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Economic Forum, Krynica-Zdroj, Poland 2 – 4 September 2014



“The Post-Crisis World: Time for New Leaders”

- this was the motto of the 24th edition of the Economic Forum organised in Krynica, 2 - 4 September 2014. As in the previous years, six plenary sessions and around 180 panels, workshops and round tables gave the opportunity for talks and

presentations of opinions from governments, coalition parties, as well as experts, analysts and consultants in various fields. In the program of the Forum, the plenary sessions and debates were grouped under several thematic units: International Security, Business and Management, Energy Forum, Europe Forum - Ukraine, Health, Innovation, Regions Forum (with three components: economy, society and environment), Macroeconomics, New Economy, State and Reforms, International Policies, EU and its Neighbourhood.

The opening session on 2 September launched the Forum’s motto, inciting participants to a debate on a new beginning. Along with representatives of the boards of directors of companies operating in Poland, Aleksander Kwasniewski, former President of the Republic of Poland, discussed about the roles and tasks for contemporary leaders.

Europe is facing the need for profound revision of its approach to social policy, relations with emerging economic powers, competitiveness and building economy based on knowledge. Political leaders ... **p.2**

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Romanian Journal of European Affairs – Autumn Issue 2014

In the September issue of the RJEA, the contributors bring to the readers’ attention topics concerning: the European aid to foreign countries in emergencies, agricultural risk management in some EU partner countries, labeling policies of genetically modified maize, the European Parliament policy priorities from a candidate’s perspective, the European Union society from the point of view of Romanian governmental elites, as well as a book review on the new Member States and the EU - foreign policy and Europeanization... **p.3**



...and stakeholders in such areas as business, science and culture have to confront the same issues. The cooperation among them may create solutions upon which the future of Europe depends.

“Leadership is acceptable through dialogue, convincing and persuasion, but hardly acceptable by imposing decisions regarded by the leader as the most important ones”, said Mr. Kwasniewski. “By his attitude, professed values, consistency and also ethical attitude, the leader builds his credibility encouraging people to follow him and believe that he can be right in a risky situation”, he added.

For the third consecutive year, the European Institute of Romania (EIR) was honoured to be the partner of the Foundation Institute for Eastern Studies (IES) of Warsaw in organising a panel session in the Forum’s program.



This edition’s topic was **European Monetary Union Reform from the Perspective of Non-Euro zone Member States**. Keynote speeches were delivered by: *Joost Kuhlmann*, Head of Unit: Finland, Bulgaria and Romania (ECFIN-H-3), European Commission, *Valentin Lazea*, Chief Economist, National Bank of Romania, *Ludwik Kotecki*, Chief Economist, Ministry of Finance, Poland, *Andras Vertes*, Chairman, GKI Economic Research, Hungary and *Theo Thomas*, Lead Economist, Economic Management Sector Leader, Europe and Central Asia, World Bank, Belgium.

The event was moderated by Mrs. *Gabriela Drăgan*, Director General of EIR, and it was organised on the second day of the Forum (3 September).

In the opening of the debate the moderator gave a presentation on EMU’s new architecture, outlining the unfolding of the debate (presentation of the European Commission’s point of view, three addresses at the national level - Romania, Hungary and Poland, and an overview presented by the representative of the World Bank).

Speakers that took the floor in the panel organised by EIR pointed out the following aspects:

Joost Kuhlmann, Head of Unit: Finland, Bulgaria and Romania (ECFIN-H-3), European Commission:

- Gaps in the EMU architecture exposed by the crisis: excessive risk-accumulation in good times in both the public and private sectors; risks of financial instability within the single currency;
- What has already been done on strengthening EMU governance?
 - ✓ adjustment programs providing financial assistance under conditionality: EFSF/ESM
 - ✓ ECB actions ensuring bank liquidity (LTROs), monetary policy transmission and euro area integrity (OMT);
 - ✓ a new fiscal contract: 6-Pack, 2-Pack, fiscal compact;
 - ✓ national reforms for medium-term growth, improving adjustment capacities and restoring fiscal sustainability;
 - ✓ launch of banking union: a single supervisor to be followed by a single resolution authority;
 - ✓ an on-going debate over further steps to strengthen EMU governance;
- What remains to be done on strengthening EMU governance?
 - ✓ The Commission’s blueprint for deepening EMU (Nov 2012): A stage-based process around 4 pillars: complete financial integration; a genuine banking union; develop gradually a central “fiscal capacity”; strengthen co-ordination of, and incentives for, reform; make commensurate changes in political accountability;

A fiscal and economic union depends on common debt issues, fiscal capacity, further strengthening of economic pillar.

Ludwik Kotecki, Chief Economist, Ministry of Finance, Poland:

- On the occasion of the 2009 edition of the Economic Forum, the then Prime Minister of Poland announced as EMU accession target the year 2012; this date has already become history;
- Two of the accession criteria to EMU are already reached: inflation rate and interest rate; for the other criteria - legal and political - the Constitution should be changed;
- Efficient measures need to be implemented; in the Euro zone, member states are losing monetary independence therefore it is important that the economy be strong at the time of accession;
- Adopting the euro is not easy in large countries such as Poland; since the single currency must be adopted at once, without a transition period, the process is very difficult;
- Poland has not set a date for accession to the EMU;
- New conditions (Banking Union, BU) mean new costs, but BU is beneficial for non-euro member states.

Valentin Lazea, Chief Economist, National Bank of Romania:

- As regards the Maastricht criteria, Romania has done the easy part; the difficult part (real convergence) is yet to be done;
- The year 2019 is a catalyst for all nominal criteria to be fulfilled;
- Banking Union: makes sense for many reasons; for a non-euro zone member country such as Romania, the rationale of participating in the Banking Union before adopting the euro is based upon:
 - ✓ the high proportion of foreign-owned banks in the banking system;
 - ✓ the need to control (albeit partially) regulatory arbitrage and deleveraging;
 - ✓ the importance of sitting at the table where decisions are made;
 - ✓ seizing the momentum for modifying a large number of laws and regulations;
 - ✓ signalling the intention to join the euro zone as soon as possible;
- Costs: recapitalization of banks, supervisory fees;
- Romania has only a verbal commitment to join the Banking Union.

Andras Vertes, Chairman, GKI Economic Research, Hungary:

- Hungarian Government adopted Six package;
- The attitude is the same as of the member states outside the euro zone;
- Hungary will be involved in the Banking Union mostly;
- Costs/benefits: involvement in decision-making process much more than now.

Theo Thomas, Lead Economist, Economic Management Sector Leader, Europe and Central Asia, World Bank, Belgium:

- Eastern and Central Europe is a region generating recovery and significant diversity;
- Short term challenges: increase investments (FDI), ageing population, many countries in the region must improve their actions in the macroeconomic field.

The debate continued with addresses from other participants that shared their comments or addressed questions to the panel, emphasizing once again the importance of the theme under debate.

We would like to thank our colleagues from IES Warsaw for their cooperation, trust and support in successfully organizing this event!

Note: The Romanian delegation to the Economic Forum also included, as speakers in different thematic panels: Laszlo Borbely, Member of Parliament, Chairman of the Commission for Foreign Policy, Radu Podgorean, Secretary of State, Ministry of Foreign Affairs, Maricel Popa, Secretary of State, Ministry of Economy, Mihai-Răzvan Ungureanu, Senator, Bogdan Chirițoiu, Chairman of the Competition Council, Cristian Adomniței, Chairman of Iași County Council, Sorana Pop, Romanian Civil Aviation Authority, Cătălin Popa, Romania's representative at EUROCONTROL, Dragoș Neacșu, Erste Asset Management, Antonia Colibășanu, Stratfor Romania, among others.

For further information on the Krynica Economic Forum, please visit the official page of the event: <http://www.forum-ekonomiczne.pl>

Florentina Costache

publications

Romanian Journal of European Affairs – Autumn Issue 2014

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Fulvio Attinà, Professor of Political Science and International Relations at the University of Catania, analyses in his paper the financial aid given by the richest countries of the European Union and by ECHO (European Commission's Humanitarian Aid and Civil Protection Department) to six geographical groups of countries. The large similarity of the data of the emergency aid policies of the most rich EU Member States requests further study about the EU countries' preference for funding assistance directly to a larger extent than through the EU's programs, and about keeping foreign assistance as shared competence in the EU system.

Fabio G. Santeramo, Assistant Professor at the University of Foggia, **Fabian Capitanio**, Assistant Professor at the University of Naples "Federico II", **Felice Adinolfi**, Professor in Agricultural Economics, University of Bologna co-authored an article dealing with the agricultural risk management strategies in several EU Partner Countries. A decade of major political and economic changes is challenging the Mediterranean Economies, affecting the primary sectors of transition economies which are largely influenced by recent trends. The resulting exposure of agriculture to risks has called great attention on risk management strategies and public intervention. The authors explore their role in three different economies with a view to a unified policy framework. The analysis is conducted through a field activity in Syria, Tunisia and Turkey that has allowed understanding the key issues. The experts' opinions draw a clear picture of retrospect and prospects and stimulate a comparative analysis that widens the current knowledge of risk management in the EU Partner Countries.

Gustavo Sadot Sosa-Núñez, currently a postdoctoral researcher at the Faculty of Political and Social Sciences of the National Autonomous University of Mexico (UNAM), contributes to the academic dialogue of policy convergence by examining the direction taken by the policy to label genetically modified maize in the European Union. Considering international harmonisation as the causal mechanism, this article provides a chronological account of policy outputs, understood as directives and regulations related to this policy area. Additionally, there is an analysis of the increase of the degree of policy convergence. Different national perspectives on the issue are presented, offering an insight about policy direction in terms of the interaction that governments of the Member States have between them and with the European Commission.

Sergiu Gherghina, lecturer at the Department of Political Science, Goethe University Frankfurt, analyses the priorities of the European Parliament for the 2014-2019 legislative term through the eyes of Romanian candidates in the 2014 European elections. The empirical evidence comes from a survey conducted during the electoral campaign (April-May) among candidates from 14 out of 15 competing parties. The results indicate little agreement about the perception of problems with which the EP will confront in the near future. Although one third of the candidates identified economic issues as central, qualitative insights into candidates' answers reveal different meanings attached to economy. Important differences of policy perspectives are observable when looking at party affiliation, list position, and age.

Adriana Seagle, Adjunct Professor at the Department of Political Science, Virginia Polytechnic Institute and State University in US, investigates how Romanian governmental elites conceptualize the European Union as an international society using the English School approach. The argument advanced in the article is that the EU is conceptualized as a society of states divided between a solidarist core and a fragmented periphery. New members must acquaint themselves first with a certain code of conduct and adhere to a certain system of values in order to achieve a movement into the core. This paper highlights that, in the case of the EU, the core sets up norms and directions, and negotiates or determines the periphery's behaviour.

Adelin Dumitru, third-year student at the Faculty of Political Science, National University of Political Science and Public Administration in Bucharest, presented the book *The New Member States and the European Union. Foreign Policy and Europeanization*, edited by Michael Baun and Dan Marek. The 2004 enlargement constituted a critical juncture for the Central and Eastern European Countries. Although a great deal of literature has been written in regard to other aspects of Europeanization, the effects of EU membership on the foreign policy of the new Member States have been rarely discussed. This is what this book seeks to accomplish, namely to fill a gap in the European Studies with a series of articles explaining the more or less significant institutional and behavioural changes which occurred at the level of the new Member States' political elites. Focusing on three main domains in which Europeanization purportedly occurred, namely national preferences and interests, institutions and procedures, foreign policy strategies and actions, the studies gathered in this volume provide a useful overview of the effects of EU membership on what was traditionally known as "foreign policy".

Full articles are available at <http://rjea.ier.ro>.



Oana Mocanu

The European Union and Post-Soviet Central Asia: Development Cooperation or Realpolitik?

– guest article –

Since 2007, following the adoption of the “Strategy for a new partnership between the EU and Central Asia”, the European Union has had a concrete opportunity to exercise an important political and economic influence in Central Asia, strengthening its strategic position, while attempting to handle the existing problems and the negative distortions by means of a strong economic cooperation and a regular political dialogue with Central Asian presidents.

By analysing the involvement of the EU in Central Asia, we can point out two different phases, between which 11 September 2001 represented a geopolitical watershed. From the Central Asia independence until 2001, the European Union was relegated in a subordinate and marginal position, due to several factors, such as the geographical distance, the lack of a shared political strategy, its political weakness compared to the other geopolitical players.

In these first ten years, the EU did not plan to commit itself to a political strategy oriented towards Central Asia, and instead opted for the achievement of long-term goals in the region, such as the strengthening of economic and commercial cooperation, building infrastructures, promoting democracy, human rights protection, and development of civil society. The promotion of the economy market transition and the development of democracy principles through technical and financial assistance were the main goals of the TACIS Program (Technical Assistance to the Commonwealth of Independent States), which ended in 2006. From the European perspective, the deepening of the commercial cooperation and the development of the economic and technical assistance could contribute to prevent conflicts, thus ensuring the necessary support to these weak economies and the strengthening of their political independence.

After 11 September 2001 and the following American military campaign in Afghanistan, the need to guarantee the stability and the security in the region has become a strategic aim for the EU, in order to prevent destabilizing effects. Mainly since 2004 we can notice the growing European attention towards Central Asia and the increasing involvement in the area, in order to deepen a political cooperation and to reinforce the European presence and visibility. This new approach has been justified by several reasons: the inclusion of the three Caucasian republics into the European Neighbourhood Policy in 2004 implied the need to draw up a wide external policy that should also involve the Central Asian republics; the launch of a political dialogue with a region which has become progressively strategic for the achievement of the European goals. At the same time, the relevant issues of energy security and the necessity to diversify the sources of supplies, the unsolved threats to the Central Asia’s political stability and security have pushed the EU to be more involved

in the region, through the development of a regular political dialogue in order to build up the confidence of the political leadership for a better implementation of the European programs.

The adoption of the Strategy for a new partnership between the EU and Central Asia 2007-2013 enables the EU to become an important geopolitical player in the Central Asian scenario, mainly because the achievement of general political aims is closely linked to the initiation and the development of a potential change process in the region.

The EU has potential *atouts* to extend its geopolitical influence: the EU is one of the most important donor institutions in the region, bestowing over 1 billion euro in assistance programs; moreover, the EU is an important commercial partner for the Central Asian republics (especially for Kazakhstan) and an attractive market, allowing them to diversify their exports; the EU can support the development of the energy sector, which requires European investments and technological support to modernise and to enhance the energy production for exports. Finally, the strong influence of China and Russia in energy, security, economic and political fields sets back the Central Asian “multi-vector” strategy in external policy, which aims to balance the interests of the geopolitical players, opening spaces of potential cooperation with other actors, like the EU.

However, the first results of the strategy implementation have shown the lack of balance in the European approach to Central Asia, as the energy interests and the security issues (linked to the Afghanistan’s instability situation) are prevailing over a strong promotion of the democratisation process or a deep commitment to convince Central Asian presidents to adopt reforms. In fact, it seems evident that the main geopolitical goal of the EU focuses on the Turkmen and Kazakh energy reserves and on the Uzbekistan’s strategic role - for its geographic position - in order to support the NATO coalition in Afghanistan.

Five years on since the Strategy was adopted, the EU should pursue its engagement in the region even though a full implementation of its policy toward Central Asia is far to reach.

The potential geopolitical role of the EU in Central Asia should be evaluated in the long term. The EU Commissioner for Development, Andris Piebalgs, announced that around 1 billion euro will be made available to support the development efforts of Central Asian countries in the period 2014-2020; however, this economic support should be better focused on specific areas of cooperation, through tailored initiatives in order to strengthen the cooperation with Central Asian republics.

One of the future main tasks of the EU is the necessary balance in the achievement of the strategic goals, because the priority given to the energy needs is too evident. Moreover, the EU should focus a more incisive political and diplomatic effort on obtaining a real commitment of Central Asian presidents, so far only theoretically engaged in the promotion of the democratisation and human rights protection. This situation is seriously damaging the European image and credibility as a defender of civil liberties and human rights, adding to the accusation of adopting a double standard in the international relations, depending on the

geopolitical or energy relevance of the nations. In order to obtain a coherent implementation of the EU strategy, the EU should introduce the concept of conditionality, imposing to the Central Asian partners the achievement of some relevant benchmarks as a rigid precondition for its political involvement and support and the economic investments in the region.

Fabio Indeo

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Ethical Issues Concerning Structural Funds. Preliminary Reflections

“Without commonly shared and widely entrenched moral values and obligations, neither the law, nor democratic government, nor even the market economy will function properly”

Václav Havel (1936–2011)

The debate on Structural Funds is highly topical in Romania, being stimulated by the inappropriate and insufficient degree of accessing the funds, as well as by the problems identified over the last years regarding the appropriate administration of the funds which have already been accessed, both from the perspective of public authorities and of beneficiaries.

From the point of view of public debate, emphasis has often been placed on administrative deficiency, insufficient personnel or inadequacy of the projects submitted, **ethical aspects being often overlooked or, at best, treated as marginal topics.**

In fact, we are dealing with a strategic error, as ethics do matter - we need a set of basic values, without which any construction is bound to fall apart - a project without values is an endangered project.

A business project financed from Structural Funds is, above all, a business that must deliver a concrete product, goods and services, without causing losses or squandering the invested funds. Under these circumstances, we may think that speaking about values when it comes to business matters is an oxymoron. It is not the case.

Values are a pragmatic and we might even say an existential need when it comes to Structural Funds, precisely due to the constant evolution of the surrounding world. When everything changes, talking about values means to talk about stability and continuity, about something immaterial which provides benchmarks for all parties concerned.

Any discussion on values is controversial, taking into account the different meanings which values often have among the members of the same society or belonging to different societies. Thus, it is imperative to identify common benchmarks, a minimal language that can be accepted by all parties concerned.

A starting point which may seem trivial, due to its logical simplicity, is to **comply with the legislation in force** - “No one is above the law!” Thus, the legislation in force provides us with the main forbidden elements, the main restrictions we must consider as a starting point in establishing what is allowed and what is forbidden. Starting from legal prohibitions, we get to the next level, the one of debates concerning moral and ethical values of any organisational project. A company’s ethical principles do not coincide with its legal obligations - certain parts of them overlap, but, often, being ethical means to do more than what the law requires you to do.

Thus, we get to the **issue of values** - which values should be implemented first? Which values will be easier to accept by all parties involved in a project? A first criterion can be the one of acceptance - if the values intended to be implemented are rejected by the partners, then we end up in a difficult situation, where the efforts to create an ethical framework are bound to fail.

It becomes increasingly clear that the projects which are not founded on ethical values will face difficulties. We are dealing with a great mistrust between clients and suppliers, difficulties in recruiting the experts needed and an increase of the users' mistrust in the benefits of accessing Structural Funds. A climate without ethical values automatically leads to a decrease in the desire to access EU-financed projects.

Moreover, the morale of the personnel involved in projects financed from Structural Funds can be considered higher in cases where there is a respected set of ethical values. An organisational culture based on shared ethical values is able to inspire employees more than a culture founded on a lack of trust and cooperation between the persons involved.

A large part of the contemporary economic thinking is based on the fundamental premise (which is wrong in our opinion) that human beings are selfish by nature - people are born bad and they are selfish and prone to commit morally wrongful acts, in order to ensure individual supremacy and welfare.

It would follow, from this that any economy must be founded on mistrust. "We have to assume the worst about people (that is, they only think about themselves), if we are to construct a durable economic system"¹.

This thinking system is flawed, first of all due to its economic inefficiency - a system based on a "witch hunt" and on punishing mistakes is a system that will slow down growth and ultimately will regress, due to wasting working time. People also function according to other moral coordinates, such as honesty, honour, professional respect, and so on.

A good example provided by the specialised literature is the "Italian strike"², characterised by a strict compliance with rules, which, under the guise of respect for working rules, has a disruptive economic effect and proves that, in addition to rules, other factors are also involved in the progress of an organisation, such as free initiative or the desire to solve problems without expecting superiors' approval. A selfish behaviour blocks things, while behaviour based on ethical aspects and on cooperation allows a good functioning of the system.³

A key element in any discussion on values is **integrity**, which means doing the right thing rather than the easier thing. Any organisation and project founded on integrity will adopt decisions with a strong moral foundation, based on values such as fairness, truth, honesty. In this case, we are dealing with congruence between the statements and the practices of an organisation or association.

"**Integrity** mainly involves compliance with mandatory legal provisions and other types of provisions, concerning both prohibitive (requiring public civil servants to refrain from certain actions) and prescriptive (forcing civil servants to undertake certain actions) provisions.⁴

A system cannot function endlessly if it is based on corrupt practices and lacks any values. It may survive for a while, it can even thrive on the short term, but, in the end, everything will fall apart. From this perspective, ethical values are "laws of nature", being equally powerful and real. Any organisation should have a functional moral framework, what we call "ethical principles", which will underlie all aspects of that organisation. Ethical values are sound values which cannot be ignored.

Aurelia Ioana Brînaru, Mihai Sebe

Aurelia Ioana Brînaru is PhD candidate at the University of Agronomic Sciences and Veterinary Medicine in Bucharest and Structural Funds consultant. Experienced in Structural Funds accession and management in the field of agricultural funds, Mrs. Brînaru's main fields of expertise and interest are the following: management of projects financed from Structural Funds, writing financing projects, the ethics of Structural Funds, property assessment.

Mihai Sebe is PhD in Political Sciences, postdoctoral researcher at the Romanian Academy, World Economics Institute, and expert within the European Institute of Romania

¹ Ha-Joon Chang, *23 Things They Don't Tell You About Capitalism*, Penguin Group, London, 2010, p. 75

² Leopold Haimson, Giulio Sapelli, editors, *Strike Social Conflict and the First World War*, Fondazione Giangiacomo Feltrinelli, Milano, Italy 1992, p. 543. Available online at http://books.google.ro/books?id=MyOglANLRU0C&pg=PA543&dq=Italian+strike+as+work-to-rule&hl=en&sa=X&ei=u0PiT7L1D8f-2QXOimTWCw&redir_esc=y#v=onepage&q=Italian%20strike%20as%20work-to-rule&f=false

³ Ha-Joon Chang, *23 Things They Don't Tell You About Capitalism*, Penguin Group, London, 2010, pp. 79-84

⁴ Victor Alistar (coordinator), *GHID DE INTEGRITATE În execuția contractelor derulate cu fonduri europene*, p. 24 (*Integrity Guide for the execution of contracts financed from European Funds*), Transparency International Romania, Bucharest.

Guide on Article 6/European Convention of Human Rights in Brief

In early 2013, the Research Division within the European Court of Human Rights wrote a new guide designed for law practitioners, concerned persons and litigants regarding the civil limb of the right to a fair trial¹. The experts of the Court have chosen this topic because the right provided for in Article 6 of the European Convention of Human Rights is the most dealt with in the judgments.

The Guide is structured in four chapters:

- **SCOPE: THE CONCEPT OF “CIVIL RIGHTS AND OBLIGATIONS”;**
- **RIGHT TO A COURT;**
- **INSTITUTIONAL REQUIREMENTS;**
- **PROCEDURAL REQUIREMENTS.**

The first chapter refers to the features of the civil rights and obligations, to the general requirements for the applicability of Article 6 of the Convention, and also to excluded matters.

The preliminary requirement to apply to Article 6 is that the rights in the application submitted to the European Court of Human Rights have to be recognised by the legislation of the state whose national the applicant is.

The civil limb of this right is not given by the interpretation of the Court of Strasbourg but by the “reference to the substantive content and effects of the right” under the legal system of the respondent State.

The matters excluded from the applicability of Article 6 are: tax proceeding, immigration issues such as: entry, residence and removal of aliens, political rights such as: the right to be elected, the right to continue a mandate and the right of a political party to engage into political activities.

The second chapter concerns **the access to a court**. This is a right provided by the European Convention of Human Rights which guarantees the rule of law in the member States. The access to a court has to be “*concrete and effective*”² and refers not only to the right to lodge an application before a domestic court but also to the possibility to obtain a legal solution issued by a court.

Chapter 3 introduces the notion of **tribunal** and the conditions it has to meet in the member States. Thus, an authority can be seen as a tribunal if it has judicial competence and has the power to issue a judicial decision on “the matters in dispute”³. The tribunal is **independent** of the other powers within the State and its decisions are **binding**.



As mentioned in the Guide, the classical judicial courts are not exclusively included in the concept of “tribunal” as provided by Article 6. Among the “non-classical” judicial authorities recognized by the Court within the scope of Article 6 there are: a regional real-property transactions authority in Austria⁴, a criminal damage compensation board in Sweden⁵ and a forestry disputes resolution committee in Greece⁶.

The last chapter of the Guide is emphasizing the requirements of a fair trial within the legal system of a member State as provided by Article 6.

Some of the requirements are: the right of a litigant to formulate an application before a court, the organisation, the composition of the court, and the conduct of the proceedings in compliance with the following principles: the rule of law, the principle of legal certainty, the adversarial principle, the equality of arms, the public debate, the obligation for the courts to issue a reasoned judgement and within a reasonable time.

In the final section of the Guide, the Court includes an alphabetic index of the decisions and judgments issued by 1 May 2013.

The full texts of the judgements and decisions of the Court can be accessed in English and French from the HUDOC database. Moreover, a large number of these texts are translated into Romanian through the efforts of EIR and can be accessed either from the Court’s website: www.echr.coe.int, or from that of the European Institute of Romania: <http://www.ier.ro/traduceri.html?category=cedo>.

Daniela Rădulescu

¹ This right is provided by Article 6 within the European Convention of Human Rights. The Article 6 § 1 - Right to a fair hearing reads as follows: “In the determination of his civil rights and obligations [...], everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. Judgment shall be pronounced publicly but the press and public may be excluded from all or part of the trial in the interests of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice.”

² *The Guide on Article 6*, page 14, <http://ier.ro/activit%C4%83%C8%9Bi/coordonare-traduceri/jurispruden%C5%A3a-cedo/materiale-de-informare.html>

³ *The Guide on Article 6*, page 21, <http://ier.ro/activit%C4%83%C8%9Bi/coordonare-traduceri/jurispruden%C5%A3a-cedo/materiale-de-informare.html>

⁴ *Sramek v. Austria*, § 36.

⁵ *Rolf Gustafson v. Sweden*, § 48.

⁶ *Argyrou and Others v. Greece*, § 27.

Judgement in the case of Câmpeanu v. Romania - a landmark for disabled persons' access to justice

In the judgement delivered on 17 July 2014 by the Grand Chamber in the case of Centre for Legal Resources on behalf of Valentin Câmpeanu v. Romania (application no. 47848/08), the European Court of Human Rights held, unanimously, that there had been a violation of Article 2 (Right to life) of the Convention for the Protection of Human Rights and Fundamental Freedoms, in both its substantive and procedural aspects, as well as a violation of Article 13 (Right to an effective remedy) in conjunction with Article 2. **The decision is a premiere in terms of human rights as it changes the Court's case-law. Thus, any European non-governmental organisation advocating for human rights may bring an action before the Court in Strasbourg on behalf of any vulnerable and defenceless person confined in a social or medical state institution.**



The case concerns the death of Valentin Câmpeanu, a young Roma man institutionalised after being abandoned by his family and diagnosed as intellectually disabled and HIV-positive. The complaint lodged by the Centre for Legal Resources concerns the last months of his life, when he was transferred to various social protection institutions in Dolj County which refused to take him in their care; he died, eventually, in desolate conditions at the Poiana Mare Neuropsychiatric Hospital. The complaint was lodged by a non-governmental organisation on his behalf. The Court held that, in the exceptional circumstances of the case and bearing in mind the serious nature of the allegations, it was possible for the NGO to act as Mr Câmpeanu's representative, although the organisation itself had not been a victim of the alleged violation of the Convention.

The Court held that the **Romanian state was to pay damages in the amount of EUR 10,000 to the CLR and EUR 25,000 to Interights**, although the two organisations did not claim damages. Moreover, the **Court recommended that Romania amended its legislation to prevent the system from generating new cases of human rights violations comparable to the situation of Valentin Câmpeanu.**

The case is highly interesting, on the one hand, due to the large number of interveners in the proceedings before the Court: the Council of Europe Commissioner for Human Rights (exercising for the first and only time so far his right to intervene, which was granted following the entry into force of Protocol no. 14 in 2008), Human Rights Watch, the Euroregional Center for Public Initiatives, the Bulgarian Helsinki Committee and the Mental Disability Advocacy Center.

On the other hand, the judgement is relevant both for Romania and for the Council of Europe region as a whole. In procedural terms, the traditional position of the Court was that only close relatives of the deceased may bring an action concerning the circumstances of his/her death. In this case, the restrictive requirement set by the Court could not be met, as the victim was a person with learning difficulties who spent his entire life in a state institution, having been abandoned at birth and having no legal representative.

CLR on behalf of Valentin Câmpeanu v. Romania represents a double premiere in terms of human rights: it is both the first case before the Court raising the issue of access to justice for mentally disabled persons who have no legal representative and are institutionalised, as well as the first case concerning the death of a patient.

Costin Fălcuță

Professional training in European affairs for teaching personnel – Timișoara Training Centre

The European Institute of Romania (EIR), in partnership with the Ministry of National Education, organised this year a training programme in European affairs for teaching personnel, financed by the European Commission through the Representation of the European Commission in Romania.

This training programme has as target audience teaching personnel from all the three cycles of pre-university education: primary, gymnasium and high school that teach classes where

the European Union topics are part of the curricula or a part of geography, history, civic education, civic culture lessons or any other discipline from the optional curricula.

Given this programme we have organized a two-day training session, for each of the educational cycles: primary, gymnasium and high school, in the Bucharest, Bacău and Timișoara centres.

The training session for the Timișoara Centre took place

The guests had the opportunity to participate in one of the two workshops organized for the second part of the summit, *Digital and Employment*. Experts from the digital and creative domain, as well as specialists in human resources and career counseling were present at the discussions. Also, in the third part of the event two more workshops regarding the *Management of European Projects* and *Financing* were open to the guests. The agenda of the workshops featured case studies, recent trends, and the challenges encountered in the aforementioned fields. The closing panel presented the contribution brought by the workshops, as well as recommendations for future actions.

The Group of European Youth for Change (GEYC) is a Romanian non-profit organization, active at the national and European level. GEYC is a member of the Grand Coalition for Digital Jobs (European Commission) and of the Youth Consultative Council of the Ministry of Youth and Sports. In the digital domain, GEYC initiated GEYC Resource Center Project, which aims to employ digital tools in order to create positive changes for youth and their communities, by giving them access to networking, digital tools and free education.

Nicol Vintilescu
Communication intern

EU

Cohesion Policy 2014-2020

In July 2014, the European Commission released the sixth report regarding the economic, social and territorial cohesion within the European Union, for the period of 2014-2020. The funds to be invested in the action plan of the Cohesion Policy 2014-2020 represent a third of the EU's budget and will be directed towards EU's objectives of economic growth, as well as towards the reduction of the economic and social disparities among the member states.

The **Cohesion Policy 2014-2020** outlines the key beneficiaries of the due investments, funds which will be directed towards environment and resource efficiency, employment and mobility, social inclusion, and competitiveness of small and medium sized enterprises (SMEs). Overall, the reformed cohesion policy will make available up to EUR 351.8 billion to invest in EU member states. The extent of the investments is adapted to the level of development of each particular region. Thus, EUR 182 billion will be allocated to the less developed regions (27% of EU's population), EUR 35 billion to the transition regions (12% of EU's population), and EUR 54 billion to the more developed regions (15,1% of EU's population). The rest of the funds will serve the European territorial cooperation (EUR 10.2 billion), Youth employment initiative (EUR 3.2 billion), or the Cohesion Fund (EUR 63.3 billion).

According to "Europe 2020" strategy, the Cohesion report represents European Union's main investment policy for growth and jobs, and coordinates the implementation of EU policies. This strategy aims to support a smart and sustainable economic growth and foster social inclusion through the expansion of the labour market and the alleviation of poverty within EU.

The successful Cohesion Policy 2007-2013 generated around 600 000 jobs, giving support to 80 000 new enterprises and improving the access to drinking water for 3.3 million citizens. Nevertheless, the investments of the 2014-2020 plan are foreseen to deliver even better outcomes, through a well managed distribution of funds to support the shift towards a low-carbon economy, the competitiveness of SMEs, innovation, and social inclusion.

As far as Romania's situation is concerned, the report makes reference to the growing rate of disparities between the country's regions, caused by the significant economic growth of the capital city's region (București-Ilfov region registered a notable increase of the GDP from 50% of the EU's average in 1995 to 120% of the EU's average). Between 2014 and 2020, Romania will take part in six operational programmes within EU's Cohesion Policy plan: four programmes funded by the European Regional Development Fund and Cohesion Fund and two programmes supported by the European Social Fund, including the Youth Employment Initiative. Overall, Romania will receive approximately EUR 23 billion from Cohesion Policy's resources, which target European territorial cooperation, the less developed regions of the country (except Bucharest), the more developed regions (Bucharest), and the Youth Employment Initiative.

The reformed Cohesion Policy, with its strategic approach, is based on the fifth cohesion report released in 2012. It highlighted the necessity that investments have to be better correlated with 'Europe 2020' strategy, and have stricter preliminary requirements and results which are easier to track.

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