system of specialised language. The researchers state that:

> "Specialized language is more than a technical or particular instance of general language. In today's society with its emphasis on science and technology, the way specialized knowledge concepts are named, structured, described, and translated has put terminology or the designation of specialized knowledge concepts in the limelight. The information in scientific and technical texts is encoded in terms or specialized knowledge units, which are access points to more complex knowledge structures. Underlying the information in the text are entire conceptual domains, which are both explicitly and implicitly present, and which represent the specialized knowledge encoded. In order to create a specialized text, translators and technical writers must have an excellent grasp of the language in the conceptual domain, the content that must be transmitted, and the knowledge level of the addressees or text receivers" (Faber &Rodriguez, 2012: 9).

Specialised language must be the reflection of a scientifically advanced civilisation. If general language grows naturally alongside new nuances of collective communication developed by unspecialised members in society, special language is dependent on the concrete advancements of people in science and technology, and how those transformations shall be subsequently described and categorised using new-fangled terminology. Standard communication is more inclined to capture emotion while professional language has the absolute prerogative of reflecting knowledge and then disseminate it so that those elements of knowledge shall benefit increased numbers of individuals. Terminology is not an encryption per say, yet it is inaccessible to normal members of the public who are unspecialised because they lack the basic referential knowledge to understand those terms and concepts. When terms are put together to construct advanced language texts, the degree of specialisation and conceptual enhancement is increased exponentially. This status quo can indeed limit access on a quantitative scale, but the criteria of quality are more than likely empowered.

Encryption is a noteworthy component of specialised language in terms of accessibility, availability and understanding of content. From the perspective of scientifically codified material, Pitcht and Draskau state the following:

> "LSP is a formalized and codified variety of language, used for special purposes and in a legitimate context—that is to say, with the function of communicating information of a specialized nature at any level—at the highest level of complexity, between initiated experts, and, at lower levels of complexity, with the aim of informing or initiating other interested parties in the most economic, precise and unambiguous terms possible". (Picht& Draskau,1985: 3).

Another important aspect of Pitcht and Draskau's definition is confirmed by what the two authors name as contextual legitimacy. The context of addressability must be composed of peers, experts who are "initiated" scientifically, linguistically or preferably both. Complex levels of communication are not destined for deletants, not out of some sort of elitism, but simply from the pragmatic standpoint that the information would simply be wasted on non-specialised users.

Specialised language goes beyond the complexity of terminological context or rigid scientific content. Humans are an equally important component in the equation of specialised communication, and the significant challenge is to harmonise both the human and the scientific component in order to generate the "unambiguous exchange of information" among "professionals" uniting content and the beneficiary of that content with a view of supporting scientific development and the subsequent progress of society that comes with it:

> "The main purpose of special languages, i.e. allowing objective, precise, and unambiguous exchange of information particularly between subject field experts and professionals, makes dialectal variation very minor. The issue is not one of affirming one's own geographical origin, but rather one of communicating unambiguously. In this sense, presenting a highly specialized scientific text in a written article or a conference paper does not require the same discourse as a spontaneous oral communication on the same subject. Finally, the intentions or purposes of the communication, both in general and special language, also condition the syntactic, morphological, and textual devices used" (Cabré, 1999: 77-78).

According to Sager et al. (1980), the need to understand specialised language is a contextual undertaking and, therefore, it must be analysed through the association with general language. The authors do not simply look at specific language as a distinct, separate entity, but rather as a part of an intricate, interconnected system of extended communication that is conjoined with other vectors of communication. They even expound that what they call "natural language" can incorporate both specialised and general communication. The authors believe it is highly evident that:

> "The nature of language is such that general language and special languages can be accommodated within one natural language: the fundamental characteristics of language are manifested both in English and in the language of chemical engineering, both in French and in the language of physics. The difference between general and special languages is a difference of degree rather than kind: the degree to which the fundamental characteristics of language are maximized or minimized in special languages. Special languages are used more self-consciously than general language and the situations in which they are used intensify the user's concern with the language. It is therefore on the level of use that we look for more specific differentiating criteria" (Sager, Dungworth&McDonald, 1980: 17).

Isolation, contextualised separation between general and specialised language represent, according to the authors, elements that are conditioned by degrees which are deemed essential in the minimisation or maximisation of advanced terminology. These elements of activation are user-conditioned based on the affinity with which communicators approach the intensity of language and the levels of specialisation they wish to commandeer.

> "Another category of learners a teacher might encounter in the classroom and to whom visuals are of uttermost importance is represented by the mnemonic visuals. Mnemonic pictures contain organised retention mechanisms that enhance the students' ability to remember any text or information provided it is presented visually" (Bărbuceanu, 2020: 40a).

Cabré (1999) investigates potential elements of co-dependency between general language and special language by identifying two core elements which differentiate the two types of linguistic categories, namely, terminology and the manner in which that terminology is assembled, combined and disseminated. It is the author's clear opinion that specialized and advanced communication exist as separate entities governed by specific rules and standards of generation. Although the distinction is clear, she does mention that specialised communication, though a vastly superior form of standard communication, can use certain elements of basic language in order to make itself more accessible to a wider range of users and specialists. This increase in the quantity of the individuals it can reach is more or less equivalent to an adjacent increase in subsequent efficiency and standardised quality. Therefore, we can state that terminology is an independent communicational entity that can, at times, harness the power of standard language in order to obtain additional degrees of empowerment, reach and nuances. Maria Cabré conveys the following:

> "Specialized communication differs from general communication in two ways: in the type of oral or written texts it produces, and in the use of a specific terminology. The use of standardized terminology helps to make communication between specialists more efficient. The criteria they use to evaluate specialized texts are not the same as those used to evaluate general texts. In general texts, expression, variety and originality prevail over other features; in specialized texts, concision, precision and suitability are the relevant criteria. A scientific text must be concise because concision reduces the possibility of distortions in the information. It must also be precise because of the nature of scientific and technical topics and the functional relations among specialists. Finally, it must be appropriate or suitable to the communicative situation in which it is produced so that, depending on the circumstances of each situation, every text is adapted to the characteristics of the interlocutors and their level of knowledge about the topic, introducing more or less redundancy according to need" (Cabré, 1999: 47).

Cabré further explains that the difference between general and special communication is additionally increased by characteristics that are not even structural. These new-defining elements are actually fuelled by the "criteria" used for the evaluation of both acts of communication. therefore, if two types of communication are different not only structurally, but also from an evaluative point of view, then the borders between the two are more actively and clearly conveyed. But the differences between the two do not end here. Standard and special communication can be distinguished based on the context in which the act of communication is delivered.

While standard language is significantly informal and independent of context, specialised acts of communication are compelled to take into account contextual variations. A scientific speech can be delivered under positive or dire circumstances, in front of a small or large group, and it can also be tributary to cultural and personal beliefs. Thus, an advanced act of communication must, more or less, tread lightly and consider a substantial number of variables that can influence or even affect the core ideas conveyed. Furthermore, informal communication between friends or colleagues is held to very few standards or preconditions. A specialised act of communication is, on the other hand, on the opposite side of the spectrum when considering the human factor of addressability both in terms of speaker and as receiver.

> "Today's teachers must learn to communicate in the language and style of their students, re-thinking old-style teaching in education in the digital age, where educators often find themselves as immigrants trying to cope with the digital natives that are no longer engaged with chalk and blackboard and one educational flow from the teacher to the student. Teachers must recognize that their students are digital natives who master essential skills for accessing digital, cloud libraries and informational resources available from their own devices" (Bărbuceanu, 2020: 136b).

The generator of the message should, in this case, exhibit a strong sense of cultural awareness, as well as the wisdom to adapt a level of communication so that the target audience is able to understand it. The opposite can apply as well: if an advanced communicator does not possess the necessary level of specialisation, compared to the people he/she is addressing, if that person is intellectually and professionally inferior to the target audience, then, in order to avoid embarrassment and the generation of unnecessary information, that speaker/writer should choose not to stand before the respective audience as it accomplishes no positive results and only wastes the time of his and her interlocutors.

The area that clearly differentiates specialised and unspecialised language belongs to vocabulary. Terminology, advanced vocabulary underscore significant structural disparities between the two categories of language under analysis. Researcher Maria Teresa Cabré (1999) explores variations of the lexicon and outlines three distinct variations related to the linguistic dimension of terminology:

> "The greatest divergences are found in the vocabulary. The words in the general language texts are much easier to understand for most speakers of the language than those in the special texts.
>
> a. General language lexical items, e.g. *brain*, *medicine*, *slice*, *pressure*, *rock*, *temperature*
> b. Specific lexical items that can be attributed to a borderline area between general language and special language: *imaging*, *invasive*, *scanner*, *chemical composition*, *metamorphic*, *recrystallization*
> c. Lexical items specific to special texts: *adenosine triphosphate*, *lactic acid*, *spectroscopy*, *basaltic*, *diagenesis*, *protolith*" (Cabré, 1999: 73)

The first area of interest relevant to the lexical infrastructure of advanced communication refers to general language items that are morphed into contextualised specialisation. Outside context, those terms may be benign and generally accessible, but with proficient integration, they are afforded new semantic extensions. The second tier of vocabulary items is placed within a "borderline area", mediating both general and special patterns of language, outlining transitional patterns that are more harmonious as

they belong to both worlds of communication. the elements of vocabulary that are exclusively specific to terminology are the most advanced and precise form of professional communication. their meaning is independent of context or additional semantic variation. By no means, this is rigidity, but more than that, it is the mark of stability and uncorrupted coagulated meaning.

The author further develops her lexicographic assertions and analyses terminology from the perspective of complex corroborations and textual integration. Analysing specialised vocabulary as a tool for constructing specialised texts generates an endorsement for increased variation and specialisation:

"Certain structures and categories appear more frequently in special texts than in general language texts:

a. Morphological structures based on Greek or Latin formatives: *diagenesis*, *igneous*, *pathological*
b. Abbreviations and symbols: *MRI*, *C*
c. Nominalizations based on verbs: *accumulation*, *identification*, *recrystallization*
d. Straightforward sentence structure with little complex subordination" (Cabré, 1999: 73).

The immersion in the traditional origins of specialised terminology constitutes a scientific prerequisite not only in linguistics but in all areas of scientific expertise. Allowing Greek or Latin terms to transcend millennia and achieve synchronicity with modern, specialised communicational needs is an aspect that cannot be overlooked. Specialised vocabulary can be disseminated solely through contextual integration. Any professional act of communication cannot be just a random enumeration of independent words. Those words must be skilfully brought together to form syntagmatic relations, sentences and complex phrases that capture the exact intent, the desired effect of the act of communication as it is designed and implemented by the advanced communicator.

Delimitating general language from special language can be a challenging undertaking if we consider the intersectional nature of the two elements. Though imbued with the significant insertion of co-dependence, scientific analysis can discern between interdependent manifestations of language. Cabré outlines a comprehensive framework that can bestow clarification among the two zones of expertise. Regarding special language texts, she claims the following:

- "They often represent an implicit dialogue between the writer and the recipient of the message.
- They do not implicitly present personal positions; when they do occur, they are indicated by such phrases as e.g. *according to the author*, *in our opinion*, *we believe that*, etc.).
- They attempt to persuade the reader indirectly, although it might not be done explicitly, by providing arguments, citing data, providing examples, explaining, etc.
- They introduce metalinguistic elements such as explanations, definitions, parenthetical material, synonyms, etc. The number of these functional resources used in each text depends on the degree of specialization of the communication, and on the prior knowledge of the readers of the specialized communication. The less expert the reader, the more redundant the text will be and the more metalinguistic elements it will contain.

- Specialized messages do not ignore the elegance of language, the appropriateness of the forms used, or the advantages of the right format and layout" (Cabré, 1999: 75-76).

The implicit nature of textual representations allows for specific, specialised allocations of linguistic resources that are specific to professional act of communication. Even the manner in which the audience is persuaded is highly depersonalised, meant to convey objective truths that are not bound to personal opinions or individual perspective. Each fact communicated is powered by a system of arguments, professionally assembled and disseminated so that it adds the maximum effect of conviction and credibility. Furthermore, even metalinguistic elements are a highly cherished resource in specialised language, harnessing what Cabré defines as "functional resources". The level of specialisation in texts is directly dependent on the terminological prowess of its constitutive elements, yet that proliferation of elements, the elevated ability of the arscombinatoria is the sole prerogative of the professional communicator and reflects not only on that person's linguistic knowledge but also on his or her ability to outline discourse within an intercultural context.

Linguistic experts have concluded that developments in the area of science, economics and communication always trigger an influx of innovative terminology whose purpose is to cognitively quantify the new quantities of data, package them by categories and then disseminate them towards users with the purpose of facilitating not only the development of the human resource but also the implementation of those new scientific discoveries as steadfast standards of reference. In researching the connection between scientific advancements and terminology, special language, Picht and Draskau (1985) reveal a series of unique characteristics, specifically adapted to correlate advanced knowledge to enhanced communication:

a. "Special languages have a single purpose, in the sense that they are used in a specific social setting and for communication.
b. They have a limited number of users.
c. They are acquired voluntarily.
d. They are autonomous with respect to the general language, in the sense that variation among special languages does not bring about variation in the general language" (Picht and Draskau,1985: 9).

The first main characteristic of expert discourse is the solidity of purpose. If in the case of standard communication, there are no real or urgent, deliberate objectives in communication, sometime communication is just a random act of social bonding, specialised communication is always fuelled by objectives. There is no element of randomness to terminology. Professionals use it to serve lucrative or scientific purposes. They employ its resources in order to manage material and human resources. Discussing money or the weather from a general perspective is nothing more than chit-chat meant to pass the time, to elicit random act of dialogue and interaction. Sometimes, these elements are nothing more than conversation fillers. Address the same topics from a specialised perspective and you could be saving crops, lives, material goods, in the case of weather, while discussing capital in a professional context utilising specialised terminology can mean the difference between keeping outsourcing or even eliminating tens of thousands of jobs because of financial constraints. The next element that strongly defines specialisation in communication is reflected in the quantity and quality of the people who perform the respective act of communication. While general language promotes quality over quantity, catering to the discursive whims of the masses,

specialised acts of communication are greatly reductive in terms of quantity, but compensate this numeric decrease by substantially increasing the quality of informational content, as well as the quality of the people who are able to engage in those respective discussions. Specialised discourse is the prerogative of initiated users.

Native intelligence in cooperation with work ethics and a propensity to achieve continuous perfection elevates normal users to the status of advanced users. Those who reach the necessary level of understanding in order to process specialised language are not just successful in communication, they automatically become proficient in specific, specialised areas of expertise, and this makes them the gatekeepers of the functionality and management of society. If information is power, it can only be attained by the mastering of specialised content.

Specialisation does not only secure the present; it controls the future of development across the board. Specialisation in the areas of terminology and science is a voluntary act of determination.

> "These native, who seems to favor a synchronistic or consecutive interaction, can text messages with his eyes closed, is an intuitive learner with zero tolerance or patience, with an extensive preference to discover via actions, trialing and communication rather than by reflection". (Bărbuceanu, 2020: 136b).

A user will go to great lengths towards achieving the personal linguistic and professional competence that will allow him or her to decrypt and master a terminology that is, otherwise, detached from standard language. If we add contextual and cultural immersion into the mix, then the rigorousness of specialisation is fully underscored and clarified as an endeavour to master objective elements of absolute scientific truths and integrate those solid referents into an often subjective and ambiguous social and professional context.

In approaching the issue of terminological specialisation, Sager (1990) proposes an elevated level of contextualisation that is not only concerned with the multidisciplinary aspect, but also with the evolution of terminology through different timeframes, thus, identifying factors of relevance that correlate science with synchronicity and traditional legitimacy.

> "Terminology has many ancestors, is related to many disciplines and is of practical concern to all students of special subjects and languages. It is, therefore, appropriate at this stage of its emancipation as an independent practice and field of study to delimit it and to relate it to the disciplines in which it finds application. Although essentially linguistic and semantic in its roots, terminology found a more recent motivation in the broad field of communication studies, which may be described as a modern extension of the mediaeval trivium of logic, grammar and rhetoric. With this orientation terminology can claim to be truly interdisciplinary. It is vital to the functioning of all sciences, it is concerned with designations in all other subject fields, and it is closely related to a number of specific disciplines. […] The common element among these disciplines is that they are each concerned, at least in part, with the formal organisation of the complex relationships between concepts and terms. Since terminology is concerned with concepts, their definitions and names, it is only appropriate to begin a discussion with a formal definition of the subject" (Sager, 1990: 2).

Specialised texts represent the refined and integrated form of terminology. Mastering huge packages of terminology attests only to a good memory or a capacity for repetition. The superior integration of those terms, by building texts, complex structures, is the landmark of collaborative intelligence that seeks not only to understand and further disseminate scientific reality, but to go beyond that and transform that information into concrete, professional changes in domains ranging from economics, transportation, national defence, public safety or the health sector. These specialised texts must embody series of traits, which Cabré has identified in this following categorisation:

The characteristics of scientific and technical texts (doctoral dissertations, technical reports, formal lectures, specialized articles in learned journals, etc.) reflect this tendency towards impersonalization and objectivity by using elements like:

a. "first person plural as a means of expressing modesty
b. the present tense
c. absence of exclamations
d. short sentences
e. avoidance of unnecessary redundancy
f. frequent use of impersonal formulae
g. noun phrases
h. other systems of representation, e.g. drawings, tables, in the body of the text"

(Cabré, 1999: 75).

The use of the first-person plural should not be misconstrued as an act of capricious subjectivity. It is an expression of modesty towards working collaboratively with the aim of achieving progressive togetherness. The present tense conditions the listeners to actively listen and be involved in the activity of learning in the present with a view of improving the future. The elimination of exclamation is, somehow, the equivalent of excluding emotional undertones. Science should be objective, not emotional. Specialised listeners should be impressed by the validity of the arguments they encounter and not by discursive histrionics that can hijack the true purpose of a specialised communication. The impersonal approach, the depersonalisation raises awareness that scientific advancements is not meant for individual use, but for the progress of the collective, for society as a whole. In addition, the use of charts, diagrams, tables and drawings can maximise the precision of specialised communication by pinpointing the exact information that the specialised communicator wishes to transmit to the targeted advanced receivers of that specific information.

Specialised language should carry and spread the validity of positive and scientific arguments beyond cultural borders and beyond actual geographic borders. Communicational prowess is the key to unlocking the miracles of science by making them accessible across the world, letting individuals better themselves, supporting not only the development of science but the development of our most precious resource, the human resource, and those newly developed specialists shall in turn create new specialists, thus, creating the ideal conditions for exponential growth on an intellectual, communicational and material level.

Word vs. Term. Knowledge Building and Transfer

Words and terms elicit relevance based on a pattern of interconnectivity. They both designate symbols and those symbols are, in fact, assembled through an association of sounds and letters which ultimately designate a concept.

If we are to look at what a word signifies, we shall turn our attention towards abstract representations that are often difficult to express, but are paradoxically imprinted throughout the collective human psyche. The most common definition asserts that a word is, in fact, the smallest linguistic unit that elicits meaning throughout an extended majority of people. That meaning should be constant and even variations of interpretation should be collectively shared by, at least, other subgroups. If a linguistic unit is to gain a status of becoming a word, then both the speaker and the listener must share a common understanding regarding the meaning of that utterance, as well as an agreement as to how that unit shall be utilised, both in context and culturally. Furthermore, if we are to accept and embrace the religious specification of meaning, the word is actually the core building block of creation as it preceded all other elements, generating them into being. This line of reasoning would entail that in order for an element to become relevant, it has to, at least, be defined and categorised into existence. If something is undiscovered, unsaid or simply not understood collectively, it is significantly irrelevant to the collective necessities of humanity. Naming something, allocating a word for it affords that element strength and materialisation. Even words which define abstract emotions are often misconstrued as ramblings or potential imbalances if there is not a stable frame of references associated with a collective integration in society. The very act of writing implies the deliberate choice of words which is achieved through a sort of anticipatory empathy by stimulating ourselves towards wishing to understand what the words we place on paper will mean to the reader who will, in fact, receive and decode them by contextualising those units of meaning based on both personal and collective experience and affinities.

Regarding the distinction between word and term, Maria Teresa Cabré (1993) detects the following elements of separation:

- "the term always indicates a concept / categorical notion, while the word does not (there are also prepositions, conjunctions that are syncategorematic notions);
- the term, restricted to a specialized field, designates a single concept (characterized by mono-sign), while a word can be polysemantic;
- the synonymy relationship is excluded, theoretically, between terms, while between words synonymous relationships can be established;
- the term can be made up of several words, updating itself as a syntactic group;
- terms do not frequently use the same word forms as word-specific ones. They are more composed of elements of Greco-Latin or syntagmatic constructions than words in the standard language;
- the term can also be constructed from symbols, letters, numbers, mathematical, physical, chemical formulas, while the written word is a graphemic sequence that reproduces a phonemic structure (morphological, syntactic);
- treated as signs in relation to reality, in the case of the word its arbitrary character is more obvious, while, in the case of the term, it tends towards a relative motivation, by reference to other units of the terminological system, based on the notion expressed in a notional field and proven by finding the linguistic designations from that notional field in the structure of the new term.
- the word is represented by any linguistic unit component of a natural language; the term is only that linguistic unit that belongs to a specialized language" (Cabré, 1993: 87-89).

We can safely state that terms are, in effect, words, or, at least, created through words, but not all words can be deemed as being terms. Simply put, a term implies a higher degree of specialisation, of elitism, it is not wildly accessible to the masses, but it is characterised by unquestionable precision throughout the normative perception of specialised users, both speakers and listeners. Terms are the proverbial bread and butter in the field of science and specialised areas of communication. A term is formal and expresses solid functionalities while the word exists within the realm of neutrality and is available to unspecialised assemblies of individuals supporting day-to-day lives and activities, enabling communication as a whole.

Words are at the bottom of the pyramid of meaning. Although they do not commandeer superior specialisation, they are essential to the proper inner workings of a language. Their commonality endorses human interactions and forges bonds of friendship and affection. The top of the pyramid is formed, almost exclusively, from terms. They are the expression of professional progress and specialisation, allowing for superior definitions and mechanisms of integration. Moreover, they are not restrictive by definition, it is not forbidden to know or understand those terms, yet one cannot simply access or understand superior, integrated definitions without exploring the initial steps of communication, namely the words. Mastering or thoroughly exploring words will open the door to understanding and properly utilising some or even the full power of terminology which is, by definition, specialised.

When approaching the differentiation between words and terms, we must explore the conventional nature of terminology. It is generally understood that the arbitrary nature of words is powered by an insufficient connection between the signifier and signified. Terms exhibit a different pattern or shift in paradigm as the connectivity between notion and its subsequent designation is not at all random, but a solidified version of communication that is built upon general agreement among specialised users. This trait of the terms is all the more obvious in the context of communicational units of terminology that have undertaken a strong consensus of stability. Terms are the building blocks of notions, and the same cannot be attested regarding words, as words are more attached to grammar structures, acting as building blocks rather than superior elements of linguistic integration.

In her investigation of the connection between language and term, Elena Croitoru (2004) identifies terms as a superior linguistic manifestation which enhance not only meaning and precision, but also act as catalysts for the generation of specialised linguistic structures and formulations which are able to accommodate the new standard of the language:

- "Nominative + infinitive with present and past reference, pointing to both simultaneity and anteriority relationship – *it was considered to be, it proved to have been*;
- Accusative + infinitive with simultaneity relationship (e.g.: *the bank considers card payments to be the most efficient);*
- preposition +gerund and verbal nouns;
- verbal adjectives;
- gerund as a subject (usually rendered in Romanian by *prin faptul că* or used after instead of and translated *și nu*);
- passive constructions, which have the highest frequency in specialised texts;
- the use of the subjunctive mood specific to formal English, hence specialised texts" (Croitoru, 2004: 21).

From the perspective of linguistics, it is made evident that terminology exists within a higher realm of understanding compared to word proliferation. Terms can be based on one word, a combination between two words or perhaps even a multiplicity of words, and their purpose is to enhance the connection between linguistics and terminology. The most important difference between term and word is, ultimately, attached to the frame of established reference. A word can ascend to the status of term if the notion it serves is circumvented to an area of science or specialised language and can adequately function within that mechanism. This definition of the term sees the analysis of components of both meaning and purpose adhere to singular and precise extensions. the analysis of the units of meaning must be completed by the specification of the field of reference and the highlighting of the relations between the expressed concept and the whole system. If any word can be assimilated, under certain conditions, to a term, not every term, as we have seen, can be identified with a word. Given that many times, at the level of common usage, the term and the word are used as synonyms, without any differentiation of meaning, perhaps it would be clearer if we were talking in terminology about terminological unity - simple or complex.

To describe the functioning of the linguistic sign, semiology uses a scheme well known as the semiotic triangle, of Aristotelian tradition: form - meaning - referent. Terminology took over this means of representation, but using another formulation: the form of the term - notion (concept, intention) - object (extension).

According to Ferdinand de Saussure:

> "The linguistic sign unites, not a thing and a name, but a concept and a sound-image.' The latter is not the material sound, a purely physical thing, but the psychological imprint of the sound, the impression that it makes on our senses. The sound-image is sensory, and if I happen to call it “material”, it is only in that sense, and by way of opposing it to the other term of the association, the concept, which is generally more abstract". (De Saussure, 1966:66)

The relationship between the meaning of a term and its ability to designate reality is its denominative value. The ability of words / terms to have a referent is a function of language as important as designating a concept. In the field of specialised communication, it becomes a primary element. There are words devoid of denominative value, therefore devoid of referent, grammatical tools whose value is purely syntactic. In principle, the term has a certain denominative value. However, even words / terms whose denominative value is indisputable, may have uses in which the referent is fictitious or only absent: ‘robot’, for example, evokes a reality that we know, more or less, as functioning in certain branches of industry, for example – “industrial robots”. But the phrase android robot is born from the fantasy of writers. On the other hand, in a phrase like: “There are no robots in this lab”, the negative form indicates the absence of any referent.

On a case-by-case basis, therefore, a term, even having a denominative value, may or may not evoke a real object, depending on its use. We must also remember the difference between the virtual reference and the current reference. The first case is the ability of words to have references. It can be identified at the level of language, of the system. The current reference is at the level of discourse and consists in the effective evocation of one or more references. In the case of monosomy, the differences between the two are almost imperceptible, but in the case of polysemantic lexical units, the updated reference in discourse selects a single element of reality.

Any linguistic sign, except proper names, refers in the structure of the language to a class of objects characterized by common features. In terms of reference, therefore, the signs are category-related. However, the referent can be individualized through a series of determinations. In this context, however, the occurrence of any term names a specific object.

For the scientific language the exact rendering of the reality in logical and linguistic plan is of a special importance. This is the only language that tries to respect the objective limits of reality. Science uses language both to represent, in an exact way, the real, the concrete, and especially, to analyse the designated elements, stating something about them. The classifications operated by science do not always coincide with those of the current language, governed rather by the subjectivity of the speakers. The ideal of scientific language is quite difficult to achieve because, having its basis in the common language, it cannot neutralize its valences, it cannot always reduce the connotative meanings, polysemy, homonymy. That is why the precise identification of objects acquires a special importance in the specialized sphere.

In interpreting the connection between word and term, De Saussure (1966) places great emphasis on the psychological nature of linguistic and communicative imagery:

> "The psychological character of our sound-images becomes apparent when we observe our own speech. Without moving our lips or tongue, we can talk to ourselves or recite mentally a selection of verse. Because we regard the words of our language as sound-images, we must avoid speaking of the "phonemes" that make up the words. This term, which suggests vocal activity, is applicable to the spoken word only, to the realization of the inner image in discourse. We can avoid that misunderstanding by speaking of the sounds and syllables of a word provided we remember that the names refer to the sound-image" (De Saussure, 1966: 66).

According to the model of logic, in terminology we speak of concept or notion and not of meaning. The concept is a unit of thought, a mental representation, a product of the abstraction and generalization of a given reality, consisting of a set of characters assigned to an object or a class of objects, expressed by a term or a symbol. Another designation of this plan, specific to terminology is that of intention. We note that the meaning of the word is a set of lexical and grammatical elements, both competing in its definition. In the process of explaining and defining the terms, the primary meaning is usually used. The meaning retains only those elements which are necessary to differentiate it. Intentional expression means the totality of properties that an object must have in order to be able to apply a certain name to it, even if, even in this case, they are retained in certain situations, in definition, for example, only specific parts.

The general characteristics of the superclass are added to those specific to the classes. For example, the general characteristics of the superclass "currency" are added to the characteristics of the class "dollars" or "pounds". They can exist both virtually and cash, and they are used for the procurement of goods and services. Then, the following elements are subclasses and orders, the latter including other features that also differentiate concretely. The number of distinctive characteristics increases even more when it comes to identifying a particular trait. At this level, the perceptual content of the word is changeable and may present distinctive, potential virtual features that are not necessarily related to the constant features of the object.

By defining and understanding the lexicon, we can distinguish certain lexical traits whose analysis extends to semantic areas of comprehension. There is a direct connection between the study components and the lexical definition of words, and this pattern of connectivity is relevant due to the fact that lexicography as well as semantics are founded upon similar predications. Therefore, defined elements are firstly classified and only later clarified within subsequent classes of words. If a semantic analysis is performed with respect to classes whose lexical elements are grouped by commonality that is referentially established, then they will be attributed to an investigation of proximity, seeing as common elements can exist in groups, but can also be uttered through the use of a signal word. Particular differences that are categorized from a lexical standpoint are often constant and exhibit an increased level of referential stability.

Conclusions

In terminology, according to patterns of logic, we speak of the extension of a term, which includes all the objects (references) that can be designated by it. The definition of a term by extension corresponds to a definition by reference. Didactic works often offer in a schematic form the extension of a studied notion. A characteristic of the terminology, in general, and of the current terminology, in particular, is the ontological approach and, therefore, the special importance that is given to the referent, to the extension. The starting point is the existing pattern, which is analysed, according to its characteristics, and not the word in itself.

Analysing terms from this perspective is tributary to the unique understanding of differences between notions, which ultimately belong to the same category, this including even synonyms or words that exhibit proximity of meaning. Via this methodology, the connectivity of terms becomes a reality. A translation analysis sees patterns implemented between two distinct signifiers belonging to separate languages which are correspondent to the same signified element.

References:

Bărbuceanu, C. D. (2020a). Visual teaching – Using digitalized material to engage ESP students. *Revista de Științe Politice. Revue des Sciences Politiques,* Craiova: Universitaria Publishing House, no. 67.

Bărbuceanu, C. D. (2020b). Teaching the Digital Natives. Revista de Științe Politice. Revue des Sciences Politiques, Craiova: Universitaria Publishing House, no. 65.

Cabré, M. T. (1993). *La terminologia. Teoria, metodologia, aplicaciones*. Barcelona: Editorial Antartida/Empuries.

Cabré, M. T. (1999). *Terminology. Theory, Methods and Applications*. Edited by Juan Sager, translated by Janet DeCesaris. Amsterdam/Philadelphia: John Benjamins Publishing Company.

Cabré, M. T. (1999). *Terminology. Theory, Methods and Applications*. In: Helmi Sonneveld, Sue Ellen Wright (eds.), *Terminology and Lexicography Researchand practice*. Amsterdam/Philadelphia: John Benjamins Publishing Company.

Croitoru, E. (ed.). (2004*). English through Translation. Interpretation and Translation-Oriented Text Analysis*. Galați: Editura Fundației Universitare Dunărea de Jos.

De Saussure, F. (1966). *Course in General Linguistics,* Translated by Wade Baskin. Edited by Perry Meisel and Haun Saussy (Meisel P. &Saussy H., Eds.). New York: McGraw-Hill Book Co.

Faber, P., Lopez-Rodriguez, C. I. (2012). *Terminology and specialized language*. In Pamela Faber (Ed.), *A Cognitive Linguistics View of Terminology and Specialized Language*. Berlin: De Gruyter Mouton.

Picht, H., Draskau., J. (1985). *Terminology: An Introduction*. Guildford, UK: University of Surrey.

Sager, J. C., Dungworth, D., Macdonald P. F. (1980). *English Special languages. Principles and Practice in Science and Technology*, Wiesbaden:Brandstetter.

Sager, J. (1990). *A Practical Course in Terminology Processing*. Amsterdam/Philadelphia: John Benjamins.

Article Info

Received: March 24 2021
Accepted: April 02 2021

Revista de Științe Politice. Revue des Sciences Politiques • No. 69 • 2021: 109 - 119

ORIGINAL PAPER

EU Institutional Resilience and Population Protection during COVID-19: Explaining the Social Impact of the Regulation (EU) 2021/241

Anca Parmena Olimid[1)], Daniel Alin Olimid[2)]

Abstract:
The aim of the study is to explore the general provisions and policy areas of the Regulation (EU) 2021/241 for the establishment and implementation of the "Recovery and Resilience Facility" (RRF) and to explain why the horizontal principles and the recovery instruments make such a difference for the European Union (EU) recovery plans. The research of the nexus between the policy coordination, the resilience facilities and the population protection outcomes is mapped by designing on a legal and social account of: (*1*) the shared programmes and resources; (*2*) the harmonious implementation of the EU policies (EUp) in the context of the COVID-19 crisis; (*3*) the stipulation of the principle of additionality concerning the EU funding areas; (*4*) the goals of the intervention fields in accordance with the Annex VI of the RRF: the social policies, the social integration of the vulnerable groups of the population, the social inclusion, the employment policies, the economic policies, the digital transition, the territorial cohesion, the green transition by pointing: biodiversity and climate measures. The paper concludes with a discussion of the "institutional resilience" and the "resilience dialogue" by outlining the need for a coordinated response of the Member States (MS) to reinforce the link between EU policy areas and the economic governance.

Keywords: *EU; social impact; population, resilience facilities, pandemic context.*

[1)] Associate Professor, Ph.D., Faculty of Social Sciences, University of Craiova, Romania, Email: anca.olimid@edu.ucv.ro.
[2)] Lecturer, Ph.D., Biology Specialization, University of Craiova, Romania, Email: daniel.olimid@edu.ucv.ro.

Introduction

The research is structured as follows: the introduction; the literature review on: "resilience", "resilient institutions", "crisis management" and "urban resilience"; methodology; the definitions and criteria; the shared programmes and resources; the harmonious implementation of the European Union policies (EUp) in the context of the COVID-19 crisis; the stipulation of the principle of additionality concerning the European Union (EU) funding areas, "the recovery ad resilience plan" (RRP) goals of the intervention fields in accordance with the Annex VI of the "Recovery and Resilience Facility" (RRF). This research presents strong evidence of the EU efforts and assistance provided by the Regulation (EU) 2021/241 (2021) that enables the policy coordination and the reform strategies within the context of the RRF. The research further points: (*1*) the principles of interoperability [Recital 12 Regulation (EU) 2021/241]; (*2*) the horizontal principles [Article 5(1) and Article 5(2) Regulation (EU) 2021/241]; (*3*) the principles of the "budgetary management" [Recital 18 Regulation (EU) 2021/241].

Literature review: "resilience", "resilient institutions", "crisis management", "community resilience" and "urban resilience"

Studies in the "institutional resilience" have examined and discussed the conceptual and the operational-level of the resilience capabilities and strategies by linking the multi-level concepts, the organizational level, the types of institutional environment, the methodological studies on systemic review by approaching: (*1*) the phases of the crisis management, the categories of resilient institutions and the factors influencing the institutional resilience (Hills, 2000: 109-118); (*2*) the influence and the role of the causal effects and the institutional engagements (Olimid & Olimid, 2016: 35-47; Olimid, Rogozea & Olimid, 2018, 631-636; Olimid, Olimid & Chen, 2018: 1305-1310; Georgescu, 2018: 196-209; Olimid & Georgescu, 2017: 42-56); (*3*) the organizational resilience, the construct development and "the resilience-related capabilities" (Hillmann & Guenther, 2021: 7-44); (*4*) the definitions of resilience and the types of capitals: human, social and natural capital (Irfanullah, 2021: 57-63); (*5*) the institutional resilience, the organizational activities and the role of "extreme operating environments" (Barin Cruz, Aguilar Delgado, Leca & Gond, 2016: 970-1016); (*6*) the role of the social institutions and the management of conflict (Aall & Crocker, 2019: 68-75); (*7*) the typology of the organizational resilience, the resilience resources, the resilient response, the resilient behavior and the "occupational resilience" (Brown: 2021, 103-105); (*8*) the conceptual approaches to "business resilience" and "community resilience" (Adekola & Clelland, 2020: 50-60). Steen and Morsut argue that the resilience management associates two other concepts in the local governance: the "crisis management" as well as the "learning and coordination challenges" (Steen & Morsut, 2020: 35-60). Bretos, Bouchard and Zevi contribute to the conceptual framework of the "institutional resilience" and organizational trajectories by investigating the ongoing researches on the organizational factors, the organizational categories, the social innovation, the collective action and the social commitments (Bretos, Bouchard & Zevi, 2020: 351-357).

By exploring the "urban resilience" and the role of governance, Therrien, Usher and Matyas individualize the role of the "supportive governance", the management risk and the consequences of the "resilience actions" (Therrien, Usher & Matyas, 2020: 83-102). A systematic review of the organizational resilience, the resilience practices and the role of information is investigated by Cotta and Salvador (Cotta & Salvador, 2020:

1531-1559). The authors identify the factors of the organizational resilience, the determinants of behavior and the "individual information" (Cotta & Salvador, 2020: 1531-1559). Furthermore, Duchek shows the necessity to investigate the three levels of the resilience stages namely: "anticipation, coping and adaption" by highlighting new conceptualizations and definitions of the resilience processes, capabilities and "anticipation capabilities" (Duchek, 2020: 215-246). In this direction, Ducheck is motivated to develop and share the role of the implementing actions, capabilities and the organizational change by focusing the interactions between: (*i*) the potential risks and the realized organizational resilience; (*ii*) the cognitive and behavior insights and the conceptualization of resources or social factors and *(iii*) the resilience stages and the resources availability (Duchek, 2020: 215-246). Moreover, Kim investigates the links between the organizational resilience, the internal communication outcomes and the effects on productivity (Kim, 2020: 47-75). Therefore, Kim extends the area of research of the "organizational resilience" from the attributes of the resilient systems to the factors by focusing the "normal functioning" after a crisis situation (Kim, 2020: 47-75).

Methodology

Furthermore, the methodology part of the research presents how we apply the legal analysis for the case of the Regulation (EU) 2021/241 by setting four questions: (*Q1*) How are described and implemented the shared programmes and resources within the Regulation (EU) 2021/241? (*Q2*) How is supported the harmonious implementation of the Eup in the context of the COVID-19 crisis? (*Q3*) How is stipulated the principle of additionality concerning the EU funding areas? (*Q4*) Which are the main goals of the intervention fields in accordance with the Annex VI of the RRF? Moreover, we use a three options approach to advance our understanding on the: (*1*) the population protection, namely, "the living standards" of the EU citizens [Recital 4 Regulation (EU) 2021/241]; (*2*) the social protection, namely the protection of the "vulnerable groups" citizens [Recital 4 and Recital 14 Regulation (EU) 2021/241]; (*3*) the social impact of the COVID-19 pandemic context [Recital 39 and Article 18(4)(c) Regulation (EU) 2021/241]. To do this, we propose and research a process framework in accordance with the Regulation (EU) 2021/241 that is based on: (*1*) the concepts, the criteria and the harmonious implementation of the EUp in the context of the COVID-19 crisis; (*2*) the contextual approaches that are: (*i*) mapping and conceptualizing the human capital and the social protection approaches; (*ii*) addressing the shared programmes and the use of resources, the "institutional resilience" and the "resilience dialogue"; (*iii*) the stipulation of the principle of additionality and the policy coordination and Goals of the intervention fields in accordance with the Annex VI of the RRF.

Using EUR-lex legislative metadata base, we identified the main legal framework governing the institutional resilience during COVID-19: (*1*) Regulation (EU) 2021/241; (*2*) Regulation (EU) 2020/852 (2020); (*3*) Council Regulation (EU) 2020/2094 (2020); (*4*) Regulation (EU) 2018/1999 (2018); (*5*) Regulation (EU) No 472/2013 (2013) and (*6*) Regulation (EU) No 1176/2011 (2011). However, these EU legal provisions reflect both social and economic needs, the use of resources, the major policy trends and the legislative measures and instruments. Furthermore, the provisions of the Regulation (EU) 2021/241 are researched by grouping the following four categories: (*i*) the concepts and purposes [Article 2 and Article 3 Regulation (EU) 2021/241]; (*ii*) the financial support for the Member States (MS) [Recital 8, Recital 17, Recital 18, Recital 30, Recital 37, Recital 46, Recital 5 Regulation (EU) 2021/241]; (*iii*)

the requirements for the MS [Recital 63, Recital 64, Article 7, Article 17 and Article 29 Regulation (EU) 2021/241]; (*iv)* the promotion of the "harmonious development" and "monitoring and evaluation" [Recital 63, Recital 64, Article 7, Article 17 and Article 29 Regulation (EU) 2021/241]; (*v*) the measures and initiatives within the economic governance [Recital 29 and Article 10 Regulation (EU) 2021/241];

Definitions and criteria of the RRF

This study aims to evaluate the social impact of the Regulation (EU) 2021/241, advancing knowledge and analysis of the definitions detailed in Article 2. Moreover, Article 2 focuses the definitions of: the "Union funds", the "financial contribution", the "European Semester", the "milestone and targets", the "resilience", the relationship between plans, measures and the "quantitative achievements" [Article 2(1)(2)(3)(4)(5) Regulation (EU) 2021/241]. Furthermore, Article 2(5) defines "resilience" as "the ability to face" the mixed "economic and social" outcomes by advancing new perspectives of the structural approaches [Article 2(5) Regulation (EU) 2021/241]. The legal dispositions of the Article 2 also focus the EU financial plan, the qualitative determinants, the structural necessities and the economic approaches of the RRF. Nevertheless, Article 2(2)(4) clarifies the relationship between reforms and investments by considering the roles of measures and "the allocation" provided for a MS.

The framework of the Chapter I also addresses the understanding of the means and objectives of the Regulation (EU) 2021/241 by identifying the funding forms and the funding rules [Article 1 Regulation (EU) 2021/241]. The effectiveness of the RRF is also enhanced by highlighting a multi-level approach to the: (*i*) the crisis response management and capacity [Recital 10 Regulation (EU) 2021/241]; (*ii*) the "crisis preparedness" [Recital 15 Regulation (EU) 2021/241] and (*iii*) the "asymmetrical effects" at the level of the MS [Recital 6 Regulation (EU) 2021/241]. In the context of the RRF, the "qualitative" approaches to the RRP [Article 18(4)(e) Regulation (EU) 2021/241] individualize different levels, namely: the biodiversity and the green transition, the climate settings and the support for the "implementation of reforms and investment projects" [Article 18(4)(d) Regulation (EU) 2021/241].

Our findings highlight also how the criteria of the RRF, namely: "relevance", "effectiveness", "efficiency" and "coherence" [Recital 41 and Article 18(3) Regulation (EU) 2021/241] have an impact on the EU response within the RRP. Therefore, we shall examine the effects in the context of RRP, using the legal analysis and the case description of the RRP. In this context, we will also explore the conceptual approach to the principle of "do no significant harm" [Article 2(6) Regulation (EU) 2021/241]. Moreover, following the definitions and scope asking MS to promote the six pillars [Article 3 and Article 4 Regulation (EU) 2021/241], article 17 further considers the legal framework to prepare the "national recovery and resilience plans" [Article 17(1) Regulation (EU) 2021/241]. Thus, this provision provides two types of measures in accordance with the RRF principles and measures: (*i*) the establishment of the "reform and investment agenda" at the MS level [Article 17(1) Regulation (EU) 2021/241]; (*ii*) the establishment of "a comprehensive and coherent package" [Article 17(1) Regulation (EU) 2021/241]. While the Article 22 addresses the issue of the EU financial interests, Article 24 focuses on: (*i*) the payments and the financial contributions [Article 24(1) Regulation (EU) 2021/241]; (*ii*) the loans provided to the MS [Article 14(1) Regulation (EU) 2021/241; (*iii*) the legal provisions for the MS in accordance with the timetable and indicators stipulated in Article 20(6) and Article 24(2)(3) of the Regulation (EU)

2021/241]; (*iv*) the legal conditions for the "positive preliminary assessment" provided by the Commission [Article 17(4)(5)(6) Regulation (EU) 2021/241].

Mapping and conceptualizing human capital and social protection approaches

The RRF also highlights how the MS organize and implement the "reform and investment agenda" [Article 17(1) Regulation (EU) 2021/241]. Based on a multi-level research of the RRP, the RRF presents the eligibility measures and design for the MS by addressing the national challenges, the reform priorities and the EUp settings by considering the policy and the legislation at the EU and MS level, namely: (*1*) Regulation (EU) 2020/852 (2020) on the framework of the sustainable investment; (*2*) Council Regulation (EU) 2020/2094 (2020) on the EU response within the COVID-19 crisis and the facility of recovery measures and instruments; (*3*) Regulation (EU) 2018/1999 (2018) on the EU governance in the field of energy; (*4*) Regulation (EU) No 472/2013 (2013) on the EU measures for euro zone; (*5*) Regulation (EU) No 1176/2011 (2011) for the area of "macroeconomic imbalances".

The case study also investigates the determinants of the EUp in the field of the coordination and implementation of the measures and actions stipulated by the European Pillar of Social Rights Action Plan (EPSRAP) (2021), here including: the human capital, the population consultation, the "citizens' prosperity" and the "innovative workforce" (EPSRAP, 2021: 9). This encompasses the following issues: (*i*) the policy decision in the field of the social protection (EPSRAP, 2021: 5); (*ii*) fostering social responsibility (EPSRAP, 2021: 16); (*iii*) establishing a "social rulebook" (EPSRAP, 2021: 6) and targeting inequality and the living conditions (EPSRAP, 2021: 18). Moreover, the RRF considers the notions of the: "social justice", "social protection" and "living standards" under the new EPSRAP framework (EPSRAP, 2021) by showing how the EU coordinated response is displayed within the reform actions and programmes.

These legal and social perspectives of the European Pillar of Social Rights (EPSR) are addressed more explicitly by using a multi-level approach of the: EUp coordination, the implementation of measures, the reform at the national level, the monitoring of the reform priorities, the protection of the vulnerable categories of the EU population and the focus on the living standards of the EU population [Recital 4 Regulation (EU) 2021/241]. The human capital and the EU population protection, as integral aspects of the intervention field, are focused by the Annex VII [Annex VII Regulation (EU) 2021/241] by enabling the role of the EPSR and the institutional resilience of the MS during COVID-19. Therefore, this study aims to examine the role of the RRF to provide assistance and financial support to MS, here including: (*1*) the innovative measures, tools and actions to sustainable growth [Recital 7, Recital 11, Recital 23 Regulation (EU) 2021/241]; (*2*) the focus on the green transition and the biodiversity measures [Recital 23, Recital 24, Recital 39, Article 18(4)(e), Article 19(3) Regulation (EU) 2021/241]; (*3*) the social cohesion based on the EUp focusing the "next generation, children and the youth" [Recital 10 Regulation (EU) 2021/241].

Shared programmes and use of resources: "institutional resilience" and "resilience dialogue"

Following the introduction of the general provisions and policy areas, we focus the economic policies, the coordination and the implementation of the common objectives of the EUp, namely: (*1*) "the resilience economies" [Recital 6 Regulation

(EU) 2021/241]; (*2*) "the institutional resilience" [Recital 10 Regulation (EU) 2021/241]; (*3*) the "economic, social and institutional resilience" [Recital 15 Regulation (EU) 2021/241]; (*4*) the "recovery and resilience plans" (RRP) [Chapter III Regulation (EU) 2021/241]; (*5*) the "resilience measures" [Recital 19 Regulation (EU) 2021/241]; (*6*) the "resilience dialogue" [Recital 61 and Article 26 Regulation (EU) 2021/241]; (*7*) the "recovery and resilience scoreboard" [Article 30 Regulation (EU) 2021/241]. In this context, the research design we make is threefold. First, we focus the outcome results by using the multi-dimensional analysis and the observation of the legal provisions in the field of the financial contributions and the "institutional provisions". Second, we observe the differences in the establishment of the RRF and how the plans are displayed by exploring how the reforms and investments are concentrated. Third, we investigate the "digital targets" [Recital 27 Regulation (EU) 2021/241] and the "environmental standards and priorities" [Recital 32 Regulation (EU) 2021/241]. The outcome evaluation of the RRF is presented using the analysis and the observation of the legal provisions in the field of the financial contributions [Chapter II Regulation (EU) 2021/241], the RRP [Chapter III Regulation (EU) 2021/241], the financial provisions [Chapter IV Regulation (EU) 2021/241], the institutional provisions [Chapter V Regulation (EU) 2021/241], the reporting procedure provided by the MS [Chapter VI Regulation (EU) 2021/241] and the activities of monitoring and coordination [Chapter VII Regulation (EU) 2021/24]. In this context, the paper also engages an in-depth analysis of the relevance of the concept of "resilience" by investigating: (*1*) the definition of the concept [Article 2(6) Regulation (EU) 2021/241]; (*2*) the resilience plans and measures [Recitals 6-70 Regulation (EU) 2021/241]; (*3*) the patterns of the resilience plans [Chapter III, Articles 17-21 Regulation (EU) 2021/241].

Moreover, the differences in the establishment of the recovery plans and facilities are displayed by providing: (*1*) the "sustainable reforms" [Recital 8 Regulation (EU) 2021/241]; (*2*) the "public investments" [Recitals 8, 17, 32, Article 17(1), Article 19(3)(k) Regulation (EU) 2021/241]; (*3*) the "digital targets" [Recital 27 Regulation (EU) 2021/241]; (*4*) the "environmental standards and priorities" [Recital 32 Regulation (EU) 2021/241] and (*5*) the national legal provisions [Recitals 34 Regulation (EU) 2021/241]. Furthermore, Article 7 concentrates on showing the conditions of the resources provided and more recently on exploring the implementation of these resources in accordance with the financial settings "used exclusively" for a MS [Article 7(1)(2) Regulation (EU) 2021/241]. In this direction, the research identifies a major topic of the RRP within the Regulation (EU) 2021/240, namely: the budget [Article 6 Regulation (EU) 2021/240] (2021). A second focus is identified for the "additional technical support" as an orientation towards fostering the benefits for the MS. Moreover, a set of practices constituting the measures and resources regulated by the Regulation (EU) 2020/2094 is presented and explained under the RRF by stipulating: the activities, the objectives, the priorities, the expenses, the management of the RRF, the evaluation, control and monitoring activities and the legal settings on reforms and investments [Article 6(2) Regulation (EU) 2021/241]. Therefore, the current study then argues the harmonious implementation of the EUp by drawing out some implications and measures for how the "social circumstances" [Recitals 15, 17, 39, 42 and Article 3(e) Regulation (EU) 2021/241] and the "social and institutional resilience" progress [Recital 10, Recital 15 and Recital 17 Regulation (EU) 2021/241] and how the "social exclusion" [Article 10(4) Regulation (EU) 2021/241] impacts the economy of a MS [Recital 28 Regulation (EU) 2021/241].

Harmonious implementation of the EUp in the context of the COVID-19 crisis

With regard the harmonious implementation of the EUp, we identify four categories of EUp and initiatives under the Regulation (EU) 2021/241 in the context of the COVID-19 crisis: (*i*) the implementation of the EPSR [Article 4(1) Regulation (EU) 2021/241]. Moreover, the monitoring of the "implementation" as a conceptual notion is used to highlight other specific topics namely: the "progress of the implementation" [Recital 66 Regulation (EU) 2021/241] and "the implementation of the activities" [Article 29(2) Regulation (EU) 2021/241]; (*ii*) as an empirical item associated with the research and evaluation of the "reform priorities" [Recital 4 Regulation (EU) 2021/241] and the "implementation of reforms" [Article 6(2) Regulation (EU) 2021/241]; (*iii*) as a conceptual notion associated to the implementation of the EUp, here including: the harmonious implementation of the EUp [Recital 3 Regulation (EU) 2021/241], the patterns and the "methods of implementation" [Recital 18 Regulation (EU) 2021/241]. In accordance with the legal provisions of the Regulation (EU) 2021/241 [Recital 23], the RRF associates the benefits for MS and for the EU, which provides experience and tools to detect "the adverse effects" of the COVID-19 crisis [Recital 8 Regulation (EU) 2021/241]. This may generate social and financial implications, for example for the mechanisms of public investments associated with other schemas of support aimed to provide "the strategic autonomy" of the EU [Recital 9 and Article 4(1) Regulation (EU) 2021/241]. Several articles of the Regulation refer to the converge criteria at the EU level. In addition, Recital 6 stipulates the negative effects of "schocks" between the MS or at EU level [Recital 6 Regulation (EU) 2021/241]. So, Recital 39 requires RRP to establish the measures for its implementation and evaluation of the social impact in accordance with the principles of the EPSR [Recital 39 Regulation (EU) 2021/241]. In accordance with the legal provisions of the Article 4, the RRF requires MS to endeavor: (*i*) to promote and improves the resilience framework [Article 4(1) Regulation (EU) 2021/241]; (*ii*) to establish measures to contribute to growth and digital transition [Article 4(1) Regulation (EU) 2021/241]; (*iii*) to adopt new initiatives for the "economic and social convergence" [Article 4(1) Regulation (EU) 2021/241]; (*iv*) to enable the "strategic autonomy" and the "open economy" [Article 4(1) Regulation (EU) 2021/241]; (*v*) to take into account the targets for reforms and "transparent cooperation" [Article 4(2) Regulation (EU) 2021/241].

Stipulation of the principle of additionality and EUp coordination

The principle of additionality is reflected by the Article 5 in accordance with other principles such as: the principle of "do no significant harm" [Article 5(1) Regulation (EU) 2021/241]. Furthermore, drawing on horizontal principles, the Regulation (EU) 2021/241 uses the notion of "support" to show how the RRF is engaging the measures which relies on the acknowledgment and the respect of the horizontal principles. Therefore, Article 9 specifies the additional support provided by EU programmes and actions. The Regulation (EU) 2021/241 therefore develops a multi-level perspective of the RRF implementation and funding, namely: (*i*) the measures aimed to connect the RRF and the economic governance [Recital 29 and Article 10 Regulation (EU) 2021/241]; (*ii*) the proposals to suspension of payments [Article 10(2) Regulation (EU) 2021/241]; (*iii*) the financial contribution and the allocation governance [Article 12 Regulation (EU) 2021/241]; (*iv*) the pre-financing procedure [Article 13

Regulation (EU) 2021/241]; (*v*) the loans provided to the MS for the implementation of the RRF [Article 14 Regulation (EU) 2021/241]; (*vi*) the loans agreement with the MS [Article 16 Regulation (EU) 2021/241]. The detailed description of the RRP is developed within the Articles 17-21 and it includes the EU Commission assessment by pointing the relevance and promotion of the EUp in the fields of: (*i*) the implementation of the EPSR [Article 19(3)(c) Regulation (EU) 2021/241]; (*ii*) the EUp "for children and the youth" [Article 19(3)(c) Regulation (EU) 2021/241]; (*iii*) the "economic, social and territorial cohesion and convergence" [Article 19(3)(c) Regulation (EU) 2021/241].

The results of the analysis of the Regulation (EU) 2021/241 focus also the principle of transparency and the effectiveness outcomes of the RRP at different levels of the organization, the implementation, the establishment and the assessment [Recital 42, Recital 60, Article 4(2), Article 25, Article 26(1) and Annex V(1) Regulation (EU) 2021/241]. Therefore, the requirements for the growth approach, the employment sector, and the multi-level resilience help to determine the specific recommendations for a MS, by identifying the important factors influencing this relationship, namely: (*i*) the implementation of the EPSR [Recital 42 Regulation (EU) 2021/241]; (*ii*) the approach to digital transition [Recital 42, Recital 48, Article 18(4)(f) Regulation (EU) 2021/241]. In this context, the principle of interoperability broadens the understanding of the initiatives, reforms, actions and investments in green technologies [Recital 11Regulation (EU) 2021/241], here including: the biodiversity and environmental measures and plans [Recital 23, Recital 24, Recital 39 Article 18(4)(e) Regulation (EU) 2021/241].

Reflecting on the principles of social dialogue, the legal provisions develop a common framework to address: the social protection, the integration of the vulnerable population and the performance of the health and care standards, priorities and systems. Moreover, the Regulation advances the importance of the "economic, social and territorial cohesion" by synthesizing four approaches in order to: (*1*) to guarantee the convergence of the EUp; (*2*) to provide support for the coordination for the EUp at the regional level; (*3*) to improve support for the social structures and the social dialogue; (*4*) to strengthen the social protection and the social rights. Drawing on the "additional reforms", the Regulation (EU) 2021/241 stipulates the relations between the financial needs and the investment sector [Recital 48, Article 14(3)(a), Article 15(1)(b), Article 19(4), Article 20 Regulation (EU) 2021/241]. Moreover, the Regulation addresses the "harmonious development", the competiveness and the "quality employment" by considering the sustainable growth approach and the focus on the EUp coordination, the regional particularities and the levels of development.

Goals of the intervention fields in accordance with the Annex VI of the RRF

The broad context of the Regulation (EU) 2021/241 also includes the: the assessment measures and criteria for the RRF [Annex V Regulation (EU) 2021/241] and the categories for the intervention fields [Annex VII Regulation (EU) 2021/241]. Moreover, the Annex VII details the intervention field and the category of the intervention, here including: the human capital, the digital public services and the digitalization of the following sectors: healthcare, education, transport etc. Furthermore, the Regulation proposes the "assessment guidelines" in order to establish the financial contribution, the scope and the objectives proposed. Moreover, the "assessment guidelines" focuses: (*i*) the "assessment process" of the initiative for the RRP launched by the MS [Annex V point 1(a) Regulation (EU) 2021/241] and (*ii*) the "assessment

criteria" and the "rating system" in accordance with the principles of transparency Annex V point 1(b) Regulation (EU) 2021/241]. To address the fields of intervention, the Regulation (EU) 2021/241 illustrates five directions by focusing: connectivity, digitalization, digital inclusion, digital technologies and the "socio-economic integration of young people" [Annex VII Regulation (EU) 2021/241]. These intervention fields are to be pursued though a range of actions, measures and initiatives outlining the following sectors: the "industrial research", the "socio-economic drivers", the "experimental development", the "smart specialisations", e-government, e-services, e-Care, e-Health, e-Commerce, e-Business [Annex VII Regulation (EU) 2021/241]. Annex VII of the Regulation also illustrates the "coefficient for the calculation of support to digital transition" ranging from 40% to 100%. Under the Annex VII, the fields of intervention enable coordinated activities and measures by requiring the establishment of the "territorial coverage", the "adaptability of enterprises" and the "integration of digital technologies" [Annex VII Regulation (EU) 2021/241].

Conclusions

We conclude the study on the institutional resilience and the population protection within the framework of the Regulation (EU) 2021/241 and related EU documents by pointing: the field of the recovery measures and mechanisms, the need for a harmonious implementation of the EUp and a common agenda focusing the "resilience dialogue". To conclude, the research highlighted the implementation of the EUp by focusing the support for the social structures and the social dialogue. In doing so, it was our focus to investigate how the social protection and social rights have been approached and how the implications of the EU policy coordination are developed within the RRF.

References:

Aall, P. & Crocker, C.A. (2019). Building Resilience and Social Cohesion in Conflict. *Glob Policy*, 10(S2), 68-75. Retrieved from: https://doi.org/10.1111/1758-5899.12681.

Adekola, J. & Clelland, D. (2020). Two sides of the same coin: Business resilience and community resilience. *J Contingencies and Crisis Management*, 28, 50–60. Retrived from: https://doi.org/10.1111/1468-5973.12275.

Barin Cruz, L., Aguilar Delgado, N., Leca, B. & Gond, J.-P. (2016). Institutional Resilience in Extreme Operating Environments: The Role of Institutional Work. *Business & Society*, 55(7), 970-1016. Retrieved from: https://doi.org/10.1177/0007650314567438.

Bretos, I., Bouchard, M.J. & Zevi, A. (2020). Institutional and organizational trajectories in social economy enterprises: Resilience, transformation and regeneration. *Ann Public Coop Econ*, 91, 351-357. Retrieved from: https://doi.org/10.1111/apce.12279.

Brown, T. (2021). The response to COVID-19: Occupational resilience and the resilience of daily occupations in action. *Aust Occup Ther J,* 68, 103-105. Retrived from: https://doi.org/10.1111/1440-1630.12721

Cotta, D. & Salvador, F. (2020). Exploring the antecedents of organizational resilience practices – A transactive memory systems approach. *International Journal of Operations & Production Management*, 40(9), 1531-1559. Retrieved from: https://doi.org/10.1108/IJOPM-12-2019-0827.

Duchek, S. (2020). Organizational resilience: a capability-based conceptualization. *Bus Res*, 13, 215-246. Retrieved from: https://doi.org/10.1007/s40685-019-0085-7.

European Pillar of Social Rights Action Plan (2021). Retrieved from: https://ec.europa.eu/info/publications/european-pillar-social-rights-action-plan_en.

Georgescu, C. M. (2018). The Postmodernity of European Integration: Affirming EU Core Values, Identities and Principles in the Mass Media. *Postmodern Openings*, 9(2), 196-209. Retrieved from: https://doi.org/10.18662/po/28.

Hills, A. (2000). Revisiting Institutional Resilience as a Tool in Crisis Management. *Journal of Contingencies and Crisis Management*, 8, 109-118. Retrieved from: https://doi.org/10.1111/1468-5973.00130.

Hillmann, J. & Guenther, E. (2021). Organizational Resilience: A Valuable Construct for Management Research?. *International Journal of Management Reviews*, 23, 7-44. Retrieved from: https://doi.org/10.1111/ijmr.12239

Irfanullah, H. M. (2021). So, what does resilience mean for scholarly publishing? *Learned Publishing*, 34(1), 57-63. Retrieved from: https://doi.org/10.1002/leap.1351.

Kim, Y. (2020). Organizational resilience and employee work-role performance after a crisis situation: exploring the effects of organizational resilience on internal crisis communication. *Journal of Public Relations Research*, 32:1-2, 47-75. Retrieved from: https://doi.org/10.1080/1062726X.2020.1765368.

Olimid, A. P. & Olimid, D. A. (2016). Accuracy of Health, Population and Development Counting Vectors: Evidences from the UN Resolutions Markings and Policies (2012-2016). *Revista de Științe Politice. Revue des Sciences Politiques*, (52), 35-47. Retrieved from: https://cis01.ucv.ro/revistadestiintepolitice/files/numarul52_2016/4.pdf

Olimid, A. P. & Georgescu, C. M. (2017). Social Agenda and Civic Participation within the European Union Multilevel Governance: A Content Analysis of the EU Legal Documentation (2016). *Revista de Științe Politice. Revue des Sciences Politiques*, 55, 42-56. Retrieved from: https://cis01.ucv.ro/revistadestiintepolitice/files/numarul55_2017/RSP%2055.pdf#page=42

Olimid, A. P., Rogozea, L. M. & Olimid, D. A. (2018). Ethical approach to the genetic, biometric and health data protection and processing in the new EU General Data Protection Regulation (2018). *Rom J Morphol Embryol* 2018, 59(2), 631-636. Retrieved from: https://rjme.ro/RJME/resources/files/590218631636.pdf.

Olimid, D. A., Olimid, A. P. & Chen, F. I. (2018). Ethical governance of the medical research: clinical investigation and informed consent under the new EU Medical Devices Regulation (2017/745). *Rom J Morphol Embryol*, 59(4), 1305-1310. Retrieved from: https://rjme.ro/RJME/resources/files/59041813051310.pdf.

Regulation (EU) No 1176/2011 of the European Parliament and of the Council of 16 November 2011 on the prevention and correction of macroeconomic imbalances. *OJ L 306*, 23.11.2011, 25-32. Retrieved from: https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A32011R1176.

Regulation (EU) No 472/2013 of the European Parliament and of the Council of 21 May 2013 on the strengthening of economic and budgetary surveillance of Member States in the euro area experiencing or threatened with serious difficulties with respect to their financial stability. *OJ L 140,* 27.5.2013, 1-10. Retrieved from: https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A32013R0472.

Regulation (EU) 2018/1999 of the European Parliament and of the Council of 11 December 2018 on the Governance of the Energy Union and Climate Action, amending Regulations (EC) No 663/2009 and (EC) No 715/2009 of the European Parliament and of the Council, Directives 94/22/EC, 98/70/EC, 2009/31/EC, 2009/73/EC, 2010/31/EU, 2012/27/EU and 2013/30/EU of the European Parliament and of the Council, Council Directives 2009/119/EC and (EU) 2015/652 and repealing

Regulation (EU) No 525/2013 of the European Parliament and of the Council. *OJ L 328*, 21.12.2018, 1-77. Retrieved from: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv%3AOJ.L_.2018.328.01.0001.01.ENG.

Regulation (EU) 2020/852 of the European Parliament and of the Council of 18 June 2020 on the establishment of a framework to facilitate sustainable investment, and amending Regulation (EU) 2019/2088 (Text with EEA relevance) PE/20/2020/INIT. *OJ L 198*, 22.6.2020, 13-43. Retrieved from: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32020R0852.

Council Regulation (EU) 2020/2094 of 14 December 2020 establishing a European Union Recovery Instrument to support the recovery in the aftermath of the COVID-19 crisis. *OJ L 433I*, 22.12.2020, 23-27. Retrieved from: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32020R2094

Regulation (EU) 2021/240 of the European Parliament and of the Council of 10 February 2021 establishing a Technical Support Instrument. *OJ L 57*, 18.2.2021, 1-16. Retrieved from: https://eur-lex.europa.eu/eli/reg/2021/240.

Regulation (EU) 2021/241 of the European Parliament and of the Council of 12 February 2021 establishing the Recovery and Resilience Facility. *OJ L 57*, 18.2.2021, 17-75. Retrieved from: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32021R0241.

Steen, R. & Morsut, C. (2020). Resilience in Crisis Management at the Municipal Level: The Synne Storm in Norway. *Risk, Hazards & Crisis in Public Policy*, 11(1), 35-60. Retrieved from: https://doi.org/10.1002/rhc3.12178.

Therrien, M-C, Ushaer, S. & Matyas, D. (2020). Enabling strategies and impeding factors to urban resilience implementation: A scoping review. *J Contingencies and Crisis Management*, 28(1), 83-102. Retrieved from: https://doi.org/10.1111/1468-5973.12283.

Article Info

Received: March 25 2021
Accepted: April 04 2021

Revista de Științe Politice. Revue des Sciences Politiques • No. 69 • 2021: 120 - 133

ORIGINAL PAPER

Legislative foundations of Polish-Austrian economic relations

Agnieszka Kisztelińska-Węgrzyńska[1)]

Abstract:
Economic contracts generated the legal framework for action and development. Being a certain postulate for cooperation, they provided the basis for trade exchange and investments that followed. The research question concerns the impact of trade agreements on the development of a country moving from a centrally planned system to a free market system. To what extent are the treaties signed before 1989 and whether the generated changes accelerated the integration process in the region. The Second Austrian Republic had a visible influence in terms of entrepreneurship in the eastern territory. The issue of the intensity of this process, the degree of changes generated and the effects in relation to Poland requires clarification. Poland was treated by post-war Austria as an initiator of changes in the region and a partner in the exchange of goods and raw materials. The article aims to explain the extent to which bilateral economic agreements influenced the economic situation of Poland. Their effectiveness is estimated on the basis of specific contracts signed after 1955. Both existing and expired treaties were taken into account. In total, 24 documents of an economic nature were analyzed. The Austrian side was looking for the so-called niche sectors, less attractive to other Western countries. Until 1989 it was difficult to predict trends linking the economic exchange of centrally planned and free market states. Each eastern country had different development trends and investment needs. Most of the treaties signed by the communist authorities in Poland became the basis for trade and investment development after 1989. The research used the institutional-legal method, the historical method and statistical analysis.

Keywords: bilateral agreements, contemporary Austria, trade, Austrian-Polish relations, investment policy, Central and Eastern Europe.

[1)] Dr hab. Agnieszka Kisztelińska-Węgrzyńska – historian, political scientists, graduate from Łódź University, adjunct in Faculty of International and Political Studies at Łódź University, Poland. Disciplines: foreign policy, comparative politics, diplomatic history; Phone: 48-608-528-000; ORCID no: https://orcid.org/0000-0003-3682-4442, Email:agnieszka.kisztelinska@uni.lodz.pl.

Introduction

The rules of international law relating to international treaties are the field most often referred to as treaty law. These standards used to be customary in the past. At present, the Vienna Convention of May 23, 1969 on the law of treaties is in force. In the introduction to it was noted that the norms of customary international law still regulate issues not regulated by their regulations. Poland acceded to the convention on July 2, 1990 (Antonowicz, 2008: 198). The Vienna Convention defines a treaty as "an international agreement concluded between states in writing, governed by international law, contained either in one document or in two or more related documents, regardless of its name" (Kocot, Wolfke, 1976: 492 -521). By adopting a general definition of an international agreement, we say that it is an agreement of mutual rights and obligations between states or other subjects of international law. This definition indicates, firstly, that the element of compatibility belongs to the essence of an international agreement, secondly, that every international treaty gives rise to some rights and obligations, and thirdly, that of all international agreements, inter-state agreements are of the greatest importance. In the publication of Stanisław Nahlik contains a similar definition of an international agreement: "... it is a joint declaration of will of two or more subjects of international law, which produces legal effects" (Nahlik, 1967: 167). As Nahlik wrote: “Legal effects […], rights and obligations, are essential components of every contract. A concerted declaration of will by subjects of international law, from which no rights or obligations arise for them, is not a contract ”(Nahlik, 1967: 168). International law allows for the conclusion of oral agreements. From the point of view of international law, the name of the agreement is irrelevant. The Vienna Convention states: "the consent of the States to be bound by a treaty may be expressed [...] in any [...] manner agreed". In practice, these names are very different. The most common ones are: agreement, treaty, convention, treaty, agreement, declaration, protocol, pact, charter. The contract usually functions as a collective name (Antonowicz, 2008: 199).

International law does not contain any rules on the structure of international agreements. Usually, an international agreement consists of a title, introduction, substantive part, and final provisions. The title of the contract includes designations, an indication of the parties, the subject of the contract and the contracting parties. The introduction specifies: the bodies containing, motivating the parties to conclude the contract, stating that an agreement has been reached, stating the appointment of attorneys, stating the fact of replacing or presenting powers of attorney, stating that the text of the contract has been agreed. The substantive part of the document contains instructions divided into chapters, articles and detailed provisions. International practice has developed some generalizations during the formulation of provisions, they are almost identical and are referred to as: most favored nation clauses, reciprocity clauses, national clauses, dispute settlement clauses. The final provisions also include the following clauses: signing, ratifying, approving, and entering into force of the agreement (Frankowska, 1997: 46-47).

Inter-state agreements can be divided according to the bodies that conclude them on behalf of the states. Therefore, contracts in which the head of state is the contracting body are called state, prime ministers - government, ministries - departmental. Another breakdown is the distinction based on content. The most important ones include political agreements, economic agreements, agreements on social and legal relations, agreements on intellectual cooperation, agreements on the protection

of human, animal and plant health, as well as agreements on sea, air and space (Frankowska, 1997: 43).

Polish-Austrian relations developed successfully after the First World War. Both countries revived in a new shape and system, taking advantage of the positive experiences of economic exchange during the partitions. The Republic of Poland has signed a number of trade agreements with the Austrian Republic. At that time, Austria needed economic support and took advantage of all opportunities to obtain raw materials or agricultural products. Compared to other European countries, Poland presented itself as one of many partners in the East (Nahlik, 1976). Nevertheless, it was already then that lively trade began, especially in the mining industry. In the period 1918-1939, a total of 17 treaties were signed, three of which are still in force today.

In the period 1918-1926, Polish-Austrian relations were marked by caution and kindness. The young Austrian republic closely monitored both Poland's relations with the Weimar Republic, as well as contacts with Ukraine and the Czech Republic. Austrian diplomats Egon Hein and Max von Hoffinger, who were staying in Warsaw, reported in their correspondence both the political mood of the then elite and the opinions presented in the press. After the May coup, more attention was devoted than before to the evaluation of mutual relations in the context of cooperation with Germany (Pilch, 2000: 49-62). At that time, the Polish community in Vienna was dynamically developing and operating, concentrated around such organizations as "Thatch" or "Dom Polski"(Kucharski, 2014: 21-28). Austria's joining the Reich worsened the situation of Poles living on the Danube.

After World War II, the independence of the Polish state in concluding bilateral and multilateral treaty agreements was limited by the USSR. As Józef Kukułka stated in the publication: Neighborhood treaties of Poland in the reborn, after 1944 a period of clientelism of the treaty policy towards the USSR began (Kukułka, 1998: 58). On April 21, 1945, Moscow forced the Provisional Government to sign a treaty of friendship, mutual aid and post-war cooperation for a period of 20 years. After World War II, Polish-Austrian relations were dominated by the Cold War conflict dividing Europe into two hostile camps. Austrian political life was influenced by the occupiers operating through the Allied Control Commission for Austria. Austria regained full sovereignty on May 15, 1955. The treaty signed then determined the legal and international status of the Austrian state for the next decades. Ultimately, the occupying powers decided that consenting to a parliamentary resolution on perpetual neutrality would be the best solution for all interested parties (Kisztelińska-Węgrzyńska, 2018: 33-91). The factor stabilizing Austria's foreign policy was its conciliatory behavior towards superpowers, both the United States and the USSR, which was visible even during the occupation of that country until 1955. At that time, the Polish state consolidated the rule of people's democracy and partially rebuilt itself from the devastation of war, redefining its foreign policy, largely dependent on decisions coming from Moscow (Staatsvertrag, 2005: 417-450).

Treaties signed before 1989

Polish-Austrian efforts to sign bilateral agreements after World War II have their roots in the trade agreements of 1946 and 1947. During the entire period of the occupation of Austria, a total of nine trade agreements were signed with Poland. Polish coal was exported then, which contributed significantly to the recovery of both economies. Austria then sent to Poland spare parts and machines dismantled as a result

of agreements between the occupying powers. The economic deals were accompanied by political gestures - the Provisional Government of National Unity recognized the Austrian government in a document of December 28, 1945. The dependence that Austria had at that time due to the occupation of four powers forced the country to postpone its plans to define its foreign policy priorities. At that time, nothing indicated that Poland would be an important political partner for a neutral republic. Favorable political conditions were yet to come (Borodziej, 2005: 427-430).

Poland was among the countries that recognized Austria's perpetual neutrality on December 24, 1955, and acceded to the state treaty for the reconstruction of an independent and democratic Austria on November 19, 1956. Preparations for the signing of the first bilateral state treaty followed. The contract was signed on February 8, 1956 (Kisztelińska-Węgrzyńska, 2011: 3-4). Over the next two years, diplomatic relations with the rank of embassies were established on November 15, 1958. The establishment of diplomatic relations took place during the period of political stabilization in Poland. The period preceding the change of government in 1956 was not conducive to expanding cooperation with Western countries. The relaxation in East-West relations, visible in the early 1960s, brought new opportunities to improve relations between the countries of Central and Eastern Europe and Austria. The need for the Republic to find outlets and opportunities for trade cooperation opened a new stage in Polish-Austrian relations. The activation of relations that took place in the years 1960-1969 arose from the high economic situation in the world. Poland was the first country to respond positively to the Austrian political initiative directed at eastern states. The cooperation proposals resulted in visits of the highest state officials. On 1-3 March 1960, Bruno Kreisky, the then Minister of Foreign Affairs, came to Poland. Adam Rapacki, head of the Ministry of Foreign Affairs, went to Austria (March 8-11, 1961). In 1962 (2-5 February), Bruno Pittermann - Vice Chancellor of Austria, Polish Prime Minister Józef Cyrankiewicz visited Poland in 1965 (20 - 23 September). The consequence of the political meetings was the signing of a number of trade agreements (Kozeński, 1970: 301).

The first post-war long-term Polish-Austrian bilateral agreement was concluded in 1963 (Umowa, 1973). It lists the legal conditions that citizens of both countries are entitled to. conditions of correspondence, work of courts, inheritance law, issues of mixed marriages, or other conditions of cooperation in the field of civil law. It was a very extensive layout containing 10 chapters, 66 articles, a final protocol and an additional protocol prepared by the Polish side on December 6, 1973. The inaccuracies in the preparation of the agreement were cleared up by the Polish side after ten years and then it was ratified. The law of inheritance was a contentious problem. The contract was concluded for a period of five years.

The 1960s began the period of raising the rank of foreign trade in Poland's relations with the West. Our country was already benefiting from the high rate of trade with communist countries and initiated cooperation with developing countries. The trade balance was still negative for Poland, but attempts were made to apply a policy of balancing the turnover. The conclusion of the above-mentioned trade agreements was conducive to the development of mutual trade in goods (Jarząbek, 2014: 295). The membership in the GATT, obtained by Poland in 1967, made it possible to introduce into the text of the agreement of 1968 the most favored nation clause in goods exchange between Austria and Poland. On this basis, Austria liberalized the import of machinery and equipment, many chemicals and some industrial consumer goods from Poland (Rocznik, 1992: 364-373). The second agreement was signed on November 17, 1967. It

came into force on January 1, 1968 and was valid until 1972 (Wieloletnia, 1968). Article 8 of that document abolished the existing trade agreements, including the agreement of 1954. The exception was the protocol of February 5, 1966 concerning cooperation in the field of industry and trade (Skodlarski, 2005: 448-453).

The seventies were the most important part in Polish-Austrian relations. Both countries enjoyed the détente era and the legacy of the Conference on Security and Cooperation in Europe. The frequency of visits at government, ministerial and parliamentary level increased during this period. Most of the treaties and trade agreements were concluded then in the entire period 1955 - 1989 - 21 documents (Kisztelińska-Węgrzyńska, 2011:3-4). Contracts concluded by enterprises and concerns of both countries supplemented economic contacts. The effect of these transactions was about 10% share of the total turnover in individual sectors. Only a small part of the plans were realized. The concept of building a nuclear power plant in Poland, an artery connecting several important rivers, or a copper mine with the participation of Austrian capital, has failed.

At that time, diplomatic correspondence also increased. The first agreement was the Agreement between the People's Republic of Poland and the Republic of Austria on the regulation of certain financial issues of October 6, 1970 (Układ, 1970). It entered into force only on February 20, 1974. The agreement concerned damages that the Polish party undertook to pay in connection with the seizure of Austrian property, rights and interests resulting from Polish nationalization regulations. The document was signed in Vienna. The preamble mentions the will to regulate certain financial and property-legal issues. The contract contained 10 articles. The first discloses the most important conditions of the document regarding compensation for losses suffered by Austrian citizens as a result of the seizure of property, rights and interests by the government of the Polish People's Republic.

The basis of the lively economic cooperation were long-term trade agreements. The first one in this decade was signed on September 9, 1971 (Umowa, 1971). According to its provisions, in the years 1972-1976, a settlement in a convertible currency was introduced instead of the previously functioning clearing system of mutual settlements. The quota system was abolished and the mutual trade in goods was liberalized. It confirmed the adoption of the most favored nation rule in line with GATT Article I. The conditions for the free movement of goods and finance have been defined. The agreement was to be valid until December 31, 1976. It was provided with an Additional Protocol supplementing the indicators of mutual goods exchange. On January 25, 1973, the Additional Protocol to the Agreement of October 6, 1970 between the Polish People's Republic and the Republic of Austria was signed on the regulation of certain financial issues (Protokół, 1973). The document was signed in order to finally settle the issue of claims brought by Poland in connection with the loss of property by Polish citizens during World War II. The categories of victims and the legal basis that will allow them to apply for compensation have been defined.

Another trade agreement concluded on September 6, 1973 for a period of ten years regulated the development of economic, industrial and scientific-technical cooperation as well as the principles of industrial cooperation of both countries (Umowa, 1973). Another document of this type was signed on September 22, 1976, covering the years 1977 - 1981. Poland and Austria undertook to adjust the provisions of GATT to mutual trade, also in the scope of the most favored nation clause. The same year on April 29, 1976, an agreement on cooperation in the field of tourism was signed (Umowa,

1976). The preamble highlights the importance of tourism for the development of both countries and the final provisions of the CSCE act promoting the development of this sector of the economy. The first articles highlighted the need to support those state institutions that promote tourism. Article 3 refers to the 1972 agreement lifting the visa requirement for nationals of the contracting parties. The criteria of mutual promotion were made more precise, the terms of payment were made more precise and the necessity to establish a Mixed Commission to permanently deal with tourism issues in bilateral Polish-Austrian relations was mentioned. The contract was concluded for an indefinite period.

One of the most important trade agreements in 70. was the agreement of October 2, 1974, on the supply of electricity from Poland to Austria and on the import of investment goods and equipment to Poland on credit terms. On that day, other documents were also signed: the Agreement between the People's Republic of Poland and the Republic of Austria on the prevention of double taxation in the field of taxes on income and property and the Long-term Program for further development of economic, industrial and scientific-technical cooperation. Another important document was the agreement of June 25, 1980 on the export of Polish coal to Austria, related to the granting of a loan to Poland for the expansion of the infrastructure of the coal industry – (Umowa, 1980). These agreements resulted in an increase in trade turnover 5.3 times with an average annual growth rate of 16.5%. Austria took fifth place in terms of the volume of Poland's trade with developed countries. Poland gained second place (after the USSR) among Austria's communist partners. Contracts concluded by enterprises and concerns of both countries supplemented economic contacts. The effect of these transactions was about 10% share of the total turnover in individual sectors. The balance of economic exchange in the 1970s also had a negative side for Poland. Exports from our country to Austria continued to show lower dynamics. The negative trade balance for Poland amounted to approximately 50 billion shillings. The Polish side systematically replaced raw materials and agri-food products, their share in total exports decreased by 54% by 1980 (Kisztelińska-Węgrzyńska, 2018: 291).

During the Polish crisis, Polish-Austrian relations developed in an atmosphere of increasing tension. The Austrian government joined the negative assessment of the introduction of martial law in Poland, and at the same time criticized the policy of Western countries initiated by the USA, consisting in the use of an embargo against communist states in connection with the war in Afghanistan. Austria also did not support three postulates of the West towards Poland (related to the lifting of martial law). She stood firm against the sanctions applied against Poland by NATO countries. It continued various forms of mutually beneficial economic, scientific, technical and cultural cooperation. She took steps to settle the issue of Poland's debt in the Paris Club. Austria, however, retained the right to critically assess the situation in Poland.

The only agreements that were signed in the first half of the 1980s date back to 1980. Thus, the period of treaty prosperity between our countries ends. The agreements signed at that time included: Agreement on the expansion of economic, industrial and technical cooperation of small and medium-sized enterprises between the Government of the Polish People's Republic and the Austrian Union Government of February 20, 1980, Protocol on the enhancement of industrial cooperation on the markets of third countries between Polish and Austrian ones of February 20, 1980, Long-term agreement between the Polish People's Republic and the Republic of Austria on grain deliveries of May 2, 1980 (Kisztelińska-Węgrzyńska, 2011: 3-4).

Among the archival agreements signed at that time, the most important was the Agreement on the expansion of economic, industrial and technical cooperation of small and medium-sized enterprises between the Government of the Polish People's Republic and the Austrian Union Government of February 20, 1980, which is an extension of the economic agreements of 1973 and 1976. The purpose of the agreement was to support the development of small and medium-sized enterprises, as well as to increase the share of these economic entities in trade between Poland and Austria. The text lists the institutions responsible for the economic development of both countries and specifies their participation in bilateral cooperation. The protocol of February 20, 1980 supplemented the agreement of the same day, as well as the existing commercial agreements. The annex lists the industrial branches of economic cooperation and enterprises responsible for trade on the Polish side. Austrian proposals for cooperation with Polish enterprises on third markets were also mentioned below. Nine groups of investments have been listed, mainly in the Middle East and Asia (Protokół, 1980). In the same year, the Long-Term Agreement on the supply of cereals was concluded. It was signed on May 2, 1980 in Warsaw (Umowa, 1980)

After 1982, Polish-Austrian relations died out, and at the same time cooperation on the social level expanded. Tons of gifts were sent to Poland, mainly food and clothes. In the entirety of international relations during the political crisis, Austria played a positive role as an "diplomatiche Eisbrecher", paving the way for the normalization of relations with Poland by other Western countries (Graf, Ruggenthaler, 2016).

The greatest political accent in the late 1980s was the visit of Chancellor Klaus Vraniztki to Warsaw in September 1987, followed by the visit of the Austrian Minister of Foreign Affairs Tomas Klestil. The last agreements signed by the communist authorities of Poland are four documents from the years 1987 - 1989. They were: Agreement between the Government of the Polish People's Republic and the Government of the Republic of Austria on cooperation in the prevention and disclosure of crimes and ensuring road safety of August 22, 1987, Agreement between the Polish People's Republic and the Republic of Austria on cooperation in the field of environmental protection of November 22, 1988, Agreement between the Polish People's Republic and the Republic of Austria on the promotion and protection of investments of November 24, 1988, Agreement between the Government of the Polish People's Republic and the Government of the Republic of Austria on the exchange of information and cooperation in the field of nuclear safety and radiation protection of December 15, 1989.

The agreement between the Government of the Polish People's Republic and the Government of the Republic of Austria on cooperation in the prevention and disclosure of crimes and ensuring road safety of August 22, 1987, was signed in Warsaw. On November 24, 1988, two contracts were concluded. The Polish-Austrian agreement on investment promotion and the second one on cooperation in the field of environmental protection (Umowa, 1989). This agreement is still in force today. The short preamble to the first document refers to the will to develop mutual trade relations. Article 1 called - Definitions, specifies the interpretation of such terms as: investment, investor, income and expropriation. Article 2 describes what the promotion and protection of investment will be within the meaning of the agreement. Article 3 specifies the concept of "treatment" of investments in the territory of the other country taking into account the conditions created by Comecon. The following articles relate to the topic of compensation, transfer and subrogation. The most extensive provision is found in Article

8, which discusses the settlement of investment disputes. The time within which the relevant dispute was to be resolved was also specified. If this could not be done within six months, the case was to be dealt with by an arbitral tribunal, and then by the International Court of Justice

Among the last economic agreements in force until today and signed during the communist period, there were two documents. The cooperation agreement in the field of environmental protection of November 24, 1988 listed as the subject of cooperation: methods of measuring and reducing harmful substances in the air, reducing forest damage, issues of waste and their disposal, soil protection, water protection measures, education in the spirit of environmental protection. On December 15, 1989, an agreement was signed between the Government of the Polish People's Republic and the Republic of Austria on the exchange of information and cooperation in the field of nuclear safety and radiation protection (Umowa, 1990). The preamble refers to the final document of the CSCE of January 1, 1975 and the existing provisions on nuclear safety. Article 1 refers to the nomenclature of the September 1986 Convention on Early Notification of a Nuclear Accident. The following sections of Article 2 explain the conditions for joint consultation and mutual warning in the event of a nuclear failure. Articles 3 and 4 explain the conditions under which assistance will be provided in the event of a nuclear failure. Article 6 states that certain information may be kept confidential and its disclosure to a third party has been clearly specified. The article indicates the conditions for the entry into force of the document and the adoption of the annex to the text as an integral part of the agreement. The annex concerned the list of information that had to be provided in connection with the implementation of Article 2 of the contract (type, size and parameters of the failed devices), as well as detailed data on Polish and Austrian addressees who had to be notified in the event of a crisis.

In the years 1945 - 1989, 40 state agreements were signed. From this list 22 bilateral treaties had economic nature. Half of the documents are of a civil-legal nature, the remaining ones define the terms of economic cooperation. Three treatises deal with cultural and scientific exchange. Most of the agreements were made in Vienna. The Polish side was represented by ambassadors, plenipotentiary ambassadors, foreign ministers and plenipotentiaries of the government of the People's Republic of Poland. The effects of the entry into force of the above-mentioned documents were of decisive importance for the development of mutual relations. An impasse in Polish-Austrian relations can be observed in the period of suspension of state visits and the lack of negotiations on new documents of bilateral agreements. Twelfth contracts from this period are in force to this day (Traktaty, 2021).

Agreements signed after 1989

Total number of Polish-Austrian bilateral agreements signed after 1989 are 22 and 17 are still in force today. Most of the agreements date back to 2000-2004 (six agreements mainly relating to civil and legal matters). Compared to other Western European countries, this share is similar to the number of agreements signed at that time with Italy or France (Traktaty, 2021). The Accession Treaty with the European Communities and their member states, which entered into force on May 1, 2004, was of fundamental importance for the overall economic cooperation and trade between Poland and the European Union countries, including Austria. The provisions of the European Treaty were supplemented by the Polish-Austrian treaty on the avoidance of double taxation, amended in January 2004 and February 2008, which entered into force on April

1, 2005. In addition, the following important bilateral agreements from this period include: Agreement of the Republic of Poland and the Austrian Federal Government on cooperation in the field of voluntary benefits of the Republic of Austria for former slave and forced laborers of the National Socialist regime of October 24, 2000, Agreement between the Government of the Republic of Poland and the Federal Government of the Republic of Austria on the admission of persons residing without permission, Implementing Protocol of June 10 2002 and the Agreement between the Government of the Republic of Poland and the Federal Government of the Republic of Austria on cooperation in preventing and combating crime, also of June 2002.

After 1989, only two economic bilateral agreements were signed. Agreement between the Government of the Republic of Poland and the Polish National Bank and the Government of the Republic of Austria on Austria's contribution to the stabilization fund of March 16, 1990, Agreement between the Government of the Republic of Poland and the Government of the Republic of Austria on Austrian food aid of June 21, 1991 and the most important Agreement between the Government of the Republic of Poland and Austrian Federal Government on economic, technical and technological cooperation of October 27, 1995. A significant part of the trade after 1989 was based on agreements concluded with the authorities of the People's Republic of Poland. The greatest development of trade after 1989 was in the years 2004-2007. This period confirmed the expectations for an increase in mutual trade in goods after Poland's accession to the EU. In 2007, Polish exports to Austria increased by 17.7% and reached the level of EUR 1.90 billion. Imports from Austria recorded a slightly lower dynamics (+ 13%) and amounted to EUR 1.95 billion. Thanks to the rapidly growing exports, in 2007 it was possible to significantly reduce the negative trade balance with Austria for Poland (World, 2021). A particularly high growth rate of exports to Austria was once again recorded by the agri-food sector (+ 30%), and the volume of this export doubled in the next three years (Rocznik, 2010).

Austria's share in Poland's global trade in goods with the world in 2010 was 1.8%, and 2.5% in trade with the countries of the enlarged EU. Among all trading partners of Austria, Poland was 10th in exports and 15th in imports. Austria, on the other hand, has been holding the position of 12-13 Poland's trading partner for several years. Almost 800 Austrian companies are represented in Poland. According to the NBP data, the accumulated value of direct investments in Poland in Poland at the end of 2006 amounted to EUR 3.47 billion. This constitutes 3.7% of the total large foreign direct investment in Poland and gave Austria 10th place among foreign investors (Witkowska, 1996:161).

Polish-Austrian relations developed systematically after World War II, despite the difficult geopolitical situation. It was of great importance that there were no controversial foreign policy issues in bilateral relations between these countries. Both countries tried to fill in the mutual gaps in the economic potential by using the margin of freedom left by the superpowers or the potential developed thanks to the CSCE. During the Cold War, the favorable attitude of Austria towards the Polish state was felt. The period of the People's Republic of Poland created a solid legal basis for the construction and development of correct bilateral relations between Austria and Poland. Mutual political interest and, consequently, economic cooperation reached a higher level than the cooperation in the EU structures facilitated in the following decades (Ambasada, 2021).

Austria's share in Poland's global trade in goods is 1.8%. Austria ranks 17th both in Polish exports and in total imports. Poland-Austria trade turnover in 2013 increased by 3.3%. (their value amounted to EUR 5.5 billion). The stagnation of exports to Austria was accompanied by a marked increase in Polish imports. It was related to the improving economic situation in Poland. Polish producers most often exported industrial products to Austria, processed products (they account for 53% of total exports), metallurgical products (19%) and mineral products (16%). Poland ranks 8th on Austria's export list from Central and Eastern Europe (Mackiewicz, 2015).

Among the most important effects of investments on the host countries, the researchers of the subject mention: the relationship between investments and the filling of the capital gap, improvement of the economic situation (employment, production), technology transfer, improvement of production organization, modernization of enterprises, scientific and research development, improvement of employees' qualifications, increased level of investment and employment, especially where investments are made from scratch, increased budget revenues, normalization of the market situation (the appearance of foreign competitors increases competitiveness), as well as the domino effect, investments make the country more attractive for further potential investors (Bożyk, 2002: 121).

The consequences of cooperation may also be increased fears of the effects of domination of the economy or individual industries by foreign investors, limiting the sovereignty and effectiveness of own macroeconomic policy. In regions rich in raw materials, there are often concerns about excessive and contrary to the long-term interest of the host country to exploit raw materials. The negative effect is that investors buy foreign production plants in order to close them so that they do not compete with other industries (Guzek 2001: 142-143). Polish concerns regarding the said exploitation were significant. Hence the emphasis on modernization when planning joint ventures. The lack of uniform methods of collecting and processing data on international flows also causes enormous difficulties. Individual countries used different definitions of investment, which led to divergent comparisons (Mackiewicz, 2015).

As a result, the infrastructure of institutions dealing with creating conditions for attracting foreign investments and their selection was created. It should be emphasized that along with the development of the circle of Western countries interested in cooperation with the Polish authorities, the attitude of decision-makers in Warsaw to the proposals coming from abroad has changed. When deciding whether to participate in investments with third countries, the political costs and possible losses as a result of failures were also estimated. The political objectives pursued on this occasion - the integration of eastern countries in the region, did not meet the expectations. However, it laid the foundations for the development of integration of this area with the EC structures and accelerated the transformation process. Countries with a large amount of direct investments from Austria and Germany carried out before 1989 became leaders in the process of accession to European structures. On the other hand, the cooperation that Vienna was establishing within the region was undertaken as part of the activities of the Visegrad Group, but without the clear participation of Austria. The threats to the Polish economy resulting from such cooperation include: deterioration of the balance of payments due to the outflow of capital invested in Poland, combining new projects with the necessity to contract investment loans on unfavorable terms, emphasis on selected, traditional economic sectors and depriving local companies of the possibility of creating their own specific ownership advantages.

The benefits associated with the development of Austrian investments include: abolishing the quota system and liberalizing the mutual exchange of goods. The conditions for the free movement of goods and finance have been defined. The exchange of goods was improved and the lists of goods for commodity exchange were systematically updated. The provisions regulating the activity and support for the development of small and medium-sized enterprises were systematically supplemented. Due to the relevant regulations, the increase in the share of smaller business entities in the trade turnover between Poland and Austria was promoted.

As a result, the infrastructure of institutions dealing with creating conditions for attracting foreign investments and their selection was created. Mobilization of human resources, capital, raw materials and the implementation of new technical solutions improved the socio-economic conditions. In the late 1980s, however, small-scale enterprises dominated. The requirements for obtaining additional permits in the case of sensitive areas and for granting tax breaks were maintained.

Over time, the lack of reforms in Poland discouraged Austrian partners to such an extent that they ceased to initiate aid programs or support in the form of joint investments in third markets. It was limited to securing its own most important interests for fear of severe losses resulting from Polish debt and social discontent in Austria flooded by Polish emigrants. The balance of the inflow of foreign investments to Poland at the turn of 1989/1990 amounted to USD 200 billion and for the next four years it remained at a constant, low level.

Austria has consistently supported the efforts of the eastern states to develop within the framework of the existing political and economic structures. The threats to the Polish economy resulting from such cooperation include: deterioration of the balance of payments due to the outflow of capital invested in Poland, combining new projects with the necessity to take out investment loans on unfavorable terms, emphasis on selected, traditional economic sectors and depriving local companies of the possibility of creating their own specific ownership advantages.

However, Austria laid the foundations for the later cooperation of this area with the EC structures and accelerated the transformation process. Investments made before 1989 became an element of building the economic potential, which was important during the works on Poland's accession to the EU structures. Countries with a large amount of direct investments from Austria and Germany implemented before 1989 became leaders in the process of accession to European structures.

References:

Ambasada Austrii w Polsce (2021). Retrieved from: https://www.bmeia.gv.at/pl/ambasada-austrii-warszawa/austria-w-polsce/gospodarka/ [dostęp: 11.02.2021]

Antonowicz, L. (2008). Podręcznik prawa międzynarodowego, Warszawa.

Borodziej, W. (2005). *Die Volksrepublik Polen Und Osterrich 1948 – 1956,* [w:] *The Austrian state treaty 1955: international strategy, legal relevance, national identity*, ed. A. Suppan, G. Stourzh, Wien.

Bożyk, P., Misala, J., Puławski, M. (2002). *Międzynarodowe stosunki ekonomiczne,* Warszawa.

Der österreichische Staatsvertrag 1955, (2005). *Internationale Strategie, rechtliche Relevanz, nationale Identität*, red. A. Suppan, G. Stourzh, Wien.

Frankowska, M. (1997). Prawo traktatów, Warszawa.

Graf, M., Ruggenthaler, P., (2016). *Polnisch-österreichische Beziehungen im Kalten Krieg,* [w:] *Austria w polskim dyskursie publicznym po 1945 roku. Österreich nach 1945 im polnischen öffentlichen Diskurs*, ed. A. Kisztelińska-Węgrzyńska, Kraków.

Guzek, M. (2001). *Międzynarodowe stosunki gospodarcze. Zarys teorii i polityki handlowej,* Poznań.

Jarząbek, W. (2014). *Polish Economic policy at the time of détente, 1966-1978,* "European Review of History- Revue europe enne d'histoire", no. 21.

Kaliński, J., Landau, Z. (1998). *Gospodarka Polski w XX wieku,* Warszawa.

Kisztelińska-Węgrzyńska, A. (2018). *Bruno Kreisky. Polityka zagraniczna i dyplomacja (1959-1983)*, Łódź.

Kisztelińska-Węgrzyńska, A. (2011). *Traktaty polsko-austriackie z lat 1955 – 1989. Wybór umów dwustronnych*, Łódź.

Kocot, K., Wolfke, K. (1976). Wybór dokumentów do nauki prawa międzynarodowego, Wrocław – Warszawa.

Kozeński, J. (1970). *Austria 1918-1968: dzieje społeczne i polityczne,* Poznań.

Kucharski, W.S. (2014). *Fundacja Dom Polski",* [w:] *Austria i relacje polsko-austriackie w XX i XXI wieku. Polityka-kultura-gospodarka*, ed. A. Kisztelińska-Węgrzyńska, K.A. Kuczyński, Łódź.

Kukułka, J. (1998). *Traktaty sąsiedzkie Polski odrodzonej,* Wrocław.

Mackiewicz, A., (2015) *Co kupić a co sprzedać*. Retrieved from: https://austria.trade.gov.pl/pl/austria/wymiana -handlowa/964,Co-kupi%C4%87,-a-co-sprzeda%C4%87.html [dostęp: 11.02.2021].

Nahlik, S.E. (1967). *Wstęp do nauki prawa międzynarodowego,* Warszawa.

Nahlik, S.E. (1976). *Kodeks prawa traktatów,* Warszawa.

Pilch, A. (2000). *Stosunki polsko – austriackie w latach 1918 – 1938. W świetle korespondencji austriackiej placówki dyplomatycznej w Warszawie do Urzędu Kanclerza Republiki Austrii w Wiedniu,* [w:] *Z dziejów Austrii i stosunków polsko – austriackich*, ed. Z. Tomkowski, Łowicz.

Porozumienie (1974). *Porozumienie między Rządem PRL a Rządem Federalnym Austrii o dostawach energii elektrycznej z Polski do Austrii oraz o eksporcie do Polski austriackich dóbr inwestycyjnych i urządzeń na warunkach kredytowych, oraz problemach z tym związanych z 2 października 1974 roku.*

Protokół (1963). *Protokół Dodatkowy do Umowy między PRL a Republiką Austrii o wzajemnych stosunkach w sprawach z zakresu prawa cywilnego oraz o dokumentach z 11 grudnia 1963 roku.*

Protokół (1973). *Protokół Dodatkowy do Umowy między PRL a Republiką Austrii o wzajemnych stosunkach w sprawach z zakresu prawa cywilnego oraz o dokumentach, podpisanej w Wiedniu dnia 11 grudnia 1963 roku podpisano 25 stycznia 1973 roku.*

Protokół (1980). *Protokół w sprawie pogłębiania współpracy przemysłowej na rynkach krajów trzecich między przedsiębiorstwami polskimi i austriackimi z 20 lutego 1980 roku.*

Rocznik Statystyczny (1992). Warszawa.

Rocznik Statystyczny Handlu Zagranicznego (2010), Główny Urząd Statystyczny Warszawa.

Skodlarski, J. (2005). *Zarys historii gospodarczej Polski*, Warszawa.

Traktaty (2021). Internetowa baza traktatowa. Baza umów dwustronnych. Retrieved from: https://traktaty.msz.gov.pl/umowa-1 [03.03.2021].

Układ (1970). *Układ między PRL a Republiką Austrii o uregulowaniu określonych zagadnień finansowych z 6 październik 1970 roku.*

Umowa (1956). *Umowa między Rządem Polskiej Rzeczypospolitej Ludowej i Austriackim Rządem Federalnym w sprawie komunikacji lotniczej z 1 kwietnia 1956r.*

Umowa (1971). *Umowa wieloletnia w sprawie obrotu towarowego i płatniczego oraz współpracy gospodarczej między PRL a Republiką Austriacką z 9 września 1971 roku.*

Umowa (1973). *Umowa między Rządem PRL a Austriackim Rządem Związkowym o rozwoju współpracy gospodarczej, przemysłowej i naukowo-technicznej* z 6 września 1973 roku.

Umowa (1975). *Umowa z 23 maja 1975 roku o współpracy w dziedzinie ochrony zdrowia.*

Umowa (1976). *Umowa między Rządem Polskiej Rzeczypospolitej Ludowej a Rządem Związkowym Republiki Austrii o współpracy w dziedzinie turystyki z 29 IV 1976 roku.*

Umowa (1976). *Umowa wieloletnia w sprawie obrotu towarowego i płatniczego oraz współpracy gospodarczej między Rządem Polskiej Rzeczypospolitej Ludowej a Austriackim Rządem Związkowym z 22 września 1976 roku.*

Umowa (1977). *Umowa między Rządem Polskiej Rzeczypospolitej Ludowej a Rządem Republiki Austrii o współpracy i wzajemnej pomocy w sprawach celnych z 16 grudnia 1977 roku.*

Umowa (1980). *Umowa o rozszerzeniu współpracy gospodarczej, przemysłowej i technicznej małych i średnich przedsiębiorstw między Rządem Polskiej Rzeczypospolitej Ludowej a Austriackim Rządem Związkowym,* z 20 lutego 1980 roku.

Umowa (1980). *Umowa wieloletnia między PRL a Republiką Austrii o dostawach zbóż z 2 maja 1980 roku.*

Umowa (1987). *Umowa między Rządem Polskiej Rzeczypospolitej Ludowej a Rządem Republiki Austrii o współpracy w zapobieganiu i ujawnianiu przestępstw oraz zapewnianiu bezpieczeństwa w ruchu drogowym z 22 sierpnia 1987 roku.*

Umowa (1988). *Umowa między Rządem Polskiej Rzeczpospolitej Ludowej a Rządem Republiki Austrii o współpracy w dziedzinie ochrony środowiska z 24 listopada 1988 roku.*

Umowa (1988). *Umowa w sprawie popierania i ochrony inwestycji* z 24 listopada 1988 roku.

Umowa (1989). *Umowa między Rządem Polskiej Rzeczypospolitej Ludowej a Rządem Republiki Austrii w sprawie wymiany informacji i współpracy w dziedzinie bezpieczeństwa jądrowego i ochrony przed promieniowaniem* z *15 grudnia 1989 roku.*

Umowa (1990). *Umowa między Rządem Rzeczypospolitej Polskiej i Polskim Bankiem Narodowym a Rządem Republiki Austrii o wkładzie Austrii w fundusz stabilizacyjny z 16 marca 1990 roku.*

Umowa (1991). *Porozumienie między Rządem Rzeczypospolitej Polskiej a Rządem Republiki Austrii o austriackiej pomocy żywnościowej z 21 czerwca 1991 roku.*

Umowa (1992). *Dwustronna Umowa w formie wymiany listów między RP i Republiką Austrii dotycząca pewnych uzgodnień w sprawie produktów rolnych* z 10 grudnia 1992 roku.

Umowa (1995). *Umowa między Rządem RP i Austriackim Rządem Związkowym o współpracy gospodarczej, technicznej i technologicznej z 27 października 1995 roku.*

Wieloletnia (1968). *Wieloletnia Umowa Handlowa pomiędzy PRL i Republiką Austrii na okres od 01 stycznia 1968 do 31 grudnia 1972.*

Wieloletni (1974). *Wieloletni Program dalszego rozwoju współpracy gospodarczej, przemysłowej i naukowo-technicznej między Rządem PRL a Austriackim Rządem Związkowym* z 2 października 1974 roku.

Witkowska J. (1996). Bezpośrednie inwestycje zagraniczne w Europie Środkowowschodniej. Próba interpretacji na gruncie teorii bezpośrednich inwestycji zagranicznych i teorii integracji, Wydawnictwo Uniwersytetu Łódzkiego, Łódź.

World Development Indicators database (2021). Retrieved from: https://databank.worldbank.org/views/reports/reportwidget.aspx?Report_Name=CountryProfile&Id=b450fd57&tbar=y&dd=y&inf=n&zm=n&country=AUT [dostep: 11.02.2021].

Article Info

Received: April 01 2021
Accepted: April 10 2021

Revista de Științe Politice. Revue des Sciences Politiques • No. 69 • 2021: 134 - 145

ORIGINAL PAPER

Importance of Communication in Public Administration

Narcis Eduard Mitu[1)]

Abstract:
Communication within the system of public administration is considered a crucial factor for achieving effective and economical functioning of the whole system of public administration as a specific institutional tool for the implementation of public policies. The quality of information relationships between individual subjects of public administration is determined by a number of factors, and it influences the overall systematic structure of the whole public administration organization. Further, it also affects the quality of information flows carried out within the whole system of public authority of the state, as well as the characteristics of external relationships of public administration. The quality of communication can be (however it not necessarily must be) significantly influenced by utilization of modern information and communication technologies.

Keywords: *communication; public administration; crisis communication; stakeholder communication; citizen communication; public communication.*

[1)] Associate Professor, PhD, University of Craiova, Faculty of Economics and Business Administration, Public Finances specialization, Romania, Phone: 0040251411317, E-mail: mitunarcis@yahoo.com.

Importance of Communication in Public Administration

Introduction

The word 'communication' comes from the Latin word '*communicatio*' meaning "making common or imparting".

There are a lot of definitions of "communication" in literature. For instance, Udall and Udall (1979) characterise communication as "a process by which one person (or a group) shares and reports information to another person or group so that people (or groups) clearly understand one another". Eyre (1983) also defines communication as "the transferring of a message to another party so that it can be understood and acted upon". Communication, says Hybels and Weaver (2001, p .12) is "any process in which people share information, ideas and feelings".

To summarise, James, Ode and Soola (1999) consider that the essence of communication consists in the fact that "it helps us to understand ourselves, to keep in touch with other people, to understand them and to predict their response to situations, also as the medium through which relationships are established, extended and maintained, provides a means by which people act and interact; exchange information and ideas; develop plans, proposals and policies, make decisions and manage men and materials".

The above definitions can be summarized as a process of sharing ideas, information, and messages with others in a particular time and place. It is also important to state that communication is not just giving of information. It is the giving of understandable information and receiving and understanding the message. Continuously conveying information, ideas, attitudes and feelings among individuals and among groups of individuals is an important communication tool.

Space of public communication

There are efficient public administrations and inefficient public administrations all around the world. Public administration modernisation has two components: a "hard" institutional one and a "soft" cultural and value one, which implies the adoption of certain sets of values to ensure the compatibility between administration and population. The communication process at the level of public administrations can be considered to be a crucial factor in the modernisation and efficient performance of social and economic function of this system, accountable for public policy implementation. In this respect, Marinescu (2017) emphasises that:

> *The modern and functional character of a society is given mainly by the efficiency with which it is administered and the degree to which its citizens are represented and free to contribute to public life and build themselves the life they want. The key factors are the citizens; the public institutions; the space for cooperation and communication between the former and the latter; the rights, freedoms and opportunities they have, thus, for their development. Within this complex network, there is a key link which does not always stand out: institutional communication. (p. 326)*

The space of public communication is regulated primarily by its political and legal environment. Nowadays, the characteristics of each human society are shaped due to the laws which govern the share of and access to government information and policies on the exercise of democratic freedom. But the space of public communication is sensitive to changes not only in the political and legal environment, but also in other environments (community as a whole, economic environment, technological environment etc.).

At a declarative level, each public administration aims mainly at managing the necessities properly and solving the community members' problems, whose will they represent. Being in permanent and direct contact with the environment it belongs to, an efficient public institution takes over the necessities originating from it and establishes programmes by means of which it satisfies them by initiating, at the organisational level, certain steps oriented to changes, transformations, rebalances. But any transformation or change is felt externally as the public administration influences and shapes, in its turn, the external environment.

At present, in democratic countries, one can notice that the specific domain of communication is getting more and more structured in the public sector, as it completes and develops the exercise of public authorities and fulfils institutional attributions. Public communication has the role to convince, by means of adopted public decisions and implemented institutional policies, that a general interest is being followed, obtaining thus citizens' adhesion and engagement.

More often than not, the entities in charge of communication, respectively the civil servant (as transmitter) and the citizen (as receiver of the message) have clear aims: the transmitter seeks to inform, convince, guide, capture the interest and be efficient, while the receiver shall strive to be attentive, to understand, remember and assimilate the information. However, unlike informing, information transmission in the case of efficient communication must be bidirectional (from the transmitter to the receiver and vice versa), of mutual impact, seeking to transmit the messages of public institutions to citizens and the citizens' opinion and needs to the decision-makers in state institutions (Greener, 1995; Codoban & Cordoș, 2019).

In a democracy, where the source of power and legitimacy is the citizen, communication represents the fundamental process which puts public institutions in touch with citizens. In communication, the public administration–citizen relationship constitutes the essence of the act called public administration (Marinescu, 2017).

Taking into account the fact that public institutions are in permanent and direct contact with the social environment, they pick up the signals coming from it and try to respond by initiating projects oriented towards changes, transformations and rebalances. Thus, each change or modification is also felt externally, as the administration influences and shapes, in its turn, the social environment

By orienting its communication both externally and internally, public administration institutions must establish a series of communication objectives, adapted to the category of pu they have in mind. On one hand, a public institution informs citizens about its activity, their rights and obligations, the events which are to come, the aspects related to their daily life, directly connected to its activity and legal attributions etc. On the other hand, it collects relevant information, reactions, concerns, needs from all its stakeholders, citizens, private and public organisations. Hence, public institutions must fulfil the needs in the society, those of the citizens and their organisations, not the needs of preserving a bureaucracy independent from the community, with no responsibility for it. In this case, efficient communication implies taking into consideration and removing the disruptive factors, communication barriers, noise (Fiske, 2001) which lead to the alteration of the signal transmitted at both technical and semantic level.

In the context of the multiplication of interlocutors and, implicitly, of relations or connections it is involved in, a modern public administration requires even more the improvement and modernisation of the communication processes and the means it uses.

In a recent study regarding communication between public institutions and business environment, Cruceru (2019) appreciates that the problem participants face in communication processes is that of obtaining clear, undistorted (free from any interference) and suitable information in real time, that is the right place and time, so that it has the expected effect, given that it is often difficult to establish the right place and time and suitable information.

The role and challenges of institutional communication in public administration

The peculiarity of communication, when public administration enters the equation, can be identified as we understand its role, challenges and limitations. In this respect, we consider that the role of institutional communication can be defined by at least four major types of responsibilities.

I. Citizen communication

Any public institution in a democracy has the legal and moral obligation to publicly communicate its activity. The responsibility a public institution has towards citizens, related to its actions performed with public money is an integral part of the concept of "*public accountability*".

> *Nowadays, accountability has moved far beyond its bookkeeping origins and has become a symbol for good governance, both in the public and in the private sector. Public accountability is the hallmark of modern democratic governance. Democracy remains a paper procedure if those in power cannot be held accountable in public for their acts and omissions, for their decisions, their policies, and their expenditures. Public accountability, as an institution, therefore, is the complement of public management (Bovens, 2007).*

Citizens have the right to control public institutions, to request information, to be informed on what happens within it. The democratic vote does not invest any politician with the right to order according to their personal will by using the power they were invested. In a real democracy, the officials' freedom of action is limited by citizens, laws and an institutional mechanism which ensures the balance of the powers of the state.

Institutional communication has the role to ensure the transparency of public activities and meet a citizen's constitutional right: the right to be informed. Thus, the absence of transparency leads to the infringement of the fundamental law, the Constitution.

The nature of public information is that of an official one. Hence, there is a series of limitations. Fairness and adequacy are part of this series. Public information is often used by other participants to the democratic endeavour to make decisions. Public information have the role to explain a situation or endeavour, such as those about implementation and change of public policies, legislative changes, restructuring, public money investment, official statistics and reports, strategies and action plans, procedures and clarifying answers about these procedures, budget allocations, introduction of new services and their implementation, reduction or renunciation to certain services etc.

The manner in which the Ministry of Foreign Affairs interacts with the Romanians abroad who need consular services and who want to exercise their constitutional right to vote; the manner in which the Ministry of Education and Research succeeds in making known all the mechanisms of implementing different policies and measures which affect the students deeply, parents and teachers; the manners in which

the Ministry of Health implements and brings to public attention all the policies of maintaining and improving the degree of public health etc. can be clear and more or less successful examples of public communication with citizens.

Any wrong or badly communicated information can be considered to be a form of misleading the public opinion, with extremely harmful consequences for both parties involved in the communication process (transmitter and receiver): institutional disruption and charges of disinformation. Any refuse of the access of public information may even lead to litigations in the court with negative effects on the image and credibility of the public administration.

In certain situations, as we have already highlighted, a series of communication barriers in communication between public administration and citizen appear objectively and subjectively.

In order to overcome the communication barriers emerged objectively, due to the best interest of the state, two strategies can be chosen (used individually or together). On one hand, there can be a legal answer to the need of citizen informing: the law (legal frame) regarding the classification of public information. On the other hand, there can be a circumstance answer: a gradual, sequenced and adequate presentation of the message.

For example, Romania negotiates with other countries and international organisations in order to achieve certain goals. The reveal of too many details during the negotiation process may be harmful to the chances of reaching the proposed goals. Moreover, the reveal (communication) of uncomfortable matters in or during the negotiation, even after its successful conclusion, may be harmful to the diplomatic relations. Under these circumstances, it becomes legit that, in public communication, there shall be certain chosen information and forms of expression which shall shape and describe the situation without jeopardising the best interests of the country.

Moreover, in the field of taxation, it is normal that the Ministry of Public Finance announces the modification in the amount of taxes and duties, for instance, only when the decision is final and after consulting the interested actors and specialists based on significant impact analyses. Unfortunately, the local practice in this field often provides us with examples of "not like this". Public announcements on the tax policy (and more) are often made, especially lately, without consultations (or as a result of pseudo-consultations), with no assessments, without having thought of a complete and integrated package of measures, and sometimes, to the opposition of some interest groups which are more or less representative to the population, decision-makers change their mind or modify ad-hoc the message transmitted initially.

Public institutions should have a leadership role (Berg, Barry and Chandler, 2012) because they must address concrete problems the society faces and identify the solutions of public interest. Hence the need to communicate in a carefully chosen manner as regards the tone and content, which gives the course of action and involves citizens in community projects. A tone which is too light, joking, which could create sympathy and bring benefits in the company of a private institution, could have negative effects in a public institution. Romanian institutions often lose their connection with citizens and civil society because of the excessive "bafflegab". The focus on accuracy, correctness and the use of a language as accessible and easy to understand as possible is fundamental in this respect.

Last but not least, it is essential that a public institution chooses correctly when and how to communicate. In Romania, public institutions often communicate reactively

and do not undertake the initiative of informing, which raises the degree of susceptibility.

II. Stakeholder communication

As we have already mentioned, institutional communication has the right to develop and consolidate relations with groups directly interested in the activity of the public sector (non-governmental organisations, professional associations, syndicates, patronages, companies etc.).

Stakeholders have two major characteristics: they have significant interests in the design, performance and conclusion of the activities of different public institutions and they can influence the content and results of the activities performed by the latter.

For a useful and relevant communication, each public institution must identify its own map of relevant stakeholders. The map of relevant stakeholders for each public institution is unique. It does not only identify specific stakeholders (with names and characteristics), but it also groups them in terms of their importance.

Based on the map of stakeholders, one can develop partnerships and establish efficient communication strategies. Bourne (2009) mentions that the basis of successful communication is the definition of a communication plan adapted to each stakeholder category.

Successful communication can be achieved by examining and understanding the needs of each category of parties involved and adapting the messages and information provided to these strategies. Thus, there appear such policies and measures which satisfy the real needs of the society and which take into account the community expertise.

Unfortunately, the local reality shows us that several gaps in the process of communication between public institutions and stakeholders. Such communications do not often take place or are purely formal or only unidirectional. (Marinescu, 2017).

III. Inter-institutional communication

Communication between public institutions constitutes the condition of an efficient cooperation. It is essential that, during the process of drafting and implementing public policies and measures, institutions with different attributions request information from one another, consult one another, use each other's expertise and experience and cooperate. Inter-institutional communication and transparency, in the context of observing the legal, administrative, ethic and deontological norms, create the framework for combating and preventing possible acts of corruption within public institutions, contribute to the correction and removal of institutional vulnerability. At the same time, they help the institution to function efficiently.

In Romanian administration, institutional communication is often blocked or is missing. In such cases, public actors are more preoccupied by their status and power than by finding partnership solutions. Absence of inter-institutional communication leads to corruption, dysfunctions and activity inefficiency and affects the interests of citizens and interested groups.

IV. Crisis communication

Crisis communication is one of the fields for which modern public institutions must be prepared in advance, with a periodic upgrade at least one time per year.

From the perspective of the interest in crisis management it is important that public institutions are aware of the fact that all crises have three common characteristics:

it is not known when and where it happens; there will be news circulating almost always; there will be bad news almost always.

Crises are hard to understand from the very first moments and that is why it is hard for them to be managed correctly because the mistakes made in initial stages will influence the later decisions and reduce their positive impact. Among the characteristics of crisis situations the most obvious are:

1) *scarcity of information* (in initial stages, no one knows the exact nature of the problem faced by the organisation, part of the society or the entire society);

2) *information quality deterioration* (emergence of rumours and malicious comments);

3) *loss of control* (there are leakages of information outside the institutions, the reality is reinterpreted and deformed – either via classic mass media, or via new media); the panic (can have a devastating effect on the public institution, especially at personnel level, if it is amplified by the element of surprise and the lack of an action plan – either one drafted beforehand, or one drawn up in due time, which could be inspired, even if it is improvised);

4) *maximum visibility of the organisation* (which may have deep negative effects, on the medium and long term or, on the contrary, which can be an opportunity in the case of an adequate management strategy; sometimes crisis generates new leaders).

The trust citizens have in public institutions represents an essential element in the process of crisis communication. The trust gained in time insures the respective institution a blank check or the benefit of doubt when crisis strikes, which is a huge advantage in the subsequent crisis management. The benefit of doubt is very important, it is the power of an institution to make its message heard before any other information provided by third parties, speculations or rumours. It is the blank check an institution wants in a moment of crisis with the help of which it can insure a correct crisis management and full public cooperation.

Unfortunately, not all public institutions work in advance at the trust factor. According to the INSCOP Research (March, 2019), in Romania, the level of trust in public institutions is at a minimum rate (88,4% of citizens have no or little trust in the parliament, 87,4% in political parties, 85,8% in the government, 75% in the constitutional court, 72,7% in county councils, 62,8% in town halls, 61,1% in presidency etc.). Citizens keep in the collective memory different moments of poor crisis management with significant social repercussions (the Colectiv trauma and the way in which public institutions hid the truth, and hospitals and doctors demonstrated their limits in managing patients with burns; the HexiPharma scandal, which held a mirror against corruption, shortages and complicities in the medical system, deepened the trust in institution crisis communication; communication gaps in the management of the pandemic COVID-19, etc.).

On the other hand, any crisis usually comes with the momentum of society solidarity, the feeling of compassion for those who are in the first line of the challenges generated by the crisis. When citizens see efforts, good will and global adversities, they start hoping that leaders will know what to do. Then a new blank check will be written at a turning point when mistrust can be transformed into trust.

In moments of crisis, public communication can compensate for the shortages of the functional systems. But for that, there must be fulfilled certain prior and/or simultaneous conditions:

- *Citizens must be prepared*. In this respect, both those directly involved and the interested groups and the general public need information in real time, clear procedures and exercise;
- *Citizens must be organised and made responsible*. Each institution which plays a role in crisis management has a responsibility. In each such institution there must be people who are named responsible people and who shall implement the procedures and principles stated (communicated) by the coordinating bodies. Responsibility comes with control and liability. Accountability must function as an additional motivation in performing all the actions necessary in crisis management. In Romania, this accountability has more often than not functioned only at a declarative level, not as an actual measure. If major errors are committed during the process of crisis management, people need to see that those responsible are made accountable for it;
- *Citizens need transparency*. Moments of crisis need the mobilisation and discipline of the entire community; this is why there is a need for a lot of transparency in communication, so that the community has enough trust in the authorities' calls and messages. If citizens believe that there is hidden or deliberately omitted information, public institution communication will not be efficient. It means that they will lose any chance for community binding around the authorities' messages, and they shall be covered in waves of criticism. Although it is sometimes hard to be transparent, for security of legal reasons, it is absolutely necessary for the entire communication endeavour to be transparent in any action performed. It also means that there must be public explanation of the reason why certain information cannot be provided. Honesty must be at a maximum level in these cases. It is preferable that a situation should be confronted rather than avoided. Only this way one can build trust and credibility and end rumours and speculations. The same honesty and transparency must function also in internal communication between institutions. The responsible team must work on a clear agenda with a sole objective. Information of the type "we are ready", when reality shows otherwise, destroys citizens' trust and demotivates them;
- *Citizens need clarity.* People must understand the purpose and result of the measures, both those taken for protection and prevention and the economic ones. Citizens need leaders who put themselves in their shoes and speak their language. They need examples, comparisons, simple and eloquent words. It does not suffice to create and present lists of measures dryly and expect everyone to understand them. Although time pressure is very big and a decision must be communicated promptly, the role of public communicators is that of translating institutional language into a language common to everyone. In the absence of an accessible language, citizens will take the information from parallel sources, which are not always credible. If it is left to communicators or external experts, there appears the risk of them over-interpreting certain meanings and, finally, of the message to be truncated or incorrectly transmitted. To sum up, operational teams should coordinate with those of public institutions communication.

Barriers to communication activities performed within public administration

Noise (interference or communication barrier) induces a disturbance between the partners in communication, between the intended and perceived message, making thus communication more difficult. The nature of interferences and the moment they appeared can differ, which is why communication barriers take different forms. For

example, Popescu (2007) considers that most of the difficulties in the communication process in public administration are generated by: a) the components of the communication process: transmitter, receiver, relation between them; b) the message that is to be transmitted, the communication channel used; c) the characteristics of the entities involved in the communication process; d) the organisational context in which communication takes place; d) the specificity of public organisations.

Moreover, Koneru (2008) identified physical, psychological, semantic, organisational and interpersonal barriers, as follows (Table no. 1):

Table no. 1 Barriers to communication

Barrier to communication	Cause
Physical	Invisibility, physical and environment discomfort, conditions unfit for message display and broadcast etc.
Psychological	Prejudices, self-awareness (its lack), selfishness, tiredness, preconceptions, cultural differences between transmitter and receiver, rigidity, lack of interest, lack of attention, incapacity of perception, tendency to transmit only what the receiver wants to hear etc.
Semantic	Use of inappropriate words, incorrect formulation of messages, lack of clarity, lack of attention to the different word meaning etc.
Organisational	Information from uncertain sources, delay in collecting and disseminating information, communication of partial information, message distortions caused by different and outdated sources, deliberate disregard or disregard due to incapacity certain information etc.
Interpersonal	Unrequited emotions, perception, ideas, perspectives, values or opinions, different attitudes of the transmitter and receiver, time inadequacy of message transmission, incapacity of perceiving the messaged transmitted (informational inequity), incapacity of distinguishing a relevant message from one with low significance, hearing partially or lack of attention in hearing etc.

Source: Author's own interpretation

The “fake news“ phenomenon (was attributed different names overtime - rumour, diversion, misinformation, propaganda), appeared due to communicational interference, is getting more and more visible everywhere in the world and it is closely related to conspiracies and political toxicity. There are a few ingredients which favour it: lack of access to information and credible official explanations; a series of pre-existing beliefs; lack of media education and critical thinking; lack of culture; certain personal predispositions; a few personal need such as that of safety and sometimes that of astounding; presence of certain actors which support and feed the theories promoted (sites, social media accounts; politicians; organisations; propaganda machines).

In order to overcome communication barriers, one can use different strategies or courses of action. To sum up, among them, Popescu (2007) identified the following as possible barriers (Table no. 2):

Table no. 2 Strategies for reducing communication barriers

Categories	Characteristics
Strategies for the transmitter	- encouraging two-sided communication and feedback; - paying special attention to the language used; - credibility cultivation and maintenance; - manifestation of a sensibility towards the receiver's perception.
Strategies for the receiver	- development of good listener abilities; - increase in the degree of general knowledge; - manifestation of a sensibility towards the transmitter's perception.
Common strategies (both categories above)	- verification of message correctitude after emission or reception; - regulation of informational flow.

Source: Popescu (2007: 248)

Alongside these courses of action, we consider that, without claiming to have an exhaustive approach, there can be identified others, for instance:

- clear establishment of the purpose of communication;
- preparation of the communication process by clarifying ideas and approaches;
- identification of the right moment for opening (starting) communication;
- use of a simple, clear, sincere and direct language;
- attempt to identify all elements which determine a certain perception;
- acceptance by each participant to the communication process, firstly of the position of listener, then that of transmitter;
- correlation of words with actions;
- the policy must be excluded from the messages transmitted;
- undertake responsibility for the messages transmitted;
- transformation of the communication style, from defensive to productive (proactive) etc.

Likewise, *trust* is a key element in the relationship between citizens and public administration, by means of which one can remove communication barriers. Trust must be won by taking decisions in a transparent way, via efficient and effective actions of the government and a clearly defined role for the chosen representative people. From this perspective, the responsibility of the public specialist in communication is huge, as their endeavours can contribute essentially to the public administration's transparency, shaping the institutional credibility and image definitively (Nedelea, 2006; Minculescu, 2017).

Conclusions

In conclusion, communication within and from the public administration has a complex and strategic role, which affects the citizens' life and activity deeply. However, it is far for being considered a priority in Romania. The great communication gap of the last years has resulted in a much accentuated society polarity. Talking about communication barriers appeared between citizens and public administration, Bârgăoanu

(the dean of the Faculty of Communication and Public Relations within SNSPA and expert within the European Commission in combating fake news) observes the appearance of a climate of social division with extremely harmful effects:

> *Polarisation has lowered in institutions, universities or corporations. The fact that people begin to be divided, that half see the world in a way and the other are at the opposite extreme, is harmful. (...) This division of Romania in good and bad, left, right, criminal, non-criminal, civilised, uncivilised, is a dangerous endeavour (...) (Bârgăoanu, July 2018).*

The criterion of institutional responsibility, which should be at the core of each decision of communication, is replaced in such situations by cases where the criterion is that of political interest of the official who runs a public institution temporarily. The communication process, in this case, transforms into a campaign of promoting the official/politician, losing the essential role of facilitating the agenda in the public interest. Public administration becomes a prisoner of the political interest, the individual interest.

The needs of modernising communication at public administration level become obvious and mandatory for this period. For that to be possible, one needs a radical change of mentality and attitude in the relation public administration-citizen. Citizens, whose emotions and fears are getting bigger and bigger, need insurances and reinsurances, competence, leaders with experience, they need firmness in order to believe that everything shall be done so that they are protected. More than that, citizens need to be spoken to. The aim of communication in such situations is not that of informing, but that of securing the population psychologically. Under these circumstances, the modernisation of the communication process and language used shall be the signal for the maturity of Romanian public administration functioning.

References:

Bârgăoanu, A. (iulie, 2018). *De ce, în România, ne urâm de moarte pe tema anticorupției*, VICE media group, Retrieved from: https://www.vice.com/ro/article/gy3g33/de-ce-in-romania-ne-uram-de-moarte-pe-tema-anticoruptiei

Berg, E., Barry J., and Chandler, J. (2012). Changing Leadership and Gender in Public Sector Organizations. *British Journal of Management*, Vol. 23, pp. 402–414

Bourne, L. (2009). *Stakeholder Relationship Management: A Maturity Model for Organisational Implementation,* Farnham, Surrey, UK, Gower.

Bovens, M. (2007). Public Accountability. In E.Ferlie, L.E. Lynn Jr., & C. Pollitt (Eds.), The Oxford Handbook of Public Management Public Accountability (pp. 182-208), Oxford: University Press. Retrieved from: https://books.google.ro/books?id=_0epYa1LF8MC&printsec=frontcover&hl=ro#v=onepage&q=Bovens&f=false

Codoban, A. & Cordoș, A. (2019). *Relații publice și comunicare*, București: Pro Universitaria Publishing house.

Cruceru, G. (2019). *Bune practici în antreprenoriat: Comunicarea dintre instituțiile publice și mediul de afaceri*, Proiect POCU/82/3/7/104254 - "PROmotorii FIrmei Tale (PROFIT) – pentru regiunea Centru", Retrieved from http://profit.spiruharet.ro/wp-content/uploads/2019/07/Comunicarea-dintre-institutiile-publice-si-mediul-de-afaceri.pdf

Eyre, E.C. (1983). *Effective communication made simple* (Rev. reprint), London: Heinemann.

Fiske, J. (2001). Zgomot. In O'Sullivan, T., Hartley, J., Saunders, D., Montgomery, M. & Fiske, J., *Concepte fundamentale din ştiinţele comunicării şi studiile culturale*. Iaşi: Polirom Publishing house.

Greener, T. (1995). *Imagen y relaciones públicas*. Madrid: Piramide.

Hybels, S. & Weaver, R.L. (2001). *Communicating effectively*. New York: McGraw Hill. p.12

James, S., Ode, I. & Soola, E.O. (1990). *Introduction to Communication for Business and Organisations*, Ibadan: Spectrum Books Ltd.

INSCOP Research, (martie, 2019). *Topul încrederii în instituţiile interne şi internaţionale - sondaj de opinie la nivel naţional*, Retrieved from: https://www.inscop.ro/wp-content/uploads/2019/03/Sondaj-INSCOP-martie-2019-Institutii.pdf

Koneru, A. (2008). *Professional Communication*. New Delhi: Tata McGraw Hill Education.

Marinescu, O. (2017). Comunicarea instituţională, între rol strategic şi interesul politic. In D. Oancea (Ed.), *The Golden Book of Romanian Public Relations* (pp. 326-328). Bucureşti: Fundaţia Forum for International Communication.

Minculescu, S.M. (2017). Gânduri după o carieră de 24 de ani în comunicare instituţională şi diplomaţie publică. In D. Oancea (Ed.), *The Golden Book of Romanian Public Relations* (pp. 321-323). Bucureşti, Fundaţia Forum for International Communication.

Nedelea, A. (2006). *Marketing în administraţia publică*, Bucureşti: Didactică şi Pedagogică Publishing house.

Popescu, L.G. (2007). *Comunicarea în administraţia publică*, Second edition revised and added, Bucureşti: Economica Publishing house.

Udall, R. & Udall, S. (1979). *People and Communication*, Hulton Educational Publications (Amarsham), p. 28.

Article Info

Received: January 26 2021
Accepted: February 10 2021

Revista de Științe Politice. Revue des Sciences Politiques • No. 69 • 2021: 146 - 155

ORIGINAL PAPER

The President: the mediator of the conflicts between public authorities or part of a legal conflict of a constitutional nature?

Elena Cristina Murgu[1)]

Abstract:
The legal conflicts of constitutional nature have always been controversial, but nowadays, due to the fact that the situations in which the President of Romania is directly involved in the conflicts constituted within the state are more and more frequent, it is inevitable not to analyze the President's role of mediator of conflicts between the public authorities by reference to his quality of being an active subject of the legal conflicts of constitutional nature. Although this situation in which the President is placed seems relatively absurd because these two qualities (that of mediator and that of a party of a legal conflict of a constitutional nature) seem to exclude each other, in fact things are completely different. Both these conditions punctually and gently delimit the nature of the President's function, distinguishing himself as a representative of the state, when he is on a separate position from the other authorities and as an executive body as part of a bicephalous executive, specifically pointing out that the President exerts the power of mediation only in the first position, whereas as an executive body, the President can generate a legal conflict of a constitutional nature.

Keywords: *legal conflicts; the President; role of mediator; public authorities; Constitutional Court; fundamental law.*

[1)] Ph.D., Faculty of Law, University of Craiova and Postdoctoral researcher at the University of Craiova, Romania, Email: elenacristinamurgu@yahoo.ro.

Introduction

Romania is a democratic state in which, according to the Constitution, the power is divided based on the principle of separation and balance of powers in the state. Regarding the executive power, it is being exercised by the Government and the President, each of them having established in the fundamental law specific attributions, which are exercised relatively independently.

Therefore, these two institutions, the Head of State and the Government, are, in principle, independent one of other, but, certain relations of collaboration are established between them in terms of internal and external politics of the state. This is due to the fact that the President has not only a purely honorific role, but real and concrete powers that he can exercise in relation to the Parliament through messages, in relation to the judiciary but also in relation to the Government or together with this one inside an bicephalous executive.

Throught out the article 80, the fundamental law of Romania defines the role of the President, specifically stipulating that the President of Romania represents the Romanian state and he is the guarantor of the country's national independence, unity and territorial integrity and that he assures the compliance with the provisions of the Constitution and in the same time the proper functioning of public authorities. To this end, the President exercises the attribution of mediation between the powers of the state, as well as between the state and society. (The Constitution of Romania, art. 80. paragraphs 1 and 2).

Constitutional provisions

A brief analysis of this article reveals that, according to paragraph 2, the President, in accordance with his duty to ensure compliance with the Constitutional provisions and the proper functioning of public authorities, may intervene, for example, when a particular institution deviates from the democratic course.

Moreover, the same paragraph grants the President the role of the mediator between state powers, as well as between the state and society, a role that implies on the one hand that the President can facilitate the collaboration between public authorities, and on the other hand, that he can intervene in order to prevent or reduce the tensions between the authorities or between them and society.

Although the provisions of this article summarize the entire configuration of the presidential function from its definition to the substantiation of the President's actions, I appreciate that, in fact, it represents one of the contradictions of the Constitution, because it overestimates the role of the President in the state by using certain statements that go beyond the duties which are being conferred on him in reality.

Reverting to the constitutional attribution of mediation conferred to the President of Romania, I am of the opinion that the attribute of mediator between the public powers and between the state and society must be understood from a double point of view, taking into account the dual quality of the President, that of the state representative, when he is in a special position compared to the other authorities and that of an executive body, specifically pointing out that the President exerts the power of mediation only in the first position.

This means that, as an executive body, the President can generate a legal conflict of a constitutional nature that affects the proper functioning of the rule of law, he can be an active subject of such a conflict (Gîrleşteanu, 2012: 42), without this quality coming into contradiction with his attribution of mediation.

The role of mediator is limited to its own domain within the attributions of the President of Romania, concretized through well-defined procedures in the Constitution: The President sends messages to the Parliament regarding the main political issues of the nation (The Constitution of Romania, art.88); The President may request the Parliament to re-examine the adopted law before its promulgation (The Constitution of Romania, art. 77, paragraph 2); The President may dissolve the Parliament if he has not casted a vote of confidence in the formation of the Government within 60 days from the first request, after the rejection of at least two requests of investiture (The Constitution of Romania, art. 89, paragraph 1); after consultating the parties that have an absolute majority in the Parliament or the parties represented there, if there is no such majority, the President of Romania nominates a candidate for the position of Prime Minister; in case of governmental reshuffle or vacancy of the position, the President revokes or appoints, under the conditions provided in art. 85, para. 2, some members of the Government; The President may consult the Government on urgent matters of particular importance (The Constitution of Romania, art. 86), and additionally he may take part in the Government meetings if issues of national interest concerning external politics are debated.

Taking all mentioned above into account, the attribution of mediation was emphasized in the doctrine (Vrabie, 1995: 69) as representing one of the three fundamental roles of the head of state, from which two consequences arise: firstly, the President must be an impartial arbitrator in the mediation process, and for this reason the position of Head of State is incompatible with the position of a member of a political party or with any other public or private office (provided by art. 84 paragraph 1 of the Constitution), interdiction which is both legitimate and reasonable; and secondly, the provisions of art. 80 paragraph 2 from the fundamental law do not establish the possibility for the President to intervene in other conflicts between public authorities apart from the political ones.

Therefore, the Head of State cannot mediate legal conflicts of a constitutional nature that have as effects institutional blockages generated by the improper fulfillment or even by the infringement of the attributions established by the fundamental law in charge of the public authorities. This point of view is also highlighted by the current form of the Constitution of Romania, which establishes as an exclusive attribution in charge of the Constitutional Court of Romania the settlement of legal conflicts of a constitutional nature between public authorities (The Constitution of Romania, art. 146 letter e)).

In the exercise of the mediation prerogative conferred by the Constitution, the President acts as a mediator and conciliator between the powers of the state and between the interests of the state and society, having an active and positive role in coordinating and correlating the various relations between public authorities which, in the end, leads to the efficient functioning of the state structures, to the respect of the law and to the human rights, but also to the consideration of the legitimate aspirations of the members of the society.

The means of exercising the function of mediation do not convert the President into a supreme magistrate; he does not settle the conflicts between the organs of state power, but makes every effort to find ways to prevent them, to avoid or alleviate the institutional blockages that may occur in their activity.

It should be mentioned, therefore, that the President is only the mediator of some conflicts between the public authorities, but he does not have an obligation to

settle this type of disputes in the way in which the Constitutional Court of Romania is obliged, in accordance with the provisions of art. 146 lit. e) from the fundamental law, to solve a legal conflict of a constitutional nature, namely by pronouncing a final and binding decision.

Thus, the President performs rather an arbitration function that concretely implies reciprocal concessions between the divergent parties, but he does not settle the conflict by indicating the conduct to be followed by the authorities in order to avoid the occurrence of similar situations in the future, as it happens in any situation in which the Constitutional Court of Romania has to solve a legal conflict of a constitutional nature.

The jurisprudence of the Constitutional Court of Romania

Starting from the nature of the conflicts between public authorities, feature that delimits the sphere of action of those who have the attribution of mediation and that of the settlement of public conflicts -the President mediates only political conflicts, the Constitutional Court of Romania solves exclusively legal conflicts of a constitutional nature (Valea, 2020: 98) -; I would like to recall a situation in which the Constitutional Court of Romania (by virtue of the attribution provided by art. 146 letter e) of the fundamental law) was invested with the resolution of a presumed legal conflict of a constitutional nature, arisen between the President of Romania and the Parliament, "determined by the President's actions contrary to the Constitution, conduct which, at that time, was able to generate states of conflict between public authorities and within them" (Decision no. 53/2005, published in the Official Journal no. 144 from 17th of February 2005: 1).

Specifically, the object of the request through which the President of the Chamber of Deputies and that of the Senate notified the Constitutional Court was represented by the public statements made by the President of Romania regarding the Parliament and the political parties.

In their opinion, the fact that the President stated that certain political parties had "elevated the mafia-type system of government to the rank of state policy, calling them immoral solutions" (Decision no. 53/2005, published in the Official Journal no. 144 from 17th of February 2005: 1) indicates a behavior contrary to the spirit of the Constitution which is able to trigger conflicts within the rule of law.

Thus, taking into account the fact that the only authorities that have provided in their task the attribution to mediate respectively to resolve the conflicts between the public authorities are the Constitutional Court of Romania and the President of Romania, and considering the fact that in this situation the head of state, being a party involved in this dispute, obviously he could not exercise his constitutional prerogative of mediation, the president of the Chamber of Deputies and that of the Senate considered necessary the intervention of the Constitutional Court in the resolution of this conflict.

Being notified with such a request, the Constitutional Court had to examine each partie's point of view, to establish the criteria based on which a conflict between public authorities can be perceived as a legal conflict of a constitutional nature and to pronounce a solution in regard to this dispute.

Examining the entire situation, the circumstances of the case, the causing factors of the conflict and the previous case-law (Decision No. 339/2004; Advisory Opinion No 1 of 5 July 1994), the Constitutional Court decided that "the President's allegations are not acts, actions or omissions, but simple political statements"(Decision no. 53/2005, published in the Official Journal no. 144 from 17th of February 2005: 2), which are

related exclusively to the scope and limits of the freedom of expression and do not disturb the proper functioning of the rule of law.

Moreover, the Court considered that "public statements of the representatives of different authorities, in relation to the context in which they are made and their concrete content, may create states of confusion, uncertainty or tension, which could subsequently create between the public authorities even conflicts of a legal nature.
However, the Constitutional Court has the competence to intervene only in the situations where a legal conflict of a constitutional nature has actually been created between two or more public authorities and consequently it considered that the President's statements, published in the newspaper "Adevărul" no. 4,513 from 6th of January 2005, did not give rise to a legal conflict of a constitutional nature between the President of Romania and the presidents of the two Chambers of the Romanian Parliament, as perceived according to the provisions of art. 146 lit. e) of the Constitution" (Decision no. 53/2005, published in the Official Journal no. 144 from 17th of February 2005: 6).

By pronouncing such a decision, the Court secured its position regarding the attribution of resolving legal conflicts of a constitutional nature, eliminating from the beginning the possibility of its involvement in resolving political conflicts. As a result of this fact, the mediation of the political conflicts and, in fact, of the disputes of any nature arisen between public authorities, except for those of a constitutional nature, is exclusively the responsibility of the President of Romania according to the provisions of art. 80 paragraph 2 of the fundamental law.

However, it is kind of tricky that on the one hand, the Constitution of Romania provides the President the assignment of mediating conflicts between state powers, as well as between state and society in order to ensure the proper functioning of public authorities and compliance with the provisions of the fundamental law, and in the same time to grant him the possibility to constitute himself as a party of a legal conflict of a constitutional nature, which has as an effect the occurrence of an institutional blockage within the rule of law.

With respect to these two hypotheses, certain clarifications are required: on the one hand, although the fundamental law establishes for the President the attribution of mediation between the state powers, it does not provide for him an obligation in this regard- thus, the President has an abosulte power when deciding to mediate a public conflict; on the other hand, although the President has, according to the fundamental law, the posibility to become an active subject of a legal conflict of a constitutional nature, still the situations in which he generated or he was involved in such a dispute have been numerous from 2003 until now, the proof in this respect being the case-law of the Constitutional Court of Romania.

Therefore, I strongly believe that in this point of the research it is compulsory to mention the situations when legal conflicts of a constitutional nature appeared either between:
- the *President of Romania and the Government* (Decision no. 356/2007, published in the Official Journal no. 322 from 14th of May 2007- regarding the existence of a legal conflict of a constitutional nature as a result of the President's refusal to appoint a member of the Government at the proposal of the Prime Minister. Thus, the Court determined that the refusal of the President of Romania to appoint a member of the Government at the proposal of the Prime Minister triggered a legal conflict of a constitutional nature, which ceased to exist as a result of the issuance of the Presidential Decrees no. 193/12 from March 2007, no. 237/22 from March 2007 and no. 379/4 from

April 2007. At the same time, the Court stated that when exercising the attributions provided by art. 85 paragraph (2) of the fundamental law, the President of Romania does not have the right to vote, but he can only examine if the candidate meets the conditions of the position (Costinescu, 2020: 192) – that means that, he may ask the Prime Minister to drop the proposal when he finds that the proposed person for the position does not meet the legal conditions for exercising the function of a member of the Government. Through this decision, the Constitutional Court responded to the Prime Minister's request to establish the occurrence of a legal conflict of a constitutional nature between the President of Romania and the Government of Romania, restoring the constitutional legality of the institutional relations between the Head of State and the Romanian Government;

Decision no. 98/2008, published in the Official Journal no. 140 from 28th of February 2008 - with reference to the presence of a legal conflict of a constitutional nature generated by the President's refusal to comply with the proposal submitted by the Prime Minister regarding the appointment of a person as a member of the Government - namely the appointment of Mrs. Norica Nicolai as Minister of Justice. Therefore, the Constitutional Court held that, in the exercise of his constitutional powers, the President may, only for certain reasons and on a one-time basis, refuse the Prime Minister's proposal to appoint a person to the post of a member of the Government and ask him to make another proposal. Moreover, in order to resolve the dispute, the Court specified that the reasons for the refusal cannot be censored by the Prime Minister (Costinescu, 2020: 193), who has the obligation to propose another person, precisely in order to avoid the appearance in future of a similar legal conflict of a constitutional nature that would generate institutional blockages as a result, on the one hand, of the constant refusal of the President to appoint the person proposed by the Prime Minister as member of the Government, and on the other hand, of the Prime Minister's persistence in proposing the same person for the same position;

Decision no.683/2012, published in the Official Journal no. 479 from 12tth of July 2012- regarding the existence of a legal conflict of a constitutional nature between the Government, on the one hand, and the President of Romania, on the other hand, generated by the Government and the Prime Minister's actions to exclude the President of Romania from the delegation that represented Romania in the European Council on 28-29 June 2012. According to its role of guarantor of the fundamental law and to the task of resolving the legal conflict of a constitutional nature between public authorities, the Constitutional Court stated that the President of Romania participates in the meetings of the European Council as the Head of State, an attribution that may be delegated only by him, explicitly and clearly to the Prime Minister. In the absence of such a delegation, any attempt from the Prime Minister to assume the attribution to represent the Romanian state at the European Council generates a legal conflict of a constitutional nature because through such actions the Prime Minister arrogates himself attributions that do not belong to him and infringes a constitutional power that belongs exclusively to the President;

Decision no. 358/2018 published in the Official Journal no. 473 from 7th of June 2018 - with respect to the legal conflict of a constitutional nature between the Minister of Justice, on the one hand, and the President of Romania, on the other hand generated by the President's refusal to accept the proposal of revocation of the Chief Prosecutor of the General Anticorruption Directorate submitted by the Minister of Justice. In order to resolve this dispute, the Constitutional Court established that the President of Romania has the right to verify the legality of the proposal to revoke the Chief Prosecutor of the

General Anticorruption Directorate and to refuse it only if he does not comply with legal provisions (to be seen in this regard art. 51 in conjunction with 54 of Law No. 304/2004). Given the fact that in this situation, the President did not object to the legality of the procedure initiated by the Minister of Justice, but simply refused, without any basis, to issue the revocation decree, the Court stated that acting in such a manner, the Head of State generated a legal conflict of a constitutional nature with the consequence of creating an institutional blockage, as the Minister of Justice did not have the opportunity to exercise one of his constitutional attributions;

Decision no. 875/2018 published in the Official Journal no. 1093 from 21st of December 2018 - about the existence of a legal conflict of a constitutional nature caused by the President's refusal to issue the revoking decrees of two Members of the Government, the refusal to issue decrees establishing the vacancy of the ministerial positions as a result of the resignations of two ministers, as well as the refusal to appoint a member of the Government on the proposal of the Prime Minister. When resolving this dispute, the Constitutional Court considered that the President cannot censure the reasons invoked by the Prime Minister in the revocation proposals, the latter being the only one who can appreciate the necessity and opportunity of such a measure - the President's revocation decree being only the act through which a certain function ceased to be exercised (Costinescu, 2020: 192). Moreover, with regard to the President's refusal to issue the decrees establishing the vacancy of two ministerial positions as a result of the resignations of the incumbents, the Court stated that such conduct is contrary to the constitutional provisions - by an unjustified refusal, the President does not exercise a constitutional power established exclusively in his attributions – namely that of taking note and ascertaining by decree the vacancy of the positions by resignation, given the fact that those resignations had become, in the meantime, irrevocable (the term provided by the law – namely 15 days- having ran out). For all these reasons, the Constitutional Court declared that there is a legal conflict of constitutional nature and decided that the President of Romania had to issue immediately the decrees establishing the vacancy of the ministerial positions and to respond, promptly, in writing and motivated, to the proposals submitted by the Prime Minister of Romania in regard to the appointments to the position of a member of the Government (Decision no. 875/2018, Official Journal no. 1093 from 21st of December 2018: 14);

Decision no. 504/2019 published in the Official Journal no. 801 from 3rd of October 2019– referring to the occurance of a legal conflict of constitutional nature determined by the refusal of the President to issue the revoking decrees of some members of the Government, the written and immediate non-motivation of the refusal to appoint certain members of the Government, the President's unstated refusal to appoint interim members of the Government, at the proposal of the Prime Minister. Analyzing this dispute, the Constitutional Court stated that there was indeed a legal conflict of constitutional nature that was due to the fact that the President did not comply with the revocation proposal submitted by the Prime Minister, did not take note of the vacancy of the position of member of Government and did not issue vacancy decrees, actions that demonstrate an unloyal behavior and through which the President did not accomplish his constitutional attributions.

- *or between the President of Romania and the High Court of Cassation and Justice* (Decision no. 1,222/2008 published in the Official Journal no. 864 from 22nd of December 2008 - according to which there is a legal conflict of a constitutional nature between the President of Romania, on the one hand, and the judiciary, represented by the

High Court of Cassation and Justice, on the other hand, within the meaning of art. 146 lit. e) of the Constitution and of the case law of the Constitutional Court in the domain, produced as a result of the fact that the High Court of Cassation and Justice did not take into consideration the Decision of the Constitutional Court no. 384 from 4th of May, 2006, published in the Official Journal of Romania no. 451 from 24th of May 2006, as well as the legal provisions that were in effect at that time; (…) the Decision no. 2,289/2007, pronounced by the High Court of Cassation and Justice - Administrative and Fiscal Litigation Section in the File no. 34.763/2/2005 is not opposable to the President of Romania, who was not a party to the process; (…) That, according to art. 94 lit. b) of the Constitution, the granting of the rank of general represents an exclusive attribution of the President of Romania "(Decision No. 1,222/2008, Official Journal no.864 from 22nd of December 2008: 5). By pronouncing this type of solution, The Court responded to the request to state upon the existence of a legal conflict of a constitutional nature between the President of Romania, on the one hand, and the judiciary, represented by the High Court of Cassation and Justice, a conflict arisen as a consequence of the Supreme Court's disregard of the Decision of the Constitutional Court no. 384 from 4th of May, 2006. Thus, the way of action of the High Court of Cassation and Justice makes it impossible for the President of Romania to respect both the decision of the court and that of the Constitutional Court which, in the end, leads to the occurence of a legal conflict of a constitutional nature.

The jurisprudence of the Constitutional Court demonstrates that most of the cases in which the President was involved as an active subject of a legal conflict of a constitutional nature were those constituted between the Government on the one hand and the President on the other, as a direct consequence of the fact that the executive power has a bicephalous structure.

Conclusions

I do consider that these situations are extremely inadequate and that they should not have taken place, or at least not with such frequency, and that for the proper functioning of the rule of law and as a result of being part of the same power, the Government and the President should have cooperated and collaborated to a greater extent.

Taking into account all the aboved mentioned, I appreciate that the two constitutional qualities of the President of Romania, that of being the mediator of conflicts between public authorities and that of being an active subject of legal conflicts of a constitutional nature between public authorities, do not mutually exclude themselves. On the contrary, they punctually and gently delimit the nature of the President's function, distinguishing himself as a representative of the state, when he is on a separate position from the other authorities and as an executive body as part of a bicephalous executive.

As the Head of the state, the President fulfills the atribution of mediation of the political disputes between public authorities (Gîrleşteanu, 2012: 317), which involves ameliorating the disputes through institutional dialogue, negotiations between the authorities involved in constitutional relations, institutional cooperation and, last but not the least, political compromise.

Reaching this stage of research and considering the fact that almost all conflicts between public authorities have a more or less accentuated political nature, I made an attempt to analyze in a brief manner the President's attribution of mediation from the

perspective of the Constitutional Court's attribution of solving legal conflicts of a constitutional nature, stating that if the first one involves only the power of arbitration at the state level, the second one, respectively the resolution of conflicts does not represent an academic exercise, purely theoretical, but it means understanding the constitutional rules that public authorities must respect/apply and establishing the conduct to be followed by the parties involved in the conflict.

If this had not been the aim of the regulation, there would have been no need for a complex procedure involving the presence of the parties, adversarial debates, a final and binding decision, the mere expression of the Court upon the interpretation of the constitutional texts on which the conflict relates being more than enough.

Acknowledgement:

"This work was supported by the grant POCU380/6/13/123990, co-financed by the European Social Fund within the Sectorial Operational Program Human Capital 2014 – 2020."

References:

Costinescu, M.S. (2020). The legal conflict of constitutional nature between public authorities in Romania, Bucharest: Hamangiu Publishing.

Gîrleşteanu, G. (2012a). The legal conflicts of constitutional nature between public authorities. *Transylvanian Journal of Administrative Sciences*, (1), 41-51.

Gîrleşteanu, G. (2012b). Constitutional Law and Political Institutions, Bucharest: Universul Juridic Publishing.

The Constitution of Romania (2012). Bucharest: Universul Juridic Publishing. rE

Valea, D. C. (2010). The competence of the Constitutional Court of Romania to settle the constitutional conflicts between the public authorities. *Curentul Juridic*, (42), 95-102.

Vrabie, G., (1995). The role and functions of the President. *Revista de drept public*, nr. 2/1995, 69.

Decision no. 339/2004, Official Journal no. 887 from 29th of September 2004. Retrieved from: http://legislatie.just.ro/Public/DetaliiDocumentAfis/55563

Decision no. 53/2005, Official Journal no. 144 from 17th of February 2005. Retrieved from: https://www.ccr.ro/wp-content/uploads/2020/10/D053_05.pdf

Decision no. 384/2006, Official Journal no. 451 from 24th of May 2006. Retrieved from: https://www.ccr.ro/wp-content/uploads/2020/10/D384_06.pdf

Decision no. 356/2007, Official Journal no. 322 from 14th of May 2007. Retrieved from: https://www.ccr.ro/wp-content/uploads/2020/10/D0356_07.pdf

Decision no. 98/2008, Official Journal no. 140 from 28th of February 2008. Retrieved from: https://www.ccr.ro/wp-content/uploads/2020/10/D0098_08.pdf

Decision no. 1,222/2008, Official Journal no. 864 from 22nd of December 2008. Retrieved from: https://www.ccr.ro/wp-content/uploads/2020/10/D1222_08.pdf

Decision No 1559/2009, Official Journal no. 823 from 30th of November 2009. Retrieved from: http://legislatie.just.ro/Public/DetaliiDocumentAfis/113940

Decision no. 683/2012, Official Journal no. 479 from 12th of July 2012. Retrieved from: https://www.ccr.ro/wp-content/uploads/2020/09/D0683.pdf

Decision no. 358/2018, Official Journal no. 473 from 7th of June 2018. Retrieved from: https://www.ccr.ro/wp-content/uploads/2020/07/Decizie_358_2018.pdf

Decision no. 875/2018, Official Journal no. 1093 from 21st of December 2018. Retrieved from: https://www.ccr.ro/wp-content/uploads/2020/07/Decizie_875_2018.pdf
Decision no. 504/2019, Official Journal no. 801 from 3rd of October 2019. Retrieved from: https://www.ccr.ro/wp-content/uploads/2020/07/Decizie_504_2019.pdf.

Article Info

Received: March 03 2021
Accepted: March 24 2021

Revista de Științe Politice. Revue des Sciences Politiques • No. 69 • 2021: 156 - 166

ORIGINAL PAPER

Economic and Environmental Sustainability in Agriculture: Organic Agriculture

Mihaela Lupăncescu[1)], Mihai Ionuț Rădoi[2)]

Abstract:
Ecological issues are the main concerns of the modern period and are a challenge for the current millennium, occupying a prominent place among the world's global problems, especially due to efforts to ensure full compatibility between economic growth, rational use of resources and maintaining ecological balance. Organic agriculture is a component of sustainable development of this sector of the economy, which aims to harmonize the immediate needs of agricultural products, accepted in terms of quality and health, with the requirements of the laws of nature, respect for long-term ecological balance.

Keywords: *organic agriculture; sustainable development; environment; ecological balance; agricultural production.*

[1)] PhD, Postdoctoral Student, University of Craiova, Faculty of Economics, Department of Economics, Accounting and International Affairs, Romania, Phone: 0040724221050, mihaela.lupancescu@yahoo.com.
[2)] PhD, Postdoctoral Student, University of Craiova, Faculty of Economics, Department of Economics, Accounting and International Affairs, Romania, Phone: 0751292929, radoi.mi@gmail.com.

Introduction

Recent scientific studies in the field of agricultural sciences, deeper understanding of biological and chemical processes in nature, penetration into the mysteries of human-nature relations have generated concerns in the development of alternative cropping systems in agricultural production, considered a replica of industrial agriculture , chemical and high energy consuming, which in many cases does not justify the productions obtained (European Commission, Reconnecting nature, 2015).

The sources of organic agriculture are represented by the three currents that have emerged in Europe. The first is the one that appeared in Germany in 1924 under the impetus of Rudolf Steiner, with the name of biodynamic agriculture. The second current, published in Britain in 1940, was based on the theory developed by Sir Albert Haward and Lady Eve Balfour under the name of organic agriculture. Last but not least, the third current, called organo-biological agriculture, was developed in Switzerland by Hans Peter Rush and H. Müller (Toncea et al, 2013: 11).

The new type of agricultural system has begun to assert itself in many countries of the world and is characterized by its qualities of environmental protection, sustainable exploitation of natural resources specific to this economic sector. The activity of agricultural holdings is based on the practice of modern technologies, created on biological principles, on the use of photosynthesis and solar energy, decomposition and humification, on predominantly organic fertilization and on the cultivation of pedo-ameliorating plants of vineyards and orchards, on systems integrated prevention and control, mainly biotechnology, of pathogens and pests, on the application of new technological methods regarding mechanization and irrigation, on the integration of different agricultural sectors in intensive, sustainable and competitive agrosystems.

Organic Agriculture in the European Union

Ecological agriculture is characterized by the elimination of different types of environmental pollution, generated by agricultural activities, supporting the genetic diversity of species, protecting wild species of plants and animals.

In general, the objectives of organic agriculture are subject to the sustainable development of agri-environmental systems (Davidson, 2005: 8).

The transition to such agriculture has been achieved over time, through a process of changes with moderate tempo, which allows the long-term use of the environment, achieving sustainable development, while maintaining the quality of the environment at an acceptable level. It is known that among its functions the natural factor earth, in this case the soil, also exerts an ecological function, environmental protection, biodiversity conservation and sustainable development (Tapaloaga, Tapaloaga, 2017: 60).

This ecological function of the soil is expressed by: production of plant biomass, which provides food, feed, renewable energy and raw materials; filtration, tempering and transfer between the atmosphere, groundwater and plants, thus protecting the natural environment; ensuring the habitat conditions and the reserve of genes, fauna and flora in the soil, constituting an important part of biodiversity.

As a result, an increasingly obvious feature of the competitiveness of agricultural activities is the greening of agri-food products, promoting the quality and competitiveness of products obtained, by respecting the ecological balance.

In the European Community, the practice of organic agriculture has been generated by the growing interest of consumers, caused by the needs to ensure food safety and quality of agri-food products, as well as improving the consumption of the population, consuming healthy, clean food to improve population health (Pirvu at al, 2009). Consumption of organic products is lower compared to high consumption of food produced with agrochemicals and agricultural substances. (Reynaldo, et al., 2019: 1083). Starting from these desideratums, the producers, the processors of agri-food products have intensified their preoccupations on the line of the formation of an ecological agriculture, which lately, has become one of the most dynamic sectors of the sustainable agriculture.

To this end, the EU is reorienting its material, financial and human efforts towards achieving sustainable agriculture, towards the application of ecological production methods. In these conditions, clear objectives have been established, which aim at ecological agriculture, among which are:

- avoiding all forms of pollution, both at the level of products and the environment;
- maintaining the natural fertility of the soil, in order to ensure in a sustainable way the food security of the planet;
- ensuring a decent standard of living for agricultural producers;
- the production in sufficient quantities and at an appropriate quality level of the food on which depends, to a large extent, the health of the consumers.

The practical realization of these objectives requires:

- promoting especially those methods of soil cultivation, which ensure its regeneration, mainly by recycling the nutrients contained in the organic matter incorporated into the soil and by applying organic fertilizers and composts. Therefore, the practice of organic agriculture does not mean the complete elimination of chemical fertilizers, but they can be used more rationally, responsibly, only in order to ensure the balance of soil-specific nutrients.
- management in accordance with the requirements of ecological principles, of the living components of ecosystems, by improving cultivated genotypes, by creating new varieties of plants and animal breeds of high yield and with a reduced ecological and genetic vulnerability;
- large-scale use of crop rotations and rotations;
- reconstituting the links between the food chains, by re-establishing close links between the primary producers and the primary consumers.
- ecological management of agroecosystems based on the integration of natural control mechanisms and those of origin.

Organic agriculture makes a major contribution to sustainable development, to the growth of economic activities with an important added value and to the increase of interest for the rural area (Allegra, Zarbà, 2018: 7).

Sustainable and healthy economic and social development, in the long run, at local, national and regional and global level is not possible without the existence of an adequate legislative and institutional framework, through which to ensure economic and ecological harmonization, increase economic and social performance and ecological, changing production and consumption methods (Pîrvu, et al, 2011: 224; Pîrvu, Gruescu, 2009: 109-113). Only on such a support can be ensured the expansion of organic agriculture, characterized by an optimal degree of efficiency.

Since 1992, when European legislation on organic agriculture came into force on the basis of EEC Regulation No. 2078/1992, tens of thousands of farms have been converted into this cropping system and consumers' interest in organic agri-food products has increased, as well as of the competent decision makers.

In this regard, the Johannesburg Declaration on Sustainable Development (2002) states that governmental and political factors have the task of "promoting programs for effective and efficient ecological exploitation, practices to improve soil fertility and control of agricultural pests", in order to "increase viable agricultural production and food security."

The reform package built in AGENDA 2000 placed special emphasis on compliance with environmental protection measures for all types of crops (Avram, 2007:70). Thus, in agriculture certain environmental standards must be observed, without financial compensation and, even more, to respect the principle "the polluter pays". However, in the EU, environmentally friendly farmers take agri-environmental measures and are rewarded with rural development programs. In addition, organic agriculture can be encouraged by investing in primary production and processing. Starting from the fears of consumers, caused by alarming signals coming from the food field and from genetically modified organisms, from ionizing treatments applied to food, norms of great exigency have been developed related to food safety, quality assurance and information regarding the production methods. At the same time, public opinion is increasingly aware of the damage done to the environment through practices that lead to soil, water, air and biodiversity pollution, the depletion of natural resources and the destruction of fragile ecosystems.

Such a perception, organic agriculture initially considered an activity that occupies a small market segment, has become a mode of production of prime importance, an element of the new technical and technological mode of production, in full assertion process, able not only to produce healthy food, but also to respect the environment. It is currently a real opportunity for rural economies to contribute to their sustainable development. The expansion of this agricultural sector leads to the improvement of employment resources, in the field of agriculture, processing and related services.

In the late 1980s, the CAP gave organic agriculture a special role. In addition to reducing surpluses on some agricultural products, the promotion of quality products and environmentally friendly agricultural practices was encouraged. At the same time, in order to increase consumer confidence in organic products, regulations must be developed to frame production and quality policy, as well as measures to prevent fraudulent declarations on the ecological nature of food products. Currently, consumers are increasingly demanding more information on food production methods and want to ensure that all safety and quality precautions and all stages of their implementation have been taken. Governments have set targets for expanding organic production in order to address to these concerns. (Stoian, Caprita, 2019: 276).

Under this aspect, regulations were adopted to guarantee the authenticity of organic agriculture methods, as they constitute a general framework applicable to plant and animal production, but also to the labeling, processing and marketing of food resulting from organic agriculture.

Since the adoption of the first regulation in 1991 Regulation 2092/1991 (EEC) and its entry into force in 1992, many farms in the EU have switched to organic production. Farms that are certified for this mode of agricultural production must have a

conversion period of 2 years (before sowing) in the case of annual crops and 3 years in the case of perennial crops.

The conversion of conventional production into organic production is a complex process, which concerns both the change of interrelationships between living organisms and the environment, as well as the mutual relationship between natural and man-made factors, but also changes that affect the whole rural development.

The conversion of conventional to organic agricultural production is carried out in accordance with national and international ecological standards, in a certain period of time, which depend on the characteristics of crops or animal species. This is authorized by special inspection and certification bodies, which may reduce or extend the duration of the conversion period, in special cases and under the conditions of compliance with the following requirements (Dobrotă, 1997: 56): the lots were already converted or were being converted; the residues generated by the products used for plant protection are insignificant in the soil and in plants (perennials); the production obtained, which has undergone a treatment with chemicals, is not characterized by the specification of ecological product.

In August 1999, Regulation 1804/1999 / EEC on the production, labeling and control of the main species of animals (cattle, goats, horses and birds) was approved. Genetically modified organisms (GMOs) and derived products are expressly eliminated from the area of organic production.

A special importance was given to the control procedures that guarantee the registration at a national inspection body, with competences in the field, of all the farms that want to practice organic agriculture. These institutions are themselves designated by the authorities with competence in verifying the capacities to lead the inspection system in a more equitable and efficient one and to comply with the regulations in force. The inspection is done throughout the production process, including storage, processing and packaging. The holdings are inspected at least once a year and are subject to spot checks. The sanctions provided in case of violation of the regulations are the immediate withdrawal of the right to refer to the ecological production method for the products in question, to which is added higher penalties in case of more serious crimes. Producers are required to keep a detailed register of their agricultural products including, for breeders, the obligation to keep complete registers describing the management systems of the herd.

In the European Union, funds granted to organic agriculture are on an increasing trend. Several regional programs aim at creating new jobs in rural areas, expanding farms that practice organic agriculture, which leads to new positive developments in the sustainable development of rural areas and an ecological approach to the agri-food sector (VAN ASSELDONK, 2019: 40-46). In recent years, both consumer interest in food safety and growing environmental concerns have contributed to the expansion of organic agriculture.

Compared to 2000, when organic agriculture held only 3% of the value of agricultural production in the EU, it has recently become one of the most dynamic agricultural fields, respectively 7-8%. On this basis, the European Commission has proposed a set of measures aimed at accelerating the development of organic agriculture in the Community. This action plan aims to rapidly increase the number of farmers who practice this system of agriculture, due to the fact that there is a significant increase in demand for organic products.

On 20 May 2020, the Commission adopted the Farm to Consumer Strategy and the Biodiversity Strategy. In line with the European Green Pact, they propose ambitious EU actions and commitments to combat the decline of biodiversity in Europe and around the world and to turn our food systems into global standards for competitive sustainability, the protection of human and planetary health, and the environment subsistence of all actors in the food value chain. The future action plan on organic agriculture, to be adopted in early 2021, will be an important instrument for the future growth of the sector.

The EU's green sector has grown rapidly in recent years in terms of the agricultural area involved, the number of operators and its market share. The total area of agricultural land used for organic agriculture in the EU increased from 9.1 million hectares in 2010 to 14.25 million hectares in 2019, an increase of 56.5%. In 2019, the proportion of EU agricultural land intended for organic production was 7.92%. Over the same period, the value of retail sales of organic products increased from 18.1 billion euros to 30.7 billion euros, an increase of 69%.

Table no. 1. Organic crop area by agricultural production methods and crops (from 2012 onwards). Percentage of total utilised agricultural area

TIME	2012	2016	2019
Austria	18,62	21,25	25,33
Belgium	4,48	5,8	6,85
Bulgaria	0,76	3,2	2,34
Croatia	2,4	6,05	7,19
Cyprus	3,38	4,94	4,98
Czechia	13,29	14	15,19
Denmark	7,31	7,81	10,87
Estonia	14,86	18,02	22,33
European Union - 27 countries (from 2020)	5,88	7,09	8,49
European Union - 28 countries (2013-2020)	5,64	6,68	7,92
Finland	8,65	10,47	13,48
France	3,55	5,29	7,72
Germany	5,76	6,82	7,75
Greece	9,01	6,51	10,26
Hungary	2,45	3,48	5,71
Ireland	1,16	1,72	1,63
Italy	9,3	13,99	15,16
Latvia	10,63	13,42	14,79
Lithuania	5,51	7,5	8,14
Luxembourg	3,14	3,47	4,42
Malta	0,32	0,21	0,47
Netherlands	2,61	3,03	3,75
Poland	4,51	3,72	3,49
Portugal	5,48	6,74	8,16
Romania	2,1	1,67	2,86
Slovakia	8,53	9,75	10,31
Slovenia	7,32	9,12	10,35

Spain	7,49	8,48	9,66
Sweden	15,76	18,3	20,43
United Kingdom	3,41	2,82	2,62

Source: https://ec.europa.eu/eurostat/databrowser/view/org_cropar/default/table?lang=en

Organic Agriculture in Romania

Organic agriculture in Romania is a new, dynamic sector, in full assertion, a part of the sustainable development of agriculture in rural areas. The role of this agricultural economic sector is expressed by its contribution to increasing the biodiversity of plants and animals, increasing the biological activity of the soil and maintaining its long-term fertility, recycling waste from agricultural production and ensuring the healthy use of soil, air, water and biodiversity, to obtain clean, healthy products, as a result of reducing to a minimum the pollution of the environment. This type of agriculture is a sector of great perspective for Romania, due to the fact that it enjoys appropriate conditions for the development of such a system of agriculture, fertile soils and low level of pollution of the countryside, by comparison with the economically developed countries, where super intensive agricultural technologies are used extensively, based largely on chemical fertilizers and pesticides (Ilie, 2013; Gonciarov, 2014).

Through its content, ecological agriculture is characterized by a set of agricultural systems, methods and processes, which promote sustainable economic development, protection of human, animal and natural health.

Organic agriculture is a global system of agricultural management and food production that combines best environmental practices, a high level of biodiversity, conservation of natural resources, the application of high standards of animal welfare and a production method that respects the preferences of certain consumers for products obtained with the help of natural substances and processes.

In Romania, the control and certification of ecological products are provided by private Inspection and Certification Bodies (ICB). These are approved by the Ministry of Agriculture and Rural Development, approval preceded, obligatorily, by their accreditation by an accreditation body (in Romania it is RENAR). (SRAC, Ecological Agriculture).

Organic agriculture has emerged as an alternative to conventional, industrial agriculture, which is increasingly showing its limitations and the surplus of negative consequences. On the quality of the obtained products and the environment, as a result of the excessive use of chemicals, which strongly affect the health of people, animals and soil quality. Due to its content, organic agriculture differs substantially from other modes of agricultural production because it highlights unconventional and recyclable resources, thus restoring to the soil its nutrients from organic materials.

In the field of animal and poultry breeding, the regulation of meat production ensures a special type of development and a natural diet. Organic agriculture respects nature's self-regulatory systems in the fight against crop pests and plant diseases and avoids pesticides, herbicides, chemical fertilizers, as well as growth hormones, antibiotics or genetic modifications. Instead, techniques and technologies based on neofactors are used, which favor the creation of sustainable ecosystems and reduce pollution, without completely eliminating the use of synthetic chemicals, within certain limits necessary to provide the soil with nutrients necessary to maintain its quality.

With its fertile and productive soils and a large expanse of arable land, which in the 90s of the last century and now, used a small amount of chemicals, Romania has

favorable conditions to ensure the promotion and expansion of organic agriculture, offering chances to produce and export clean products at attractive prices.

In our country, organic production is defined by obtaining agri-food products without the use of synthetic products, in accordance with the rules of organic production, which comply with national guidelines and specifications and are certified by an inspection and certification body established for this purpose. Ecological food production envisages the realization of sustainable, diversified and balanced agricultural systems that ensure the protection of natural resources and the health of consumers.

Production methods used in obtaining unprocessed primary vegetable products, unprocessed animal and animal products, processed vegetable and animal production, intended for human consumption, products prepared from one or more ingredients of vegetable and animal origin, feed and raw materials must meet the following conditions: compliance with ecological principles; non-use of fertilizers and soil improvers, pesticides, feed materials, food additives, food ingredients, substances used in animal feed, feed preparation substances, products for cleaning and disinfecting animal shelters and other products, than those used in organic agriculture; the use of seeds or planting vegetative material obtained by ecological production methods.

The basic principles of organic agri-food production are: elimination of any polluting technology; realization of production structures and crop rotations, in which the main place is held by breeds, species and varieties with high adaptability; continuous support and improvement of the natural fertility of the soil; integration of animal husbandry in the production system of plants and plant products; the economic use of conventional energy products and their replacement to a greater extent with the rational use of reusable by-products; application of technologies in plant culture and animal husbandry to meet the requirements of species, varieties and breeds.

At present, the necessary framework has been provided for the development of an ecological agriculture, on the basis of which the competent bodies have been set up, responsible for the development of this agricultural sector.

The objectives, principles and rules applicable to organic production are contained in Community and national legislation in this field. These rules, together with the definition of the production method in the plant, animal and aquaculture production sector, also regulate the following aspects related to the organic agriculture system: processing, labeling, trade, import, inspection and certification.

The provisions on the labeling of products obtained from organic agriculture, laid down in Regulation (EC) No. Council Regulation (EC) No 834/2007 on organic production and labeling of organic products and in Regulation (EC) no. Commission Regulation (EC) No 889/2008 laying down detailed rules for the application of Regulation (EC) No 834/2007 are very precise and aim to provide full consumer confidence in organic products, as products obtained and certified in accordance with strict rules of production, processing, inspection and certification.

Following the controls carried out by the inspection and certification bodies, the operators who have complied with the production rules will receive the organic product certificate and will be able to label their products with the mention “ecological”. The following shall be affixed to the label affixed to an organic product: reference to the organic production, the logos, the name and code of the inspection and certification body which carried out the inspection and issued the organic product certificate.

Until 2019, 9821 operators were registered in Romania, and the total ecologically certified area was 395227.97 ha, the largest in the last nine years. In 2018,

9008 operators were registered, the first increase after a significant decrease recorded for several years: from 15544 in 2012 to 8434 in 2017. At the same time, in 2018, the total certified area was 326,259.55 ha, higher than in previous years. For example, in 2017, it was 258470,927 ha, and in 2016.

At the same time, the quoted source reported that the area with ecologically certified vegetables decreased from 983.10 ha in 2018 to 804.29 ha in 2019. The peak was reached in 2017, 1458.78 ha. In three years, about 654 ha cultivated with vegetables came out of organic agriculture. Romanian vegetables are often presented, even by politicians, as the healthiest agricultural products for public consumption. At the same time, the vegetable growers' associations are the most vocal in their relationship with the central authorities, requesting both financial aid and free access to the shelves of hypermarkets.

Table no. 2. Dynamics of Operators and Areas in Organic agriculture

	2010	2013	2016	2019
Number of certified operators in organic agriculture	3155	15194	10562	9821
Total area in organic agriculture (ha)	182706	301148	226309	395227

Source: MADR, Dynamics of operators and areas in organic agriculture, https://www.madr.ro/docs/agricultura/agricultura-ecologica/2020/Dinamica-operatorilor-%C8%99i-a-suprafe%C8%9Belor-%C3%AEn-agricultura-ecologic%C4%83.pdf

Also, according to the annual reports published by the Romanian authorities, the vegetable samples from our country are the most contaminated with pesticide residues, even exceeding the maximum allowed level.

At European level, in 2019, Romania occupies the penultimate place in terms of the share of ecologically certified area within the entire agricultural area, with a percentage of only 2.86% (see table 1). After Romania were Ireland and Malta. In first place was, in 2017, Austria, with 25.33% eco-cultivated area.

Organic agriculture is subsidized from both the European and national budgets. At the level of 2017, one hectare of eco-cultivated land was allocated an average subsidy of 326 euros, of which 305 euros from the EU budget and 21 euros from the national budget. There is also financial support for conversion, between 365 euros / year and 620 euros per year and direct payments, in the amount of 73 euros to 442 euros per year, depending on the type of culture (Lengher, 2020). The subsidy for organic agriculture is higher than the subsidy for conventional agriculture.

Conclusions

Due to the special importance of this new alternative type of agriculture, the competent factors in the field of this activity economy and farmers have intensified their preoccupations for its extension, establishing in this sense priorities, objectives and precise measures, among which are: this sector and the creation of an internal market for organic products, with a potential contribution to meeting the needs of society with healthy products, unaffected by pollution, food safety and activities compatible with natural walking, thus ensuring ecological balance; increasing the contribution of organic agriculture to the promotion of viable rural economies, by occupying the population in rural areas and increasing the interest in practicing organic agriculture, promoting the

sustainable development of rural communities; establishing the legislative framework in accordance with EU norms, by fully transposing Community legislation into national legislation.

The development of the organic sector is mainly evidenced by the increase in the number of producers involved. With an average annual growth rate of 24%, the exponential development of the organic sector in Romania is proven mainly by the increase in the number of producers involved, while multiplying the areas cultivated in the organic system. (Dobrea, et al., 2018). They argue that the application of eco-principles leads to a decrease in agricultural production. In addition, beneficiaries (traders, processors) do not pay for organic goods at higher prices than conventional goods.

At the same time, Romanian consumers do not have an eco-developed culture, as it is in some western states. Recent studies indicate that Romanians confuse the certified organic product with products delivered under various labels: cultivated in the country, traditionally grown, etc., without being obtained in compliance with ecological principles and under the supervision of a specialized body, authorized.

Without underestimating this support, however, the following question arises: can these amounts subsidized by existing organic farms be absorbed, given that the conversion from traditional to organic farms takes at least two years.

The positive results obtained in the development of organic agriculture form the logical support of the continuity of its expansion. The strategy for sustainable development of agriculture and food (MAPDR, May 2004) places organic agriculture at the center of the development of Romanian agriculture, being considered an engine of development. Through this programming document, at the horizon of 2025, the greened area will occupy 30% of the agricultural area of the country, ie about 450,000 ha. Furthermore, organic agriculture will need the support of research and innovation, as well as sustainably funded extension services, to help farmers adopt production systems based on integrated soil and water management and the use of organic fertilizers with a increased water retention capacity (MADR, 2015, Strategy for the development of the agri-food sector in the medium and long term 2020-2030). These would be the first steps towards promoting the expansion of organic agriculture. These products, although targeting a smaller market segment, have higher prices and can bring greater benefits, especially to small farms that can meet certification requirements. For the next period, it is expected to expand the events promoting Romanian products in the EU and in third countries by capitalizing on funding opportunities from European and national funds.

Acknowledgement:
This work was supported by the grant POCU380/6/13/123990, co-financed by the European Social Fund within the Sectorial Operational Program Human Capital 2014 – 2020.

References:

Allegra, V., Zarbà A.S. (2018). Economic and environmental sustainability in agriculture: the results generated by biodegradable productive means, *Supplement of Quality-Access to Success*, Vol. 19, S1. pp.7.

Avram, C., Pîrvu, G., Radu, R. C. & Gruescu, R. C., (2007). *Romania and the demands of European integration*. Alma, pp.63-75.

Davidson, K. (2005). Will the Concept of „Sustainable Development" provide any Solutions for the 21C, *The Social Change in the 21st Century Conference*, Queensland University.

Dobrea, C. R., Năstase, G., & Dima, C. (2018). *Perspectivele pieţei produselor agroalimentare ecologice în România*, ASEM

Dobrotă, N. (1997). *Economie politică*, Bucureşti: Editura Economică.

Gonciarov, M., Neagu, I., Tăpăloagă D. (2014). Principles and standards of organic agriculture. *Journal of Biotechnology*, vol.185: S76

Ilie, L. I. (2013). Hazard assessment of sodium nitrite high level in some meat products. *Current Opinion in Biotechnology*, 24(1): S89.

Lengher, T., Substantial subsidies for organic agriculture. *Renasterea banateana*, 28.02.2020.

Pîrvu, G., Lolescu, E., Pîrvu, R. C. & Tănasie, A. (2011). *Economie europeană*. Craiova: Universitaria.

Pîrvu, G., Gruescu, R., Nanu, R. (2009). Structural Modifications in the Romanian Economy under the Coercions Imposed by the Growth of the Competitiveness. *Revista de Ştiinţe Politice. Revue des Sciences Politiques*, 21-22, pp. 81-87. Retrieved from: https://cis01.ucv.ro/revistadestiintepolitice/files/revista%20de%20stiinte%20politice%20nr21-22.pdf.

Pîrvu, G., Gruescu, R. (2009). Romania in the European Union, Economic Growth Through Structural Competitiveness. *Metalurgia International*, 14(6), 103-109.

Reynaldo, G. O., de Moraes, P. M., Skowronski, L., Herrera, G. P., de Ara&ujo, R. V., Constantino, M., & Costa, R. B. (2019). Organic production and its market support policies. *African Journal of Agricultural Research*, 14(26), 1081-1090.

Stoian, M., & Caprita, D. (2019). Organic Agriculture: Opportunities and Trends. In *Agrifood Economics and Sustainable Development in Contemporary Society,* IGI Global.

Tapaloaga, D. & Tapaloaga, P. R. (2017). Study regarding animal organic farming in Romania–current status and trends. *Scientific Papers: Series D, Animal Science-The International Session of Scientific Communications of the Faculty of Animal Science*.

Toncea, I., Enuţă S., Ioniţă Niţu, G. Alexandrescu D., Toncea V.A. (2013). *Manual de Agricultură Ecologică (suport de curs)*. Retrieved from: http://www.agriculturadurabila.ro/manual.pdf.

Van Asseldonk, M. et al. (2019). Agricultural risk management in the European Union: A proposal to facilitate precautionary savings. *EuroChoices*, 2019, 18.2, 40-46.

European Commision (2015). Reconnecting nature, Retrieved from: https://ec.europa.eu/environment/efe/news/reconnecting-nature-2015-07-15_ro

MADR (2015). Strategy for the development of the agri-food sector in the medium and long term 2020-2030.

MAPDR (2004). Sustainable development strategy for agriculture and food

SRAC, *Agricultura ecologică*. Retrieved from https://www.srac.ro/ro/agricultura-ecologica

Article Info

Received: February 15 2021
Accepted: March 01 2021

Revista de Științe Politice. Revue des Sciences Politiques • No. 69 • 2021: 167 - 176

ORIGINAL PAPER

Environmental Protection: Soil Pollution and Waste Management

Mihai Ionuț Rădoi[1)]

Abstract:
By virtue of the desire to satisfy his growing needs, man appeals to nature, extracting from the environment renewable and non-renewable resources. Over time, the amount of resources available in their natural environment to cope with the increased demand for economic goods is growing faster than the possibilities offered by the environment. At the same time, by expanding production and consumption, the amounts of residues and waste resulting from these economic processes, including cosmic ones, increase, which affects the degree of tolerance of their assimilation by the environment, the ecological balance. In general, the ecological balance expresses the state of normality between the biotic community and its physical environment of existence, between the biocenosis and the biotope, between the biotic and abiotic factors, as well as inside them. This is achieved by self-regulation of the ecosphere and its components by respecting by people the requirements of the law of nature, not disturbing the stability of ecological balance, its inclusion in certain tolerant limits being basically the expression of peaceful coexistence of man with nature.

Keywords: *land pollution; environment protection; climate change; waste management; soil erosion.*

[1)] PhD, Postdoctoral Student, University of Craiova, Faculty of Economics, Department of Economics, Accounting and International Affairs, Romania; Phone: 0751292929, Email: radoi.mi@gmail.com.

Introduction

In all developed countries, important actions have been initiated to protect the natural environment at the national level and which concern: defending and conserving the forest fund and combating soil erosion; ban on polluting chemicals; establishing permissible pollution limit norms in various environments; stimulating the takeover of residues, waste, agricultural biomass; creating clean industries and technologies; encouraging the elaboration of specialized publications; actions of ecological education of the population, etc.

The intensification of international concerns about environmental protection is explained by the fact that, the outbreak of the ecological crisis seems to have highlighted, more than other global problems of humanity, the interdependencies between the states of the contemporary world, manifested against the globalization of the national economy: pollution, degradation of the quality of the natural environment in a certain area of the globe can affect, to a greater or lesser extent, the global balance of the ecosphere (Avram, 2007). As a result, solving problems related to ecological imbalances and the protection of the natural environment have become priority objectives of international cooperation (Pirvu, Gruescu, 2009: 109-113). Accelerated degradation of renewable natural resources and severe depletion of non-renewable ones, the danger of overheating the atmosphere by increasing carbon dioxide emissions into the air, the danger of melting the polar cap with rising ocean and sea water levels to the detriment of land, major floods lately in various areas of the Earth, soil erosion and desertification of large areas of land, etc., require increasing global and national concerns about the management of the natural dowry of the planet Earth (Bran, 2001).

Sustainability of Development and Sustainability of Agriculture

Considering these specificities of approaching sustainability, there are a series of formulations of the concept of sustainable development, but which are the basis for the achievement of development policies in different areas of human activity. In the opinion of Allen Robert (1980), sustainability expresses a use of "species and ecosystems at levels and in ways that allow them to renew themselves for any practical purpose… development that meets long-term human needs and improves quality of life."

Goodland R. and Ledec G. (1987) consider that "sustainable development is a model of the structural and social economic transformations available today, without jeopardizing the likely potential to obtain similar benefits in the future… sustainable development involves the use of renewable natural resources in so that they are not depleted or degraded or their usefulness for future generations is not diminished… ..also involves the depletion of non-renewable energy resources at a rate that ensures a high probability of the transition to renewable energy resources… ".

After Lynam J.K. and Herdt R.W. (1989), sustainability is the ability of a system to maintain its output at a level approximately equal to or higher than its historical average. In David Pearce's (1993) view, "the criterion of sustainability requires the necessary conditions for equal access to basic resources that are valid for each generation", which implies a series of constraints by which the consumption rates of resources should not be higher than the rates, their regeneration, and the use of the environment to be a space for waste storage, so that "waste production rates do not exceed the rates of assimilation (natural) by the corresponding ecosystems" (Pearce, Atkinson, 1995).

Regarding the agricultural sector (Pirvu, 2011: 43), we consider that sustainable development can be identified with a process of long-term agricultural growth supported by rational processes of formation, respectively allocation, resources, conservation and improvement over time the defining characteristics and effectiveness of the determinants of agricultural growth: land (land capital); capital, physical and type of production inputs; labor resources (human capital); the state and dynamics of the environment; technical and technological progress; organizational progress: economic and social organization, in this case the competitiveness of economic agents, governmental management (agricultural strategies and policies, governmental actions); management of agricultural units.

The potential of agriculture is largely determined by existing natural resources, namely soil, water, and biodiversity resources. There is a major interdependence between these resources and human resources. Historically, agriculture has only responded to food requirements for a long time. At present, the concept of sustainable development is aimed at simultaneously achieving the following objectives: poverty reduction, food security and environmental conservation. In this context, knowledge of how farms are prepared to meet the requirements of promoting practices that contribute to the integrated approach to these issues - social, economic and environmental - is one of the main issues related to the principles of sustainable rural development. (Pirvu, 2009).

Most of the land suitable for agricultural activities is already in operation. As such, in order to meet current and future food requirements, it is necessary to adopt measures to increase the productivity of land in operation; otherwise, we can witness an unwanted expansion of agricultural land, by attracting marginal, poorly productive land into production. There are numerous warning signs that deforestation and land degradation are severely diminishing the potential of agroecosystems. Although agriculture is not the only one responsible when we encounter such situations, it still plays a major role, which can lead to compromising sustainable development when agricultural policies are inadequate and unsustainable agricultural practices (Gavrilescu, et al. 2006: 13- 24).

Decoupling economic growth from the negative effects on the environment requires a new model of sustainable consumption and production (Avram,2007:63-75). Sustainable development proposes the solution of a more efficient production, a sustainable waste management and activities in accordance with the principles of environmental protection. In terms of consumption, recycling is imperative, this requiring the transition to a circular economy and the citizen's awareness of the limits of the planet (Romania's National Strategy for Sustainable Development - 2030: 77-93).

Soil Situation, Agricultural Pollution and Waste Crisis

Soil is one of the most important components of the biosphere. As a support and living environment for higher plants, the soil, especially its humus horizon, is one of the main repositories of living matter of land and potential biotic energy captured by photosynthesis, as well as the most important vital elements (carbon, nitrogen, calcium, phosphorus, potassium, sulfur, etc.). Soil is the main means of production in agriculture. Unlike other natural resources, the soil is limited in extent and has a fixative character; once destroyed, it will not be able to recover as it was. Experimental data show that the formation of a soil layer, 3 cm thick, takes 300-1000 years, and the genesis of a 20 cm

thick layer takes 2000-7000 years. Instead, soil degradation under the influence of various harmful factors can occur very quickly for several years.

Soil pollution is the result of the action of disturbing the normal functioning of the soil, as a living environment, through physical, chemical, or biological degradation. Soil pollution can be achieved by dumping waste on urban or rural land, or by fertilizers and pesticides dumped on agricultural land, or by depositing pollutants initially ejected into the atmosphere in the form of rain contaminated with pollutants "washed" from the contaminated atmosphere, and the transport of pollutants by air currents and winds from one place to another, as well as by the infiltration of contaminated water into the soil. The main direct changes due to human intervention are accelerating soil erosion by using inappropriate agricultural techniques, while indirect changes refer to changes in toponymy and natural properties of the soil.

The general legislative framework in the field is generated by the Law on environmental protection no. 137/1995 which introduces the obligation for all owners to protect the soil, subsoil, and terrestrial ecosystem through measures of management, conservation, organization and spatial planning. Although several industrial units have been closed in recent years and others have been reduced, soil pollution remains high in many areas. Thus, according to the existing data in the records of the regional and county agencies for environmental protection, at national level there are 1,052 contaminated regions, totaling an area of 98,381.94 hectares (984 square kilometers). According to the information provided by the Research Institute for Pedology and Agrochemistry, the fertility status of the soil given by the humus content, "black gold of the earth", is low and very low on 4,943,695 ha (50.6% of the agrochemically mapped area), while on 3,967,027 ha (40.6%) the soil fertility is medium and high.

Soil degradation, through loss of fertility, occurs either: by exporting nutrients from the soil with the harvest, by sanitizing swamps, by erosion caused by massive deforestation or excessive grazing, or by acidification or salinization. The economic and energy crisis, how to carry out reforms in agriculture with the emergence of many owners lacking the necessary equipment and expertise, maintaining old technological schemes with drastic reduction of fertilizers (organic and mineral), the use of irrigation systems, led not only to a dramatic decrease in production, but also at the intensification of the soil depreciation process (Socolov, 2013: 80-88).

This situation is not to be neglected if we consider the importance that the member countries of the European Union attach to soil decontamination, while in our country all efforts in this field are reduced. Irrational use of chemical fertilizers, pesticides and herbicides pollutes the soil, subsoil and endangers the quality of agricultural products. Pesticides are used to destroy the activity of harmful insects, rodents, fungi; they have provided immense services, destroying insects that transmit microbes or that sometimes consume up to 50% of crops. However, their uncontrolled use has led to water and soil poisoning. Some of these substances degrade slowly, accumulating in some plants or animals consumed by humans. As water is the main vehicle for pesticides, they destroy or threaten the biological balance of aquatic units. A no less important role in the circulation and distribution of some pollutants is played by living organisms, which put into circulation various pollutants taken from water, air, and soil. This is the case, for example, with certain pesticides that pass from the soil into fodder, from here into the body of herbivorous animals, and through the consumption of meat and milk they eventually reach the human body. Pesticide residues can also end up in manure resulting from animals fed fodder treated with such pesticides or from straws

containing such residues, left over from treatments applied to the respective crop, and from the manure pass to all plants grown on land areas where this type of garbage was administered.

The biggest danger in the circulation and dispersion of certain types of pollutants is their biological concentration, which can sometimes have very serious consequences. Thus, if the active substance of the pollutant used, in our example of the pesticide, is resistant to degradation, from small amounts of pesticides in soil, water or air it can reach increasing concentrations, from one stage of the food chain to another. Although the average concentration of pesticides in the composition of plant organisms does not exceed 0.1ppm (parts per million), in the animal and human body it can increase up to the order of hundreds or thousands of times. Similarly, accumulation processes can be recorded in other elements, such as certain heavy metals in water and soil, or radioactive elements that can be concentrated in certain food chains, reaching a very high concentration at the top of the food pyramid, at the end to which man is also.

In the case of pollutants, it is proven that the effect of some so-called "threshold" occurs by accumulation over time, even in extremely small quantities. These include pesticides, certain hydrocarbons, ionized radiation, and some heavy metals: Pb, Hg, Cd, etc. Attention is drawn to the chronic action that these substances exert not only on intoxicated organisms, but also on their offspring. Regarding pesticides, it is obvious that agriculture cannot dispense with their use. Aromatic cyclic hydrocarbons come from incomplete combustion of fuels in industry or in motor vehicle explosives. Mercury and lead pollution also have serious consequences for humans.

Pollution with oil products and salt water from oil and transport operations is present on about 50,000 ha. Landslides (about 0.7 million ha) due to improper exploitation but also extreme weather events (floods, drought) cause soil losses of over 41 t / ha / year.

Another factor of degradation is erosion. Along with the natural process of erosion, human activity (agriculture and intensive grazing) has become a geological factor that accelerates the flow of fertile soils into the oceans. The volume of sediments transported by rivers to the oceans is estimated at over 24 billion tons.

In addition to agriculture, mass industrialization has led to the release of more and more toxic substances into the atmosphere. From the air, precipitation deposits them in the soil where they accumulate. In addition to inhibiting the growth of useful plants and bacteria in the soil, it is possible that through food, some compounds reach the human body. Some of the pollutants accumulate in the soil, some continue their way and end up being deposited in the oceans, where persistent pesticides and other organic impurities have started to accumulate. Another aspect is given by intensive agriculture, which no longer gives the soil time to recover. The expansion of agricultural land is to the detriment of forests and other natural habitats. In turn, an increasing proportion of agricultural and forestry land are decommissioned for construction, industry, mines, waste storage, roads.

Degradation of productive capacity of soils due to agricultural overexploitation, in recent decades, has been manifested by intensified erosion processes by: landslides, hummus deficit, insufficiency of mobile phosphorus, salinization, periodic excess moisture, clogging depressions with poorly humid soil deposits, discoveries, fertile lands, etc.

Erosion covers 33% of agricultural land. The surface of eroded soils increases on average by 0.5-1.0% per year, which will cause 20-40% of the most fertile layer to be

lost in the next 50 years. The annual damage is equivalent to 2000 ha of full profile chernozems.

Excavations of the ground cover from quarry operations until 1990 were not accompanied by land reclamation works; so that 5,000 ha of agricultural land were destroyed. In the last 20-30 years, irrecoverable soil losses (damaged, destroyed by landslides and excavations) amount to 78.8 thousand ha or 3% of agricultural land.

Pollution of agricultural land is maintained, although the application of chemical fertilizers has decreased 4.3 times. At the same time, the degree of biological soil pollution in the built-up areas of the localities increased 2 times due to the lack of functional systems for the removal and use of household and zootechnical waste (Jităreanu, 2007: 6-15).

In Romania, soil protection can be achieved by developing an ecological agriculture, which does not affect the components of the environment and at the same time gives quality products. In this sense, the chemical control of pests must be gradually replaced by the biological one, the practice of monocultures must be avoided and all necessary measures must be taken to improve degraded soils, without omitting the need for reforestation and optimizing the storage of various industrial wastes and residues. Consequently, in this period of the structural reform of the Romanian economy, it is important to balance the interventionism / liberalism ratio regarding the protection of the land, as patrimony and economic factor.

Waste Management

Waste is a substance resulting from biological or technological processes, which can no longer be used as such, some of which are reusable. Waste management involves their collection, transport, recovery and disposal, including the monitoring of landfills after their closure. This is achieved through actions of recovery (recycling), storage, final storage, incineration. Recycling is the operation of reprocessing in a process of production of reusable materials for the original purpose or for other purposes. According to Government Ordinance no. 33 of 18 August 1995 reusable waste is substances, materials or products from industrial, agricultural or construction activities, transport, services and other areas of activity, as well as from the consumption of the population, whose characteristics and properties allow their reintroduction as such or as secondary raw materials in the productive circuit without risk to the environment or the health of the population. Recycling is driven by market forces, but there are situations where it has been driven by the implementation of legislation specific to reusable material flows.

Efficient waste management is the key aspect of any environmental policy. In general, due to the lack of facilities and poor operation, landfills are among the objectives recognized as generating risks for the environment and health. Insufficient capacity for the collection and transport of household waste has led to the emergence of urban or pre-urban areas where waste is stored, thus endangering the health of the population and the quality of the environment, and negatively affecting the landscape.

The commitment to the sustainable use of resources, the minimization of environmental damage, the obligation of polluters to pay and solve environmental hazards right at source, all have led the European Union to create a wide range of instruments to promote harmonization of national materials laws which are reusable. Preventing the occurrence of an ecological problem is always preferable to solving it. Minimization and prevention of generation must be one of the pillars of any strategy on

reusable materials and waste. In 1997, the Council of the European Union promulgated a resolution on the Community strategy on the management of reusable materials. The Council expressed its conviction that the prevention of the generation of reusable materials and waste should be a priority aimed at reducing the quantities and hazards caused by waste. The European Topic Center on Waste will facilitate the collection of data on waste generation and management methods.

The main aspects that characterize the field of recycling of reusable materials, common to many countries in Central and Eastern Europe are:

• these countries cannot afford to make major investments in modernization and pollution control;

• most investments in environmental protection will have to be financed from internal funds and by establishing user fees for energy and urban services, including waste management;

• successful companies are the first to be able to invest in new technologies;

• communities that are able or willing to pay for a new infrastructure will be the first to benefit from improved reusable materials management.

In Europe, the way household waste is distributed among different types of processing or disposal units has changed little in the last ten years. Burial and incineration continue to dominate, to the detriment of recycling and reuse.

In Romania, waste management, elaboration of the national strategy for waste management, organization of training and education programs for the population, monitoring of the impact of waste on the environment are the responsibilities of the Ministry of Environment together with other competent organizations. Also, the legislation regulates the international trade and transit of waste, the obligations of the operators in the field of recovery and disposal of waste, the general conditions of their management.

The quantities of household waste are experiencing a significant increase. There are no appropriate legal regulations in this area and, what is worse, no technical solutions for safe processing and neutralization for the environment. The amount of solid household waste in urban areas is between 0.5 - 0.9 kg / inhabitant / day, which are currently incinerated in proportion of 5%, the rest being deposited in landfills, most of which are not provided with environmental protection. Rural waste differs from urban waste in composition and quantity. Until now, they have not been the subject of statistics in Romania, because they are difficult to follow in the conditions of non-existence in public communes and villages of public sanitation services. The amounts of rural waste can only be approximated. From the Romanian specialized literature and from some conducted studies it results that in our country the index of rural waste production is approximately 0.3 kg / place / day.

At the level of each county, a system of selective collection of packaging from the population must be implemented, on types of waste: paper, glass, plastic, biodegradable materials.

Romania produces 142 of the 237 categories of hazardous waste classified in the European Waste Catalog. Hazardous waste, according to law 136/1995, means "toxic, flammable, explosive, infectious, corrosive, radioactive or other waste that, introduced or maintained in the environment, can harm plants, animals or humans." Although hazardous waste has a relatively small share in the total amount of reusable materials and waste generated in Europe, it can pose a serious threat to human health and the environment if not properly managed. The largest quantities are generated by

industry, mining, and the clearing of contaminated land. Hazardous waste also comes from certain everyday goods: nickel-cadmium batteries, organic cleaning solvents, paints, and lubricating oils for car engines. The European Union is considering the possibility of amending the legal framework on hazardous waste to include those urban wastes that contain harmful substances. Some large industrial landfills have been closed due to the closure of some plants, being strong sources of pollution in the area.

Another problem is radioactive waste. Radioactive pollution is an artificial contamination of the environment beyond the limits of the natural background, which began with dust from atomic explosions and was then amplified by the creation of various laboratories and nuclear power plants that discharge radioactive water. The problem of radiation is not only a consequence of the progress of modern man, radiation being part of nature. From this point of view, the sources of radioactivity can be artificial or natural.

The main artificial sources of radioactive pollution are accidents and waste from nuclear reactors; experiences with nuclear weapons, medical treatments using radiation, various professional activities. And before it caused artificial radioactivity, man and all living things were subjected to natural radiation, coming from the cosmos (from the sun, especially during periods of solar flares), from the earth, from the ocean waters and from the atmosphere, where they have adapted, without harming evolution. Earth's radiation comes from the fact that all the materials in the earth's crust are radioactive. Within certain limits, radiation is harmless to life. The character of radioactivity is related to two aspects: the radioactivity of the elements and the lifetime. While some elements disintegrate instantly, for others the half-life is millions of years (plutonium, for example). Radioactive pollution has a multilateral and universal character, being contaminated simultaneously air, water, soil, and subsoil, and through the elements of the ecosystem, everything that is alive is slowly destroyed.

Another major problem is biodegradable waste, namely that it is not collected selectively given that over 30% is made from recyclable materials that are not recovered but disposed of, thus losing large amounts of secondary raw materials and resources. energetic. The lack of services for household and animal waste management in rural areas, transport to landfills individually and randomly by generators, is manifested against a background of total disinterest shown by local authorities to these issues.

Conclusions

However, specialized studies (Eurostat's Land Use and Cover Area Frame Survey) indicate a progressive degradation of soil quality by doubling, in the last 25 years, the perimeters subject to drought and desertification, erosion, excessive humidity, salinization or acidification as an effect of inappropriate use of irrigation facilities, compaction due to the use of heavy machinery and depletion of organic matter through the application of inadequate technologies. According to Eurostat surveys to assess land use for urban development and infrastructure needs, there is a threat at EU level.

In Romania, waste storage is still done according to standards and methods inferior to the requirements of the European Union. Urban waste, like many other types of waste, is disposed of in landfills that do not meet European standards for design and operation. There is no safe handling and storage system for hazardous waste; They are generally required to be stored by the manufacturer. Recycling must be carried out at an optimal rate, both economically and ecologically, as part of an integrated policy for the management of reusable materials, which includes alternatives such as prevention, reuse,

and energy recovery. This involves balancing economic and environmental costs, assessing them in the light of technological progress and improving knowledge of the environmental consequences of human activities. Recycled materials should compete with originating raw materials. However, there are raw materials resulting from recycling that can become competitive with the original materials if there are solutions to internalize the costs of environmental protection.

The priorities of this period in Romania should be the following:

• separation of urban waste, imposing better management of burial and raising taxes;

• introduction of local programs to encourage the recycling of hazardous waste;

• making an inventory of reusable materials depending on the potential impact on the environment and health;

• improving the legislation on the procedures for prioritizing contaminated lands, reporting the rules for the transport of hazardous materials and waste;

• the introduction of economic instruments used in many European countries to discourage landfilling or stimulate reuse, recycling, recovery.

Integrated waste management is organically part of the vision of sustainable development and represents the materialization of the concept of the circular economy, based on recycling and conservation. In this way, any product processed by man and made unusable is treated as a raw material for the generation of other products or services (National Waste Management Strategy 2014-2020, Government Decision no. 870 of 06/11/2013).

The circular economy must represent the Romanian contribution to the EU's effort to develop a sustainable economy. The transition to the circular economy involves coordinating economic policies with those related to increasing employment in the sectors of the circular economy, increasing investment in specific sectors, developing social policies and innovation in the economy, combating climate change and its effects.

Acknowledgement:

This work was supported by the grant POCU380/6/13/123990, co-financed by the European Social Fund within the Sectorial Operational Program Human Capital 2014 – 2020.

References:

Allen, R. (1980). *How to save the World,* New Jersey: Barns and Books.

ASE (2001). *Dictionary of Economics*, 2nd Edition, Bucharest: Publishing House Economica

Avram, C., Pîrvu, G., Radu, R. C., & Gruescu, R. C. (2007). *Romania and the demands of European integration*, Craiova: Alma.

Bran, F. (2001). *Ecological problems and economic risks*, Bucharest: A.S.E. Publishing House, 2001.

Goodland, R., Ledec G., (1987). Neoclassical economics and principles of sustainable development. *Ecological Modeling*, 38(1-2).

Lynam, J. K., Herdt, R.W. (1989). Sense and Sustainability: Sustainability as an Objective - International Agricultural Research, *Agric. Econ*., 3, 381-398.

Gavrilescu, D. et al. (2006). *Romanian agriculture and rural space from the perspective of sustainable development*, Romanian Academy, National Institute of Economic Research, Institute of Agrarian Economics, Bucharest.

Jităreanu, G. (2007). Management of soil and water resources in agroecosystems affected by excessive drought in order to maintain biodiversity, PNCDI II Project, University of

Agricultural Sciences and Veterinary Medicine "Ion Ionescu de la Brad" Iasi, pp.6-15.

Pearce, D. (ed) (1993). *Blueprint 3: measuring sustainable development*, London: Earthscan.

Pearce, D., Atkinson, G. (1995). Measuring sustainable development. In: Bromley DW (ed) *The handbook ofenvironmental economics*, Oxford, UK: Basil Blackwell, pp. 166–181.

Pîrvu, G., Lolescu, E., Pîrvu, R. C., & Tănasie, A. (2011). *Economie europeană* (*European economy)*, Craiova: Publishing House Universitaria.

Pirvu, G., Gruescu, R., Nanu, R., (2009). Structural Modifications in the Romanian Economy under the Coercions Imposed by the Growth of the Competitiveness. *Revista de Științe Politice. Revue des Sciences Politiques*, 21-22. Retrived from: https://cis01.ucv.ro/revistadestiintepolitice/files/revista%20de%20stiinte%20politice%20nr21-22.pdf.

Pirvu, G., Gruescu, R. (2009). Romania in the European Union, Economic Growth Through Structural Competitiveness. *Metalurgia International*, 14(6).

Socolov, V., Socolov, A.L. (2013). Soil pollution and degradation status, *Noosphere*, 8, 80-88.

Ministry of Environment and Climate Change, *National Waste Management Strategy 2014-2020.* Retrieved from: http://www.mmediu.ro/beta/wp-content/uploads/2013/04/2013-04-22-CC-RM-deseuri.pdf

Government of Romania, Government Decision no. 870 of 06/11/2013. Retrieved from: http://www.mmediu.ro/img/attachment/37/strategii-planuri-studii-54786031cda10.pdf

National Strategy for Sustainable Development of Romania - 2030, (2018). Bucharest: Paideia, 77- 93.

Article Info

Received: February 15 2021
Accepted: March 01 2021

Revista de Științe Politice. Revue des Sciences Politiques • No. 69 • 2021: 177 - 190

ORIGINAL PAPER

External Mobility for Work in Romania

Flavia Andreea Murtaza [1)]

Abstract:
The paper shows that migration and labor mobility in Romania are certainly complex phenomena with multiple positive and negative effects, with direct consequences on the quality of life but also on the local and regional economy. The movement of Romanian workers abroad, especially in the Member States of the European Union is a broad phenomenon that must be analyzed and explained from multiple points of view, and in this sense the analysis of the statistical situation comes to complete and highlight where, when, the dynamics and type of labor force migration from Romania. Migration is not an easy problem to solve, it is in fact a phenomenon that must be managed, not a phenomenon that must be stopped, because as long as there are differences between states, migration will be a chance for success for individuals.

Keywords: *migration; mobility; international migration; remittances; Romania.*

[1)] PhD Student, University of Craiova, Faculty of Economics, Department of Economics, Accounting and International Affairs, Romania, Email: flaviamurtaza@gmail.com.

Introduction

Labour migration can be defined as a spatial phenomenon because it involves changing the place of residence of an individual, over a varied and determined period of time. Migration is a factor of change both for the individual and for the country of origin and destination, because it causes chain effects on all actors involved in the act of migration. These effects are caused by the migration process that takes place under the influence of factors of attraction and rejection that materialize in economic, social, political and cultural factors, specific to each country of origin and destination. Each migration decision is based on a factor of attraction or push that leads to the decision to migrate, for various reasons but with effects that influence an important number of economic and social actors, which determine multiple changes in the global development of the economy, influencing the evolution of the states of the world through the action of their citizens but also through the actions provoked by migrants.

In the new context of integration and globalization processes, as well as in recent developments in international relations, migration has become a major issue, especially due to the economic, social and cultural impact it has on countries of origin, but also of destination. Migration has become a key word for decision makers in any country, its consequences being innumerable (economic, demographic, social and psychological). In the literature, the concept has undergone multiple updates at the level of definitions, and the migration process has undergone important changes, both in terms of flows and stocks (Pîrvu, et al, 2011:24). Migration is a term that has aroused the interest of many authors, some of whom have noted that "migration is an essential component of development processes. The various forms of this phenomenon are correlated with changes in economic, societal structure and quality of life (Ionescu, et al, 2020:2). Under certain conditions and under certain aspects, migration appears as a reaction to these changes; in turn, this reaction can have effects in the fields of economic life, quality of life and social structure" (Sandu, 1984:9). "Migration is a an increasingly important component of contemporary society, a factor in the global stimulation of markets, a tool for regulating imbalances in regional / local labour markets." (Pîrvu, 2013:7) "Labour migration in association or not with territorial mobility is currently the most dynamic form of potentially active population movement." (Docquier, Lohest & Marfouk, 2005)

A universally accepted definition of the term "migrant" does not exist internationally. Migrant is a word that can be used in all cases where the decision to migrate was made freely by the person concerned, without being constrained by the intervention of an external factor only for reasons related to "self-interest". It appears that the definition applies to those individuals and their relatives who move to another region or country to improve their standard of living, material conditions, and future prospects for themselves and their family members. And "decisions to migrate or return permanently to the country of origin are not made at the individual level, they are made at the group or family level, although the reasons for these members may be diverse, sometimes conflicting." (Pîrvu & Axinte, 2012: 193)

Migration analysis has become a topic of utmost importance with the awareness that effective migration management can play an important role in economic development, poverty reduction and the alleviation of local and regional demographic imbalances. More and more international development agencies and governments are considering the potential of migration and remittances to stimulate development in developing countries. In the analyses carried out on the main economic effects of

international migration in a globalized era, both the positive and negative elements for the countries receiving migrants were highlighted, and they differ significantly from one country to another, depending on the measures and specific policies adopted to coordinate this extremely complex process.

From a historical perspective, the phenomenon of population migration is as old as the existence of society itself, and its magnitude and frequency are as impressive as the motivations that people have to migrate.

Today, population migration can be seen as one of the most important social phenomena, which has led people to consider it natural, part of their daily lives, because all aspects of social life are directly or indirectly influenced by migration, which makes its mark both in the country of origin and in the country of destination (Pîrvu, 2011).

The phenomenon of migration contributes to the geographical location of the available labour force, it also contributes to the process of rapprochement between countries, regions, localities, and contributes to reducing the differences between rural and urban areas as well as the intellectual transfer between states. In other words, it is noted that a complex phenomenon such as migration can be considered as a factor of development, and its study requires extensive and thorough research, conducted over a significant period of time and a considerable number of people.

Regardless of the country or region we are referring to, we currently identify a multitude of favorable, unfavorable or neutral factors that generate labor migration and all the economic, political, social effects it favors (Avram et al, 2007).

In general, the factors that determine migration are related to the place of residence of the workforce, respectively where the migration begins, also known as the origin but also the place of a new workforce, or the place where the migration ends either completely or temporarily also known as destination.

Both origin and destination are characterized by factors that support (allow), reject (discourage) or are neutral (neither support nor oppose) migration. In terms of the favorable attributes of a location, they are the main factors of attraction, which attract a person. Unfavorable attributes that operate in a location are actually the factors that force or force a person to move away. Both attraction and rejection factors can be applied simultaneously to the place of origin, but also to the place of destination.

But labor mobility is a process of population movement strongly influenced by the geographical location of the countries involved in this process, and "Romania as a country located at the confluence of roads linking East to West continent and South Asia to North and Western Europe, is included on the "Balkan route" of migration "(Stoicovici, 2012:438).

Thus, the geographical position that Romania have "can affect vital areas of society, including the security of the state and its citizens"(Stoicovici, 2012:438), if we look at this situation from the point of view of illegal migration, but if we consider the legal migration of labor force, the geographical location of Romania offers a net benefit to citizens who want to migrate to a country located relatively close and which offers them better living and working conditions than in their own country. But migration is a complex process that involves a multitude of factors of different nature that can positively or negatively influence this process, the geographical location being an important one but equally significant are politics, economics and sociology.

Over time, the migration process in Romania has known several types of emigration: political, family, tourism, cultural, economic. The most important migration process began to take place after 1989, when the revolution took place, which led to a

long series of changes in political, economic and social terms, characterized at the national structure by: the decline of industry, the decline economic information, private sector reconstruction, rising unemployment, low labor market demand, declining agriculture, the relationship between declining opportunities in the urban environment and declining agricultural productivity but also through global changes such as: increasing mobility, directing national policies to join international bodies, increasing the possibilities of informing individuals (Pîrvu, 2013:65).

The migration process in Romania took place as in any other part of the world, with periods of ascent and decline, caused by political, social or economic conditions. Every year there was an emigration process between 10,000 and 15,000 people and an immigration process in the proportion of several thousand, and the favorite destinations of the romanian were Italy, Spain, Germany, USA and Canada (Roman & Voicu, 2010:55).

Romania's political and economic transition after the 1989 revolution strongly influenced the demographic situation, so that "between 1990 and 1991, Romania experienced a high emigration, which counterbalanced the natural growth and so extremely weak" (Gheţău, 2007). Since 1992 the birth rate decreases and the mortality rate is relaunched and thus a natural decrease of the population is imminent, but also other factors such as: unemployment, massive external migration, behavioral changes of the population and especially young people, homelessness, social instability, all these contributed to the decrease of the population.

Statistical Analysis of the Phenomenon of Labor Mobility and Migration in Romania

In order to analyze the situation of the migration phenomenon, table 1 presents the evolution of migration at the level of the European Union, for the time period 2015-2019. We thus identify the fact that, at EU level, there was a total decrease in 2019 compared to 2015, with significant fluctuations from one year to another in certain host countries.

On the other hand, there are countries for which workers' demands have grown steadily from year to year, such as the Czech Republic, Ireland, Spain, Italy, Malta, the Netherlands and Finland. This increase is closely correlated with the level of demand from these countries for mainly skilled workers in certain fields of activity but also for sectors that do not require qualifications.

On the other hand, as can be highlighted in the table below, Romania is one of the countries unattractive for workers from other countries, an aspect that is justified by the economic, social and political situation far inferior to other European countries.

Table 1. Net migration in the European Union, 2015-2019 (persons)

Country	2015	2016	2017	2018	2019
Belgium	62,110	26,811	36,838	49,304	87,024
Bulgria	-4,247	-9,329	-5,989	-3,666	-2,012
Czech Republic	15,977	20,064	28,273	38,629	44,270
Denmark	41,886	32,728	24,285	18,647	9,473
Germany	1,165,772	464,730	418,069	394,213	308,905
Estonia	2,410	1,030	5,257	7,071	5,458
Ireland	13,250	24,923	14,502	43,835	30,937

Greece	-44,934	10,335	8,920	17,290	26,410
Spain	-7,490	87,422	161,195	332,939	450,067
France	-25,626	-18,895	-54,510	-55,510	-55,510
Croatia	-17,945	-22,451	-31,799	-13,486	-2,422
Italy	31,730	65,717	85,438	68,959	99,355
Cyprus	-2,000	2,499	6,201	8,102	8,501
Latvia	-10,640	-12,229	-7,808	-4,905	-3,360
Lithuania	-22,403	-30,171	-27,557	-3,292	10,794
Luxembourg	11,159	9,446	9,427	9,933	10,267
Hungary	14,354	-1,187	18,041	32,165	33,562
Malta	9,841	8,748	14,656	17,102	20,343
Netherlands	55,018	78,864	79,955	85,917	108,178
Austria	114,237	65,388	45,039	34,948	40,723
Poland	-12,792	11,507	4,593	22,147	20,081
Portugal	-10,453	-8,310	5,058	11,621	44,506
Romania	-49,615	-64,005	-54,067	-55,006	-22,844
Slovenia	507	1,051	1,253	14,928	16,213
Slovakia	3,127	3,885	3,722	3,955	3,632
Finland	12,575	17,098	13,234	11,739	15,709
Sweden	79,699	117,693	101,645	86,296	71,647
Total EU 27	**1,425,507**	**883,362**	**903,871**	**1,173,875**	**1,379,907**

Source: Eurostat, 2020

For Romania, at the level of development regions, we identify a situation that is not at all favorable in terms of permanent emigration. More precisely, as the statistical records show, in the analyzed period, respectively 2015-2019, the number of people who emigrated permanently was constantly increasing, which can be alarming for the future evolution of the national economy, both from the perspective of economic contribution and in terms of social and demographic effects.

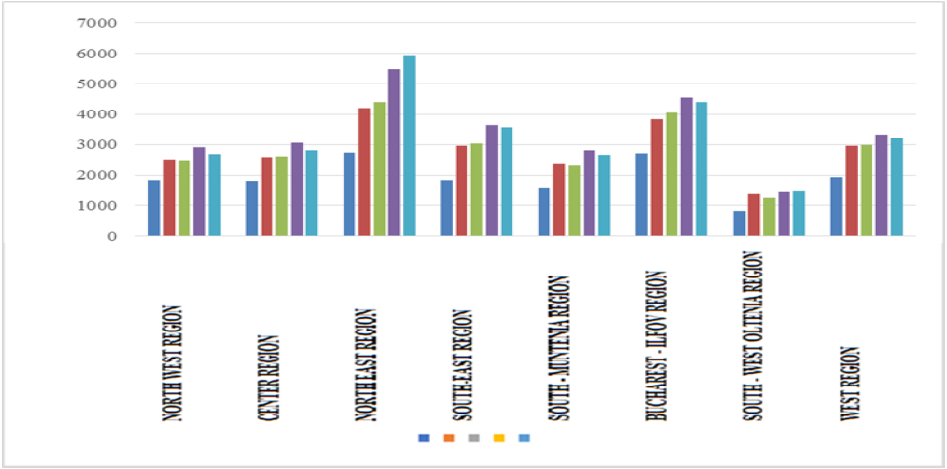
By development regions, the North-East region registered the highest growth, followed by the Bucharest - Ilfov region and the South-East region.

Table 2. Definitive emigrants by development regions, 2015-2019 (persons)

Development regions	2015	2016	2017	2018	2019
NORTH-WEST	1831	2523	2482	2896	2695
CENTER	1794	2590	2602	3043	2810
NORTH-EAST	2729	4197	4408	5486	5945
SOUTH-EAST	1823	2946	3034	3639	3564
SOUTH -MUNTE	1590	2393	2351	2816	2664
BUCUREȘTI - ILFOV	2705	3848	4059	4549	4411
SOUTH-WEST OLTENIA	833	1363	1234	1470	1497
WEST	1930	2947	2986	3330	3189
TOTAL	**15235**	**22807**	**23156**	**27229**	**26775**

Source: National Institute of Statistics, 2020

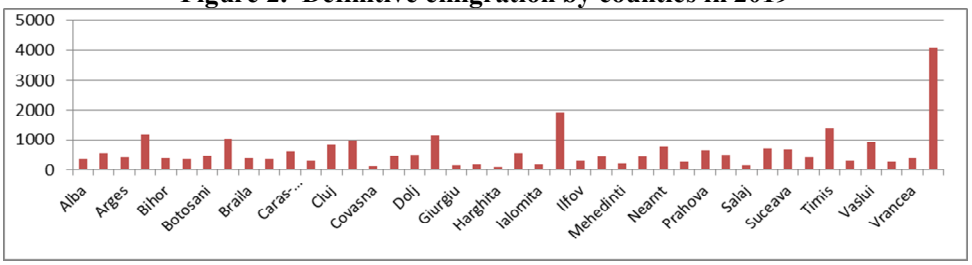
Figure 1. Definitive emigrants by development regions, 2015-2019 (persons)



Source: National Institute of Statistics, 2020

According to the statistical data highlighted in figure 2, the most significant number of emigrants in 2019 was registered in Bucharest (2092 persons), followed by Iaşi county (1925 persons) and Timiş county (1427 persons). At the opposite pole are the counties of Harghita (105 people), Covasna (120 people) and Sălaj (153 people) with the lowest number of permanent emigrations.

Figure 2. Definitive emigration by counties in 2019



Source: National Institute of Statistics, Tempo Online

For a detailed highlight of the phenomenon of permanent migration registered in our country, the main destination countries for which Romanians opted in the period 2015-2019 are presented below. As can be seen from the table below, the main countries attractive for Romanian residents in terms of permanent emigration were: Spain, Italy, Germany, Austria, countries with a high level of quality of life, the level of development of the economy and social facilities for emigrants and not only.

Table 3. Definitive emigrants by country of destination, 2015-2019 (persons)

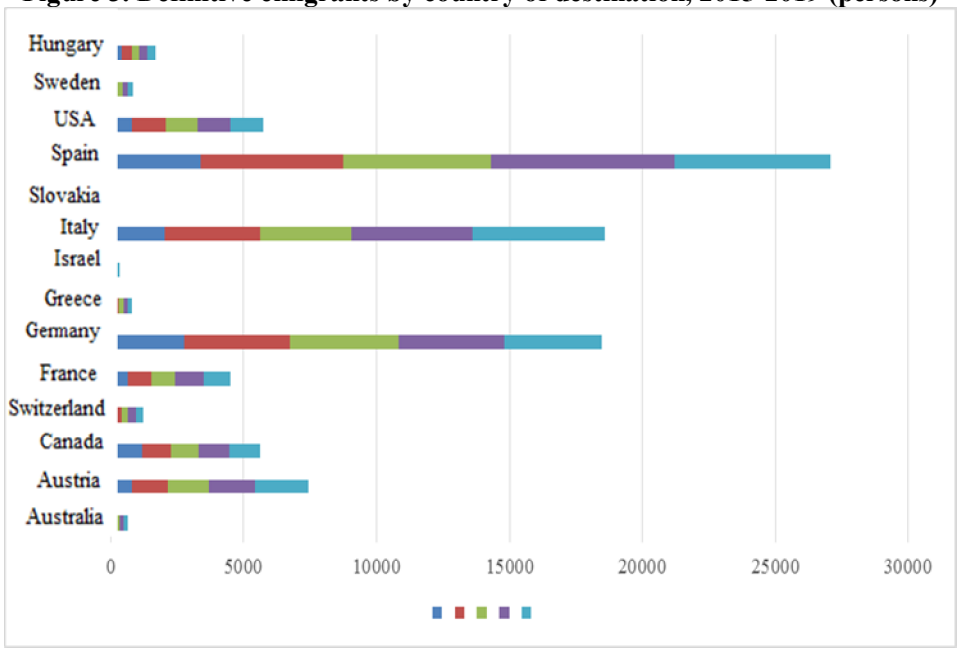
Țara de destinație	2015	2016	2017	2018	2019
Australia	116	111	114	128	176
Austria	804	1347	1531	1746	2004
Canada	1184	1086	1048	1126	1163

Switzerland	165	234	260	290	287
France	628	886	890	1075	1030
Germany	2780	3959	4088	3961	3671
Greece	129	169	177	184	134
Israel	43	75	66	61	81
Italy	2033	3575	3449	4553	4966
Slovakia	5	16	14	17	20
Spain	3375	5361	5547	6910	5891
USA	802	1281	1165	1243	1227
Sweden	104	167	181	173	216
Hungary	420	390	271	304	296
Other countries	2647	4150	4355	5458	5613
TOTAL	**15235**	**22807**	**23156**	**27229**	**26775**

Source: National Institute of Statistics, 2020

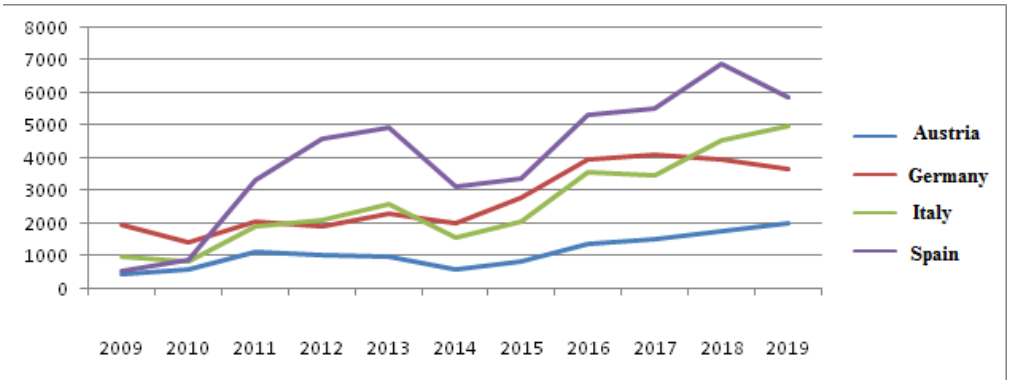
Migration from Romania became a worrying phenomenon after the fall of the communist regime. Most Romanians who migrated after 1990, were not intellectuals, but people with secondary education. However, these individuals were intuitive or intelligent enough to understand that the main right they won in December 1989, which makes a big difference between the old regime, is the right to free movement in the world (Avram, 2012). Romanians have always moved to countries with a higher standard of living than the country of origin, but they also focused on accommodation in the host country and went to states where other Romanians were, thus reuniting their family and they rebuilt the groups of friends.

Figure 3. Definitive emigrants by country of destination, 2015-2019 (persons)



Source: National Institute of Statistics, 2020

Figure 4. Evolution of the number of people who emigrated permanently from Romania in the period 2009 - 2019 in Austria, Germany, Italy and Spain

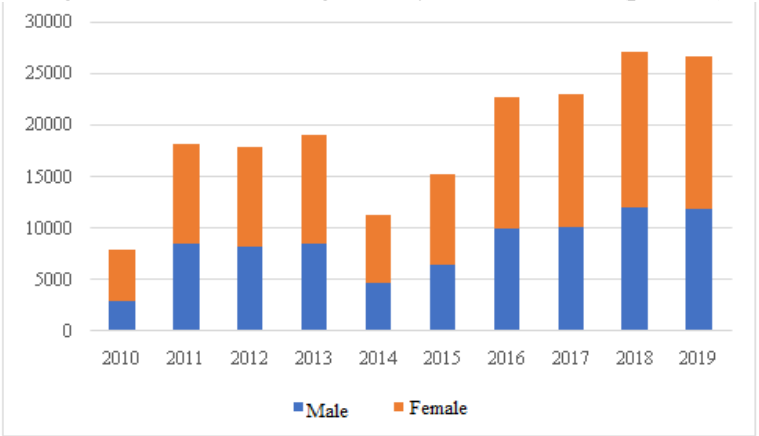


Source: National Institute of Statistics, Temp Online

In the situation of permanent emigrations, a substantial increase is indicated during the 10 years analyzed, an important factor in increasing this flow being Romania's accession in 2007 to the European Union, which caused a mass emigration in the following years. For example, in 2019, the number of people who emigrated permanently was 16,532 people, compared to 2009 when their number was 3890 people. According to Iftimoaei and Baciu (2018:176) the rate of permanent immigration has increased massively due to "the acquisitions of Romanian citizenship by people from the Republic of Moldova, especially after the legislative changes in 2014 (application of the EU Regulation no. 259/2014 on the liberalization of the visa regime for the citizens of the Republic of Moldova)"

From the point of view of the sex of people who have emigrated permanently to other countries, we notice a strong dynamic especially in the category of females, especially in 2018 and 2019. Figure 3 captures this issue separately for each year analyzed and each category of people in terms of sex.

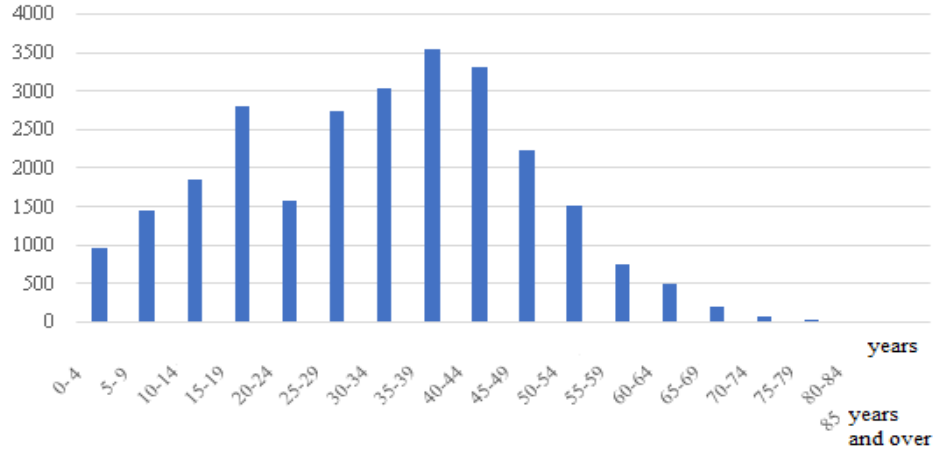
Figure 5. Definitive emigrants by sex, 2010-2019 (persons)



Source: National Institute of Statistics, 2020

In order to capture the phenomenon of emigration of Romanians to other countries, it is also interesting its evolution in terms of age and which directly reflects the fact that the active population, young, is the largest share of the total emigrant population. This aspect is certainly worrying for the Romanian economy, especially from the perspective of the economic, social and demographic future in the medium and long term. The population aged 35-39 dominates the share of permanent emigration.

Figure 6. Definitive emigrants by age groups, 2019 (persons)



Source: National Institute of Statistics, 2020

The effects of age also influence the psychological costs of "family separation". Indeed, Zaiceva and Zimmermann (2008:8) analyzed the migration of workers to Europe and showed that people married with children are expected to have a lower desire to migrate due to the higher mental costs of separation from the family their. Moreover, Reagan and Olsen (2000) find lower acculturation costs for those who arrived in the destination country at a younger age (Schmidt, 1994; Constant & Massey, 2002).

There are also psychological costs that are not due to acculturation or "loss" of the family, but to the stress of adjusting to a new job and finding a job. The success of finding a job and air conditioning in a new country proved to be influenced by one's own fears and ex-ante beliefs. Schwarzer and Hahn (1995) show that these beliefs evolve over time. They emphasize that moving a young person to a new country lowers the subjective fears of migration. In other words, the psychological costs are lower for young people.

Equally important for the economic, social and demographic implications is the issue of temporary emigration. With a relatively more limited effect than permanent emigration, temporary emigration is accentuated among the active population, especially in less developed countries, as is the case in Romania.

Therefore, in Romania, temporary emigrations, by development regions, show an accentuated dynamics in the analyzed period, respectively 2014-2018, with clear differentiations between regions, the North-East region having the highest dynamics, followed by the South-Muntenia region and Northwest. As in the case of permanent emigration, temporary emigrants come mainly from the less developed regions of

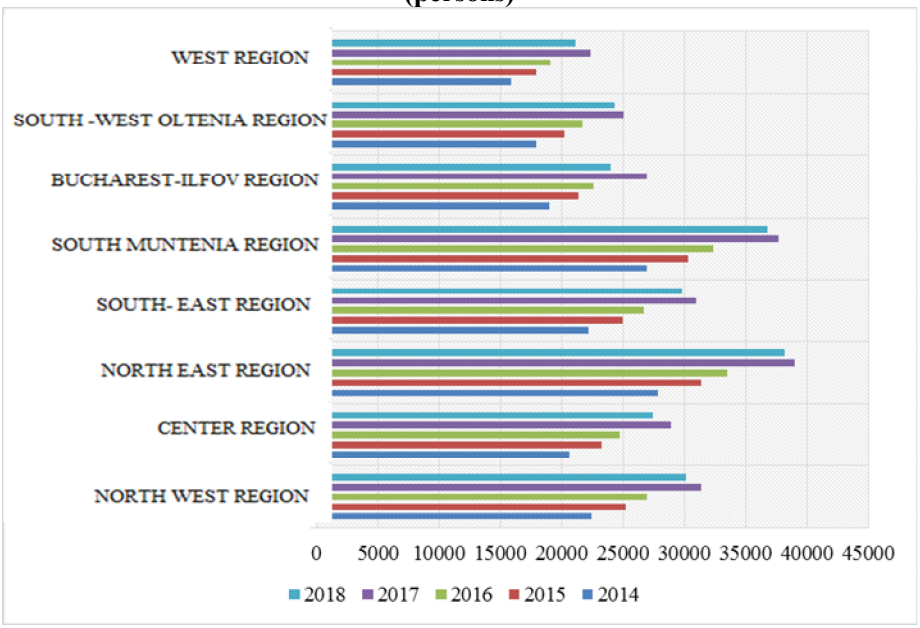
Romania, thus justifying the migration to developed countries from an economic and social point of view.

Table 4. Temporary emigrants by development regions, 2014-2018 (persons)

Regiuni de dezvoltare	2014	2015	2016	2017	2018
NORTH - WEST	22427	25261	26970	31400	30142
CENTER	20625	23231	24721	28891	27438
NORTH-EAST	27880	31403	33508	39002	38170
SOUTH-EAST	22153	24952	26658	30932	29787
SOUTH-MUNTENIA	26920	30323	32339	37673	36740
BUCUREȘTI - ILFOV	18989	21390	22625	26925	23970
SOUTH-WEST OLTENIA	17963	20233	21660	25057	24304
WEST	15914	17925	19097	22313	21110
TOTAL	**172871**	**194718**	**207578**	**242193**	**231661**

Source: National Institute of Statistics, 2020

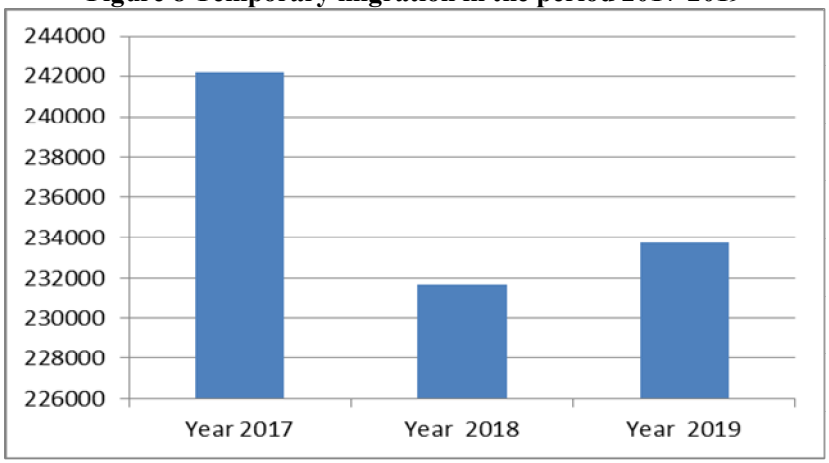
Figure 7. Temporary emigrants by development regions, 2014-2018 (persons)



Source: National Institute of Statistics, 2020

And from the point of view of the sex of the persons who emigrated, there are no significant differences, the structure of the persons who emigrated temporarily in the analyzed period 2014-2018 from the point of view of sex being highlighted in the figure below.

Figure 8 Temporary migration in the period 2017-2019

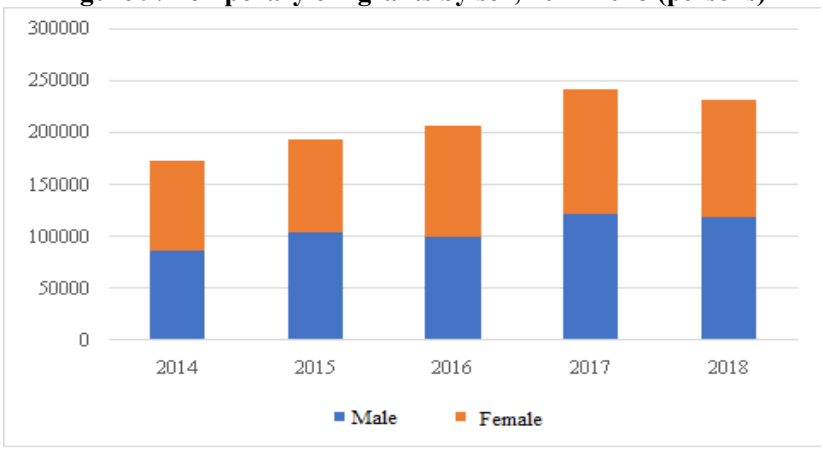


Source: National Institute of Statistics, Temp Online

According to the statistical data provided by the National Institute of Statistics, the number of Romanian citizens who migrated abroad for a certain period in 2017, 2018 and 2019, was: in 2017 most Romanians migrated, namely 242193, followed by a decrease in the number of temporary migrants in 2018, year in which 231661 Romanians migrated, followed by an increase in the number by 2075 people compared to the previous year.

Migration is a complex phenomenon that can have both positive and negative effects, and "temporary migration can contribute to improving the skills of the emigrant following the experience gained through work abroad" (Roman & Voicu, 2010:60).

Figure 9. Temporary emigrants by sex, 2014-2018 (persons)

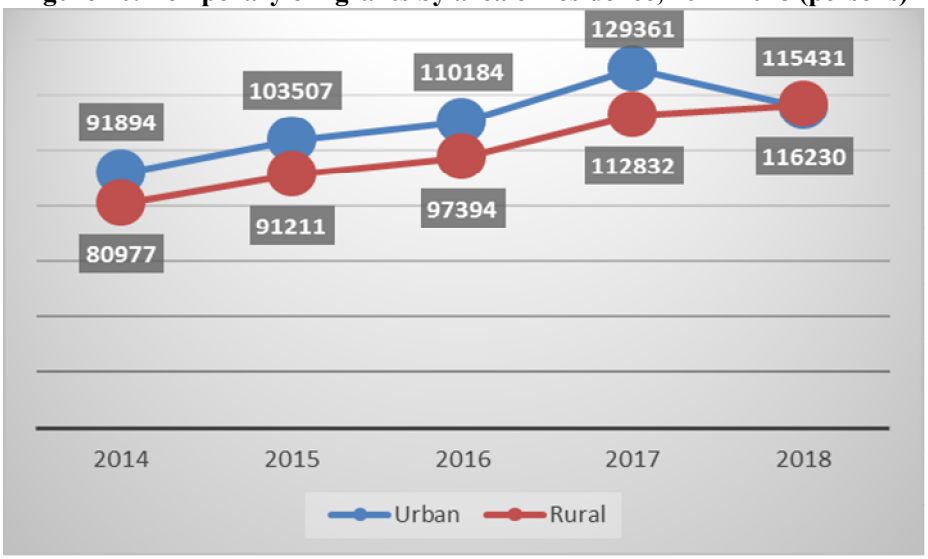


Source: National Institute of Statistics, 2020

An important aspect that must be mentioned from the point of view of the emigration phenomenon at the level of Romania is also the one referring to the residence environment of the people who preferred to work outside the country's borders. Thus, as Figure 10 shows, most emigrants have as their place of residence the following

environment with a relatively constant evolution in dynamics, except for the year 2018 in which thereis a decrease.

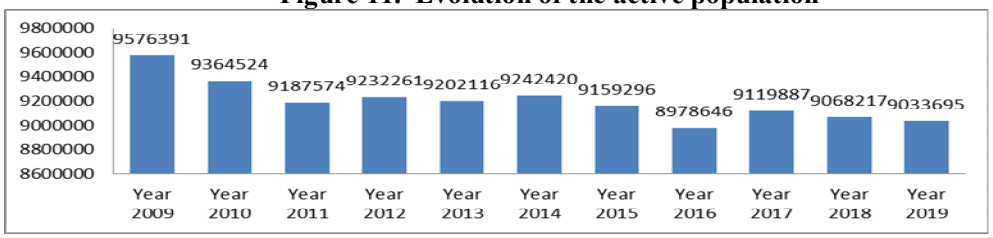
Figure 10. Temporary emigrants by area of residence, 2014-2018 (persons)



Source: National Institute of Statistics, 2020

Other empirical studies suggest that the level and quality of local facilities provided is a key factor shaping migration plans. In addition to considerations on wages and employment, the intention to move to a new country is influenced by individual assessments of national facilities and subjective considerations about differences in public services, security and quality of governance and institutions between states of origin and destination (Dustmann & Okatenko, 2014).

Figure 11. Evolution of the active population



Source: National Institute of Statistics, Temp Online

For Romania, regarding the evolution of the active population, we identify a not at all favorable situation. More precisely, as the statistical records show, in the analyzed period, respectively 2009-2019, the number of active population decreased constantly, which can be alarming for the future evolution of the national economy, both from the perspective of economic contribution and in terms of effects social and demographic. Thus, as it appears from figure 11, the year 2009 registered the highest number of the active population, at the opposite pole being the year 2016 when the lowest number of the active population was registered.

The evolution of the active population is strongly influenced by birth rate, mortality and migration. The phenomenon of labor migration plays a fundamental role in the structure of the population, as well as in the active population which is strongly influenced by the number of emigrations that take place from a country of origin to a country of destination.

Conclusion

Migration and labor mobility of the active population in Romania is certainly a complex phenomenon with multiple positive and negative effects with direct consequences on the quality of life but also on the local and regional economy. The movement of Romanian workers abroad, especially in the Member States of the European Union is a broad phenomenon that must be analyzed and explained from multiple points of view, and in this sense the analysis of the statistical situation comes to complete and highlight where, when, the dynamics and type of labor force migration from Romania.

Certainly, as we will highlight below, the mobility and migration of the active population has evolved over time in an evolution and oscillation from one period to another, from one year to another depending on a number of causes and factors that on the one hand they influenced the dynamics (increase or decline) and on the other hand they influenced the choice of the destination country.

In conclusion, as the statistical records show, Romania is one of the countries where the phenomenon of emigration is accentuated, both in terms of permanent emigration and temporary emigration. Among the main justifications for the observed growth of this phenomenon, are mainly the low income level obtained in Romania compared to other developed countries, quality of life, social benefits, especially for families with children, etc. Migration must be approached as a process to be managed, not as a problem to be solved, the central objective being to maximize the positive effects and limit the negative ones of this global phenomenon. Migration can make an important contribution to the cultural exchange, the progress of society and the economic development of the destination country, just as it can benefit the state of origin and immigrants. All these flows and ebbs of migrating individuals cause multiple effects on the entire globe that are best identified over a long period of time, when cultural changes, depopulation are visible.

Acknowledgment:

This work was supported by the grant POCU380/6/13/123990, co-financed by the European Social Fund within the Sectorial Operational Program Human Capital 2014 – 2020.

References:

Avram, C., Pîrvu, G., Radu, R, C. & Gruescu, R, C. (2007*). Romania and the demands of European integration*, Editura Alma, pp.63-75.

Avram, A. (2012). Romania între dispariție și marile migrații. Available online: http://www.ziare.com/social/recensamant/romania-intre-disparitie-si-marile-migratii1160255.

Constant, A., Massey, D. (2002). Self-Selection, Earnings and Out-Migration: A Longitudinal Study of Immigrants to Germany. *IZA Discussion Paper,* No.672, Available online: http://ftp.iza.org/dp672.pdf.

Docquier, F., Lohest, O., Marfouk, A. (2005). Brain drain in developing regions (1990-2000). *IZA Discussion Papers*, No. 1668.

Dustmann, C., Okatenko, A. (2014). Out-migration, wealth constraints, and the quality of local amenities. *Journalof Development Economics*, (110), 52–63.

Eurostat (2020). Available online https://ec.europa.eu/eurostat/web/europe-2020-indicators/europe-2020-strategy/main-tables.

Gheţău, V. (2007). *Declinul demografic şi viitorul populaţiei Române*, Editura Alpha MDN.

Iftimoaei, C., Baciu, C., (2018). Analiza statistică a migraţiei externe după aderarea României la Uniunea Europeană, *Revista Română de Statistică-Supliment*, Nr.12.

Institutul National de Statistica (2020). Available online http://statistici.insse.ro:8077/tempo-online/#/pages/tables/insse-table.

Ionescu, G, H., Firoiu, D., Pîrvu, R., Enescu, M., Rădoi, M, I., Cojocaru, T, M. (2020). The Potential for Innovation and Entrepreneurship in EU Countries in the Context of Sustainable Development. *Sustainability*, (12), 7250.

Pîrvu, G., Lolescu, E., Pîrvu, R, C., & Tănasie, A. (2011). *European Economy,* Craiova: Editura Universitaria, pp. 24.

Pirvu, R. (2011). The Link Between Migration And Economic Development. *Bulletin of the University of Agricultural Sciences & Veterinary Medicine Cluj-Napoca*. Horticulture, 68(2).

Pîrvu, R. & Axinte, G. (2012). Return migration–reasons, consequences and benefits. *Annals of the University of Petroşani. Economics*, (12), 193-202.

Pîrvu, R. (2013). *Circulaţia internaţională a forţei de muncă şi efectele fenomenului migraţiei asupra dezvoltării economice şi modernizării structurale a economiei,* Craiova: Editura Universitaria.

Reagan, P, B., Olsen, R, J. (2000). You Can Go Home Again: Evidence from Longitudinal Data. *Demography*, (37), 339–350.

Roman, M., Voicu, C. (2010). Câteva efecte socio-economice ale migraţiei forţei de muncă asupra ţărilor de emigraţie. Cazul Romaniei. *Economie teoretică şi aplicată*, vol. XVII, Nr.7 (548), 50-65.

Sandu, D. (1984). *Migration flows in Romania*, Bucharest, Publishing House of the Academy of the Socialist Republic of Romania.

Schmidt, C. (1994). The Country of Origin, Family Structure and Return Migration of Germany's Guest-Workers; *Duncker Humblot*: Berlin, Germnay.

Schwarzer, R., Hahn, A. (1995). Reemployment after Migration from East to West Germany: A longitudinal study on psychological Costs. *Appl. Psychol. Int. Rev*., (44), 77–93.

Stoicovici, M. (2012). România ca ţară de origine, de tranzit şi de destinaţie a migranţilor, "*Revista Română de Sociologie*", seria nouă, anul XXIII, Bucureşti , (5-6), 429-443.

Zaiceva, A., Zimmermann, K. (2008). Scale Diversity and Determinants of Labour Migration in Europe. *Oxf. Rev.Econ. Policy*, (24), 427–451.

Article Info

Received: March 02 2021
Accepted: March 20 2021

Revista de Științe Politice. Revue des Sciences Politiques • No. 69 • 2021: 191 - 200

ORIGINAL PAPER

Democracy and socialism before and after the fall of the Berlin Wall: An analysis of the interpretations of the intellectual and activist Francisco Weffort in Brazil*

Rafael Marchesan Tauil[1)], Luciléia Aparecida Colombo[2)], Terrell Carver[3)]

Abstract:
This article presents Francisco Weffort's principal interpretations concerning socialism and democracy. The research was conducted taking in account his articles and books, written between 1979 and 1992. We argue that his thought about socialism and democracy, developed during his academic career later underpinned his participation in the central nucleus of the Workers' Party (PT), first as general secretary between 1983 and 1987 (before the fall of Berlin Wall) and after as the main coordinator of Lula's presidential campaign in 1994 (after the fall of Berlin Wall). His theorizations were initially in tune with Western Marxism in Brazil, when a group of intellectuals tried to comprehend Marx writings from a scientific approach, trying to leave aside the Leninist political perspective, adopted by the Brazilian Communist Party. This perspective influenced the PT from its foundation in 1980 until the late 90's. The Worker's Party emerged proclaiming himself as a socialist revolutionary party, built by workers, trade unions, Catholic Church believers and intellectuals but not by politicians. The party arose as a new option for the Brazilian society, which were tired of old politicians. That is why the scientific approach (far from political perspectives) used to interpret Marx by this group of intellectuals was deeply connected with the party, which denied the importance of politics and had the revolutionary socialist horizon as target. After some time as a PT's member in the late 1980s, Weffort started to privilege the role took by politics in his analysis and writings under the influence of Eurocommunism, through the reception of Gramsci in Brazil. This reception was responsible for an interpretative turn in his work, when he began to privilege democratic political ways instead of a revolutionary rupture as a path to be achieved in the Brazilian political horizon. Our hypothesis is sustained by the idea that the writings about democracy and socialism are deeply connected to the period before and after Berlin Wall and can be seen as an excellent portrait of the dilemma lived by many Brazilian (and worldwide) intellectuals, the paradox represented by the opposition of a socialist revolutionary scenario *versus* the democratic way.

Keywords: *Democracy; Socialism; Intellectuals; Marxism, Post-communism, Weffort.*

---

* A first version of this paper was presented in the XXX Congress of the Latin American Association of Sociology. We would like to thank the participants, who contributed with the improvements of the manuscript final version.

[1)] PhD in Political Science, Federal University of São Carlos – UFSCar, lecturer at São Paulo School of Law - EPD and at University São Judas Tadeu – USJT, Brazil, Phone: +55 (11) 99393 1833, Email: rafaeltauil@hotmail.com.
[2)] PhD in Political Science, Federal University of São Carlos UFSCar, lecturer at Federal University of Alagoas – UFAL, Brazil, Phone: +55 (16) 99372-5446, Email: leiacolombo@gmail.com.
[3)] PhD in Philosophy, Oxford University, professor at University of Bristol – UoB, United Kingdom, Phone: (0117) 928 8826, Email: t.carver@bristol.ac.uk.

The consolidation of social science as a field in Brazil was encouraged by several intellectuals, among whom, Francisco Weffort (b. 1937), who acted decisively both in defense of this area of study and of Brazilian political institutions, especially in the struggles for democracy. He acted as a researcher at University of São Paulo (USP), at CEBRAP (Brazilian Center of Analysis and Planning), and at CEDEC (Center for Contemporary Cultural Studies). In addition, in 1980 he participated as founder and general secretary of the Workers' Party (PT). Then in 1994 he took up a position in the Ministry of Culture during President Fernando Henrique Cardoso's government, which he held on 2002. After that period, Weffort began to write essays on the political and cultural formation of Brazil. His intellectual production – from the academic context to the political field – focused on three main themes: (1) populism and syndicalism; (2) democracy, citizenship, and political participation; (3) Brazilian political thought.

However, to understand Weffort's contribution to political theory, the reader must keep the following contextual factors in mind. First, his work arises within the Western Marxism that was based in University of São Paulo - USP. Second, the military coup that took place in 1964, which installed a right wing authoritarian regime and had an immense influence on Brazilian social thought. Third, international events played a role, especially the weakening of the communist rule in the Soviet Union and its satellites. Fourth, the embodiment of Antonio Gramsci theory and the Eurocommunist movement that took place in countries such as Italy, Spain and France.

Although this article focuses on Weffort's thought and activities from the late 1970s to 1992, Weffort also published an essay in 2009 in which he, once again, argued that democracy is key to achieving political reform in Brazil. It's interesting to know that after nearly 30 years he still keeps his commitment with democracy.

Weffort explains and examines democracy (or its absence) at the moment in the broad context of the Brazilian federation, in which the states, in his view, have been subordinated to the federal executive. That condition of dependency and subordination can be explained, Weffort argues, by inequality in parliamentary representation, especially between the southeast and northeast regions of Brazil. This is one of the factors that led Weffort to argue that Brazilian representative democracy is so fraught with distortions that the national debate on improving democracy is vague or non-existent, leading inevitably to a "political reform in slices". (Weffort, 2009)

Although acknowledging that Brazilian democracy has its peculiarities, Weffort also highlighted the centrality that the vote has actually achieved in the electoral and representative system. The freedom to vote, usurped under the dictatorship, now exists in full, although this fact alone does not ensure the hegemony of democracy, considering the other factors that make Brazil *sui generis*. Based on these considerations, we can then see how Weffort situates democracy, as well as socialism, in his works. To that end, this article proceeds in two sections: a section on the Brazilian political left and democracy, followed by a more closely focused conceptual consideration of democracy itself.

Weffort: between the left and democracy

Weffort started his studies of populism and syndicalism at the University of São Paulo during the military dictatorship. His investigations developed in a period of increasingly authoritarian rule that began with the establishment of the AI-5 (Institutional Act) in 1968, which curtailed the activities of "left wing" intellectuals. At

the international level, the decay and disintegration of the "Soviet empire" during the 1970s and 1980s –together with the collapse of Soviet agricultural stocks caused by the Chernobyl disaster – greatly contributed to the change in the way that Weffort and other Brazilian Marxist intellectuals understood communism/socialism.

Initially Weffort's view of Brazilian politics was influenced by his participation in the university *Seminário do Capital* (seminar on *Capital*). That group attempted to interpret Brazilian politics through Marxist theory. Their methodology was based on Western Marxism, so their major concern was to distinguish themselves from intellectuals in the government's Advanced Institute for Brazilian Studies (ISEB) and the Brazilian Communist Party, which were used to Leninist interpretation perspective.

Some years later, in 1968, Weffort joined CEBRAP (Brazilian Center for Analysis and Planning), a research center comprised of USP professors who had been forced to retire by the military dictatorship, and who had also taken part in the seminar on *Capital*. In contrast CEBRAP concentrated on criticizing the vanguardist political tradition in Marxism, and on attempting to understand the social basis of support for military rule. They tried to demystify the economic miracle by arguing that it was not a consequence of state policies implemented under the authoritarian rule, basing this on an interpretative approach closer to formal political science[*].

At CEBRAP Weffort – through his theorizations of populism and corporative syndicalism – achieved a certain prominence and formed a group which addressed the emergence of new political actors and social movements in Brazil, which joined together those dissatisfied with military rule with those protesting bad working conditions. This group founded CEDEC (Center for Contemporary Cultural Studies) a few years later.

The foundation of CEDEC, and the working alliance with centrist intellectuals, represented an important step in reviving democracy in Brazil. CEDEC did not emerge from dissent with CEBRAP, but rather reflected research that was more strongly oriented to themes of citizenship, political representation, mass movements, and new political actors. Those issues and interventions were emerging as military rule was in decline, raising hopes for a restoration of democracy. Based on those studies, Weffort, and some CEDEC researchers, drew closer to emerging social movements, which were getting stronger, and which formed the Workers' Party in the late 1970s. After many CEDEC members joined the new party, the question of democracy became more salient, and their theorizations began to gravitate almost entirely around that theme.

That change in the interpretative framework, towards arguing the importance of democracy, depicts a time in which radical changes "outside the legal order" were no

[*] Factors such as the internationalization of Social Sciences, the institutionalist theoretical approaches – present mainly in North American universities – the relationship with private institutions that initially funded CEBRAP and the international experience of those intellectuals in institutions such as ECLAC, ILPES and FLACSO exerted wide influence on the investigations and research that privileged the institutional and formal aspects of democracy at CEBRAP. Fernando Henrique Cardoso is perhaps the highest expression of these influences. His perspective, which was closer to an institutional reading of politics, may also be related to the experience of "concrete politics" in its approaching the MDB (Brazilian Democratic Movement) in 1974. Carlos Estevam Martins, Bolívar Lamounier and Vilmar Faria also represent the importation of a new research model in the theoretical and methodological milestones of Political Science, as they brought with them from abroad, both from the USA and England, the "teachings" of *Political Science*. "The three of them took graduate courses abroad (USA and England), where the influences received were considered somewhat diffuse. This, however, meant the assimilation 'of a certain standard of scientific work' and the concern with themes of political nature, more specifically: democracy, elections, parties etc." (SORJ, 2001: 36)

longer seen as practicable. Marxist intellectuals had previously been concerned with denouncing contradictions in capitalist production and with theorizing conflict between its corresponding classes. At this particular time, then, intellectuals were proceeding in some cases to change their horizons, their interpretations of political realities, and their role as public intellectuals. That shift expressed the abandonment, by some of those intellectuals, of radical leftist views of a democratic ideal. Faced with the possibilities for democratic openness in the country, those intellectuals began to formulate theories and analyses of a *de facto* democratic sphere in Brazil that would break definitively with the contemporary authoritarian political culture. This new perspective was deeply influenced by Antonio Gramsci and Eurocommunism theories.

Weffort and Democracy

Weffort's work on democracy developed two slightly different, albeit complementary strands. In one strand he discussed the issues in a conjunctural way within the national and Latin American contexts. His work presented broad interpretations of the main characteristics of military rule, the possibility of regression in the process of re-democratization, and the importance of workers' participation in developing a national plan for democratic advance. The second strand, rather more abstract, was related to democracy as an idea and as a value. That theorization was not limited to the national or Latin American contexts, but rather referred to the socialism vs democracy paradox experienced at the international level. In that way it reflected the experience of those intellectuals who were trying to demonstrate the need for peaceful coexistence between socialism and democracy, just at a time when the Cold War was coming to an end.

In the first set of articles, which had a more conjunctural character, the work "Democracia e Movimento Operário: Algumas Questões para a História do Período 1945 – 1964" [Democracy and the Labor Movement: Some Questions regarding the 1945-1964 Period] (1979) developed strong criticisms of the elitist institutions of 1945-1964 and the ineffectuality of the left wing, represented by the Brazilian Communist Party (PCB) of that period. In this work. Weffort emphasized the importance of workers for the strengthening of democracy and its institutions. With the phrase "There is no independent workers' movement without democracy and there is no democracy without an independent workers' movement" (Weffort, 1979: 7), Weffort reaffirmed his criticism of corporative syndicalism and of the elitist character of PCB, which was typical in its populist period. He examined the re-democratization process, which took place in 1946, and argued that it had left more orphans than heirs, since it had instituted a formal democratic process, but not one rooted in the Brazilian political culture. He asked, what after 1945, would re-democratization mean for the the Brazilian left? Would it continue to act as an "enlightened conscience" of the workers' movement, or would it embrace the whole people democratically?

The book "Direito, Cidadania e Participação" [Right, Citizenship and Participation] (1981) – organized by Weffort, Benevides and Lamounier – was a compilation of works presented in the 1º Seminário de Direito, Cidadania e Participação [1st Seminar on Right, Citizenship and Participation], which was organized by CEDEC and CEBRAP in 1979. Those intellectuals feared a type of democracy that would surpass the merely instrumental political character of the democracy forged in the historical past by oligarchic elites. The meeting was sponsored by the Order of Attorneys of Brazil (OAB), the National Association of Graduate Studies and Research

in Social Sciences (ANPOCS) and the Ford Foundation. In addition, it was attended by academics and important actors in politics and economics. That first set of articles and discussions addressed topics such as the need for a real movement for democratization in different spheres of society, the processes of economic development through state mediation, political and social rights, citizenship, socioeconomic inequality, and social and political justice in state decision-making processes.

By 1981 the seminar had clearly demonstrated a concern with citizenship and the integration of the people into the political sphere. In addition, it developed a critique of the authoritarianism characteristic of the political culture in the country, embedded during the period of military rule, and fueling demands for re-democratization.

"Incertezas da Transição na América Latina" [Transition Uncertainties in Latin America] (1988) was written a year before the first direct election for president after the military dictatorship. Weffort was still PT's general secretary, warning of the ghosts that surrounded Latin American democratic transitions. Weffort evaluated the possibilities for regression after this political advance, and pointed to the fact that disenchantment with democracy was related not only to the problem of social participation, but also to the actual consolidation of a genuinely democratic regime, such as in Brazil and Argentina. In Weffort's words, " In Latin America the question of participation in democracy calls into question the possibility of democracy itself" (Weffort, 1988: 2). In that work, he still emphasized the possibility of coexistence between socialism and democracy. The fall of the Berlin Wall in 1989, together with his disappointments over the PT's main political orientation, perhaps explains how his viewpoint changed about three years later.

In "América Errada" [Latin America is Wrong] (1990), Weffort addressed the relationship between the advance of democracy over the period 1980 to 1990, and the social and economic crises experienced during that time, questioning whether the mere existence of democracy would be enough to bring the country into "modernity". Although Latin America had been "saved" by processes of socio-economic democratization, everything had come out "twisted", as opposed to what Latin Americans would have considered normal, since the strongest link between the countries of the region and the modernized world remained external debt. Between 1950 and 1960 debt repayment obligations had caused setbacks in the painful import substitution processes attempted by the state, so Brazil and some other Latin American countries were once again transformed into essentially agricultural exporters. Weffort wrote that Latin America had lost its "place in the world" during the technological revolution, which had allowed technologically advanced countries to gain an advantage in the production of raw materials, previously exported by underdeveloped/peripheral countries.

Weffort warned of the dangers that Latin American countries, coming into modernity, would face as they attempted to strengthen democracy on the continent. In that situation he also feared a resurgence of authoritarianism. For that reason, he described Latin America as "wrong" in this article: compartmentalized in obsolete national states, introverted among themselves, and marginalized in relation to the international context. He questioned whether Latin American democracy would be doomed to decay, given the possibility for chaos and regional disintegration.

In Weffort's view, any strengthening of democracy depended on its capacity to face the challenges imposed by economy and society, otherwise that achievement

would be threatened. He also pointed out that the situation of anomie* experienced by Latin America – crises of governance, super-inflation in some states, increasing inequality, increasing violence – did not contribute in any way to political advances. On the contrary, it provided space for disasters, that is, violence and extremism in politics and society.

In the article "Democracia Política e Desenvolvimento" [Political Democracy and Economic Development] (1991), Weffort diagnosed the difficulties Brazil was going through in relation to democratic rule and the economy. He addressed the problems that an economic crisis would bring to the process of strengthening democratic institutions in a country that had only recently emerged from military dictatorship. He pointed to various causes for this political-economic crisis, among them the difficulty for Brazil in positioning itself transnationally when competing with international economic powers. In addition, he cited the exhaustion of the economic growth model, as supported by state intervention, and the state's inability to control inflation and currency exchange rates, among other failures.

At the political level, he pointed to disbelief, rooted in the difficulties of governance, and to the inefficiencies of political parties in fulfilling their essential functions. This was a work of conjunctural analysis, articulating the relationship between economic crisis and democratic rule, questioning whether the crisis would be a "cause or consequence", and proposing solutions: mass participation in decision-making processes, integrating Latin America into the world economic plan, and reconfiguring its position in relation to stronger economies.

In an article "Por que Democracia?" [Why Democracy?] (1984), in his second set of works, Weffort presented the concept of democracy as a universal value, endorsing Carlos Nelson Coutinho's idea of democracy, taken from his essay of the same title published in 1979. Carlos Nelson Coutinho's text, which in 1979 opened the discussion on the theory of "democratic socialism" in Brazil derived from the Eurocommunist view and was a turning point in the renewal of the Brazilian Communist Party. It had a strong influence on formulations by Weffort, by the research group accompanying him, and on the theoretical formulations of the PT – of which he became a member in 1989, but with which he already had conversations since its foundation ten years earlier. This text is perhaps the high point in representing the dilemma of the intellectuals of the time when thinking about the paradoxical relationship between socialism and democracy. This was a clear expression of the historical and political impasse experienced, at that time, by intellectuals divided between ideas and politics.

According to Weffort, democracy is not a simple instrument of power, as practiced by oligarchic elites during the conservative transition to the former republic. What Weffort tried to make clear in this present situation was the form that democracy should assume in Brazil. According to him, "A value that belongs to everyone, a space for achievement of human dignity that cannot be given up" (Weffort, 1984: 61-62). For Weffort democracy is a value in itself, surpassing any merely instrumental character.

Democracy, according to Weffort, should be founded on the notion of giving rights and citizen status to individuals in an absolute way. Thus, inequality and economic-social polarization, which excluded many from culture, would instead be a spur to their achievement. The existing abyss between elites and the least-privileged groups precludes democracy as a general value, he argued. Therefore, in that sense,

* Expression used by Weffort in this work.

society would be compelled to overcome those obstacles in order to achieve a new political and social order founded on a democratic basis.

In addition to Weffort's theoretical efforts, this work was almost an "official document" because he had taken on the position of general secretary of the PT exactly one year before the publication of the book. According to Weffort, "This book is an argument for democracy in Brazil. ... And I hope it fulfills a political function and stimulates discussions on democracy" (Weffort, 1984: 9). In addition to supporting democracy with theoretical arguments, the book addressed the authoritarian tradition in Brazilian politics, the fragility of Brazilian democracy from 1945 to 1964, the dilemmas of post-1964 democratic transition, the ideological and state traditions preceding conservative transitions, and the role of the working class in political and social transformations.

In the work "Qual Democracia?" [Which Democracy?] (1992), Weffort gathered together a series of essays. In the article "Democracia e Socialismo" [Democracy and Socialism], unpublished at the time, he presented a review of the post-1989 socialism vs democracy paradigm in Brazil and in the wider world. He again promoted his understanding of democracy as a value in itself, as a method of social constitution, and as an instrument of representation. Weffort also brought up – notably in 1992 – the possibilities for coexistence between political freedom and the market, in other words, between democracy and capitalism.

In that text there is a change in Weffort's interpretative framework. Unlike his thinking in 1984, Weffort recognized the impossibility of socialism, or at least the difficulties involved in democratizing it while recognizing market freedom, democratic rule, and economic development. Weffort refers to Eduard Bernstein's concept of "moving" rather than "reaching an end", and he recognized that the journey itself – in the case of the political left – would be more important than the endpoint.

Conclusion

It seems that after this moment – added to his disappointments over PT, his withdrawal from the central core of the party, his moving to the USA in 1989, and then experiencing the fall of the Berlin Wall, all in the same year, Weffort "resigned" from active engagement and changed his way of "journeying" towards the socialist horizon, both in his political and his academic life. It is not by chance that he joined the PSDB (Brazilian Social Democracy Party) in 1994, and that he reconciled himself to the Brazilian cultural political and historical traditions after that period. Ultimately he included socialism in his work as a horizon to be reached by the "traveller" – relevant, but utopian. In that analysis, socialism refers more to justice and social equity than to a political-economic governance, as it had in most of his pre-1989 texts.

From that point Weffort defended a radicalized democracy, one that did not resolve the rulers vs ruled paradox, but was able to move towards a horizon of self-management. That was his idea of "democratic socialism". In Weffort's words this was "... a huge effort towards political democracy and civil society institutions, especially the improvement and growth of social and political institutions linked to the labor world" (Weffort, 1992: 151).

To some extent Weffort was responsible for the reinforcement of the PT's "political imaginary" by constructing an ideological and theoretical democratic basis. In the context of the dissolution of Soviet rule, and his advocacy of democratic openness, socialism was giving way to the question of democracy in Brazil. Thus democracy was

no longer understood by Weffort, and by some intellectuals in his group, as a mere instrument of transition to socialist rule. It became an end in itself and a *sine qua non* for the improvement of political culture and institutions.

Weffort's "Por que Democracia?" [Why Democracy?], written in 1984, was a milestone, a clear attempt to resolve the paradox between democracy and socialism. That text – which, as mentioned, was written when he took over as general secretary of the PT – provided an accurate account of the Workers' Party at the time: a political association, with a socialist ideological orientation, trying to fit itself into the context of re-democratization and the realignment of political forces, given the ideological polarization of the Cold War.

The article "Democracia e Socialismo" [Democracy and Socialism], published in the book "*Qual Democracia?*" [Which Democracy?] (1992), can be interpreted as a justification, an *ex-post facto* explanation of the challenges that the PT had to face in the new national and international scenario: democratization in culture and society, direct elections for president in 1991, changes in the PT's political guidelines, the fall of the Berlin Wall and the "defeat" of Soviet rule, liberalization of world markets, among other factors. It is in this sense that we interpret the works on democracy that Weffort wrote between 1980 and 1990 as a reasonably accurate picture of the period: a substantial change in the "ideological" course of the left in Brazil that cast "socialism" aside in pursuit of "democracy".

We affirm that Weffort's work focuses on interpreting Brazil: it identifies national domestic problems, as well as factors that prevent Brazil from being a strong nation in the international context. As Arruda (2003) states, Weffort's lively thought and his political trajectory inaugurated a well-defined cultural policy, marking him as someone who promoted a "remarkable transformation". (Arruda, 2003: 180).

From the projects developed at USP, CEBRAP and CEDEC, we can see that Weffort was eager to consolidate democratic political thought so that it addressed cultural and social processes. Thus, his interpretation of Brazilian politics in the 1980's/1990's still serves as a basis for interpreting the current political scene, if we follow his distinction between the right and the left. Weffort has left a legacy for future generations, who will confront similar issues with similar sentiments.

References:

Arruda, M. H. do N. (2003). A política cultural: regulação estatal e mecenato privado. (The cultural policy: state regulation and private patronage). *Tempo Social,* 15(2), 117-193.

Bevir, M. (1999). *The logic of the History of Ideas***.** New York: Cambridge University Press.

Camargo, C. P. F.; Kowarick, L.; Brant, V. C.; (Org.) (1976). São Paulo: crescimento e pobreza (*São Paulo: growth and poverty*). São Paulo: Ed. Loyola, (1), 107-145.

Cardoso, F. (1972). "O regime político brasileiro" (*The Brazilian political regime*). *Estudos Cebrap,* 2, São Paulo: CEBRAP.

Cardoso, F. (1975). Autoritarismo e Democratização. (*Authoritarianism and Democratization*)**.** Rio de Janeiro: Paz e Terra.

Cardoso, F.H. e Lamounier, B. (coords.) (1975). Os partidos e as eleições no Brasil (*Parties and elections in Brazil*). Rio de Janeiro: Paz e Terra.

Coutinho, C. N. A (1980). Democracia como valor universal – notas sobre a questão democrática no Brasil (*Democracy as a universal value – notes about the*

democratic question in Brazil)**.** São Paulo: LECH - Livraria Editora Ciências Humanas LTDA.

Drake, D. (2001). *Intellectuals and politics in post-war France*. London: Palgrave Macmillan Ltd.

Fisher, R. (2009). 'How to do things with books': Quentin Skinner and the dissemination of ideas. *History of European Ideas***,** 35(2), 276-280.

Oliveira, F. de (1972). "A economia brasileira: crítica à razão dualista" (The Brazilian economy: a critique of dualist reason). *Estudos Cebrap***,** São Paulo: CEBRAP.

Lacapra, D. (1980). Rethinking Intellectual History and Reading Texts*. History and Theory,* 19(3), 245-276.

Lane, M. (2003). Interpreting political thought In: FINLAYSON, A. *Contemporary political thought: a reader and guide*. Scotland: Edinburgh University Press.

Lauherta, M. (1999). Intelectuais e Transição: entre a Política e a Profissão (*Intellectuals and transition: between politics and profession*). São Paulo: Tese (Doutorado em Ciência Política) - Faculdade de Filosofia, Letras e Ciências Humanas, Universidade de São Paulo.

Martinich, A. P. (2009). Four Senses of 'Meaning' in the History of Ideas: Quentin Skinner's Theory of Historical Interpretation. *Journal of the Philosophy of History***,** 3(3), 225-245.

Matthews, W. (2006). *Socialism and nationalism: British Marxists and the national question after 1945.* Glasgow: PhD, University of Strathclyde.

Pécaut, D. (1990). Os Intelectuais e a Política no Brasil: entre o povo e a nação (*The intellectuals and the Politics in Brazil: between the people and the nation*). São Paulo: Ática.

Secco, L. (2011). História do PT 1978-2010 (*The PT history 1978-2010*). São Paulo: Ateliê Editorial.

Sorj, B. A. (2001). construção intelectual do Brasil contemporâneo: Da resistência à ditadura ao governo FHC (*The contemporary Brazilian intellectual building: From the resistance to dictatorship to Fernando Henrique Cardoso government*). Rio de Janeiro: Jorge Zahar Editor.

Serra, J., Tavares., M.C. (1971). "Além da estagnação: uma discussão sobre o estilo de desenvolvimento recente do Brasil" (*Beyond stagnation: a discussion of Brazil's recent development style*). Trimestre Econômico, CEPAL, (152).

Singer, P. (1973). "As contradições do Milagre" (The contradictions of the Miracle). *Estudos Cebrap*, São Paulo: CEBRAP, (6).

Souza, L.M. (2004). Crônica de um partido não anunciado: programa e governos do PT entre 1979-2000 (*Chronicle of an unannounced party: PT program and governments between 1979-2000*). São Paulo: tese de doutorado, UNICAMP, Instituto de Economia.

Spinelli, J. A. (2016). Dependência, autoritarismo, liberalismo e democracia: o debate dos intelectuais no jornal Opinião (1972/1977...) [Dependency, authoritarianism, liberalism and democracy: the debate of intellectuals in the Opinião newspaper (1972/1977)]. Minas Gerais: *Anais do 40° Encontro Anual da ANPOCS.*

Tauil, R. M. (2018). Da crítica do populismo à vida pública: Considerações acerca da trajetória intelectual de Francisco Weffort (From the critique of populism to public life: Considerations about Francisco Weffort's intellectual trajectory). *Perspectivas*, (51), 59-97.

Tauil, R. M.; Carver, T. F. (2016). "Marxism and democracy: a new approach to comprehending the relationships between intellectuals and politics by examining the life and works of the Brazilian 'activist' and theoretician Francisco Weffort. *Revista de Stiinte Politice*, (51).

Weffort, F. (1979). Democracia e movimento operário: algumas questões para a história do período 1945-1964 (Democracy and the labor movement: some questions regarding the 1945-1964 Period). In: *Revista de Cultura Contemporânea* 3 partes, São Paulo: CEDEC/Paz e terra.

Weffort, F. (1981). A cidadania dos trabalhadores (The workers' citizen status). In: Lamounier, B; Weffort, F. C.; Benevides, M. V. (Orgs.), Direito, cidadania e participação. (*Right, citizenship and participation*). São Paulo: TAQ.

Weffort, F. (1984). Por que democracia? (*Why democracy?*). São Paulo: Brasiliense.

Weffort, F. (1988). Incertezas da transição na América Latina (*Transition Uncertainties in Latin America*). Ildes, Estudos, (1).

Weffort, F. (1990). "A América errada (Notas sobre a democracia e a modernidade na América Latina em crise)" [The wrong America (Comments on the democracy and the modernity of a Latin America in crisis)]. *Lua Nova*, (21).

Weffort, F. (1991). Democracia política e desenvolvimento econômico (Political Democracy and Economic Development). *Cadernos Cedec*, (22).

Weffort, F. (1992). Qual democracia? (*Which democracy?*). São Paulo: Companhia das Letras.

Article Info

Received: March 30 2021
Accepted: April 09 2021

Revista de Științe Politice. Revue des Sciences Politiques • No. 69 • 2021: 201 - 214

ORIGINAL PAPER

Learning from the Negotiations and Strategic Management of the EU Multiannual Financial Framework (MFF): a Media Profile and Discourse Analysis on EU Governance and Inter-Institutional Relations

Cătălina Maria Georgescu[1)], Silviu Dorin Georgescu

Abstract:
Learning from global strategic management rules and procedures at EU level proves to be a cornerstone of policy management analysis. Purpose and scope of study: The analysis is focused on dealing with the strategic planning and public management of the Multiannual Financial Framework (MFF) for 2014-2020 at EU level. Research objectives: The analysis is triggered on the following directions: (1) presenting the legal preparation, procedures and negotiation of the EU MFF for 2014-2020, (2) analysing the media coverage of EU preparations for the multiannual strategic planning, (3) examining the media coverage of policy scopes and priorities regarding finances, (4) parsing media discussions on policy and programs design and management, (5) the review of media discourse on the performace of EU policy management. Research methodology: The research methodology is designed under the guidance of a content analysis based on mainstream media coverage of articles throughout 2013. The study employs the identification of relevant articles in the online editions of European media, the analysis of distribution and frequency of articles around meaningful themes, framing analysis and indication of bias in connected articles.

Keywords: *media monitoring, image analysis, discourse analysis, Multiannual Financial Framework (MFF), strategic planning, public management, inter-institutional relations.*

[1)] Lecturer, PhD, University of Craiova, Faculty of Social Sciences, Political Sciences specialization, Romania, Phone: 0040351403149, Email: catalina.georgescu@edu.ucv.ro.

Introduction

The European Union (EU) budgetary matters are generally laid down in its primary law (the Treaty on European Union and the Treaty on the Functioning of the EU). The "general principles" regulating budgetary procedures and the efficiency of planning are enshrined in the Treaty on the Functioning of the EU (TfEU, Article 310). In Title II Financial Provisions Chapter 2, the Treaty on the Functioning of the EU (TfEU) establishes the premises for the strategic planning and public management of the European Union Multiannual Financial Framework (MFF). The subsequent contribution aims at offering an outlook on the EU budgetary policy analysis by rendering a special focus on its strategic financial management on a multiannual basis. The study is structured into the subsequent sections: (1) a first part designed to offer a perspective over the legal basis regulating budgetary matters, in general, and the financial regulation concerning the rules and principles guarding European Union Multiannual Financial Framework (MFF) in particular; (2) secondly, a section aimed at discussing the role and perspectives of the European institutions in negotiating the European Union Multiannual Financial Framework (MFF), the evolution of discussions and the challenges in reaching a compromise; (3) thirdly, a section focused on reviewing the literature on the negotiations of the Multiannual Financial Framework for the period 2014-2020; (4) further, the study draws the lines of the content analysis methodology deployed, the prerequisites of the media monitoring process; (5) a section of data analysis and discussions presents aspects related to selected articles quantitative and qualitative analyses; (6) the study ends by drawing its concluding remarks and projecting the lessons learned for strategically projecting the following EU Multiannual Financial Framework for the period 2021-2027.

Relevant legal basis for the EU Multiannual Financial Framework (MFF)

The Multiannual Financial Framework is laid down in the EU primary law within Articles 312-324 of the Treaty on the Functioning of the EU (TfEU) which regulates the following budgetary principles: (1) the principle of managing the budget from EU's resources (TfEU, Article 311); (2) administering the annual expenditures (commitment appropriations and payment appropriations) within a Multiannual Financial Framework (MFF) unanimously decided by Council with the agreement of the European Parliament, a framework which was established at minimum 5 years (TfEU, Article 312) and which currently lasts 7 years; the program of the budgetary procedures (TfEU, Articles 313-316); normative regulations for entry into force and audit as well as attributing the institutional mandate competences (TfEU, Articles 317-319).

For the period 2014-2020 the European Union Multiannual Financial Framework was decided through an interinstitutional agreement between the European Parliament, the Council and the Commission which further cover the "principle of budgetary discipline", "principle of cooperation in budgetary matters" and the "principle of sound financial management" (European Parliament, Council of the European Union, European Commission, Interinstitutional Agreement of 2 December 2013). As regards the Treaty on European Union, it also deals with the EU's common foreign and security policy budget.

The EU's decision to substantiate the system of own resources (Council Decision of 26 May 2014 on the system of own resources of the European Union, 2014/335/EU) was of utmost importance for the reform of the budgetary system (Stenbæk and Jensen, 2016: 615-635). Regulating the objectives of "strict budgetary discipline", "simplicity",

"transparency" and "equity", EU's innovatory budgetary system of own resources is a mix of "customs duties, value added tax (VAT) and gross national income (GNI)-based contributions" unanimously adopted by Council which also decides on the "correction mechanisms" and "rebates" (Council Decision 2014/335/EU). Other legislative acts contributing to the regulation this system are Council Regulation (EU, Euratom) No 609/2014 on traditional, VAT and GNI-based own resources (Council of the European Union, 2014b: 39-52); Council Regulation (EU, Euratom) No 608/2014 laying down implementing measures for the system of own resources (Council of the European Union, 2014a: 29-38); Council Regulation (EC, Euratom) No 1287/2003 on the harmonisation of gross national income at market prices (Council of the European Union, 2003: 1-3). Following a series of negotiations with the European Parliament, at the end of 2013, the Council adopted the Regulation No 1311/2013 of 2 December 2013 laying down the multiannual financial framework for the years 2014-2020 (Council of the European Union, 2013). The regulation covers the rules of implementation and control mechanisms and recognizes the "flexibility" to re-allocate the yearly unused funds within the multiannual financial framework through a compulsory mid-term review as was the case with the European Commission's proposal in 2015 (European Commission, 2015).

Managing the institutional design of the EU Multiannual Financial Framework (MFF) is a multi-tasking set of operations dependent on three dimensions: (1) the logistical factor (including budgetary constraints), (2) organizational culture (values, norms, rules, image, communication), and (3) organizational structure (Georgescu, 2018: 196-209).

Background and evolution of European Union interinstitutional negotiations

Key Actors in the Negotiation of the Multiannual Financial Framework (2014-2020): between austerity and solidarity

The Negotiation of the Multiannual Financial Framework for the period 2014-2020 ran throughout 2013, starting with European Council agreement of capsizing the multiannual budget to 960 billion euros. The Council of the European Union Presidency in Office increased negotiations with Member States at the crossing between "austerity" and "solidarity" (European Commission, 2011) to cover the principle of "flexibility", although the clipping could not be removed. In the summer of 2013, talks appeared to lead to an agreement regarding the MFF, however, discussions over 2014 budget challenged the reach of a compromise, which was acquired later, on 12 November. The MFF entered into force at 1 January 2014.

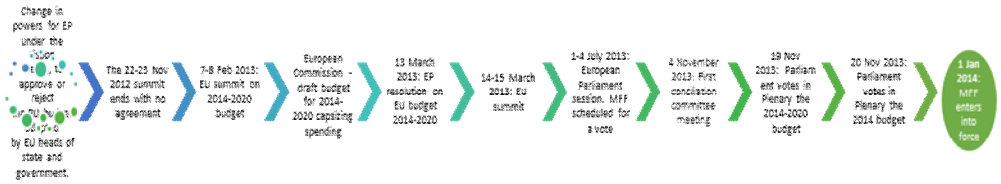


Figure 1. Interinstitutional relations on negotiating the MFF for the period 2014-2020

Source: The authors (media coverage).

Negotiating the Multiannual Financial Framework for the period 2014-2020: a literature review

Throughout the literature, the variables determining an agreement over the European Union Multiannual Financial Framework have been identified along three dimensions: (1) the logistical factor (including budgetary constraints), (2) organizational culture (values, norms, rules, image, communication), and (3) organizational structure (Georgescu, 2008: 117-122). This was even more relevant in the light of the largest enlargement of the European Union in 2004 when researchers drew attention on the possible challenges to reach an agreement due to "financial pressures" raised by the new post-enlargement EU organization structure (Georgiou and Psycharis, 2004). The nature of the European Union organizational structure stands at the basis of the complexity in the negotiation process of the EU structural and cohesion policies, along with the old and new Member States' differences in national sensibilities and preoccupations.

Following the adoption of the Lisbon Treaty (2009), the EU institutions and rules of procedure changed. The literature focused on these changes and the effects they determined on key aspects of EU policy-making. Researchers were especially aiming at determining the nature of changes in the interinstitutional relations and subsequent effects for key European policy areas in the light of the Lisbon Treaty provisions.

As soon as negotiations started for the Multiannual Financial Framework (MFF) through the consultations of the European Commission (2011), it was expected that they would be finalized by December 2012. However, studies showed interest in the manner in which the two European budget principles of "European solidarity" and "European added value" would have been combined into a coherent and unitary conceptual framework capable of reaching cross-national consensus (Becker, 2012: 116-129).

Further studies were concentrated on the organizational structure and institutional reforms brought by the Lisbon Treaty and the efforts to counter those changes. Special attention was laid on the advantages gained by the Council in the series of annual budgetary procedures, on the role played by the European Parliament in the budgetary negotiations and its use of all legal and political resources (i.e. veto right) to balance interinstitutional negotiations and strike an agreement on key financial policies, especially on long-term expenditures (Benedetto, 2017: 633-652; Benedetto, 2019: 329-345).

Researches even provided evidence for changes to European Commission administrative organization and budgeting procedures towards more centralization detected under the unprecedented pressures during negotiations on the 2014–2020 Multiannual Financial Framework (MFF) (Goetz and Patz, 2016: 1038-1056). Moreover, studies supplied explanations for the 2013 Cohesion policy reform (highlighting procedures undergone in a manner opposing the usual path-dependency and incremental changes) by modeling the connections of (1) EU multilevel governance, (2) institutionalized policy-making and (3) policy windows (European Commission's first agenda power and decision power of Council reunited Member States) (Becker, 2019: 147-168). Earlier studies were keen on contributing to the historical-institutionalist framework, within path dependency explanations the intricacies in the continuity or change of European budgetary institutions (Ackrill and Kay, 2006: 113-133). More on that matter, when facing organizational or institutional change, studies have shown that reform resistance can be treated as a dependent variable influenced by: 1) normative loopholes, 2) political-economic barriers and 3) anti-reforms support (Heinemann, Mohl & Osterloh, 2010).

This is in line with studies showing that the structure and volume of Cohesion Policy funds were influenced by precedent and politico-economic constraints in the sense that inequalities persisted in the EU as income and aid were directly-related (Dunford and Perrons, 2012: 895-922). Moreover, it was shown that the allocation of the European Structural Funds through the Cohesion Policy follows a "principal-agent" logic with the EU deploying a set of different "conditionalities" to increase the efficiency of Member States action (Bachtler and Ferry, 2015: 1258-1273; Siminică, Crăciun, Ogarcă, Băndoi, Tănasie, 2015: 481-488).

Moreover, researches praised the adoption of the European Union Financial Regulation in search of solid assessments on its consequences over EU budget execution by accentuating its primary targets of "flexibility and simplification" (Sabău–Popa and Mara, 2015: 1590 – 1597). For the European 2007-2013 Multiannual Financial Framework researchers focused on its social and economic consequences by emerging into a discussion on the possibilities to tackle unemployment and increase revenues. By modelling the accessibility of EU funds, researchers concluded on the effects of the EU institutionalized funding scheme across macro-European regions in terms of employment and labour force migration (Monsalve, Zafrilla, Cadarso and García-Alaminos, 2019: 285-304; Barbu, Florea, Ogarcă, Barbu, 2018: 373-387). The discussion on "social needs" in relation to "institutional governance" has granted a special attention to the conceptualization and "framing human values" within EU legal documentation (Olimid, 2018: 120-133; Olimid, Georgescu, 2017: 42-56).

Seminal researches centered on institutional analyses have pursued the discussions on the withdrawal of European Funds under the New European Regional Policy 2014-2020 (Cardenete and Delgado, 2015: 451-454), the Cohesion Policy for the period 2014–2020 (Nosek, 2017: 2157-2174; Avdikos and Chardas, 2016: 97-117) the role for national and regional institutions in the negotiations and the implications for the Common Agriculture Policy 2014–2020 (Kölling, 2015: 71-89).

A special strand of research covered the role of the European Council within the inter-institutional relations besides the European Parliament and the Council of the European Union. It was shown that although the reunion of chiefs of states and governments does not possess legislative powers, nor is it invested by the Treaty on the Functioning of the European Union 9TfUE) to decide regarding its Multiannual Financial Framework, it played an important role in the adoption of the MFF 2014-2020; one research concluded to raising awareness on the need to eliminate uncertainties on the legal competences of each EU institution (the European Parliament's post-Lisbon powers and role enjoyed a special attention in this sense) and coin their roles as regards the MFF (Crowe, 2016: 69 – 92). Furthermore, the need to acquire more flexibility to counter the change in power structure as regards the European Parliament (European Parliament, 2011), even through the use of veto right, was analyzed to account for states' behavior in the negotiating process and explain the results over budget capsizing (Benedetto, 2013: 345-369).

Moreover, studies wished to determine through decision theory the direction deployed by each state – whether accepting or pursuing compensations, or being forced to accept the conditionality of the financial crisis effects (seen as an window of opportunity) on the cohesion policy and agricultural policy – on the road towards the European Council agreement which outlined the reduction of budget appropriations for the whole 2014-2020 period (Stenbæk and Jensen, 2016: 615-635). Also, studies sought to determine the outcome for European integration through MFF negotiations from the

leadership during European Council summits: between federalism and intergovernmental approaches (Tömmel, 2017: 175-189). At the end of the 2014-2020 financial programming period, studies have displayed the lessons learned from the institutional approaches in reaching a beneficial compromise for the future of European government, policy and politics between federalism and intergovernmentalism (Mayer, 2020: 63–68).

Purpose and scope of media research

The analysis is focused on dealing with the European online media coverage throughout 2013 on the strategic planning and public management of the Multiannual Financial Framework (MFF) for 2014-2020 at EU level.

Research objectives

The analysis is triggered on the following directions: (1) analysisng the media coverage of EU preparations and negotiations for the multiannual strategic planning, (2) examining the media coverage of policy scopes and priorities regarding finances, (3) parsing media discussions on policy and programs design and management, and (4) the review of media discourse on the performance of EU financial management.

Research questions

In order to pursue the previous objectives, we have launched the following research questions: Q1. How did the media cover EU institutions preparations and negotiations for the multiannual strategic planning? Q2. How did the media rank European policy scopes and priorities regarding finances? Q3. How did the media cover European institutions negotiations on funding programs design and management? and Q4. How did the media present the performance of EU leadership concerning financial management?

Research methodology

The research methodology was designed under the guidance of a content analysis based on mainstream media coverage of articles throughout 2013. The study employed the identification of relevant articles in the online editions of European media, the analysis of distribution and frequency of articles around meaningful themes, framing analysis and indication of bias in connected articles. Consequently, the paper used media content analysis as research methodology. The paper thus discusses the results of a media analysis aimed at identifying the general themes, trends and patterns in the media coverage of the EU Multiannual Financial Framework (MFF) design and efforts to reach an agreement, while contouring a portrayal of the systemic changes and challenges in the field. The analysis is thus centered on identifying the articles' general themes and orientations, while at the same time on finding evidence of media bias towards certain issues in the EU strategic financial management and budgetary procedures. The research aims at analyzing the manner in which international/European mainstream media relates to the EU Multiannual Financial Framework (MFF) and strategic management policies.

The analysis followed the monitoring of electronic editions of three international news sources which covered the EU Multiannual Financial Framework (MFF) throughout 2013 specifically addressing and pinpointing European Union institutions strategic management for the period 2014-2020. A total of 54 articles were selected and thoroughly analyzed. The analysis was founded on measuring both the quantity and

quality of media coverage of the EU Multiannual Financial Framework (MFF) and institutional strategic management issues, extended interpretation of the coverage within the overall academia discussion of a reform of institutional design/institution building and public policy-making/policy-implementation in the light of new institutionalism theories and methodology.

Data analysis and discussions

This section fulfills the following objectives: (1) presenting and discussing the results of media monitoring in terms of qualitative analysis on the statistical distribution of selected articles per online news sources during monitoring period, (2) showing the thematic distribution in selected articles during monitoring period, and (3) presenting the results of the qualitative analysis on news framing.

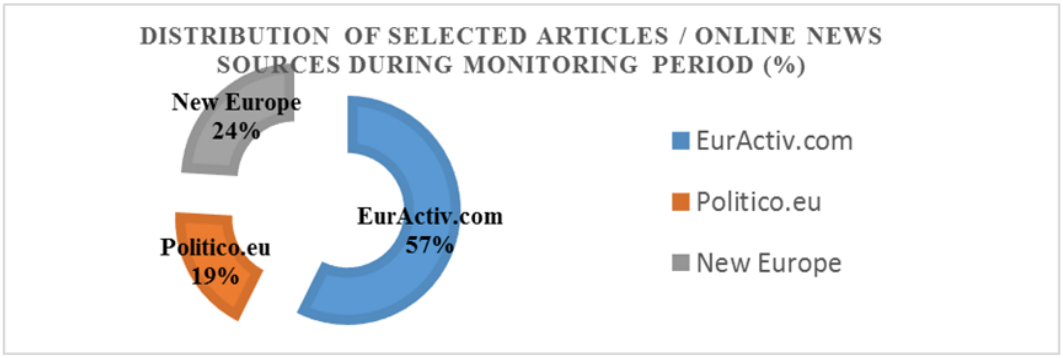


Figure 2. Distribution of selected articles / online news sources during monitoring period (%)
Source: The authors.

The distribution of selected articles per online news sources during monitoring period shows that the majority of the articles selected were published by EurActiv.com (57%), while in New Europe and Politico.eu the percentage was 24% and 19%, respectively. The articles were selected from the electronic archives of the online publications by searching with online keywords query *EU Multiannual Financial Framework 2014-2020*. The search was limited to 2013, also, the irrelevant results were eliminated from the final research list.

Thematic distribution in selected articles during monitoring period

The thematic distribution in selected articles during monitoring period reveals the following situation: the theme concerning budgetary responsibilities and challenges for the EU Council presidency has appeared in 3 articles; the nature of discussions, arguments and procedural legal and political instruments used in the "tough" negotiations between EP and Council is the most used theme, common for 16 articles; introducing financial discipline measures which capsized the budget was the theme used in 6 articles; reforming the European public sector was the main theme for 3 articles; supporting international development goals was to be found in 7 articles; investing in environment/ renewable energy policy was the theme identified in 4 articles; the Common Agricultural Policy (CAP) reform deal was the key interest for 3 articles; balancing the European Monetary Union (EMU) as a prerequisite to discouraging

national extremism was the main concern for one of the articles; while the challenges in funding Erasmus+ and the Horizon2020 programs constituted the theme for one article.

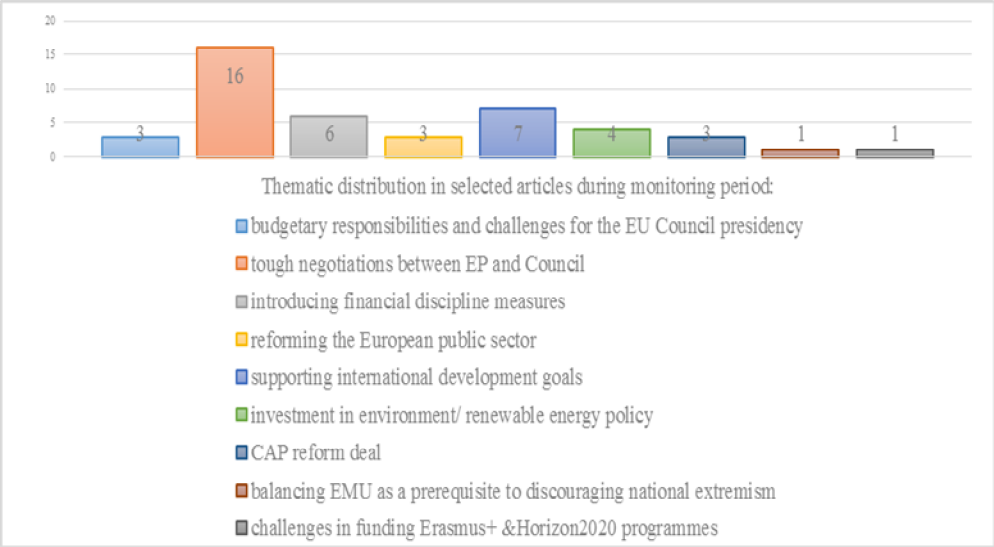


Figure 3. Thematic distribution in selected articles during monitoring period
Source: The authors.

Overall, media coverage was relatively pointing towards the pressures in inter-institutional relations and intense negotiations between the European Parliament and the Council of the European Union as we will show in the subsequent section containing the results of a news framing analysis.

News framing analysis

The current section of the contribution reports on news framing analysis results. Using the generic news framing theory (De Vreese, 2005) we have identified the journalistic frames used in monitoring articles and thus accomplished to draw a profile of the media coverage on MFF negotiations throughout 2013: (1) the "economy" frame; (2) the "conflict" frame, and (3) the "moral values" frame.

Institutionalizing "flexibility" and the availability of the "economy frame"

The articles framed with "economy" usually "translate" the economic implication of a policy. The term "flexibility" which could be best described as "making best use of every euro" registered 62 mentions throughout the articles ("Parliament gives final approval to EU long-term budget", *EurActiv.com*, Nov 20, 2013); "flexibility to move money between subject areas and between years" with the Parliament accepting the limitation at 960 billion euros, but demanding more flexibility ("Deal struck on long-term budget", *Politico.eu*, 6/19/13); the relation to the concept of "European added value" ("Getting added value from EU development aid", *EurActiv.com*, Jun 14, 2013; "The EU's 2014-2020 budget in figures", EurActiv.com, Feb 12, 2013), comparing the budget to "forging a deal" ("EU leaders agree budget cuts, MEPs brace for strife", *EurActiv.com*, Feb 8, 2013; "France holds out for a large EU regional budget slice", *EurActiv.com*, Jan 16, 2013).

At the same time, the journalists from New Europe covered the need to boost jobs and economic growth ("Rompuy: 'EU budget is an indispensable tool for growth and jobs'", *New Europe*, Feb 6, 2013 ; "Irish Presidency's main priorities", *New Europe*, Feb 15, 2013; "Necessity for EU growth policies", *New Europe*, Mar 1, 2013).

Politics as a battlefield: employing the "conflict" frame

As regards conflict, we have to mention the expressions "(EU leaders) to grapple with the budget", "budget in limbo", EP vote "tantamount to blackmail" ("Parliament gives final approval to EU long-term budget", *EurActiv.com*, Nov 20, 2013), "budget process into turmoil", "struggle", "the political agreement as a rotten deal", "EU institutions having blocked a more ambitious budget", ("Parliament gives final approval to EU long-term budget", *EurActiv.com*, Nov 20, 2013), an effort to turn the European Parliament "happy" ("EU budget passes last hurdles", *EurActiv.com*, Nov 15, 2013). "The battle has begun" was the metaphor used in one EurActiv.com article to coin the inter-institutional dialogue on the MFF ("European Parliament rejects EU long-term budget", *EurActiv.com*, Mar 14, 2013), "one of the most controversial and long-fought battles" (Parliament approves EU's 2014-2020 budget, *EurActiv.com*, Nov 19, 2013), the European Parliament as a "unified front" against national sensibilities within a "zero-sum game" ("National egos tame Parliament's ire over EU budget", *EurActiv.com*, Mar 12, 2013), to "fight off the decision" ("The EU's 2014-2020 budget in figures", *EurActiv.com*, Feb 12, 2013), "MEPs brace to strife" ("EU leaders agree budget cuts, MEPs brace for strife", *EurActiv.com*, Feb 8, 2013; "European Parliament may have reignited a long-standing battle" ("MEPs reverse approved budget cuts for 2014", *EurActiv.com*, Oct 24, 2013), the budget turned into a victim of some of the Member states austerity positions coined as "budget hawks" ("EU budget hawks succeed in €960-billion cap", *EurActiv.com*, Feb 8, 2013; "EU leaders urge European Parliament to approve slashed EU budget", *EurActiv.com*, Feb 11, 2013; "Blending funds will be the new way to finance EU projects", *EurActiv.com*, Nov 7, 2013). Actually the zero-sum game was used repeatedly throughout the articles, the Erasmus+ and Horizon 2020 programs being coined as "two of the largest budget gainers" ("EU ministers sign off on budget winners: Erasmus+, Horizon 2020", *EurActiv.com*, Dec 3, 2013). Further the "rejection" of the Council agreement was coined as "defiant" ("Parliament defies EU leaders with vote against long-term budget", *EurActiv.com*, Mar 14, 2013).

Moreover, within an opinion paper published in *EurActiv.com* it was pointed out that the "rise of nationalism" and the "spread of discord" as effects of "austerity packages" are alarm signs to the need to reform the European Monetary Union coordinated to a "Social Union" ("Europe's nationalist demons are not sleeping, they have already woken up", *EurActiv.com,* Mar 21, 2013).

In the same line of speech, the journalists from *Politico.eu* refered to the EP and Council inter-institutional relations in terms of "intense wrangling" ("MEPs approve EU's long-term budget", *Politico.eu,* Nov 19, 2013), chose to coin negotiations as "heated", while "time is running out" ("Farm ministers move toward MEPs in CAP negotiations", *Politico.eu,* Sept 24, 2013), while the difficulties in securing a deal appeared under the title "Long-term budget casts a shadow over the presidency" (*Politico.eu,* June 12, 2013).

Making compromises for successful negotiations: applying the "moral values" frame

The "moral values' frame makes reference to "morality and social prescriptions". Thus we have to mention recording 27 uses of the concept "strucking the compromise on the EU multiannual budget by EU heads of state and government" ("Parliament gives final approval to EU long-term budget", EurActiv.com, Nov 20, 2013; "European Parliament rejects EU long-term budget, *EurActiv.com,* Mar 14, 2013; "EU leaders agree budget cuts, MEPs brace for strife, *EurActiv.com,* Feb 8, 2013; "Parliament gives final approval to EU long-term budget", *EurActiv.com,* Nov 20, 2013; "EU 2014-2020 budget agreed. This time for real?", *EurActiv.com,* Jun 27, 2013; "Parliament will vote on the EU budget twice", Jul 2, 2013; "EU's heavy budget file lands on Brussels summit table", *EurActiv.com,* Jun 26, 2013; "EU leaders were quiet and calculating at summit", *EurActiv.com,* Feb 8, 2013).

At the same time, the journalists from *Politico.eu* informed their readers on European Parliament's "doubts" over the Council's agreement deemed as "manipulation", an "unacceptable proposal" by MEPs ("EU's heavy budget file lands on Brussels summit table", *EurActiv.com*, Jun 26, 2013); a MEP resignation from his role in negotiations ("Deal struck on long-term budget, *Politico.eu*, June 19, 2013; "MEPs cast doubt on budget deal, *Politico.eu*, June 20, 2013).

EurActiv.com also covered a yearly audit which included strategic European initiatives designed to reach out for the most vulnerable people which concludes on the EU "(…) not delivering on their promises" in terms of poverty reduction policies and ("EU still world's biggest aid donor but misses own targets", *EurActiv.com*, Aug 26, 2013). Under the tag "EU Priorities for 2020" the journalists from EurActiv.com covered the reach of a compromise on February 8th projecting the image of European Parliament and Council trade-off by using sports metaphors: "strike an agreement", "struck (…) a deal", "clamoring success" " ("EU leaders agree budget cuts, MEPs brace for strife", *EurActiv.com*, Feb 8, 2013), "extreme sports" ("Lewandowski: Agreeing the budget was 'extreme sports'", *EurActiv.com,* Jun 28, 2013), and battle analogies: "on a collision course", "Parliament (…) prepares to fight off the decision to cut spending" ("EU leaders agree budget cuts, MEPs brace for strife", *EurActiv.com*, Feb 8, 2013).

EurActiv.com journalists pointed out the delays in reaching a budgetary agreement and stressed out that the European Parliament has won new powers following the Lisbon Treaty and that the Council is "pressing to conclude negotiations" ("EU ministers want budget talks concluded by end of June", *EurActiv.com*, May 22, 2013).

Meanwhile, the journalists from *New Europe* reacted to institutional restrains in communication ("Vice-President Šefčovič 'cautiously optimistic' about the MFF", *New Europe*, Feb 5, 2013).

Conclusions: lessons learned for future EU Multiannual Financial Framework 2021-2027

Following the monetary and financial crisis of 2008-2010, there is no subject that arouses such interest for the politics and policy of the European governance such as budgetary matters. Throughout 2013, media attention in reference to the EU MFF 2014-2020 covered to some degree the following aspects: the complexity and lengthy inter-institutional negotiations as compared to the previous ones throughout 2006 and the increased powers of the European Parliament (EP) under the Treaty of Lisbon (2009), thus coining a possible race between Council and European Parliament. While the

mainstream media articles covering the negotiations during 2013 focused on the changes in inter-institutional relations among European Commission, Members of the European Parliament and Member States government representatives reunited in Council, the academic literature highlighted both the short-term and long-lasting effects of these changes on the evolution of negotiations and conditionality for the 2014-2020 and also future financing of the European Regional Policy, the Cohesion Policy and the Common Agriculture Policy. A strong interest was manifest for the future of the integration process and the lessons learned for addressing the 2021-2027 financial programming period.

Most strikingly this contribution allows us to make a comparative study of academic research interest versus online media coverage. Following some insights into inter-institutional relations among European Commission, European Parliament and Council of the EU, one observers that while the media pursues the negotiations, timeline and trade-offs between European institutions, the scientific journals aim at providing a more nuanced picture mostly historically (neo)institutionalist-driven on the changes and effects of Lisbon Treaty-induced reforms. Institutions and decision-making in the EU still represents a seminal topic for scientific research and produces relevant insights drawn from institutional analysis (historical, discourse analysis, or rational choice).

References:

Ackrill, R. & Kay, A. (2006). Historical-institutionalist perspectives on the development of the EU budget system, *Journal of European Public Policy*, 13:1,113-133, DOI: 10.1080/13501760500380775

Avdikos, V. & Chardas, A. (2016). European Union Cohesion Policy Post 2014: More (Place-Based and Conditional) Growth – Less Redistribution and Cohesion, Territory, Politics, Governance, 4:1, 97-117, DOI: 10.1080/21622671.2014.992460

Bachtler, J. & Ferry, M. (2015). Conditionalities and the Performance of European Structural Funds: A Principal–Agent Analysis of Control Mechanisms in European Union Cohesion Policy, Regional Studies, 49:8, 1258-1273, DOI: 10.1080/00343404.2013.821572

Barbu, C.M., Florea, D.L., Ogarcă, R.F., Barbu, M.C.R. (2018). From ownership to access: How the sharing economy is changing the consumer behavior, *Amfiteatru Economic*, 20(48), 373-387, https://www.econstor.eu/bitstream/10419/196438/1/Article_2725.pdf

Becker, P. (2012). The European Budget and the Principles of Solidarity and Added Value, *The International Spectator*, 47:3, 116-129, DOI: 10.1080/03932729.2011.628105

Becker, P. (2019). The reform of European cohesion policy or how to couple the streams successfully, *Journal of European Integration*, 41:2, 147-168, DOI: 10.1080/07036337.2018.1553964

Benedetto, G. (2013). The EU budget after Lisbon: Rigidity and reduced spending? *Journal of Public Policy, 33*(3), 345-369. doi:10.1017/S0143814X13000172

Benedetto, G. (2017). Power, money and reversion points: the European Union's annual budgets since 2010, *Journal of European Public Policy*, 24:5, 633-652, DOI: 10.1080/13501763.2016.1154589

Benedetto, G. (2019). The European Parliament as a budgetary extractor since the Lisbon Treaty, *Journal of European Integration*, 41:3, 329-345, DOI: 10.1080/07036337.2019.1599374

Cardenete, M. A. & Delgado, M. C. (2015). Future of European funds in a regional economy: Andalusia 2014–2020, *Applied Economics Letters*, 22:6, 451-454, DOI: 10.1080/13504851.2014.948670

Council of the European Union (2003). Council Regulation (EC, Euratom) No 1287/2003 of 15 July 2003 on the harmonisation of gross national income at market prices (GNI Regulation), *Official Journal of the European Union* L 181, 19.7.2003, 1–3 https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1544630445447&uri=CELEX%3A32003R1287

Council of the European Union (2013). Council Regulation (EU, Euratom) No 1311/2013 of 2 December 2013 laying down the multiannual financial framework for the years 2014-2020, *Official Journal of the European Union* L 347, 20.12.2013, 884–891, https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32013R1311

Council of the European Union (2013). Council Regulation (EU, EURATOM) No 1311/2013 of 2 December 2013 laying down the multiannual financial framework for the years 2014-2020, *Official Journal of the European Union* L 347/884, 20.12.2013, https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:347:0884:0891:EN:PDF

Council of the European Union (2014). Council Decision of 26 May 2014 on the system of own resources of the European Union, 2014/335/EU, Euratom, *Official Journal of the European Union* L 168, 7.6.2014, 105–111 https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32014D0335

Council of the European Union (2014a). Council Regulation (EU, Euratom) No 608/2014 of 26 May 2014 laying down implementing measures for the system of own resources of the European Union, *Official Journal of the European Union* L 168, 7.6.2014, 29–38 https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32014R0608

Council of the European Union (2014b). Council Regulation (EU, Euratom) No 609/2014 of 26 May 2014 on the methods and procedure for making available the traditional, VAT and GNI-based own resources and on the measures to meet cash requirements, *Official Journal of the European Union* L 168, 7.6.2014, *39–52* https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32014R0609

Crowe, R. (2016). The European Council and the Multiannual Financial Framework, *Cambridge Yearbook of European Legal Studies*, Volume 18, December 2016, pp. 69 – 92, DOI: https://doi.org/10.1017/cel.2016.2

De Vreese, C. H. (2005). News framing: Theory and typology, *Information Design Journal + Document Design*, 13(1), 51–62.

Dunford, M. & Perrons, D. (2012). Regional Inequality in the EU: How to Finance Greater Cohesion, *European Planning Studies*, 20:6, 895-922, DOI: 10.1080/09654313.2012.673562

European Commission (2011). A Budget for Europe 2020. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee, the Committee of the Regions. Brussels, June 29, 2011, COM (2011) 500 final, https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:52011DC0500

European Commission (2011). A Budget for Europe 2020: the current system of funding, the challenges ahead, the results of stakeholders consultation and different options on the main horizontal and sectoral issues. Accompanying the document Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions A Budget for Europe 2020, SEC(2011) 868 final, https://ec.europa.eu/budget/library/biblio/documents/fin_fwk1420/SEC-868_en.pdf

European Commission (2015). Proposal for a Council Regulation amending Regulation (EU, Euratom) No 1311/2013 laying down the multiannual financial framework for the years 2014-2020 COM(2015) 15, 20 January 2015, https://ec.europa.eu/info/sites/info/files/about_the_european_commission/eu_budget/com-2015-15_2015_en.pdf

European Parliament (2011). "Resolution of 8 June 2011 on Investing in the Future: A New Multiannual Financial Framework (MFF) for a Competitive, Sustainable and Inclusive Europe." (2010/2011(INI)) P7_TA (2011)0266, https://www.europarl.europa.eu/doceo/document/TA-7-2011-0266_EN.html?redirect

European Parliament, Council of the European Union, European Commission (2013) Interinstitutional Agreement of 2 December 2013 between the European Parliament, the Council and the Commission on budgetary discipline, on cooperation in budgetary matters and on sound financial management 2013/C 373/01

European Parliament, Council of the European Union (2011). Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers, *Official Journal of the European Union* L 55, 28.2.2011, 13–18, https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32011R0182

Georgescu, C. M. (2008). Great expectations from budgetary structures within local public organizations. *Revista de Ştiinţe Politice. Revue des Sciences Politiques,* (18), 117-122. Retrieved from http://search.proquest.com/docview/214579598?accountid=15533

Georgescu, C. M. (2018). The Postmodernity of European Integration: Affirming EU Core Values, Identities and Principles in the Mass Media, *Postmodern Openings*, 9:2, 196-209. DOI: http://dx.doi.org/10.18662/po/28

Georgiou, G. A. & Psycharis, Y. (2004). The new enlargement of the European Union: the financial framework and the new challenges ahead, *European Planning Studies*, 12:4, 563-584, DOI: 10.1080/0965431042000212795

Goetz, K. H. & Patz, R. (2016). Pressured budgets and the European Commission: towards a more centralized EU budget administration?, *Journal of European Public Policy*, 23:7, 1038-1056, DOI: 10.1080/13501763.2016.1162835

Heinemann, F., Mohl, P. & Osterloh, S. (2010). Reforming the EU Budget: Reconciling Needs with Political-Economic Constraints, *Journal of European Integration*, 32:1, 59-76, DOI: 10.1080/07036330903375149

Kölling, M. (2015). Subnational Governments in the Negotiation of the Multiannual Financial Framework 2014–2020: The Case of Spain, *Regional & Federal Studies*, 25:1, 71-89, DOI: 10.1080/13597566.2014.979804

Mayer, F. C. (2020). The EU in 2030: An Anticipated Look Back at the 2020s, *German Law Journal*, 21, 63–68 doi:10.1017/glj.2019.97

Monsalve, F., Zafrilla, J., Cadarso, M.-A., & García-Alaminos, A. (2018). Is the emperor wearing new clothes? A social assessment of the European Union 2007–2013 financial framework, *Economic Systems Research*, 31:3, 285-304, DOI: 10.1080/09535314.2018.1491391

Nosek, Š. (2017). Territorial cohesion storylines in 2014–2020 Cohesion Policy, *European Planning Studies*, 25:12, 2157-2174, DOI: 10.1080/09654313.2017.1349079

Olimid, A. P. (2018). Framing Human Values and Ethical Behavior in the European Union Participatory Governance (2009-2017). *Postmodern Openings*, *9*(2), 120-133. https://doi.org/10.18662/po/23

Olimid, A.P., Georgescu, C.M. (2017). Social Agenda and Civic Participation within the European Union Multilevel Governance: A Content Analysis of the EU Legal Documentation (2016), *Revista de Științe Politice. Revue des Sciences Politiques*, 55, 42-56, https://cis01.ucv.ro/revistadestiintepolitice/files/numarul55_2017/RSP%2055.pdf#page=42

Sabău–Popa, D., Mara, R. (2015). Flexibility and simplification of EU' Financial Regulation in the future programming period 2014-2020, *Procedia Economics and Finance*, 32, 1590 – 1597 DOI: 10.1016/S2212-5671(15)01550-6

Siminică, M., Crăciun, L., Ogarcă, R., Băndoi, A., Tănasie, A. (2015). A Brief Analysis of the EU Structural Funding Impact on the Sustainable Development, *Proceedings of the International Conference on New Trends in Sustainable Business and Consumption (BASIQ),* Bucharest, Romania, 481-488, https://www.conference.ase.ro/pdf/68.pdf.

Stenbæk, J., & Jensen, M. (2016). Evading the joint decision trap: The multiannual financial framework 2014–20, *European Political Science Review, 8*(4), 615-635. doi:10.1017/S175577391500020X

Tömmel, I. (2017). The standing president of the European Council: intergovernmental or supranational leadership?, *Journal of European Integration*, 39:2, 175-189, DOI: 10.1080/07036337.2016.1277717

Treaty on the Functioning of the European Union, 2012/C 326/01, *Official Journal of the European Union* C 326, 26/10/2012, 0001 – 0390

Article Info

Received: April 05 2021
Accepted: April 16 2021

CEPOS NEW CALL FOR PAPERS 2022
12TH INTERNATIONAL CONFERENCE
AFTER COMMUNISM. EAST AND WEST UNDER SCRUTINY
Craiova (Romania), 18-19 March 2022

Dear Colleagues,

We are delighted to invite you to participate in the 12th International Conference AFTER COMMUNISM. EAST AND WEST UNDER SCRUTINY in Craiova, Romania, 18-19 March 2022.

More than three decades after, an event is both history and present. The annual conference organized by CEPOS involves both the perspectives of the researches in the field of Communism and Post-Communism: research experiences and scientific knowledge.

Like a "pointing puzzle", 33 years after the fall of communism, the conference panels explore with emotional detachment, but with a peculiar professional involvement creating and exploiting the inter-disciplinary developments of the East-West relations before and after the crucial year 1989 in the fields of political sciences, history, economics and law.

The conference will be hosted during two intense and exciting days, participants all over the world (professors, professionals, doctoral and post-doctoral researchers and students) are invited to raise the issue of the study of recent history of the former communist space in connection with the Western world. We are confident that all of us will focus during these two days on what is important to move the research in the field forward.

We dear to state that we even bear the moral obligation to do that.

Best regards,

The Board of Directors of CEPOS 2022 Conferences and Events Series

PROPOSED PANELS for CEPOS CONFERENCE 2022

Center of Post-Communist Political Studies (CEPOS) proposes the following panels:
-History, politics and ideologies in modern and contemporary Europe;
-Political history, collective memory and cultural heritage;
-Politics and social change communication in postcommunism;
-Communism, transition, democracy;
-Post-communism and colective memory;
-Political culture and citizen participation;
-Law, legal studies and justice reform;
-Law, transitional justice, democratization;
-Constitution(s), legality & political reforms;
-Legal and constitutional patterns of the democratization process;
-Political culture, rights and civil society;
-Political culture, civil society and citizen participation;
-Political parties, electoral systems and electoral campaigns;
-Security and diplomacy in national and Euro-Atlantic environment;
-Security, social movements and citizenship;
-Rights, identities, policies & participation;
-Education, media & social communication;
-Education, social inclusion and regional policies;
-Administrative history and governance within South-Eastern Europe during transition;
-E-government, comparative policies and strategic approaches
-Law, administration and transitional justice
-Economics, financial law and policy mechanisms
-Social economy, climate change and sustainable development
-Education, political culture and language skills
-EU policy cooperation and resilience facilities in (post)pandemic context
-Media analysis, public discourse and democracy
-Judicial encounters and public policies
-Political leadership, democratization and regional security;
-Comparative policies, sustainable growth and urban planning;
-Knowledge transfer and competitiveness in regional economies;
-Comparative policies, financial reforms and competiveness;
-Security, foreign policy, social movements and citizenship;
-Economics, financial law and policy mechanisms;
-Administration, social inclusion and urban planning;
-Global environment and cultural heritage;
-Environment, biodiversity and climate change;
-Integration, identity, and human rights in European systems;
-Religion, cultural history and education;
-Media, online communication and politics;
-Media analysis and transition;
-Discourse, language and social encounters;
-Bioethics and transition challenges.

ABSTRACT SUBMITTING (SEE CEPOS CONFERENCE 20212 REGISTRATION FORM-on http://cepos.eu/)

The proposals must be sent in English and must contain the title of the paper, the abstract (no more than 300 words) and a short presentation of the author(s) (statute, institutional affiliation, short list of relevant scientific contributions).

DEAD-LINE FOR SUBMITTING A PROPOSAL: 04 MARCH 2022
Proposals must be submitted until 04 MARCH 2022 at the following address: cepos2013@gmail.com

CEPOS CONFERENCE PAST EDITIONS
More information, photos and other details about the previous editions of the Conference and CEPOS Workshops, Internships, and other official events organized in 2012-2021 are available on CEPOS official website sections
CEPOS Previous Events. Photo gallery CEPOS Events
http://cepos.eu/gallery
https://www.facebook.com/pages/Center-of-Post-Communist-Political-Studies-CEPOS/485957361454074

REGISTRATION FEES
CEPOS CONFERENCE 2022 Registration fees will be paid exclusively ONLINE by Wednesday, March 09, 2022.
90 euros / first paper and 20 euros/ second paper (same author(s)) can be paid directly via bank transfer on CEPOS Bank account as follows:
Details for online payment
Banca Romana pentru Dezvoltare (BRD)
Owner: ASOCIATIA CENTRUL DE STUDII POLITICE POSTCOMUNISTE
Reference to be mentioned: CV taxa participare si publicare CEPOS
Account Number: RO64BRDE170SV96030911700 (RON)

Very important !
The registration WILL NOT be confirmed until the payment of the Registration fees is received. The participant has to bear all bank charges due to the transfer of money (local, foreign etc.). The final Programme of the CEPOS Conference 2022 will be provided to all participants by Sunday, March 13, 2022.

ORGANIZING DETAILS
The registration fee covers:
* Conference attendance to all common sessions, individual and special panels
* Conference materials (including the Book of Abstracts of the Conference)
* Certificate of attendance (offered at the end of the CEPOS Conference 2022)
* Publication of the Conference Papers in the International Indexed Journal Revista de Stiinte Politice. Revue des Sciences Politiques. Previous publication of the 2012-2021 Conference papers is available at:
http://cis01.central.ucv.ro/revistadestiintepolitice/acces.php

CERTIFICATES OF ATTENDANCE
Certificates of attendance will be offered at the end of the conference.

INTERNATIONAL INDEXING OF REVISTA DE STIINTE POLITICE. REVUE DES SCIENCES POLITIQUES. Revista de Stiinte Politice. Revue des Sciences Politiques is an International Indexed Journal by:
ERIH PLUS
ProQuest Political Sciences
EBSCO
CEEOL
KVK

Gale Cengage Learning
Index Copernicus
Georgetown University Library
Elektronische Zeitschriftenbibliothek EZB
Journal Seek

Latest international indexing updates 2021 (April 2021) of the *Revista de Științe Politice. Revue des Sciences Politiques* (selective list 2019-2021)

Reseau Mirabel
https://reseau-mirabel.info/revue/3046/Revista-de-Stiinte-Politice

Bond Library University
https://librarysearch.bond.edu.au/discovery/fulldisplay?vid=61BOND_INST%3ABOND&docid=alma9930197890502381&lang=en&context=SP

Ghent university library
https://lib.ugent.be/catalog/ejn01:1000000000726583

The Royal Library and Copenhagen University Library Service
https://e-tidsskrifter.kb.dk/resolve?umlaut.locale=da&url_ver=Z39.88-2004&url_ctx_fmt=info%3Aofi%2Ffmt%3Akev%3Amtx%3Actx&ctx_ver=Z39.88-2004&ctx_tim=2020-04-11T21%3A23%3A41%2B02%3A00&ctx_id=&ctx_enc=info%3Aofi%2Fenc%3AUTF-8&rft.issn=1584-224X&rft.search_val=1584-224X&rft_val_fmt=info%3Aofi%2Ffmt%3Akev%3Amtx%3Ajournal&rfr_id=info%3Asid%2Fsfxit.com%3Acitation

Glasgow Caledonian University
https://discover.gcu.ac.uk/discovery/openurl?institution=44GLCU_INST&vid=44GLCU_INST:44GLCU_VU2&?u.ignore_date_coverage=true&rft.mms_id=991002471123103836

Open University Library Malaysia
http://library.oum.edu.my/oumlib/content/catalog/778733

Stanford University Libraries, Stanford, United States
https://searchworks.stanford.edu/?q=469823489

Cornell University Library, Ithaca, United States
https://newcatalog.library.cornell.edu/catalog?search_field=publisher+number%2Fother+identifier&q=469823489

University of Michigan Library,
https://search.lib.umich.edu/catalog?&library=All+libraries&query=isn%3A469823489

Pepperdine Libraries, Malibu, United States
https://pepperdine.worldcat.org/search?qt=wc_org_pepperdine&q=no:469823489

University of Victoria Libraries , Victoria, Canada
http://uvic.summon.serialssolutions.com/#!/search?ho=t&fvf=ContentType,Journal%20Article,f&l=en&q=1584-224X

Academic Journals database
http://journaldatabase.info/journal/issn1584-224X

University of Zurich Database
https://www.jdb.uzh.ch/id/eprint/21535/

California Institute of Techonology - Caltech Library
https://www.library.caltech.edu/eds/detail?db=poh&an=98646324&isbn=1584224X

Staatsbibliothek zu Berlin
http://kvk.bibliothek.kit.edu/view-title/index.php?katalog=STABI_BERLIN&url=http%3A%2F%2Fstabikat.de%2FDB%3D1%2FCHARSET%3DISO-8859-1%2FIMPLAND%3DY%2FLNG%3DDU%2FSRT%3DYOP%2FTTL%3D1%2FSID%3D8dda05f3-1%2FSET%3D1%2FSHW%3FFRST%3D1&signature=eBtSKEx2BuW-HASpUsCT39FB3vQpIm6cGAajCH-kz44&showCoverImg=1

Union Catalogue of Belgian Libraries
http://kvk.bibliothek.kit.edu/view-title/index.php?katalog=VERBUND_BELGIEN&url=http%3A%2F%2Fwww.unicat.be%2FuniCat%3Ffunc%3Dsearch%26query%3Dsysid%3A7330250&signature=Dxe-cVFWjMO1W4HpEAWW_ERyKR4oiGWXLGFinWk8fNU&showCoverImg=1

The National Library of Israel
http://merhav.nli.org.il/primo-explore/fulldisplay?vid=ULI&docid=NNL-Journals003477656&context=L&lang=en_US

Verbundkatalog GBV
http://kvk.bibliothek.kit.edu/view-title/index.php?katalog=GBV&url=http%3A%2F%2Fgso.gbv.de%2FDB%3D2.1%2FCHARSET%3DUTF-8%2FIMPLAND%3DY%2FLNG%3DDU%2FSRT%3DYOP%2FTTL%3D1%2FCOOKIE%3DD2.1%2CE900d94f2-d%2CI0%2CB9000%2B%2B%2B%2B%2B%2B%2CSY%2CA%2CH6-11%2C%2C16-17%2C%2C21%2C%2C30%2C%2C50%2C%2C60-61%2C%2C73-75%2C%2C77%2C%2C88-90%2CNKVK%2BWEBZUGANG%2CR129.13.130.211%2CFN%2FSET%3D1%2FPPNSET%3FPPN%3D590280090&signature=OmwA_NLtwvdaOmmyeo7SUOCEYuDRGtoZqGXIK-vTY1o&showCoverImg=1

COPAC, registered trademark of The University of Manchester
https://copac.jisc.ac.uk/search?&isn=1584-224x
ACPN Catalogo Italiano dei Periodici, Universita di Bologna
https://acnpsearch.unibo.it/journal/2601620

Bibliothèque Nationale de Luxembourg
https://a-z.lu/primo-explore/fulldisplay?vid=BIBNET&docid=SFX_LOCAL1000000000726583&context=L

National Library of Sweden
http://libris.kb.se/bib/11702473

Harold B. Lee Library, Brigham Young University
http://sfx.lib.byu.edu/sfxlcl3?url_ver=Z39.88-2004&url_ctx_fmt=info:ofi/fmt:kev:mtx:ctx&ctx_enc=info:ofi/enc:UTF-8&ctx_ver=Z39.88-2004&rfr_id=info:sid/sfxit.com:azlist&sfx.ignore_date_threshold=1&rft.object_id=1000000000726583&rft.object_portfolio_id=&svc.holdings=yes&svc.fulltext=yes

Catalogue of Hamburg Libraries
https://beluga.sub.uni-hamburg.de/vufind/Search/Results?submit=Suchen&library=GBV_ILN_22&lookfor=1584-224x

Edith Cowan Australia
https://ecu.on.worldcat.org/search?databaseList=&queryString=1584-224X

University College Cork, Ireland
https://ucc.summon.serialssolutions.com/?q=1584-224X#!/search?ho=t&jt=Revista%20de%20Stiinte%20Politice&l=en-UK&q=

York University Library, Toronto, Ontario, Canada
https://www.library.yorku.ca/find/Record/muler82857

The University of Chicago, USA
https://catalog.lib.uchicago.edu/vufind/Record/sfx_1000000000726583

The University of Kansas KUMC Libraries Catalogue
http://voyagercatalog.kumc.edu/Search/Results?lookfor=1584-224X&type=AllFields

Journal Seek
http://journalseek.net/cgi-bin/journalseek/journalsearch.cgi?field=issn&query=1584-224X

State Library New South Wales, Sidney, Australia,
http://library.sl.nsw.gov.au/search~S1/?searchtype=i&searcharg=1584-224X&searchscope=1&SORT=D&extended=0&SUBMIT=Search&searchlimits=&searchorigarg=i1583-9583

Electronic Journal Library
https://opac.giga-hamburg.de/ezb/detail.phtml?bibid=GIGA&colors=7&lang=en&flavour=classic&jour_id=111736

Open University Malaysia
http://library.oum.edu.my/oumlib/content/catalog/778733

Wayne State University Libraries
http://elibrary.wayne.edu/record=4203588

Kun Shan University Library
http://muse.lib.ksu.edu.tw:8080/1cate/?rft_val_fmt=publisher&pubid=ucvpress

Western Theological Seminar
https://col-westernsem.primo.exlibrisgroup.com/discovery/fulldisplay?docid=alma991001225541104770&context=L&vid=01COL_WTS:WTS&lang=en&search_scope=MyInst_and_CI&adaptor=Local%20Search%20Engine&tab=Everything&query=any,contains,1584-224X&facet=rtype,include,journals&mode=Basic&offset=0

Swansea University Prifysgol Abertawe
http://whel-primo.hosted.exlibrisgroup.com/primo_library/libweb/action/search.do?vid=44WHELF_SWA_VU1&reset_config=true#.VSU9SPmsVSk

Vanderbilt Library
https://catalog.library.vanderbilt.edu/discovery/fulldisplay?docid=alma991043322926803276&context=L&vid=01VAN_INST:vanui&lang=en&search_scope=MyInst_and_CI&adaptor=Local%20Search%20Engine&tab=Everything&query=any,contains,1584-224X&offset=0

Wissenschftszentrum Berlin fur Sozial
https://www.wzb.eu/en/literature-data/search-find/e-journals?page=searchres.phtml&bibid=WZB&lang=en&jq_type1=IS&jq_term1=1584-224X&jq_bool2=AND&jq_type2=KS&jq_term2=&jq_bool3=AND&jq_type3=PU&jq_term3=&offset=-1&hits_per_page=50&Notations%5B%5D=all&selected_colors%5B%5D=1&selected_colors%5B%5D=2

Radboud University Nijmegen
https://zaandam.hosting.ru.nl/oamarket-acc/score?OpenAccess=&InstitutionalDiscounts=&Title=&Issn=1584-224&Publisher=

Elektronische Zeitschriftenbibliothek EZB (Electronic Journals Library)
http://rzblx1.uni-regensburg.de/ezeit/detail.phtml?bibid=AAAAA&colors=7&lang=de&jour_id=111736

The University of Hong Kong Libraries
https://julac.hosted.exlibrisgroup.com/primo-explore/search?query=any,contains,1584-224x&search_scope=My%20Institution&vid=HKU&facet=rtype,include,journals&mode=Basic&offset=0

Metropolitan University Prague, Czech Republic
https://s-knihovna.mup.cz/katalog/eng/l.dll?h~=&DD=1&H1=&V1=o&P1=2&H2=&V2=o&P2=3&H3=&V3=z&P3=4&H4=1584-224x&V4=o&P4=33&H5=&V5=z&P5=25
University of the West Library
https://uwest.on.worldcat.org/search?queryString=1584-224x&clusterResults=off&stickyFacetsChecked=on#/oclc/875039367

Elektron ische Zeitschriften der Universität zu Köln
https://www.ub.uni-koeln.de/IPS?SERVICE=METASEARCH&SUBSERVICE=INITSEARCH&VIEW=USB:Simple&LOCATION=USB&SID=IPS3:2d1c5acebc65a3cdc057a9d6c64ce76e&SETCOOKIE=TRUE&COUNT=15&GWTIMEOUT=30&HIGHLIGHTING=on&HISTORY=SESSION&START=1&STREAMING=on&URLENCODING=TRUE&QUERY_alAL=1584-224x&SERVICEGROUP1.SERVICE.SEARCH_EDS=on&SERVICEGROUP1.SERVICE.SEARCH_KUGJSON=on&SERVICEGROUP1.SERVICE.SEARCH_KUGUSBWEB=on&SERVICEGROUP1.SERVICEGROUP.USB:Default=on

EKP Pulications
https://ekp-invenio.physik.uni-karlsruhe.de/search?ln=en&sc=1&p=1584-224X&f=&action_search=Search&c=Experiments&c=Authorities

Valley City State University
https://odin-primo.hosted.exlibrisgroup.com/primo-explore/search?query=any,contains,1584-224X&tab=tab1&search_scope=ndv_everything&sortby=rank&vid=ndv&lang=en_US&mode=advanced&offset=0displayMode%3Dfull&displayField=all&pcAvailabiltyMode=true

Impact Factor Poland
http://impactfactor.pl/czasopisma/21722-revista-de-stiinte-politice-revue-des-sciences-politiques

Universite Laval
http://sfx.bibl.ulaval.ca:9003/sfx_local?url_ver=Z39.88-

2004&url_ctx_fmt=info:ofi/fmt:kev:mtx:ctx&ctx_enc=info:ofi/enc:UTF-8&ctx_ver=Z39.88-2004&rfr_id=info:sid/sfxit.com:azlist&sfx.ignore_date_threshold=1&rft.object_id=1000000000726583&rft.object_portfolio_id=&svc.fulltext=yes

Universität Passau
https://infoguide.ub.uni-passau.de/InfoGuideClient.upasis/start.do?Query=10%3d%22BV035261002%22

BSB Bayerische StaatBibliothek
https://opacplus.bsb-muenchen.de/metaopac/search?View=default&oclcno=502495838

Deutsches Museum
https://opac.deutsches-museum.de/TouchPoint/start.do?Query=1035%3d%22BV035261002%22IN%5b2%5d&View=dmm&Language=de
Technische Hochschule Ingolstadt
https://opac.ku.de/TouchPoint/start.do?Branch=3&Language=de&View=thi&Query=35=%22502495838%22+IN+[2]

Hochschule Augsburg, Bibliothek
https://infoguide.hs-augsburg.de/InfoGuideClient.fhasis/start.do?Query=10%3d%22BV035261002%22

Hochschule Weihenstephan-Triesdorf, Zentralbibliothek
Freising, Germany
https://ffwtp20.bib-bvb.de/TouchPoint/start.do?Query=1035%3d%22BV035261002%22IN%5b2%5d&View=ffw&Language=de

OTH- Ostbayerische Technische Hochschule Regensburg, Hochschulbibliothek
OTHBR, Regensburg, Germany
https://www.regensburger-katalog.de/TouchPoint/start.do?Query=1035%3d%22BV035261002%22IN%5b2%5d&View=ubr&Language=de

Staatliche Bibliothek Neuburg/Donau , SBND,
Neuburg/Donau, Germany
https://opac.sbnd.de/InfoGuideClient.sndsis/start.do?Query=10%3d%22BV035261002%22

Universitätsbibliothek Eichstätt-Ingolstadt, Eichstätt, Germany
https://opac.ku.de/TouchPoint/start.do?Branch=0&Language=de&View=uei&Query=35=%22502495838%22+IN+[2]

Bibliothek der Humboldt-Universität Berlin, Universitätsbibliothek der Humboldt-Universität zu Berlin
Berlin, Germany
https://hu-berlin.hosted.exlibrisgroup.com/primo-explore/search?institution=HUB_UB&vid=hub_ub&search_scope=default_scope&tab=default_tab&query=issn,exact,1584-224X

Hochschulbibliothek Ansbach, Ansbach, Germany
https://fanoz3.bib-bvb.de/InfoGuideClient.fansis/start.do?Query=10%3d%22BV035261002%22

Bibliothek der Europa-Universität Viadrina, Frankfurt (Oder)
Frankfurt/Oder, Germany
https://opac.europa-uni.de/InfoGuideClient.euvsis/start.do?Query=10%3d%22BV035261002%22

University of California Library Catalog
https://catalog.library.ucla.edu/vwebv/search?searchCode1=GKEY&searchType=2&searchArg1=ucoclc469823489

For more details about the past issues and international abstracting and indexing, please visit the journal website at the following address:

http://cis01.central.ucv.ro/revistadestiintepolitice/acces.php.

CONFERENCE INTERNATIONAL INDEXING OF THE PAST EDITIONS (2014-2021)

CEPOS Conference 2021

The Eleventh International Conference After Communism. East and West under Scrutiny (Craiova, House of the University, 19-20 March 2021) was evaluated and accepted for indexing in 5 international databases, catalogues and NGO's databases:

https://academic.oup.com/jcs/advance-articleabstract/doi/10.1093/jcs/csaa064/5941887?redirectedFrom=fulltext

https://conferencealerts.com/show-event?id=229654

https://www.sciencedz.net/en/conference/72628-1thinternational-conference-after-communism-east-and-west-underscrutiny

https://10times.com/after-communism-east-and-west-underscrutiny

https://worlduniversitydirectory.com/edu/event/?slib=1thinternational-conference-after-communism-east-and-west-underscrutiny-2

CEPOS Conference 2020

The Tenth International Conference After Communism. East and West under Scrutiny (27-28 March 2020) was evaluated and accepted for indexing in 7 international databases, catalogues and NGO's databases:

Scichemistry
http://scichemistry.org/ConferenceInfosByConferenceTopicId?conferenceTopicId=57

Oxford Journals
https://academic.oup.com/jcs/advance-articlepdf/doi/10.1093/jcs/csz078/30096829/csz078.pdf

Conference alerts
https://conferencealerts.com/show-event?id=215370
https://www.sciencedz.net/en/conference/57625-10thinternational-conference-after-communism-east-and-west-underscrutiny

Intraders
https://www-intradersorg.cdn.ampproject.org/v/s/www.intraders.org/news/romania/10th-international-conference-after-communism-east-and-westunderscrutiny/amp/?amp_js_v=a2&_gsa=1&usqp=mq331AQCKAE%3D#aoh=15737604302246&referrer=https%3A%2F%2Fwww.google.com&_tf=De%20pe%20%251%24s&share=https%3A%2F%2Fwww.intraders.org%2Fnews%2Fromania%2F10th-internationalconference-after-communism-east-and-west-under-scrutiny%2F

10 times
https://10times.com/after-communism-east-and-west-underscrutiny

The conference alerts
https://theconferencealerts.com/event/46428/10th-internationalconference-after-communism-east-and-west-under-scrutiny

Scirea
https://www.scirea.org/ConferenceInfosByConferenceCountryId?conferenceCountryId=75

CEPOS Conference 2019

The Ninth International Conference After Communism. East and West under Scrutiny (Craiova, House of the University, 29-30 March 2019) was evaluated and accepted for indexing in 6 international databases, catalogues and NGO's databases:

Oxford Academic Journal of Church & State https://academic.oup.com/jcs/article-abstract/60/4/784/5106417?redirectedFrom=PDF

10 Times
https://10times.com/after-communism-east-and-west-under-scrutiny

Conference Alerts
https://conferencealerts.com/show-event?id=205682

Researchgate
https://www.researchgate.net/publication/327905733_CEPOS_9TH_INTERNATIONAL_CONFERENCE_AFTER_COMMUNISM_EAST_AND_WEST_UNDER_SCRUTINY_2019?_iepl%5BviewId%5D=sjcOJrVCO8PTLapcfVciZQsb&_iepl%5Bcontexts%5D%5B0%5D=publicationCreationEOT&_iepl%5BtargetEntityId%5D=PB%3A327905733&_iepl%5BinteractionType%5D=publicationCTA

The Free Library
https://www.thefreelibrary.com/9th+INTERNATIONAL+CONFERENCE+AFTER+COMMUNISM.+EAST+AND+WEST+UNDER...-a0542803701

Science Dz.net
https://www.sciencedz.net/conference/42812-9th-international-conference-after-communism-east-and-west-under-scrutiny

CEPOS Conference 2018

The Eighth International Conference After Communism. East and West under Scrutiny (Craiova, House of the University, 23-24 March 2018) was evaluated and accepted for indexing in 15 international databases, catalogues and NGO's databases:

Conference Alerts, https://conferencealerts.com/show-event?id=186626
Sciencesdz, http://www.sciencedz.net/conference/29484-8th-international-conference-after-communism-east-and-west-under-scrutiny

ManuscriptLink,
https://manuscriptlink.com/cfp/detail?cfpId=AYAXKVAR46277063&type=event

Maspolitiques,http://www.maspolitiques.com/ar/index.php/en/1154-8th-international-conference-after-communism-east-and-west-under-scrutiny

Aconf, https://www.aconf.org/conf_112399.html

Call4paper,https://call4paper.com/listByCity?type=event&city=3025&count=count
Eventegg, https://eventegg.com/cepos/

10 times, https://10times.com/after-communism-east-and-west-under-scrutiny
Biblioteca de Sociologie, http://bibliotecadesociologie.ro/cfp-cepos-after-communism-east-and-west-under-scrutiny-craiova-2018/

Science Research Association http://www.scirea.org/topiclisting?conferenceTopicId=5
ResearcherBook http://researcherbook.com/country/Romania

Conference Search Net, http://conferencesearch.net/en/29484-8th-international-conference-after-communism-east-and-west-under-scrutiny

SchoolandCollegeListings,
https://www.schoolandcollegelistings.com/RO/Craiova/485957361454074/Center-of-Post-Communist-Political-Studies-CEPOS

Vepub conference, http://www.vepub.com/conferences-view/8th-International-Conference-After-Communism.-East-and-West-under-Scrutiny/bC9aUE5rcHN0ZmpkYU9nTHJzUkRmdz09/

Geopolitika Hungary, http://www.geopolitika.hu/event/8th-international-conference-after-communism-east-and-west-under-scrutiny/

CEPOS Conference 2017

The Seventh International Conference After Communism. East and West under Scrutiny (Craiova, House of the University, 24-25March 2017) was evaluated and accepted for indexing in 10 international databases, catalogues and NGO's databases: Ethic & International Affairs (Carnegie Council), Cambridge University Press-

https://www.ethicsandinternationalaffairs.org/2016/upcoming-conferences-interest-2016-2017/

ELSEVIER GLOBAL EVENTS LIST http://www.globaleventslist.elsevier.com/events/2017/03/7th-international-conference-after-communism-east-and-west-under-scrutiny

CONFERENCE ALERTS-http://www.conferencealerts.com/show-event?id=171792

10TIMES.COM-http://10times.com/after-communism-east-and-west-under-scrutiny

Hiway Conference Discovery System-http://www.hicds.cn/meeting/detail/45826124
Geopolitika (Hungary)-http://www.geopolitika.hu/event/7th-international-conference-after-communism-east-and-west-under-scrutiny/

Academic.net-http://www.academic.net/show-24-4103-1.html

World University Directory-http://www.worlduniversitydirectory.com/conferencedetail.php?AgentID=2001769

Science Research Association-http://www.scirea.org/conferenceinfo?conferenceId=35290

Science Social Community-https://www.science-community.org/ru/node/174892

CEPOS Conference 2016

The Sixth International Conference After Communism. East and West under Scrutiny (Craiova, House of the University, 8-9 April 2016) was evaluated and accepted for indexing in the following international databases, catalogues and NGO's databases:

ELSEVIER GLOBAL EVENTS-http://www.globaleventslist.elsevier.com/events/2016/04/6th-international-conference-after-communism-east-and-west-under-scrutiny/
Oxford Journals – Oxford Journal of Church & State-http://jcs.oxfordjournals.org/content/early/2016/02/06/jcs.csv121.extract

Conference Alerts-http://www.conferencealerts.com/country-listing?country=Romania
Conferences-In - http://conferences-in.com/conference/romania/2016/economics/6th-international-conference-after-communism-east-and-west-under-scrutiny/

Socmag.net - http://www.socmag.net/?p=1562

African Journal of Political Sciences-http://www.maspolitiques.com/mas/index.php?option=com_content&view=article&id=450:-securiteee-&catid=2:2010-12-09-22-47-00&Itemid=4#.VjUI5PnhCUk

Researchgate-https://www.researchgate.net/publication/283151988_Call_for_Papers_6TH_International_Conference_After_Communism._East_and_West_under_Scrutiny_8-9_April_2016_Craiova_Romania

World Conference Alerts-http://www.worldconferencealerts.com/ConferenceDetail.php?EVENT=WLD1442
Edu events-http://eduevents.eu/listings/6th-international-conference-after-communism-east-and-west-under-scrutiny/

Esocsci.org-http://www.esocsci.org.nz/events/list/

Sciencedz.net-http://www.sciencedz.net/index.php?topic=events&page=53
Science-community.org-http://www.science-community.org/ru/node/164404/?did=070216

CEPOS Conference 2015

The Fifth International Conference After Communism. East and West under Scrutiny (Craiova, House of the University, 24-25 April 2015) was evaluated and accepted for indexing in 15 international databases, catalogues and NGO's databases:

THE ATLANTIC COUNCIL OF CANADA, CANADA-http://natocouncil.ca/events/international-conferences/

ELSEVIER GLOBAL EVENTS LIST-http://www.globaleventslist.elsevier.com/events/2015/04/fifth-international-conf

GCONFERENCE.NET-http://www.gconference.net/eng/conference_view.html?no=47485&catalog=1&cata=018&co_kind=&co_type=&pageno=1&conf_cata=01

CONFERENCE BIOXBIO-http://conference.bioxbio.com/location/Romania

10 TIMES-http://10times.com/Romania

CONFERENCE ALERTS-http://www.conferencealerts.com/country-listing?country=Romania

http://www.iem.ro/orizont2020/wp-content/uploads/2014/12/lista-3-conferinte-internationale.pdf
http://sdil.ac.ir/index.aspx?pid=99&articleid=62893

NATIONAL SYMPOSIUM-http://www.nationalsymposium.com/communism.php
SCIENCE DZ-http://www.sciencedz.net/conference/6443-fifth-international-conference-after-communism-east-and-west-under-scrutiny

ARCHIVE COM-http://archive-com.com/com/c/conferencealerts.com/2014-12-01_5014609_70/Rome_15th_International_Academic_Conference_The_IISES/

CONFERENCE WORLD-http://conferencesworld.com/higher-education/
KNOW A CONFERENCE KNOW A CONFERENCE-http://knowaconference.com/social-work/

International Journal on New Trends in Education and Their Implications (IJONTE)

Turkey http://www.ijonte.org/?pnum=15&

Journal of Research in Education and Teaching Turkey-http://www.jret.org/?pnum=13&pt=Kongre+ve+Sempozyum
CEPOS CONFERENCE 2015 is part of a "consolidated list of all international and Canadian conferences taking place pertaining to international relations, politics, trade, energy and sustainable development". For more details see http://natocouncil.ca/events/international-conferences/

CEPOS Conference 2014

The Fourth International Conference After Communism. East and West under Scrutiny, Craiova, 4-5 April 2014 was very well received by the national media and successfully indexed in more than 9 international databases, catalogues and NGO's databases such as:

American Political Science Association, USA-http://www.apsanet.org/conferences.cfm

Journal of Church and State, Oxford-http://jcs.oxfordjournals.org/content/early/2014/01/23/jcs.cst141.full.pdf+html;
NATO Council of Canada (section events/ international conferences), Canada, http://atlantic-council.ca/events/international-conferences/

International Society of Political Psychology, Columbus, USA-http://www.ispp.org/uploads/attachments/April_2014.pdf

Academic Biographical Sketch, http://academicprofile.org/SeminarConference.aspx; Conference alerts, http://www.conferencealerts.com/show-event?id=121380 Gesis Sowiport, Koln, Germany, http://sowiport.gesis.org/; Osteuropa-Netzwerk, Universität Kassel, Germany, http://its-vm508.its.uni-kassel.de/mediawiki/index.php/After_communism_:_East_and_West_under_scrutiny_:_Fourth_International_Conference

Ilustre Colegio Nacional de Doctores y Licenciados en Ciencias Politicas y Sociologia, futuro Consejo Nacional de Colegios Profesionales, Madrid, http://colpolsocmadrid.org/agenda/.

RSP MANUSCRIPT SUBMISSION

GUIDELINES FOR PUBLICATION
REVISTA DE ŞTIINŢE POLITICE. REVUE DES SCIENCES POLITIQUES (RSP)

Email: Manuscripts should be submitted online at cepos2013@gmail.com with the following settings:
Page setup: B5 JIS
Paper title: For the title use Times New Roman 16 Bold, Center.

Author(s): For the Name and Surname of the author(s) use Times New Roman 14 Bold, Center. About the author(s): After each name insert a footnote (preceded by the symbol *) containing the author's professional title, didactic position, institutional affiliation, contact information, and email address.

E.g.: Anca Parmena Olimid*, Cătălina Maria Georgescu**, Cosmin Lucian Gherghe***

* Associate Professor, PhD, University of Craiova, Faculty of Social Sciences, Phone: 00407******, Email: parmena2002@yahoo.com. (Use Times New Roman 9, Justified)
** Lecturer, PhD, University of Craiova, Faculty of Social Sciences, Phone: 00407******, Email: cata.georgescu@yahoo.com. (Use Times New Roman 9, Justified)
*** Lecturer, PhD, University of Craiova, Faculty of Social Sciences, Phone: 00407******, Email: avcosmingherghe@yahoo.com. (Use Times New Roman 9, Justified)

Author(s) are fully responsible for the copyright, authenticity and contents of their papers. Author(s) assume full responsibility that their paper is not under review for any refereed journal or conference proceedings.

Abstract
The abstract must provide the aims, objectives, methodology, results and main conclusions of the paper (please submit the papers by providing all these information in the abstract). It must be submitted in English and the length must not exceed 300 words. Use Times New Roman 10,5, Justify.

Keywords
Submit 5-6 keywords representative to the thematic approached in the paper. Use Times New Roman 10,5, Italic. After the keywords introduce three blank lines, before passing to the Article text.

Text Font: Times New Roman: 10,5

Reference citations within the text
Please cite within the text. Use authors' last names, with the year of publication.

E.g.: (Olimid, 2009: 14; Olimid and Georgescu, 2012: 14-15; Olimid, Georgescu and Gherghe, 2013: 20-23).

On first citation of references with more than three authors, give all names in full. On the next citation of references with more than three authors give the name of the first author followed by "et al.".

To cite one Article by the same author(s) in the same year use the letters a, b, c, etc., after the year. E.g.: (Olimid, 2009a:14) (Olimid, 2009b: 25-26).

References:
The references cited in the Article are listed at the end of the paper in alphabetical order of authors' names.
References of the same author are listed chronologically.

For books
Olimid, A. P. (2009a). *Viaţa politică şi spirituală în România modernă. Un model românesc al relaţiilor dintre Stat şi Biserică*, Craiova: Aius Publishing.
Olimid, A. P. (2009b). *Politica românească după 1989,* Craiova: Aius Publishing.
For chapters in edited books
Goodin, R. E. (2011). The State of the Discipline, the Discipline of the State. In Goodin, R. E. (editor), *The Oxford Handbook of Political Science*, Oxford: Oxford University Press, pp. 19-39.

For journal Articles
Georgescu, C. M. (2013a). Qualitative Analysis on the Institutionalisation of the Ethics and Integrity Standard within the Romanian Public Administration. *Revista de Ştiinţe Politice. Revue des Sciences Politiques*, 37, 320-326.

Georgescu, C. M. (2013b). Patterns of Local Self-Government and Governance: A Comparative Analysis Regarding the Democratic Organization of Thirteen Central and Eastern European Administrations (I). *Revista de Ştiinţe Politice. Revue des Ştiinţe Politice*, 39, 49-58.

Tables and Figures
Tables and figures are introduced in the text. The title appears above each table.
E.g.: Table 1. The results of the parliamentary elections (May 2014)

Proposed papers: Text of the Article should be between 4000-5000 words, single spaced, Font: Times New Roman 10,5, written in English, submitted as a single file that includes all tables and figures in Word2003 or Word2007 for Windows.
All submissions will be double-blind reviewed by at least two reviewers.