



***STRATEGY AND POLICY STUDIES***

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***EXECUTIVE SUMMARIES***

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## **Study no. 1 Milk quota impact upon the Romanian farmers in the Common Agricultural Policy context**

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**The current study aims mainly to analyse the consequences of the cutting-off of the milk quota at the level of the European Union** and to present the reasons of a possible position that Romania needs to adopt with regard to this issue. A particular attention is paid to presenting the major characteristics and tendencies in the milk production and processing in Romania, in order to highlight current problems and their consequences over production, as well as of measures which need to be taken in this sector, with an emphasis on the implications of the quotas' system.

The production quota system has been used by the European Union in order to limit the milk quantity subsidized from the EU budget. Each member state has a national quota, out of which every producer receives an *individual quota*. This individual quota is represented by the milk quantity (that meets certain quality standards and a certain fat content established by the law) that can be delivered on the market (for processing or through direct sale) by each EU Member State (and each farmer of the Member State as the national quota consists of the individual quotas for each farmer).

In November 2007, the European Commission submitted to the European Parliament and Council the document entitled "Health Check", meant to prepare the continuation of reforms in the CAP sector. An important issue in this document is the proposal to abolish the milk quota starting from the year 2015 on. This approach was meant to ensure a smooth transition of the sector to the moment when the quotas' system would be eliminated. In this respect, it was proposed that one of the measures would be the gradual increase of quotas until 2015. The main worries refer to the possibility of milk production concentration in the areas

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where this activity involves lower costs and its disappearance in certain zones (e.g. in the mountain areas).

In these conditions, the European Commission presented the document entitled “Health Check” of CAP, meant to prepare the continuation of reforms, which made reference to the fields that needed to be subject to this process.

An important point of this document is represented by the **proposal to eliminate the milk quota** starting with 2015, but only at the moment when the sector is ready to for such a radical measure. In relation to this, it has been suggested that one of the measures should aim at the **gradual rise of quotas until 2015**.

In the second chapter, the main tendencies and characteristics in the milk production and processing sector are analysed. Milk production comes on the second place in Romania after meat production as regards its importance; in 2006 it accounted for 21% of the animal production value and 8% of the agricultural production value. In the period of transition to the market economy, deep changes were produced in the agri-food sector and in the milk production and processing sector implicitly. In the first years after 1989 a drastic diminution of bovine herds took place as well as of the dairy cow herds and production as a natural reaction of the livestock sector after an aberrant policy, focusing on the increase in the number of herds by all means, with no economic rationality.

Although Romania had a long transition period to the market economy and it is now a EU Member State, farm restructuring is far from being completed. In the year 2007 milk production was obtained on 1.05 million holdings, with an average size of 1.63 cow heads and 72 % of the total dairy cow herds were raised on very low-sized agricultural holdings (1-2 heads). The farms with more than 100 heads that we consider commercial or potential commercial farms account for only 2.23% of total farms, which own only 0.02% of the national dairy cow herds.

According to the statistical data, from 1993 up to the present moment no significant changes have been produced with regard to the share of self-consumption; self-consumption remained quite high throughout the period, averaging 40% of total production, with oscillations ranging from 37% to 45%. The milk that went to the market (deliveries to dairies and direct sales) accounted for 45% on the average, to get near 50% of total milk production in recent years, which provides a positive signal in relation to processing sector revigoration and market stabilization.

In the period 1990-2000, the processed milk production constantly declined in all types of products, mainly due to the industrial sector restructuring, which was oversized for the milk production structure in Romania (after 1989) and as a reaction to the economic environment evolution and price liberalization (after 1997). As the moment of accession was getting closer, the concentration and structural change tendency in the milk processing sector was more and more obvious. The largest part of these units tried fast to conform to the EU standards so that by the year 2008, according to the data of the National Sanitary-Veterinary and Food Safety Agency (ANSVSA), out of the total 264 processing units, 35 units are authorized for Intra-Community trade, 44 correspond to the EU standards and 185 units are still in the transition period (until 31.12.2009, when they will have either to conform to the EU standards or to stop their activity).

The consumption of milk and dairy products in milk equivalent (butter exclusively) increased by 76% in the period 1990-2006, this increasing trend also characterized the

consumption of liquid processed milk (3.8% fat content), of cheese and cream; at the same time, the consumption of telemea cheese was maintained at a constant level, while butter consumption decreased, by 35% lower compared to that in 1995. Although the fresh dairy market is increasing (mainly in yoghurts), Romania still lies behind the other European Union countries as regards the consumption of these products.

In the period 2002-2008, Romania was a net importer of milk and dairy products and the deficit grew worse each year, to reach the highest level after accession (about 112000 thousand Euros in 2007; by the end of the year 2008 it will be probably larger, as in the first 8 months it had already reached 87000 thousand Euros) mainly on the EU relation. Only in the cheese category the trade balance had positive values in the period 2002-2005

An analysis that falls into the thematic framework of the present study can be carried out both by presenting certain benchmarks that should define the most important aspects, at national level, and by capturing those characteristic details in the territory. This aspect was detailed in the third chapter both at national and county level.

The milk production and processing pattern in Romania and the slow rate of restructuring induced a CAP implementation model that is totally different from the other EU Member States. The milk quota allocated to Romania (3.057 million tons) was considered by the specialists as being much under Romania's potential (50% of total production in 2005, used as reference year on which quota calculation was based); yet this was a consequence of the situation of the sector. The ratio of the two components of the quota (44% deliveries to dairies and 56% direct sales obtained as a result of negotiations) is quite strange compared to the quota structure in EU, the share of direct sales being the largest in EU-27, yet explainable due to the Romanian milk production specificity.

This should be a subject for reflection for the decision-makers: whether the financial effort to administer such a large number of quotas will not result in losses – taking into consideration the fact that most quotas are allocated to direct sales and small farmers, while at the level of many of these the expected effect will not be obtained.

The dynamics of the process provides a first pertinent signal by which it can be estimated that the application of this policy in Romania can represent the “propeller” of a more accelerated restructuring process, which can also have negative consequences for certain segments, mainly for the small-sized and subsistence farms.

A thorough analysis of the allocated quota in the territory that has been fulfilled by a Member State can provide certain significant benchmarks for the identification of certain national policy measures that are complementary to the European policy; these are extremely necessary as the quota system implementation (policy measure targeting the control of supply) is applied in Romania due to the harmonization with the EU policy and legislation imposed by the accession process rather than out of economic reasons justifying its necessity.

In the fourth chapter some characteristics of the milk production and processing from mountainous region are analyzed. In Romania, the mountain zone, which is declared less favoured area represents 29.4% of Romania's total area and have 11% of total population. Livestock raising is a traditional activity in the mountain areas due to the large areas under natural pastures and hayfields that cover the slopes and plateaus of the Carpathians. 18.2% of the total number of animals expressed in conventional units is raised in the mountain areas. The number of animals is low both by hectare (0.45 LLU/agricultural ha) and by agricultural unit (1.55 LLU). Raising bovines is one of the main livestock production activities in the

mountain area economy. According to the data of the General Agricultural Census, almost 700 thousand bovines are raised in the mountain areas, which represent 24.2 % of the total number from Romania. According to the data supplied by MARD and DACL, there are 88676 farmers raising bovines in the mountain areas who have milk quotas. These account for 10.70% of the total number of producers registered at national level. The milk quota assigned to them totals 287 651 003 kg, which is equivalent to 9.80% of the milk quota at national level. The milk quota structure is more balanced compared to the situation at national level, both in the case of the number of producers and in the case of the milk quantity.

After processing the information from the declarations on the milk quota fulfilment, supplied by DACL, we found out that the fulfilment percentage is slightly higher than the result at national level for delivery quotas, i.e. 75.2% compared to the initial allocated quota; in the direct sales quotas, quota fulfilment is 85.5% compared to the initial quota.

Considering the opportunities and constraints specific for a certain area, a series of measures could be recommended to support the sector in this area: i) promoting a modern and efficient production technology; ii) establishment of professional associations for strengthening the economic power of dairy cow farmers; iii) promoting measures meant to provide technical alternatives to the small producers who probably will lose their milk quota, by stimulating the meat production; iv) intensification and improvement of the dairy cow farmers' professional training v) providing consultancy services to farmers vi) providing support to the milk quality control vii) rural tourism and eco-tourism development in the areas where the potential exists viii) improvement of the breeding herds quality ix) support to the development of viable and efficient farms in order to provide high-quality raw material to the processing units and the market; x); development of the bovine raising sector in the mountain areas while respecting the bio security measures with impact upon the environment protection conditions.

The fifth chapter is focused on analysing certain scenarios designed according to mostly realistic working hypotheses. As part of this analysis, we tried a simulation by several types of (small and medium-sized) farms of the effects of implementing the current sector specific policies and those proposed by the Commission 2008 in order to identify certain support measures that could lead to maintaining the dairy cow raising activities in the mountain areas.

Tacking into account the analysis of the sector evolution in recent years it can be considered that the strongest impact upon the processing sector and farmers is not due to the quota system implementation but rather to the non-reformed structure of the sector and to the lack of competitiveness on the Single Market. The EU membership and the removal of restrictions to trade favoured the increase of the balance of trade deficit in milk and dairy products in the first place.

The positive effects of milk quota system implementation upon the sector restructuring were delayed and probably will not follow the rate of other new Member State reached, because at the moment of accession to the EU, the Romanian dairy sector was quite unprepared. In this respect, the idea of "gradual increase of milk quotas in order to eliminate the milk quota abolishment shock upon producers" is in fact a measure that is rather dedicated to the producers from the EU Old Member States and to the competitive producers who joined the EU in the first wave.

For Romanian producers, at least in the following years, this policy implementation will have a single beneficial effect that we could call a "necessary evil", i.e. it will put the

sector under pressure, so that it could get restructured; this will bring about both significant benefits and costs.

Romanian milk producers, mainly very small-sized producers, are not used to working with the quota system. Probably the situation mentioned above in this study will not be the same after several years and if we look back to what happened after this mechanism was introduced in the European Union<sup>1</sup> we can estimate that the number of farmers will decrease and the farms with a larger number of animal heads will increase; at the same time, the farmers with 1, 2 or 3 cows will gradually give up the milk quota, as meeting the milk quality standards becomes an obligation and meeting the standards needs modern milk collection equipment, this investment not being justified on a farm with 1-2 cows.

At the same time, the ratio of milk deliveries to direct sales, which is almost equal due to sector specificity, will probably, be subject to significant changes in time.

The emergence of a more dynamic milk quota market is also expected, but its functionality will not reach the optimum parameters on the short term, due to the lack of information and experience in this respect. Probably the small producers will be “chased” on short-term by the farmers who made investments but do not have milk quota yet, and on medium term by the large producers. As regards the **possible measures that could contribute to the sector development and restructuring**, we can mention the following:

- Development of infrastructure that could enable milk collection from the mountain area as well
- Stimulating producers’ association and strengthening their role in the relation with the processors
- Stimulating the processors for the development of “integrating” activities dedicated to farmers
- Continuation of subsidies for the conform milk delivered to dairies and even the subsidy value adjustment
- Development of national breeding programs and including in this program the farms with development potential and extension potential to other farms
- Promoting measures meant to provide technical alternatives to the small producers who probably will lose their milk quota, by stimulating the meat production (support to the artificial insemination cost for meat breeds and to the embryo transfer)
- Market information system implementation and development and the access to information of all the players from the chain
- Intensification of the vocational training actions for preparing the dairy farmers to comply with the minimum hygiene standards so as to obtain milk according to EU standards. In this respect, at the beginning a particular focus should be placed on the producers with small delivery quotas and to the producers with large direct sales quotas – 50000 and over 100000 kg; in the next stages, this action should gradually cover all the categories of producers
- Providing consultancy services to producers for accessing the funds for milking equipment (in the case of farmers with more than 1-2 cows) and for facilitating the investments in the “cold chain” and in small processing centres for obtaining traditional and/or organic dairy products; in this respect, maybe it would be useful

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<sup>1</sup> The number of farms decreased by 72%, the number of the dairy cows decreased by 40%, farm size increased

- to partially or fully support the cost of organic certification of the farm and products, as well as a part of their promotion cost, through projects
- Another option that would give more freedom to producers in the mountain area is the receiving of additional direct payments (their value being estimated according to the cost and productivity difference compared to a farmer of similar size who is not confronted with the difficulties existing in the less-favoured mountain area)
  - The support to the milk quality control operations in the milk collection centres or the establishment of mobile centres might represent another option; yet we consider that this is not feasible on the short term as this operation is still expensive and difficult to implement in certain areas
  - Intensification of (Intra-Community) imported milk control operations by neutral organizations in order to eliminate the unfair competition of domestic producers (for example Hungary and Poland did not fulfil the delivery quotas allocated at national level but they export massive milk quantities mainly on the Romanian market)
  - Support to the establishment of services that should modernize and render more efficient the traditional direct sales to the already established customers of producers and that should permit the fulfilment of allocated quotas; eventually providing services that facilitate the continuation of the “subscription” system for the direct delivery of transformed products (cheese, sour cream and even milk) to the old customers who will maintain their preference for this type of products
  - Rural tourism and eco-tourism development in the areas where the potential exists and the support, funding (through small projects eventually) of “agro-tourism” activities (active participation in taking care of animals, in the preparation of traditional products, organization of contests on such themes during the tourism season)
  - Improvement of the breeding stock quality through the application of financial support measures in livestock breeding, in order to improve the quality of the raw cow milk delivered to processing;
  - Improvement of the dairy cow farmers’ professional training; development and supporting the pro-active consultancy for these areas, eventually co-opting the local primary school teacher, priest, as part-time consultant, as it is easier for a consultant to be the person to provide the information rather than waiting for the producers to look for him for information;
  - Development of the bovine raising sector in the mountain areas while respecting the bio security measures with impact upon the environment protection conditions.

These are only a few orientative measures based upon the current situation of the sector and its possible evolution. Maybe after another year of CAP running in this sector, the analyses could be made with higher accuracy.



## **Study no. 2 Directions regarding Romania's energy security**

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Energy has become a strategic factor in global politics, a vital component for economic development and the general progress of society, creating a series of global concerns just after the end of the First World War.

The energy's oil and gas component represents today's challenge, causing concern not only at the European level but also at world level. This source of energy depends on many factors: the reserves, the countries that manage these reserves, these countries' policies, the transit routes, the geopolitical context and the economic and diplomatic power.

Lately, the term "energy security" is often used, being considered the key to regional security. A greater energy security means, mainly, a greater diversity of supply sources. Thus results the major importance of the projects involving the transport of energy resources such as oil and natural gas.

At the moment, Europe is increasingly dependent on energy resources. Consequently, it is searching for new suppliers in order to satisfy its demand and ensure its security. Current projects reflect not only Europe's interests in the Caspian Region and Northern Africa, but also its intention of limiting the dependence on Russia. The latter, as supplier, wishes to limit its dependence on Ukrainian transit space, shifting attention towards Turkey, while initiating in the same time alternative projects to those promoted by the European Union.

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Europe possesses one seventh of the global energy consumption and is dependent on imports for more than half of the necessary energy. In order to face the skyrocketing demand of hydrocarbons the European Commission has taken over the leading role in developing strategic energy partnerships with European Union's traditional suppliers – Russia, OPEC, Norway and Algeria – but also with alternative suppliers from the Caspian Basin, Central Asia, North Africa and South America. As a matter of fact, not only the European Union is concerned with energy security but also the most important military alliance in the World, NATO; for example, during the recent Summit, held in Bucharest (2<sup>nd</sup> - 4<sup>th</sup> of April 2008), one of the main issues was energy security and establishing clear strategies for the future.

As far as Romania is concerned, our country is for the first time faced with the situation that both its geographic and geopolitical position provides opportunities which should be fully capitalised.

The geopolitical and geoeconomical context in the Black Sea Region has greatly changed over the past few years due to the major powers' shift in interest towards the Pontic-Caspian space, in Romania's proximity. Thus, our country has the potential of becoming a "gateway" into the economical-political regional block of the European Union and a transit space between Central-Asian producers and the large European consumers (taking into account the proximity to the energy resources deposits, but also the oversized infrastructure – the oil pipelines network, the largest refinery in the Black Sea Basin – Midia Năvodari, the size of the petrochemical industry etc., the permissive topographic area which doesn't imply particular economic and technical difficulties – such as pumping stations with afferent costs, the largest harbour in the Pontic Basin – Constanța and so on).

On the other hand maximising the output of the Cernavodă nuclear power plant and the remarkable bio energy potential represent viable alternatives for maintaining low energy dependence to outside sources.

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The **European Union** is opting for a model of multilateral governance, acting towards underpinning international energy trading relationships to ensure the access to new sources by strengthening economic cooperation, political, cultural, through the establishment of a dialogue and of common responsibilities related to environmental protection and stopping the process of global warming. EU believes that energy security can not be accomplished individually, but through the collective efforts of all participants in the energy market: manufacturers, suppliers, consumers. At the same time, the EU is disadvantaged by its poor natural endowment in energy resources, high energy consumption, increased dependence of import of energy sources- which causes a high degree of vulnerability / dependence on energy imports. UE is trying to diminish its vulnerability through much more pragmatic and firm relations with energy suppliers.

The European Council stressed the need for the adoption of new measures with the occasion of the next revision of strategic energy policy to be presented in November 2008 and adopted by the European Council in spring 2009. They will serve as the basis for a **new action plan on energy**, which would be adopted by the European Council in spring 2010. **This strategic review of energy policy will focus in particular on security of supply, including interconnections and external energy policy.**

Moreover, the conclusions of the European Council from October 2008 restated the idea that the “security of energy supply is a priority for the European Union”. In this respect, the guidelines defined in the framework of the Council regard the diversification of energy sources, developing crisis mechanisms to deal with disruptions to supplies, strengthening critical infrastructure, especially trans-European energy transport networks, as well as developing the Union’s relations with producer and transit countries with a view to securing stability of supply.

As an EU member state, **Romania** should become a supplier of energy security for the Union, addressing it by supporting its objectives and actions at the national level.

The energy sector in Romania will have to face the main challenges that are prevalent at national level, as well as at EU scale and worldwide: **ensuring security of energy supply, increasing economic competitiveness and reducing the impact on the environment**. These challenges are even more important as Romania has recovered from severe gaps in terms of the degree of economic performance compared to developed countries. Both economic competitiveness and sustainable development depends largely on efficient consumption of energy resources. Romania recorded an extremely high energy intensity in comparison with the EU average (approximately 3-4 times greater). Moreover, comparative analysis of competitiveness indicators shows that energy intensity is the competitiveness factor recording the biggest gap as against EU countries

One of the most important objectives which energy strategy has to meet in view of the concept of energy security is to **reduce Romania’s dependence to the imports of energy resources** - especially in natural gas case, reducing dependence on a single supplier and diversifying supply sources. This can be achieved by taking into account the criteria of **affordability**, which must consider the geographical location of suppliers and **availability**, which relates to ensuring longstanding and constant deliveries.

The increasing price of energy resources will continue to deteriorate the trade balance and increase foreign deficit. To a large extent, the increase of the trade deficit and of the current account deficit endangers the disinflation and financial stability process of the Romanian economy. Cutting down energy imports entails both a reduction of Romanian energy dependence on foreign sources and the achievement of macroeconomic stability, in the context of European integration.

**From the perspective of sustainable development**, the priorities of the Romanian energy strategy must be the **limitation of climate change, its’ generated costs and other negative effects on society and environment, by making use of clean energy, mainly renewable energy, and by promoting energy efficiency**.

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The current study is structured in three major sections: **1. conceptual aspects regarding energy security, 2. the problems of renewable energy and 3. considerations regarding Romania’s energy strategy, taking into account the present geopolitical and geostrategic conditions**, both globally and regionally.

The **objective** of this research was the analysis of the balance between opportunities and risks generated by the new geo-economical, geostrategic and geopolitical conditions and

issuing directions for Romania's energy security strategy in a European and global context. Thus, the following **conclusions** have taken shape:

- Reviewing the strategy of energy policies is compulsory and should be centred especially on the security of energy supply;
- The aim is to **reduce Romania's dependence towards imports of energy resources**, and in the case of natural gas, **reducing dependency on a sole supplier** and **diversification of supply sources**;
- **Interconnecting** the national electric energy system with the one of other European countries in order to avoid the risk of power failures;
- An increased attention must be paid to the decision making process regarding the national energy system, taking into account its inertia (the time interval between the decision and the practical realisation being of approximately 4-20 years);
- **Stimulating investments** in order to update and streamline the energy sector (in all consumption sectors power losses are significantly high, 30-35%!!!) and also **reduce the negative impact on the environment**;
- **Creating a specific institutionalised setting** for the energy sector (for example, a Ministry of Energy and Resources) because dispersing activities related to the energy sector among various departments of different ministries is no longer a viable option.

Regarding *renewable energy*, the conclusions are the following:

- Romania holds the **largest percentage of renewable energy** (in the balance of primary energy consumption) **in Central and Eastern Europe**. Romania has at its disposal a relatively important *hydro energy* set up potential from the economic point of view, a significant technical set up potential of *renewable resources, practically unused, as well as an important agricultural and forest potential*.
- With the exception of *hydro energy* and *biomass*, the objectives set by the "National Strategy for Capitalising Renewable Sources" for capitalising other sources such as solar, wind and geothermal energy **can be assessed as being overrated**. However, wind energy seems to receive increasing attention both in the EU and in Romania.
- Also, with the exception of biofuel, in Romania, generally speaking, **there aren't any specific incentives for developing renewable energy sources**.
- **Romania has at its disposal an important agricultural potential** for growing the raw materials necessary for fabricating **biofuels**. The crops of rape, soya beans, sugar beet or sugary rice-corn are the most appropriate for the production of biodiesel and bioethanol. Growing rape or sugar beet will represent in the near future a business for Romanian farmers. Cheap workforce in comparison with the other EU countries, advantageous production costs and, last but not least, soil and climate, which are extremely important strong points, could transform Romania into an important player on the EU biofuels market.

**Romania can ensure from internal sources the quantity of biofuels** recommended by the European Directive for 2010 and, in addition, have at its disposal a potential of raw materials large enough to produce 8% of the biofuel needed in Europe. Also, the production of biofuels offers **export opportunities** and represents an alternative for developing agriculture and takes advantage of the unused fields.

- Romania's most important potential is in agricultural **biomass**, not in wood, for which in Romania there aren't any organised practices for collecting.

In developed countries, the agricultural scraps are used in small co-generation units - installed at a commune level – with which the local energy requirement is ensured. This way, communes make inclusively waste management. Capitalising unused biomass production potential can become an important source of biofuels and represents an important opportunity for Romania, especially in regard to rural development.

➤ Promotion of **production and biofuels usage technologies at a farm level, in a decentralised system;**

➤ Biofuel is increasingly perceived as an integrated element in a well defined system from the **ecological-economic-social** point of view.

Analysing the *structure of the national energy balance* leads to the following conclusions:

➤ In general, Romania is a **country** that is **rich** (having at its disposal a wide range) in **poor** (small quantities) and **expensive** (in terms of extraction costs) **resources** and with a short assurance period, in terms of today's consumption rates (14-15 years for oil, 15 years for natural gas and 40-50 years for coal);

➤ Coal **remains the main fuel for producing electric energy in thermo-electric power stations** (with a contribution of at least 50%, for a long period of time, the rest being covered by hydro, nuclear and renewable energy sources). The fact that in a medium period of time the coal reserves will be depleted corroborated with their poor quality means that **Romania must import coal;**

➤ **Romania's primary resources balance is based in a percentage of 60-65% on hydrocarbons**, because the internal resources are undergoing a rapid depletion process, and **dependence on primary resources imports** (mostly hydrocarbons) has risen from 27.1% (in 2000) to approx. 36% (in 2005);

➤ The viability of **the nuclear power plant at Cernavodă to function at its full capacity** must be analysed extremely realistically (considering the specific risks of this type of power plant, the low quality and reserves of the uranium resources in our country, but also the advantages gained from rendering the other reactors operational).

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Conclusions regarding the **regional geopolitical environment** in relation with energy security:

➤ The Caspian Sea Area is no longer an alternative exclusive towards the Middle East, in terms of supplying energy resources; both regions are characterised by political instability and are affected by armed conflicts (U.S.A vs. Iraq in the Persian Gulf, Russia vs. Georgia in the Caucasian-Caspian space).

➤ Although Romania presents indisputable advantages from an economic, technical and geopolitical point of view regarding the transit of Caspian energy through our country (the oil pipeline infrastructure is mainly built, the surplus refining capacity, the largest refinery in the Black Sea Basin - Midia-Năvodari, the largest Black Sea harbour, Constanța, the extremely permissive topographic space which doesn't require a considerable amount of pumping units, lack of hot spots), before reaching its large Western consumers, the convergence of the interests of the main powers in this space (U.S.A, China, main European powers and Russia's geostrategic games) result in not capitalising them.

➤ Russia's show of force against Georgia (the 2008 war) led to increased reticence of Caspian Sea riverside countries (Azerbaijan, Kazakhstan and others) to participate in consortiums with Western partners in detriment of their Russian ones.

➤ The increase in vulnerability of natural gas supply, considering Russia's intention (already monopolistic in terms of gas supply to Europe) to create an "OPEC" like structure in this domain, further limiting the European alternatives (few anyway), by inviting in this cartel Iran and other countries from North Africa.

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### **Some considerations regarding the strategic objectives**

"The Energy Strategy of Romania" identified three strategic objectives, as follows:

- a) Sustainable development (sustainability);
- b) Competitiveness;
- c) Security of energy supply.

In the specific case of Romania, a **fourth strategic objective** must be added:

- d) Accessibility/affordability.

**a) Sustainable development** is an ongoing process that has as aim to perfect economy, society and the environment conditions, for the benefit of the present and the future generations. As such, sustainable development in the energy sector is a complex process that requires self-sustainability as well as a long, virtually unlimited, development span.

As main obstacles, one can refer, on the one hand, to the current structure of resources and energy consumption and, on the other hand, to the effect of energy on the environment, especially that of the greenhouse gas. An additional challenge, difficult for Romania to cope with, lies with the recent EU package on energy and the environment. The present market instruments, together with the targets, can transform Romania in a net importer of carbon credits.

Solutions related to energy sustainability do exist, but some of them are disputed. Thus, **technological research** is naturally one of the solutions, but given the current high costs there aren't sufficiently powerful signals for the allocation of proper funding.

There are arguments both for and against the use of **renewable energy sources**: for example, there is the present discussion regarding the use of biomass versus the decrease in the number of agricultural lands used for food production.

Nowadays, **nuclear energy** is rejected in half of the EU countries. Finally, **energy efficiency** certainly represents a partial solution, albeit an important one, for sustainable development in the energy sector, but it remains a privilege of developed, wealthy countries. In the case of Romania, a country with a transition economy, even if the potential for energy saving is very high, for various reasons, the decrease in energy losses is quite low.

**b)** The aim of **competitiveness** is to obtain a maximum of performance at a minimum cost. Some of the mentioned solutions refer to **a new industrial revolution** (technologies and materials), severe regulation (minimum emissions and energy consumption) and, once more, promoting energy efficiency.

Unfortunately, Romania is late in the implementation of both performance and alternative technologies and therefore is still significantly lagging behind EU developed countries. Apparently, a national program of **intelligent investment** represents the only viable solution.

**c) Security of energy supply** is a combination between the economic concept and the psychological factor, residing basically in an acceptable level of risk at an acceptable cost.

Absolute security is an illusion, just like the energy independence of Romania.

The security of primary energy supply depends on the present structure of regional and world markets, directly involving the political factor in the relations between countries. Today, when approximately 75% of the world resources are concentrated in the hands of the governments, the responsibility of the political factor becomes evident, in a wide spectrum of physical and commercial approaches.

There are mainly three solutions to the security of energy supply:

- the diversification of energy sources (from the physical and commercial point of view) which would lead to a balanced mix of primary resources;
- the optimum use of the country's position in the supply chain: source – transit – storage;
- the promotion of energy efficiency.

**d) Accessibility** means supplying safe, paid, energy services that any consumer can afford (**affordability**).

Energy represents a service of general interest, and thus access to energy must be open for all consumers, while consumption takes place according to ability. In turn, this depends on whether there exist special social policies guided to correspond to the needs of the poor. Social protection gains a special importance in the case of Romania, where 18,5 % of the population lives under the poverty line and “energy poverty” is sensibly higher. Moreover, the danger of using the energy sector as instrument in solving social issues must be emphasized.

The solutions are the existence of a sound competitive energy market, the promotion of energy efficiency (inasmuch as the consumers also pay for energy losses), the employment of proper tariff systems and the existence of a social protection system, decoupled from the energy market.

### **Study No.3 Legal Regime of the CJEC Preliminary Rulings and Their Impact upon the National Legal System**

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From the perspective of the community law, the main problem Romania has after its accession to the European Union is its capacity to apply the legal regulations in a efficient, rapid and unitary manner as regards the other EU Member States. These are the main critics that were brought to the Romanian legal system, critics that can be found also in the European Commission annual reports. Improving the performance of the system in that manner is a subject meant offer more credibility to the Romanian legal system both from the point of view of those who benefit from this fundamental public service and from the point of view of the other EU legal systems as it is well known that maintaining and developing the European Union as an area of freedom, security and justice is a process built upon the principle of mutual confidence between the national legal authorities.

The length of the Romanian judicial procedures is not only an issue related to the implementation of the *acquis communautaire* but it also concerns – in a broader sense – the civil and criminal procedures. Speed is not the only necessary attribute, as the uniformity and the proper manner to apply the Community law are also essential in order to have a reliable legal system as a failure of this system risks to put Romania in front of the CJEC for failure to fulfil its obligations as a member state.

From that perspective is vital to offer to the law practitioners from the Romanian legal system the information required to correctly apply the Community law. Naturally the easiest and the most volatile way to communicate is to organize trainings and other professional training activities. These are mainly the responsibility of the Superior Council of Magistracy trough the National Institute of Magistracy. Yet an essential complement of these training activities is represented by the offer of written instruments that will offer a constant support on their day to day activity and will explain in detail and with practical examples the implications that the characteristics of the Community law have for their legal activity.

The creation of the space of freedom, security and justice represented a monumental project for the edification of a Europe without frontiers where citizens may enjoy the same rights, applied unitarily by the national courts of law pursuant to their uniform interpretation.

The object of this study is the presentation of the legal regime of the preliminary ruling of the Court of Justice of the European Communities and their impact on the national legal system such as they appear in the theory of the community law and the case-law of the Court of Justice. From a theoretical perspective, this study offers a brief view on the legal regime of the preliminary procedure, by presenting the request conditions for a preliminary ruling by the national courts, the provisions of the community law that are subject to

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interpretation, the procedures of the Court of Justice in preliminary matter as well as the effects of preliminary rulings in the internal law (Part I). From a practical perspective, the study sheds light on the impact of the community case-law on the internal law, in general, and on the Romanian law in particular (Part II), by exposing cases settled by Romanian courts of law in various circumstances (cases where the courts settle the cases without requesting a preliminary ruling – the clear act theory – cases where the court applies the community law norms as construed by the Court, the request for a preliminary ruling by referral before the Court of Justice).

The cohesion in the interpretation of community law is provided by the Court of Justice of the European Communities through the preliminary procedure mechanism, which institutes the collaboration between the national courts of law – “ordinary law” community courts – and the “supreme” community court. The competence of the Court of Justice in the interpretation of the community law is regulated by the provisions of art. 234 ECT through the preliminary procedure, which institutes a collaboration mechanism between the national courts and the Court of Justice, according to which *any* court can address the Court of Justice a preliminary ruling pronouncement request concerning the interpretation of the community law.

The preliminary procedure has two essential functions. First of all, this mechanism ensures the unitary interpretation of the community law, which has as effect its uniform application by the national courts of law of the member states. To leave to the appreciation of the national courts the mission of non-unitary interpretation of the law would create the risk of the occurrence of a non-unitary legal practice. Consequently, the interpretation offered by the Court of Justice guarantees the fact that the community judgments produce the same legal effect in all Community states. The second function of the preliminary procedure is the protection of the rights of individuals, by the creation of the settlement framework for the contradictions that may exist between the internal law and the community law.

It also presents the Department for European Affairs, a structure of the Government of Romania that coordinates the formation process of the national position as to the issues of the European affairs and ensures the Romania’s representation before the Court of Justice within the preliminary ruling pronouncement request.

The present study brings as a novelty in the field a succinct presentation of the envisaged modifications of the applicable texts in the matter, contained in the civil procedure code project, under public debate, meant to contribute to the improvement of the process context of the collaboration between the Romanian courts of law and the Court of Justice within the mechanism of preliminary procedure.

The conclusions of the study highlight the finding of progresses in the field of improving the legal framework in Romania in the context of establishing an access as large as possible of the courts of law to the preliminary procedure mechanism in all the fields in the sphere of the space of freedom, security and justice.

The national courts of law have basically the possibility of applying and interpreting themselves the community law in the cases they are vested with. But if they require an interpretation of the community law, they may exercise the right to formulate questions addressed to the Court of Justice. Any national court has freedom of decision with regard to the necessity of the interpretation of the community law and exercise of the cooperation right with the community court offered by the preliminary procedure mechanism. The decision to request the pronouncement of a preliminary ruling belongs exclusively to the national court of

law, considering the responsibility of the judgment to be pronounced by the same. A preliminary ruling produces effects both in the case in which it was requested and also in other cases, as the construction makes common body with the construed dispositions that it completes.

The construction given by the Court binds the national courts vested with the litigation within which the construction was requested, but the authority of these decisions exceeds these limits taking into consideration the fact that other courts are also bound to respect the authority of the decisions regarding the construction delivered by the Court and cannot give another construction by its own initiative to the texts already construed by the Court. But the courts have an alternative: either they comply with the construction offered by the Court, or they request to the Court the issue of a new preliminary ruling in construction.

Within the procedure regulated by art. 234 ECT, the difficulty of the national courts is to decide whether they can answer alone to an issue concerning the interpretation of the community law or that they should vest the Court of Justice. That is why, the referral before the Court of Justice – especially by the courts pronouncing definitive judgments, bound to ensure the uniformity of law application – must be considered as a was to expose arguments in favor of law interpretation towards which that national court tends. Should such court not vest the Court, eventually applying the *clear act theory*, another court shall, and its arguments may come against the national court that chose not to refer to the Court of Justice. From this perspective, the national courts, knowing the case-law of the Court of Justice, may influence by their opinions the future orientation of the same.

The integration of the community law within the legal order of the member states of the European Union was possible through the essential contribution of the Court of justice that, by means of a law-making case-law, consecrated the founding principles of the community law. The integration of these principles, and by means of them, of the community rules, within the domestic law of the member states is incumbent to the competence of the law courts from the member states. In the specialized literature it was outlined that there have been cases in which the national courts delivered regarding the construction of some community law issues included in community dispositions numbered among the ones known to be the most difficult ones of the Treaty or have already been construed by the Court, the said courts choosing to outstrip from the said construction<sup>2</sup>. This is why the concern to enforce a competent construction, by automatically adjourning the case, is obviously justified. However, it is obvious that they will be able to apply *Cilfit* case-law whenever they consider it necessary.

The Court case-law demonstrates its concern to maintain the equilibrium between the procedural autonomy, on the one hand, and the obligation of courts to provide to litigants a direct, immediate and effective protection of the rights conferred to them by the community law. In conclusion, the invocation ex officio of the community law, although not an absolute obligation, represents in practice a prudent solution, taking into account the principle of the state liability in case of obvious non-acknowledgement of the community law by a court delivering final decisions.

The European legal space represents an old project that supposes in its achievement a continuous co-operation between the member states. Aiming to this purpose, the preliminary procedure mechanism contributes towards the harmonization of the legislations of the

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<sup>2</sup> Sean van Raepenbusch, *Droit institutionnel de l'Union Europeenne*, Ed. Larcier, 2005, p. 435.

member states by the unitary enforcement of the community law within the Community space.

## **Study No. 4 European Perspectives on Asylum and Migration**

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Following the series of studies dedicated to migration issues performed by the European Institute of Romania, the study “*European Perspectives on Asylum and Migration*” deals with the subject of Romania’s external migration from the European perspective, accompanied by the asylum perspective, which is of particular interest nowadays, once Romania has become the Eastern border of the EU.

Having as specific **aim** to draw up some probable perspectives to address asylum and migration in an enlarged European Union, with particular attention to some possible contributions of Romania, as a Member State, the *study* includes scenarios and prognosis related to the temporary labour migration and its impact upon the labour force in Romania.

In accordance with the terms of reference, the study is structured on *three main components*: *The first component* tackles with the legislation, the policies and the institutions in the field of migration in the European Union and in Romania. The existing legislation, the current legislative proposals and perspectives regarding migration and asylum in the EU and Romania are analyzed, accompanied by the measures deriving from the strategies and plans of measures elaborated in this direction. *The second component* allows for a statistic (quantitative) analysis of Romania’s emigration and immigration flows, with an emphasis on labour migration and an outline of the last developments in this field. Separately, the study presents some asylum-related issues at international level and in Romania, while the pressure is increased with regard to the new entrances into Romania, as the Eastern border of the EU. *The third component* refers to a series of considerations regarding the predictable evolutions of the migration phenomenon, extracted from the quantitative and qualitative analyses undertaken. At the same time, the possibilities of adapting to the predictable tendencies are identified, in view of managing this phenomenon as efficiently as possible, particularly as regards its main form of manifestation, i.e. labour migration.

Among the **conclusions and recommendations** of the study, we mention the following:

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If until 2007 the priority concerns focused on the legislative and institutional harmonization in view of complying with the *Acquis communautaire*, after its accession to the EU, Romania has encountered new obligations deriving from its statute of member state. From this perspective, we fully agree with the perspective expressed by the National Strategy on Immigration over 2007-2010, according to which “migration is a process to be managed, not a problem to be solved”. It objectively refers to the migration phenomenon at the beginning of the 21<sup>st</sup> century, decisively marked by the implications of globalization.

Romania currently has a well-adjusted system of strategies, policies, measure plans to manage the migration phenomenon, but the greatest, real challenge appears when they must be put into practice. To that effect, a modern, high-performance management must be provided, ensuring the best usage of human and material resources allotted to this process. That is why we are going to present a **series of recommendations and proposals**, meant to **improve the policy and practice in the migration field in Romania**, starting from the existing facts.

From the *legislative* point of view, Romania has entirely transposed the *Acquis communautaire* in the field of migration. However, we must take into account that there are now changes in migration policies at European level, tending to a stronger availability for attracting workforce from third countries. These *changes in policies attract new directives* whose requirements must be transposed at national level. Romania will have to continue the permanent alignment to the European policies and legislation in the field of migration, which now has stronger dynamics.

In Romania there is a very complex but also very fragmented *institutional context*, which led to deficiencies in the communication between institutions in charge with migration, even between departments of the same institution, which have different competences in the field of migration. Thus, the need of better intra- and inter-institutional cooperation, coordination and information appears in managing the migration process. An integrated informational system in which each institution may participate with information and which may be accessible for all the involved institutions and departments would be highly useful.

The frequent institutional changes achieved through reorganizations, foundations and dissolution of institutions and departments within institutions led to a large fluctuation of the *employed personnel*, to such extent that, in many cases, the continuity in occupying certain positions is lost, with consequences on the continuity of that activity. Very many persons have recently been employed or have little seniority in the newly founded or reorganized institutions and, on the background of the strong dynamics of the institutional operating systems and frames, the activity is practically recommenced from ground zero, in new directions, with new persons, often losing a very useful previous experience in the field. Thus, it is necessary to try to stabilize the personnel involved in migration-related activities, once they have become specialized in this kind of activity.

The fluctuation of the personnel, together with the insufficient coordination and information between departments and institutions may be construed as explanations for another weak point, which is the lack of a *general view* and of a general image of the employees of the various institutions, involved in various activities in the field. Everyone is familiar with their own activity that they must currently carry out, and have less knowledge on the activities of their colleagues in other departments and institutions who deal with other aspects of the migration phenomenon. That is why a better coordination between institution departments is needed, as well as a better mutual information and acquaintance as to what activities, duties, objectives are aimed by employees from various departments/institutions and as to how these can be connected and coordinated one with the other. All the workers of these departments

should have the general view of all the organizations involved in the management of the migration phenomenon, which can be achieved both by providing information trainings and by organizing periodic meetings for an exchange of experience between departments and institutions, and by managing the integrated information system, which was proposed for development in one of the previous sections.

Most of the institutions with competences in the field of migration complained about the inexistence of relevant *data, studies and analyses*. But the collection of data and the elaboration of analyses and surveys based on such data should be performed within each department for the migration aspect that is managed in that department. There are institutions and departments that have high-performance data collection services (for example MIRA), but such systems must be created in all the institutions with competences in the field of migration, so that the permanent, not sporadic collection of data is ensured, allowing complex analyses (including longitudinal surveys with evolutions in time) of the various aspects of migration. Later, such surveys should be integrated to create the general image of the migration phenomenon, based on which subsequent strategies and policies may be established.

There is a high number of *non-government organizations* involved in migration-related aspects (particularly as regards asylum). A better *cooperation* of the State institutions with such organizations would contribute to a better management of the migration phenomenon. Unlike the State institutions, these organizations have a higher degree of continuation of their activities, of the organization structures, as many of them benefit from support and experience at international level. If not otherwise, at least in terms of valorisation of the experience of these institutions, a more intense collaboration can be ensured between governmental and non-governmental institutions. A best practice example in this respect is the collaboration between the Romanian Government (ORI) and the OIM in running a voluntary repatriation programme addressed to illegally staying aliens.

From the *financial perspective*, the efficient, rational management of the funds allotted for migration management – from internal and external sources, mainly from European funds – is needed. In many cases, besides the capacity to absorb the funds allotted for the solidarity and management of migration flows, the rethinking of allotments is needed, more precisely for asylum seekers, refugees, for return, border securing, integration (e.g. the daily allowance offered to an asylum seeker in a welcome centre is 3 Lei, absolutely insufficient to satisfy basic needs). These measures must be accompanied, at administrative level, by the concerns for training the personnel, by the capacity to identify real needs, to elaborate viable projects.

In the current European context of migration and given the problems Romanian workers are encountering, Romania should make its position known as vigorously as possible and militate for the change of vision on mobility and migration of workforce: these are two interdependent concepts that should not describe distinct realities, namely the mobility of citizens from the older member states versus the migration of citizens to the new member states, which would lead to the equal treatment applied to all European citizens (Cramarenco-Cucuruzan, 2008).

From the **quantitative analysis of migration flows**, the following main **evolutions and trends** have resulted:

- after year 1991, the legal permanent emigration decreased, but the temporary emigration increased, while immigration constantly increased (except for a temporary decline over 2004-2005), the two migration flows tending to become equal in 2007;

- the structure of permanent emigration was dominated in 2007 by women (65.03%), by persons aged between 26 and 40 years (more than 57%), and by persons with high school and post-high school education (53.77% in 2005);
- the priority destinations of the permanent legal emigration were, after 2000, Italy, Germany, Canada and the USA;
- the structure of immigrants was dominated by men (61.73%), by persons aged between 26 and 40 years (42.33%), with high school or post-high school education (43.93%), and by citizens from the Republic of Moldova (56.38%);
- aliens who established their temporary or permanent residence in Romania preferred economically developed counties, as well as university centres: Bucharest Municipality, counties of Timiș, Cluj and Iași;
- the main emigration sources over 2005-2007 were the regions of the Centre, North-East and Bucharest-Ilfov;
- the economic recession, the workforce deficit in the country, and the recent salary increases are arguments in favour of reducing temporary labour migration in the future;
- the economic development forecast for the following years and the already existing deficit on the workforce market in Romania will favour labour immigration in the future as well.

As far as the **scenarios and forecasts** are concerned, a series of *arguments have been identified in relation with continuing to reduce permanent emigration in the future, reducing temporary labour emigration, and the return of some of the Romanians who left abroad to work.*

- A first argument refers to *economic recession* which is more and more clear in Europe as well, as the economic increase forecasts are increasingly pessimistic in the countries concentrating most of the Romanian emigrants. Constructions, which have attracted many Romanian emigrant workers, are among the first branches affected by the decrease of economic activity, with serious consequences on jobs, already felt by emigrants.

Italy and Spain, two of the main destinations of Romanian emigrants, are no longer attractive. The economic recession begins to make its presence felt in Spain as well, where the constructions sector, which was the engine of the Spanish economy for a long time, is in decline, thus generating a significant increase of the number of unemployed workers, among whom many Romanians. The campaign launched by Italy against immigrants adds up to this, forcing many Romanians to reconsider their decision of emigrating/remaining in Italy.

- Another argument is the *workforce deficit* in the country, particularly in constructions, and the continuous increase of salaries, largely correlated to this deficit. The tireless economic increase of the recent years and the emigration of an important part of the workforce created a lack of workforce in many activity fields in Romania (constructions, clothing and footwear industry, food industry, trade, health, etc.). According to the territorial workforce placement agencies, there is a rough estimate of workforce deficit of 83,000 persons.

The resulting salary pressures (which sometimes caused salary increases above the labour productivity dynamic) can negatively influence direct foreign investments, especially because the perspective of economic recession determines the increased prudence of investors. On the other hand, the higher salaries and the continuous increase of the amount of money transfers to the country from Romanians who work abroad (which reached 5.3 billion EUR in 2006 – according to the National Bank – and are estimated to 7.4 billion EUR in 2007) maintain the consumer demand at a high level, thus favouring the economic development.

- Maintaining the economic development forecast for the following years as well (although recently revised to lower increase rhythms) *raises the issue of compensating the labour market deficit in Romania with skilled personnel from other countries* (migrant workers) in order to continue supporting economic development; the decrease and ageing of population, combined with the massive emigration of Romanians will favour *labour immigration* in the future, raising at the same time problems connected to the management of a relatively new phenomenon for Romania. In this respect solutions already adopted by various West-European countries with regard to opening up the labour market to cheap labour force could be considered (for example, the case of the U.K., which applied this measure in the case of Vietnamese immigrants).

The negative impact of migration on the volume and quality of employment in Romania can be noticed in various directions, as follows: the orientation to foreign countries of a significant part of the highly qualified labour force (*brain-drain*), the *brain-loss – brain-win* ratio is disadvantageous for Romania in qualitative terms, considering that the qualification level of the labour immigrants to Romania is lower than of those who leave the country, the *brain circulation* and *brain regain* processes, the ageing of the labour force in some sectors (e.g. research and development) which is partially influenced by migration, etc.

As for the **asylum seekers and refugees**, the basic, initial requirement for a rational management is the acceptance of the difference between the two categories and their correlated treatment: numerically, asylum seekers are much less numerous than refugees; in fact, the asylum application is a transitory state towards obtaining the statute of refugee or some other form of protection, which imposes the solution of applications within the legal deadlines and according to the legal procedures, finding the most adequate answer for each separate application, followed by the transposition, through policies and a differentiated management, of the measures suitable for the chosen solution: acceptance/ integration – rejection – repatriation.

Although in the past **Romania** was not one of the top countries assaulted by asylum applications, being considered a transit country on the way to other European countries, after its accession to the EU, it expected **to shortly become a target country**, with all the deriving implications in terms of strategies, policies and management in the field.

In accordance with the practices applied at international level by the UNHCR, *the possible answers in managing asylum are searched in three directions*: voluntary repatriation into the country of origin, transfer to another country and finding suitable mechanism for permanent integration in the asylum country, after acquiring the statute of refugee.

However, the *integration* into the society of the host country is addressed not only to aliens who have obtained some form of protection, but to *all aliens* legally staying on Romanian territory.

In general terms, for the immigrant *integration* requires proficiency of the language of the host country (reading, writing), access to the education system and to the labour market in that country, possibilities to increase professional mobility by increasing the level of education and professional skills, equality before the law, cultural and religious freedom, respect for the laws and traditions of the country they live in.

At the same time, to integrate the migrants *the host society* must display tolerance and open-mindedness, agreeing to receive immigrants, understanding the benefits and the challenges of multicultural societies, providing unlimited access to information on the benefits of



integration, tolerance and intercultural dialogue, respecting and understanding the condition, traditions and culture of immigrants, respecting the immigrant's rights (IOM, World Migration, 2003).

Up to now, the main beneficiaries of the integration programmes run in Romania have been the refugees, as these programmes have focused on aspects such as the access to the labour market, the access to education, the access to the national system of medical assistance, the access to lodging, the access to the social assistance system and to training services. Due to reasons largely discussed in our survey, they have not completely achieved their targets yet.

From a wider perspective, the integration into the society of the host country also requires a *tolerant attitude from the majority population*, an attitude opposed to discrimination, xenophobia and other forms of migrant rejection.

The organizations that are concerned about the rights of refugees often notice a subtle rejection of aliens, not only by usual people, but also by public servants handling the problems of asylum seekers and of refugees. These do not always make a distinction between a refugee, an immigrant or a trafficker, between migrants having economic reasons and migrants who are forced to emigrate because of dramatic events or persecutions in their own country (Lăzăroiu, 2003).

In their turn, the *media* must orientate themselves more to the systematic analysis of migration, in its full complexity, thus contributing to *orienting* migrants in a universe with many risk and uncertainty components, to *preventing and fighting* delinquency, clandestineness, corruption. In many cases, the media have proved to be concerned to a lesser extent about elaborating objective reports on migration, tending rather to adopt articles from the international media and stereotypes from the Romanian society.

Even if some newspapers and, particularly, some TV stations have lately supported the specialization of journalists in the field of migration, the need to organize courses to train them for the investigation and analysis of this phenomenon continues to exist.

Also, there is a need to *support scientific research* in the field of migration and to include in the university curricula certain disciplines specialized in studying this phenomenon (economics, medicine, law, education sciences, etc.), at the same time making suggestions in order to create a migration research national centre (which is to be created by the Romanian Government in partnership with the IOM, UNCHR, and other international organizations) (see, for example, IOM, 2004; Lăzăroiu, 2008). Creating some faculties or cross-disciplinary study sections for migration, so that the necessary expertise may be created in public policies, social assistance, and migration management, is another point of interest (in this respect, mention should be made of the foundation of a Research Centre on Identity and Migration Issues within the Faculty of Political and Communication Sciences of the University of Oradea).

The *permanent control of legality* as regards the *stay of aliens on Romanian territory* inevitably entails the application of removal measures to aliens who no longer justify their stay in the country. As the case may be, these measures consist in territory leaving orders, forced return decisions, taking in public custody and voluntary repatriation.

Although right now, at international level, the largest reservoir for illegal migration is Asia and the Middle East, as regards Romania the highest pressure is still put by aliens originating from European countries that do not belong to the EU. It is expected that its statute of EU

member state will cause the increase of this category, entailing both specific measures on Romanian territory and collaboration with the relevant institutions in the countries of origin.

As for illegal migration, special attention should be paid to *human trafficking*, an increasing alarming phenomenon, with multiple dimensions: it is a serious violation of the human rights, an economic and social phenomenon with negative consequences for the entire society, an aspect of public health and of criminal nature, where criminals are the traffickers (not the victims).

A change whose implications should be treated with all due is the recent *surpassing* of the weight of sexually exploited persons by the weight of persons *exploited for work*. It is accompanied by the decrease, as compared to the previous periods, of the weight of women victims in the total number of victims of human trafficking.

In our opinion, the efforts made at institutional and technical-operational level to fight human trafficking should continue to mix with the efforts to sensitize the Romanian society about this phenomenon. The continuation and extension of information campaigns must contribute to the awareness of the population regarding human trafficking and various anti-social actions, such as prostitution, theft, etc. Also, the inter-institutional capacity should be reinforced, particularly after the return of the persons who were victims of human trafficking, for their reintegration and for treating the consequences of the post-traumatic shock.

In the end, we reiterate the fundamental conclusion expressed in the PAIS 2004 survey according to which **“by careful thinking and proper management, the national migration policy may become a major catalyst, able to enhance a new economic prosperity in Romania”** (IOM, National Migration and Development Policy, 2004).