

event

Tech Race debate: EU in the Crosshairs for Global Technological Supremacy

The 29th edition of the Economic Forum took place in Krynica (Republic of Poland), during 3 - 5 September 2019.

The Economic Forum is the largest conference in Central and Eastern Europe. Every year, the Forum brings together more than 4500 international guests. These include political, economic and social leaders, as well as approx. 600 journalists. The guests usually come from over 60 different countries across Europe, Asia and America. The Forum's mission is to create a favourable climate for the development of political and economic cooperation between the EU Member States and their neighbours.

Over three days, participants had the opportunity to attend plenary sessions and more than 200 debates and round tables which provided updated and impartial information regarding the current economic and political issues. ...p. 2



opinion

The EU Global Strategy at three: between bold objectives and concrete achievements

The European Union's Global Strategy (EUGS), launched just 48 hours after the unfortunate and apparently endless vote and process on Brexit, spelled out the interests, principles and priority areas for the Unions' external actions¹. It also provided the European Union (EU) with specific and bold objectives, in a more connected, contested and complex world. Three years on, these tendencies have not only been confirmed, but also amplified by various empirical evolutions (or involutions) on a continental and international level. In the meantime, it became even more obvious that European unity, a more 'joined-up' Union upholding multilateralism and an international system based on norms are more important and relevant than ever. A Union that is cohesive on the inside and coherent in its external dimension may effectively and efficiently tackle current challenges, on the one side, and capitalize on existing opportunities, on the other. Three years after its launch, a brief review of the EUGS' concrete results attests the fact that its continuous implementation and periodical review serve the stated goal of the EU of becoming a truly global actor².

In the broad sense of the term, a strategy may be defined as a plan for achieving one or more identified goals using the available resources and methods. And, as opposed to tactics, a strategy always portrays a crucial trend. Lawrence Freedman makes a systemic observation when he writes that "strategy is required when others might frustrate one's plans because they have different and possibly opposing ...p. 3

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Tech Race debate: EU in the Crosshairs for Global Technological Supremacy



[...] Starting from 2012, the European Institute of Romania (EIR) has been a partner of the Institute for Eastern Studies (Instytut Studiów Wschodnich, Warsaw), the main organizer of the event, in preparing a debate panel within the Forum.

Tech Race: EU in the Crosshairs for Global Technological Supremacy was the topic chosen for this year's debate. The panel, moderated by Mrs. Alina Bârgăoanu, PhD Professor, Dean of the College of Communication and Public Relations (NUPSA) and President of the Administrative Board of the EIR, benefited from the contributions of Mr. Bart Tkaczyk, Expert on Strategy, University of California (USA), Mr. Soren Peters, CEO, Gain & Co (Denmark), Mrs. Małgorzata Gleń, Director, KPMG Poland, Mr. Zoltan Csefalvay, Senior Scientist, Joint Research Centre, European Commission (Hungary).

Context

China has taken the lead from the USA in many tech areas, i.e. artificial intelligence, as well as in the size of investments made by its major companies. Meanwhile, the USA is doing everything it can to regain ground, while trying to push further advancements ahead. But, as the world's two economic powers duke it out for tech supremacy, a third challenger advances in the background and is poised to eventually become the global leader. What are the internal challenges or disadvantages that could hinder this? What about the threats? What strategy should be adopted in the context of the fourth industrial revolution, characterized by huge changes in automation, computerisation and production efficiency?

Main issues raised within the debate:

- Robotics and robotization have distinctive features.
- Given the scarcity of human resources in Central and Eastern Europe and the high cost of manpower in Western Europe, incentives to go with robotization strategies differ across the EU, which may cause problems.
- When it comes to the EU's chance of becoming a global technological power, the key questions are who will manage the future of the technological revolution and how. In this respect, Europe has many advantages to leverage. It just has to strengthen its capacities and turn scientific and research results into business.
- We need to be optimistic in Europe and focus on building the digital single market since many traditional businesses will have to get digitalised. Moreover, the EU should try to avoid overregulation because the new business models need a good environment and a sound ecosystem to grow. A totally new legal framework for taxation should be put in place and cybersecurity should be a priority.
- Whether the EU is lagging behind that much is questionable when we think about all those EU inventions and research technologies which are sold to America or China. The EU might just lack structure and should find a way to cross the borders and do technology transfer within its borders.
- Finishing on the second place is never pleasant, so the EU has to strategize and focus on talent management in order to win the tech race. Technological supremacy can make the EU greater than a mere global curiosity shop with great museums and beautiful beaches.
- As we need a common approach, the EU has to formulate and implement an overarching strategy, going beyond national fragmentation and being firmly rooted in reality.

Florentina Costache
Communication Unit

The EU Global Strategy at three: between bold objectives and concrete achievements



[...] interests and concerns.”³ And Simona Soare considers that, “in itself, any strategy used by a rational international actor may be defined as the effective actional way of selecting the most adequate actions, bearing in mind existing resources, in order to present, promote and reach one’s own interests.”⁴ *But why did the EU need a global strategy?*

Against the backdrop of the rather modest achievements of the European Security Strategy (ESS)⁵, EU High Representative Federica Mogherini has presented the *EU Global Strategy* just days after the British referendum, at the end of June 2016, and provided the polity with a new comprehensive narrative in order to build a more credible, responsive and joined-up Union. The new programmatic document was the result of an intensive and extensive collective reflection and consultation process with the most relevant stakeholders: EU Member States governments and national parliaments, the European Parliament, the academia and the civil society. More complex and inclusive on all fronts as compared to the Union’s first strategic exercise, the EUGS was advertised both as a contingency measure for the existential crisis affecting the EU and as a foreign policy and common security guide whose global nature had not only a geographical scope, but also referred to the wide array of EU policy and instruments. Nevertheless, it goes without saying that the strategic vision of the Union needed political will in order to translate itself into common actions, and HR/VP Mogherini never ceased to point out that aspect in her speeches.

The vital interests of the Union, as they are featured in the Global Strategy, are as follows: peace and security, prosperity, democracy and a rules-based global order. In order to pursue its vital interests, guided by clear principles (unity, engagement, responsibility and external partnerships), the EUGS identified five priorities for the EU’s external action: the security of the Union, state and societal resilience to the East and the South, an integrated approach to conflicts, cooperative regional orders and, last but not least, global governance for the 21st century. **The pursuit of the first three and the importance given to the concept of resilience clearly seems to indicate the modesty and the subtle realism of the principled pragmatism concept, focusing mainly on the Union’s own security, on the neighbourhood and on elements of hard power, at the expense of the transformative ambitions which transpired throughout the ESS.** Principled pragmatism remains the normative and actional corollary of the whole strategy by denying, at least in theory, the apparent contradiction between interests and values. But what are the concrete results so far?

Without a shadow of a doubt, the field in which the most notable progress was made in the first three years of the strategy’s initial implementation is that of security and defence, by launching and operationalizing the permanent structured cooperation (PESCO), outlined in Articles 42(6) and 46 as well as in Protocol 10 of the Treaty on EU⁶. Through PESCO, Member States can boost their effectiveness in addressing security challenges and advancing towards further integrating and strengthening defence cooperation within the EU framework. Currently, 25 Member States are engaged in this process of horizontal differentiated integration and, so far, the Council adopted 34 PESCO projects. These include projects in the areas of capability development and in the operational dimension, like the the establishment of a European Medical Command, an EU Training Mission Competence Centre or the creation of a European Military Space Surveillance Awareness Network and of a joint EU Intelligence School. Projects that not so long ago may have seemed like pure fantasy and far-fetched, in a field considered taboo by MS, are now gaining momentum and substance.

Without necessarily considering optimism a moral duty, we cannot ignore other encouraging and concrete achievements, obtained in the framework of the Common Foreign and Security Policy (CFSP) and the Common Security and Defence Policy (CSDP), in close connection to the objectives outlined in the EUGS: PESCO (already mentioned), the new Coordinated Annual Review on Defence (CARD, a defence European Semester), the Capability Development Plan (CDP) and the European Defence Fund (EDF), all of them being complementary and mutually reinforcing tools; the sanctions adopted against cyberattacks; the renewed efforts in countering hybrid threats and disinformation; valuable contributions in consolidating state and societal resilience in the Union’s strategic neighbourhood (Western Balkans, Eastern Partnership

and Africa); the integrated approach to conflicts delivered results in the Sahel, Afghanistan and Iraq; last but not least, *when it comes to governance and multilateralism, the EU's support for the Paris climate deal and the Joint Comprehensive Plan of Action (JCPOA) with Iran (in direct opposition to the US) are notable examples of actions aimed at strengthening the EU's global posture*⁷.

All these developments have contributed to consolidating the EU's actorness in global affairs. **By adopting a culture based on strategic autonomy instead of one based on strategic complacency, the EU has finally understood that it has to have the capability to better defend itself and pursue the common interests of its MS.** In context, it is worth mentioning that the EU was also led towards greater strategic autonomy by exogenous trends like a deteriorating transatlantic relationship, on the one side, and an increased assertiveness of Russia and China in its immediate vicinity, on the other side, both eventually generating political will for common purpose and action. However, there is still plenty of room for improvement when it comes to Europeans actually speaking with a single voice on external affairs. But, if we take into account one of the main conclusions of last year's EU-wide citizens dialogues and consultations, according to which European citizens desire "a stronger Europe in the world", we may conclude that the EU enjoys legitimacy towards that end⁸.

Bogdan Mureşan
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1. The EU Global Strategy - "Shared Vision, Common Action: A Stronger Europe", available at: http://eeas.europa.eu/archives/docs/top_stories/pdf/eugs_review_web.pdf.
2. A wish also expressed in the texts of the Sibiu Declaration or the new Strategic Agenda for the next five years, documents available at: <https://www.consilium.europa.eu/en/press/press-releases/2019/05/09/the-sibiu-declaration/> and <https://www.consilium.europa.eu/en/eu-strategic-agenda-2019-2024/>.
3. Lawrence Freedman, *Strategy. A History*, (New York: Oxford University Press, 2013).
4. Simona Soare, "Puterea Smart a Uniunii Europene?" (The Smart Power of the European Union?), in George Angheloiu (ed.), *Europenizarea. Studii de guvernare și securitate* (Europeanization: Governance and security studies), (Bucharest: Ed. C.H. Beck, 2015).
5. European Security Strategy - "A secure Europe in a better world", available at: <https://www.consilium.europa.eu/en/documents-publications/publications/european-security-strategy-secure-europe-better-world/>.
6. The Lisbon Treaty on European Union (TEU), available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A12012M%2FTXT>.
7. The third annual evaluation/progress report on the implementation of EUGS, available at: https://eeas.europa.eu/sites/eeas/files/eu_global_strategy_2019.pdf.
8. Citizens' dialogues and citizens' consultations. Key conclusions, available at: https://ec.europa.eu/commission/sites/beta-political/files/euco-sibiu-citizensdialogues_en.pdf.

publications



New study on Connectivity-Related Projects in Europe and China: Opportunities and Challenges to Increased Synergies

The European Institute of Romania gladly announces the publication of a new study on the topic of EU-China relations. A valuable research team, consisting of **Doru Costea** (diplomat, Romania's Ambassador to China and Mongolia during 2012-2017), **George Cornel Dumitrescu** (senior researcher, Institute for World Economy, Romanian Academy), **Clara Volintiru** (Associate Professor, ASE Bucharest), **Roxana Voicu-Dorobanțu** (Associate Professor, ASE Bucharest) and **Cătălin Ploae** (lecturer, ASE Bucharest), proposes a complex analysis. The authors touch upon different topics regarding EU-China connectivity, including subjects such as the political and economic dimensions, infrastructure and tourism. The five chapters of the study are not limited to the political and economic dimensions, as they include discussion on education or culture.

Doru Costea opens the study with an analysis dedicated to the political dimension of the EU-China relations, while George Cornel Dumitrescu applies a comparative perspective on the infrastructure routes connecting Europe and China. The next two chapters focus on trade and finances, using statistical data to show the increased level of economical inter-connectivity between the two economies. The last chapter of the study proves how the political and economic connectivity has an impact on perceptions and lives of ordinary citizens, through culture, tourism and education.

The authors underline not only the recent progresses made in the EU-China relations, but the inherent difficulties of this process as well. Naturally, in a very fluid global context, negotiations between the two actors are very complex, requiring very subtle positionings, while the scenarios regarding the future evolutions are still very hard to predict. Nevertheless,

as the authors point out in their research, the potential, for both China and the EU, is huge and the impact on the whole global economy could be very significant, especially given the recent „trade war” between China and the United States.

The European Union can therefore become an essential partner for the Chinese economy. In this context, having a favourable geographical position, the role of Romania can be very important, but only as part of broader European projects and processes.

The full text of the publication can be accessed [here](#).

Ionuț Marcu
European Studies Unit

A new training course: Introduction to European Affairs



In order to fulfill its mission under the best conditions, one of the objectives of the Training Unit (TU) of the European Institute of Romania (EIR) is to keep its courses up to date and, when appropriate, to introduce new ones. The opportunity of such changes is probed in the current activity of Unit, and their substantiation is done through a Training needs analysis that is carried out every four years. The Training Unit noted that improving the general knowledge about the European Union (EU) is first among the content requirements of the participants at EIR courses. Therefore, the course of *European Administration and Affairs* is currently being reconfigured and rebranded as Introduction to European Affairs (IEA). Also, steps are being taken to introduce a new course centered on European Union Legal System (EULS).

Against the background of the Euroscepticism that followed the financial crisis of 2008, the eurozone crisis (with its prominent case - Greece) and the migration crisis in 2015-2016 alongside with Brexit, it is necessary to redesign the course information around the core values of the European project and the way they are currently embraced by the EU. The IEA course will therefore aim to provide the participants with some basic knowledge related to the European Union and to Romania's membership. By the end of the course, the participants will acquire essential knowledge about the values and the development of the EU, about the institutional-decision-making architecture of the Union and about Romania's role inside the EU. Also, they will learn more about the challenges facing the Union today.

From the perspective of the assimilation objectives of the course, which lasts three days, the first module, centered around the European project, aims to present and argue the ideas and principles that formed the basis of the European project, as well as how they were put in practice within the EU operating system. It is essential for the participants to understand how this dynamic fueled Romania's strategic decision to join the EU. The second module aims to present and explain how Romania interacts with the EU from an institutional perspective, as a member of the Union. It also aims to present the advantages and obligations arising from Romania's EU membership. Finally, the last module intends to present the challenges and dangers facing the European project in general, and Romania, in particular. The future of both Europe and Romania are dependent on how these will be managed.

To stay up to date with the EIR training offer, we invite you to periodically visit the ier.gov.ro Web page, in the Training section.

Dan Drăghia
Training Unit

Bioethics and the case-law of the European Court of Human Rights. Research Report



As part of the case-law analysis carried out by the Strasbourg Court, Research Reports deal with certain transversal themes, particular provisions of the European Convention on Human Rights and the use of international instruments in the Court's case-law. Thus, so far, 23 Research Reports relating to issues of major interest have been produced and they have been addressed from different perspectives, as compared to the other publications of the Court: child sexual abuse and child pornography, cultural rights, the Internet, the case-law of the Court on young people (between 18 and 35 years), the new admissibility criterion, positive obligations under Article 10, references to

the Inter-American Court of Human Rights in the case-law of the European Court, the role of public prosecutor, health-related issues, national security and European case-law, etc. (all 23 Research Reports are available in French, English and other non-official languages of the Council of Europe, on the Court's [website](#)).

The current Research Report, recently translated by the European Institute of Romania (available in Romanian on EIR's [website](#)) raises important issues - and sometimes highly sensitive ones – under Articles 2, 3, 5, 6 - and most often Article 8 - of the European Convention on Human Rights.

The term “bioethics” should be understood as encompassing the protection of human beings, of their fundamental rights and, in particular, the right to respect for human dignity, in the context of the development of biomedical sciences. The specific issues related to this term, addressed in this Research Report, include:

- reproductive rights (prenatal diagnosis, the right to a legal abortion and the right to give birth at home);
- medically assisted procreation;
- children born as a result of a gestational surrogacy arrangement;
- assisted suicide;
- giving consent to medical examination or treatment (including sterilisation);
- ethical issues concerning HIV;
- issues related to transgender persons;
- the retention of biological data by the authorities;
- the right to know one's biological identity.

A series of cases decided by the European Court of Human Rights refer to the Oviedo Convention on Human Rights and Biomedicine of 4 April 1997 or to the work of the Council of Europe in this area. With the rapid evolution of biomedical techniques, new threats to human dignity may arise. The Oviedo Convention seeks to address some of these threats. However, it has been ratified only by a few states to date. In addition, this Convention affords the European Court of Human Rights only consultative jurisdiction. In order to take account of this “fourth generation of human rights”, that is to protect human dignity against possible abuse by scientific progress, the Court could remind that, under Article 2 of the European Convention on Human Rights, the signatories have pledged to protect everyone's right to life by law.

These complex issues are increasingly being raised before the European Court of Human Rights and the number of applications dealing with subjects such as gene therapy, stem cell research and cloning, is expected to rise in the future.

Costin Leonard Fălcuță
Revision Unit

The European Court of Human Rights received the second request for an advisory opinion under Protocol No. 16

In early August, one year after the entry into force of Protocol No. 16 to the Convention for the Protection of Human Rights and Fundamental Freedoms¹, the European Court of Human Rights (ECHR) received from the Constitutional Court of the Republic of Armenia a request for an advisory opinion based thereon; it is the second request for an advisory opinion before the ECHR so far.

The first request for an advisory opinion under Protocol No. 16 was submitted by the French Court of Cassation in 2018², with the ECHR issuing its first advisory opinion³ in April 2019.

1. Protocol No. 16 to the Convention for the Protection of Human Rights and Fundamental Freedoms entered into force on 1 August 2018.

2. See https://www.echr.coe.int/Documents/Annual_report_2018_ENG.pdf.

3. See <http://hudoc.echr.coe.int/eng?i=003-6380464-8364383>.



On 14 October 2014, Romania signed Protocol No. 16, but it has not ratified it yet⁴. From the perspective of the Romanian state, according to Article 10 of Protocol No. 16 to the Convention, the High Court of Cassation and Justice, the Constitutional Court and the 15 courts of appeal⁵ in Romania can submit requests for advisory opinions.

Protocol No. 16 to the Convention for the Protection of Human Rights and Fundamental Freedoms has been translated into Romanian by the European Institute of Romania and can be consulted in the [dedicated section](#) on the [official website](#) of the institution.

Requests for advisory opinions concern questions of principle relating to the interpretation or application of the rights and freedoms defined in the Convention or its Protocols and may be submitted only in pending cases before the competent courts in this field.

According to this Protocol, reasons shall be given for an advisory opinion, as well as for any refusal to accept the request for an advisory opinion. If the request is accepted, the advisory opinion shall be delivered by the Grand Chamber, giving reasons; as its name suggests, an advisory opinion is not binding.

Under the current request for an opinion, the Armenian Constitutional Court asked the ECHR to deliver an advisory opinion on the Armenian Criminal Code article that penalises the overthrowing of the Constitutional order, currently at issue in two cases pending before it, one of which concerns the former Armenian President Robert Kocharyan. The Constitutional Court asked for guidance from the ECHR on certain aspects of Article 7 of the Convention (no punishment without law), such as the concept of “law” within the meaning of that provision, the notions of a law’s certainty, accessibility, foreseeability, and on the principle of the non-retroactivity of a criminal law.

A panel of five judges of the Grand Chamber will decide on the admission of the request for an advisory opinion; if the request is accepted, the Grand Chamber will deliver an advisory opinion. The advisory opinion will be available for consultation in the [HUDOC](#) database.

The Council of Europe Commissioner for Human Rights and the Armenian state have the right to submit written comments and to take part in the hearing procedures. The President of the Court may, in the interest of the proper administration of justice, invite any other High Contracting Party or person to submit written comments or to take part in any hearing.

Ana-Maria Georgescu
Revision Unit

4. See <https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/214/signatures>.

5. See https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/214/declarations?p_auth=54s1vZQU&coeconventions_WAR_coeconventionsportlet_enVigueur=false&coeconventions_WAR_coeconventionsportlet_searchBy=state&coeconventions_WAR_coeconventionsportlet_codePays=ROM&coeconventions_WAR_coeconventionsportlet_codeNature=3.

Guide on Article 9 of the European Convention on Human Rights



The Guide on Freedom of thought, conscience and religion is part of the Case-law Guides series, published by the European Court of Human Rights (ECHR) and prepared by the Directorate of the Jurisconsult. Recently, a team of one linguist and one legal specialist within the Translation Coordination Unit of the European Institute of Romania (IER) completed its translation, and the Guide is now available to Romanian readers.

The Guide analyses and sums up the case-law until 30 April 2019, selected among the leading, major, and/or recent judgments and decisions regarding Article 9 of the European Convention on Human Rights (the Convention).

The selected cases concerned: (1) the actual behaviours protected by Article 9 of the Convention, such as the right not to practice a religion and not to reveal one’s beliefs; the right not to act contrary to one’s conscience and convictions (conscientious objection); freedom of religion and physical and mental health issues; wearing of religious clothing and symbols; or freedom of religion, family and education of children; (2) the State’s positive and negative obligations as guarantor of the freedom of religion, including, for example, the obligation not to impede the normal functioning of the religious organisations or the obligation to respect

the autonomy of religious organisations; and (3) the general principles and applicability of Article 9.

The freedom of thought, conscience and religion, provided in Article 9 of the Convention, is a fundamental right, enshrined in many national and international documents. Article 9 is often invoked in conjunction with Article 14 of the Convention, which prohibits discrimination based on, among other things, religion or beliefs. The freedom of thought, conscience and religion is regarded as one of the foundations of a democratic society, and, in recent years, the number of cases examined by the Court under Article 9 has been constantly increasing.

The Guide contains a [List of keywords](#), which summarise the legal issues dealt with in each case and come from a thesaurus of terms extracted, in most cases, directly from the text of the Convention and its Protocols; the List of keywords is available only in [French](#) and [English](#). For keywords in Romanian, you are advised to use [EIR's website](#). In the [section dedicated to the ECHR case-law](#), it is possible to filter the ECHR cases translated into Romanian based on keywords extracted from their contents. In order to see the cases translated into Romanian that match the subject matter of this Guide, use the filter "art. 9" in the [Case-law](#) section of EIR's website. Searching by keywords enables a group of cases with similar subject matter to be found.

The Guide was originally drafted in French. In the Romanian translation, references to the cases cited therein were made to judgments and decisions in French, where this version was available; otherwise, references are made to the Court's judgments and decisions in English. Some of the cited judgments and decisions are available also in Romanian, in EIR's [case-law database](#) or the Court's database, [HUDOC](#).

The Guide on Article 9 of the European Convention on Human Rights, translated into Romanian, is available in the [Guides](#) section on EIR's website.

Ana-Maria Georgescu
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Strategy and Policy Studies Series (SPOS) 2018



The European Institute of Romania would like to invite you to read the Strategy and Policy Studies (SPOS) elaborated in the year 2018.

Aiming to support the national decision makers in drafting the country's positions within the European institutions, the SPOS project addressed current topics on the European agenda.

The research themes were focused upon:

1. *The multiannual financial framework post-2020: risks and opportunities for Romania* (coordinator Daniel Dăianu);
2. *The revival of the EU Strategy for the Danube Region - between economic interests and political priorities* (coordinator Sorin Ioniță);
3. *The transition towards a circular economy. From waste management to a green economy in Romania* (coordinator Valentina Elena Târțiu);
4. *The European Pillar of Social Rights: the reduction of social inequalities and disparities in Romania. Developments of European policies and initiatives in the youth field* (coordinator Dragoș Nicolae Pîslaru).

The studies are available online on EIR website, at [Publications](#) section.

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* The texts published in this Newsletter express the authors' opinion and do not represent the official position of the European Institute of Romania.

ISSN 2065 - 457X

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