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Transfer of best practice between Romania and the Republic of Moldova, in the field of public procurement



From 23 to 27 February, a group of 10 experts from the Republic of Moldova were on a work visit in Romania. The visit was organised by the European Institute of Romania, a partner of the Institute for Development and Social Initiatives (IDSI) “Viitorul” [“The Future”] from Chisinau, as part of the project “Building a transparent and sustainable public procurement system through an efficient and permanent monitoring process”.

The agenda included the *launching conference of the project* in Romania (24 February), a *training session in public procurement* (24 February) and *work visits to relevant Romanian institutions*, and to non-governmental organisations (25-26 February).

The delegation of experts from the Republic of Moldova had a first meeting with Mrs. Gabriela Drăgan, Director General of the **European Institute of Romania**, followed by the launching conference of the project and the training session... **p.2**

EIR _____

The European Institute of Romania launches the Strategy and Policy Studies SPOS 2015

The European Institute of Romania (EIR) organised on 22 March 2016 a conference for the launch of the Strategy and Policy Studies SPOS 2015 project. The SPOS Programme is designed to support the foundation and implementation of policies of the Romanian Government in European affairs, providing policy-makers with information, analyses and policy options. In 2015, five studies were delivered within this project, which addressed various thematic areas relevant for Romania’s evolution in the European context. The event was attended by officials, policy-makers, representatives of the civil society and academic milieu... **p.6**



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... Naturally, the best practice transfer was opened by the representatives of the **National Agency for Public Procurement**. Mr. Sorin Căpitanu, Director General, and Ms. Claudia Cojman, Principal Adviser at the Operational Support Direction, gave an overview of the national legislative framework, the drafting and implementing of policies in the field of procurement, the supervision and monitoring of public procurement, the functioning of the public procurement electronic system, the functioning of the mechanisms of interaction between the institutions and structures of the national system of public procurement, the contracting authorities and the economic operators.

At the **National Council for Solving Complaints (NCSC)**, our colleagues from Republic of Moldova discussed with Mr. Silviu Popa, the President of NCSC. The meeting was also attended by members of the Council, who presented the role, attributions and competencies of the Council, as well as the results of the project “Improving management at the level of the National Council for Solving Complaints concerning the specific competences in connection to the successful implementation of projects supported by structural instruments, based on rendering the public procurement process more efficient”, that is creating and implementing an IT platform to provide access to collecting cases, and to other relevant information for preventing irregularities in the field of public procurement.



As regards the transparency of the public procurement process and of the public policies in general, during the visit to the **Ministry for Public Consultation and Civic Dialogue (MPCCD)**, Minister Violeta Alexandru presented the mission, tasks, structure and competencies of MPCCD, as well as the actions to be taken in order to ensure a better transparency in the use of public funds.

The first day dedicated to work visits ended with a meeting among the group of experts and Mr. Adrian Moraru, Deputy Director at the **Institute for Public Policies (IPP)**. The main results of the annual analyses regarding the transparency, efficiency and credibility of public procurement were briefly

presented. This information is particularly useful in the process of monitoring public procurement by the civil society.

The second day started with a meeting at the **Competition Council**. The main themes discussed by Ms. Grațiela Gheorghe, Director of the Tenders and Petitions Direction, and Ms. Doina Ion Tudoran, Director for Foreign Relations and Communication were: the Guide on the detection of and deterring anti-competitive practices in the public procurement procedure; important cases of the Competition Council; the relation of the Competition Council with other authorities in Romania, from both the legislative and the practical perspective.

Freedom House Romania (FHR) and the **Romanian Center for European Policies (RCEP)** organised a common meeting, on account of their partnership in many projects in the field of monitoring transparency and the correctness of the public procurement process. Thus, Ms. Cristina Guseth, Director of FHR, Mr. Dragoș Dinu, Member of the Board and Ms. Bianca Toma, Project Coordinator at RCEP, presented for the experts from Republic of Moldova the “Guide for practitioners in the field of public procurement”, the Project Development of the Coalition “Initiative for a Clean Justice” (www.justitiecurata.ro), and also information on the IT system for prevention of conflicts of interests in public procurement (PREVENT) developed and implemented by the National Integrity Agency.



As concerns the public procurement in projects financed by the structural funds and the cohesion fund, Mr. Dan Nicula, Director General of the **Agency for Regional Development Bucharest-Ilfov**, on the basis of the experience accumulated during the financial exercise 2007-2013, presented case studies on procedural aspects, for the initiative phase of the public procurement, as well as in the process of contracts’ evaluation and monitoring.

While organising the work visit agenda, we have particularly appreciated the openness shown by the Romanian institutions in enabling the transfer of best practice and the unconditional support given in the development of a specific legislative and institutional framework in the field of public procurement in the Republic of Moldova. The case studies and practical applications presented during the meetings created the opportunity for an open and pragmatic dialogue, thus answering the objectives of the project.

Florentina Costache

////// About the project: //////////////////////////////////////

Main Applicant/Lead Partner: Institute for Development and Social Initiatives (IDSI) “Viitorul” [“The Future”]

Support Partner: European Institute of Romania

Country of implementation: Republic of Moldova

Financer: Policy Association for an Open Society (PASOS) from the Czech Republic, sub-grant offered in the project “Partners in Empowerment” (ENPI/2014/354-731), financed by the European Commission through the program Neighbourhood Civil Society Facility (European Neighbourhood and Partnership Instrument) Regional actions. The project “Partners in Empowerment” is focused on five countries from the Eastern Partnership (Armenia, Azerbaijan, Belarus, Moldova and Ukraine). Experienced organisations of the Civil Society (OCS) will provide for the grants beneficiaries mentoring capacity and also webinars for developing the monitoring capacities and methods’.

Implementing period: **January - July 2016**

Objectives:

1. Strengthening the public procurement monitoring capacities of OCS experts and the capacity of specialists from the Public Procurement Agency and of representatives of contracting authorities involved in public procurement.
2. Monitoring and evaluating the public procurement system in the Republic of Moldova (oriented on the local level - nine districts).
3. Raising awareness regarding the need for transparency in the process of public procurement.

*<http://eap-csf.eu/en/news-events/news/call-for-grant-applications-civil-society-monitoring-of-public-service-delivery-and-public-accountability/>

opinion

The EU’s transition towards a circular economy

“Starting next year, we will implement an Action Plan on the Circular Economy to create a single market for the re-use of materials and resources, supporting the move away from a linear economy”, it is stated in the 2016 Work Programme of the European Commission. To this effect, the package of measures for the transition towards a circular economy was published at the end of last year, package which was meant to boost the EU’s competitiveness, to foster the path towards sustainable economic growth and to contribute to creating new jobs.

What is the circular economy?

Unlike the linear economy, where the resources used in the production process serve only until the resulting products/services reach the end of their life cycle, in a circular economy the resources used are distributed, re-used, repaired, recycled at almost any stage in the product/service life cycle and the amount of the resulting waste is reduced to a minimum.

Although the circular economy is a concept which belongs more to our current reality, various papers were published in the previous centuries, which referred to the impossibility of supporting a high growth rate in the context of an increasing world population¹. Such an example is Thomas Robert Malthus, who stated that an increase in the world’s population will eventually lead to a greater poverty level². In other words, the more people live on the planet, the more resources will be needed to satisfy their needs. And since most of the resources used in the production of goods and services are non-renewable, a paradigm shift is needed in the relationship between the environment, the social framework and the economy.

¹ Bonciu, Florin I., The European Economy: From a Linear to a Circular Economy (5 December 2014). *Romanian Journal of European Affairs*, Vol. 14, Nr. 4, December 2014. Available at <http://ssrn.com/abstract=2534405>.

² Malthus, Thomas R., *An Essay on the Principle of Population*, London, 1798.



In order to support the transition towards a circular economy, an efficient waste management system is needed. Since the European Union is wasting a significant amount of end-of-life materials, which are treated as waste, the new package of measures includes specific proposals to improve the current legislation, so that waste can be turned into valuable resources, which will subsequently be used in new production processes. In financial terms, according to EU forecasts, this initiative will bring savings of €600 billion for EU businesses, the equivalent of 8% of their turnover. From the perspective of the social component, the new economic model will create, in time, 580 000 new jobs. Moreover, EU carbon emissions will be reduced by 450 million tonnes per year, which means that concrete steps will be taken in providing an answer to climate change.

Photo: <https://www.facebook.com/EUEnvironment>

What measures are adopted by European Union for the transition towards a circular economy?

Besides the amendment of the current legislation in the field of waste management, the Commission has drafted an Action Plan³ in order to establish clear directions of intervention. As the document mentions, making the circular economy a reality will require a long-term involvement at all levels, from member states, regions and cities, to businesses and citizens.

If the measures adopted so far at European level were designed to reduce carbon footprint, with an emphasis on the effects, in a circular economy the change starts from the very first phase of a product, namely the design phase. It is believed that a better design can make products easier to repair, upgrade or remanufacture. Let's take an office chair, for example. Normally, it was designed in such a way that it cannot be re-used (to a very large extent) once it has reached the end of its life. In the context of the circular economy, a model of chair made up of 98% recyclable materials can be used as a counter example. This way, this chair has a finite life cycle only for its current form. After being taken over by a recycling station, the product will be re-used or disassembled, being the object of a new concept.

After a product or service has been designed and placed on the market, it passes on to the consumption stage. In this case, the choices made by consumers can either support or hinder circular economy. Since price is a factor affecting purchasing decisions, both in the value chain and for final consumers, Member States are encouraged to provide incentives, lower tax rates or tax exemptions to ensure that product prices better reflect environmental costs. For example, in Norway (a non-EU state) there are a number of facilities [the purchase price is not subject to any tax, the 25% VAT is not paid, there are no road tolls/vignettes (road taxes), etc.] for those who decide to buy electric vehicles, which is why their number has exceeded the number of traditional cars in terms of sales.

Turning to the European Union, an estimated percentage can be provided as an example, in order to understand the high potential of the circular economy: if 95% of mobile phones were collected after use, this could generate savings of 1 billion euros in respect of the production process.

As regards to **the targets for 2030**⁴, the Commission aims to reach the EU target for recycling municipal waste of 65%; to reach the EU target for recycling packaging waste of 75%; a binding landfill reduction target of 10%. Concerning the minimum targets for re-use/recycling established for 2025 (for specific materials), these are the following: 55% of plastic, 60% of wood, 75% of ferrous metal, 75% of aluminium, 75% of glass and 75% of paper.

How can Romania prepare itself for the change?

At legislative level, the Senate of Romania⁵ has adopted a decision on the Circular Economy Package, on 2 February 2016. This act states the following: *“Romania supports the main objective of the Circular Economy Package, namely to stimulate the development of new markets and business models, with a view to develop economy and create new jobs; meeting recycling targets and preparing for the re-use of municipal waste and packaging waste, as well as preparing to reduce landfill to maximum of 10% by 2030, will remain a challenge, although, as concerns the latter, Romania is one of the Member States that will benefit from derogations”*.

³ Closing the loop - An EU action plan for the Circular Economy, COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS (Brussels, 2.12.2015 COM (2015), Available at http://eur-lex.europa.eu/resource.html?uri=cellar:8a8ef5e8-99a0-11e5-b3b7-01aa75ed71a1.0015.03/DOC_1&format=HTML&lang=RO&parentUrn=CELEX:2015DC0614.

⁴ Circular Economy, Closing the loop, Clear targets and tools for better waste management, Fact-sheet, European Commission, Available at: http://ec.europa.eu/priorities/publications/clear-targets-and-tools-better-waste-management_en.

⁵ The verbatim report of the sitting of the Romanian Senate of 2 February 2016, available at <http://www.senat.ro/PAGINI/Stenograme/Stenograme2016/16.02.02.pdf>.

Concerning the de facto situation, the 2016 Country Report⁶ mentions that resource efficiency is low and the circular economy is underdeveloped. In 2014, resource productivity was substantially below the EU average. Romania is late to adopt the relevant planning instruments concerning waste management. Its landfilling rate is the highest in the EU (96.8%), which indicates that resources are not kept within the economy when a product has reached the end of its life.

Despite the fact that measures for waste management and selective collection have been adopted over the last few years, statistics show that we are lagging far behind the other European countries. As long as Romania recycles only 3.2% of the volume of waste produced and no concrete measures are taken to support the development of businesses in the field, we should all ask ourselves (policy makers and citizens) what should be done. As regards policy makers, they can provide incentives for the innovation of the production process and the improvement of its efficiency, but they can also create the necessary framework for a more efficient recycling process (for example, the law on combating food waste).

Obviously, citizens should become more involved in this process and use the existing collection centres, such as the recycling centres for paper, plastic, glass, electric and electronic waste, ferrous and non-ferrous materials, medical waste, mobile phones, batteries and accumulators, oil and so on. Last but not least, a negative de facto situation could be an opportunity in disguise and the small volume of waste currently recycled in Romania can be the starting point for innovative entrepreneurial models. **As assumed by the circular economy, nothing is thrown away, everything is transformed.**

Eliza Vaş

event

DEBATE: Current Developments within the European Union from the Perspective of a Candidate State - Republic of Serbia



Photo: Ilie Bumbac, Agerpres

On 23 February 2016, the European Institute of Romania, in partnership with the Romanian Ministry of Foreign Affairs and the Embassy of the Republic of Serbia in Bucharest, organised the debate “Current Developments within the European Union from the Perspective of a Candidate State: the Republic of Serbia”. The event had Mrs. **Tanja Mišćević**, PhD., Chief Negotiator for the accession of the Republic of Serbia to the European Union as guest speaker. Mrs. **Mihaela Blăjan**, Director in the Romanian Ministry of Foreign Affairs (MFA), and Mrs. **Gabriela Drăgan**, PhD. Professor, Director General of the European Institute of Romania, also joined the debate for the welcome address.

Mrs. **Tanja Mišćević** focused her speech on both current developments in the Republic of Serbia’s EU accession negotiations and in terms of future plans and expectations. Prefacing her intervention by stating that *‘it is a beautiful*

time for a researcher, but an extremely difficult one for a practitioner’ in the EU today, for the first part of her speech she explained why it took Serbia such a long time to start the accession procedures, despite the fact that it was the first former Yugoslavian country to sign a Free Trade Agreement with the EEC. A notable explanation for the long time frame refers to the normalization process with Pristina. Another factor brought into the discussion was the rise of Euroscepticism among the Serbian citizens, as well as the enlargement fatigue the European Union is currently confronted with.

Referring to the chapters opened so far during the negotiation process, Mrs. **Mišćević** extensively discussed chapter 35 ‘Other Issues’. *‘If there are problems with the fulfilment of chapters 23, 24 - this is decisive. The process comes to a standstill. Chapter 35 has for Serbia the same role as chapters 23 and 24’*.

In terms of expectations and plans, Serbia’s chief negotiator with the EU stated that the Republic of Serbia hopes to open chapters 5 (Public Procurement), 23 (Fundamental Rights), 24 (Justice, Freedom and Security), 25 (Science and Research), and 26 (Education and Culture) in 2016 and to potentially be ready to assume Member State obligations by 2018.

To conclude, the subsequent Q&A section featured questions referring to ‘Russia’s effect on Serbia’s policy’, the ‘EU’s continued attractiveness in the wake of crises’ and ‘changes in terms of Serbia’s expectations from 2013’.

For the full event report, please access <http://www.ier.ro/en/node/423845>

Ioana Panaite, intern

⁶ Country Report Romania 2016, Including an In-Depth Review on the prevention and correction of macroeconomic imbalances, Brussels, 26.2.2016 SWD (2016) 91 final], available at http://ec.europa.eu/europe2020/pdf/csr2016/cr2016_romania_ro.pdf.

The European Institute of Romania launches the Strategy and Policy Studies SPOS 2015

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Opening addresses were made by Mrs **Gabriela Drăgan**, Professor and Director general of the European Institute of Romania, Mrs **Alina Bârgăoanu**, Professor, President of the EIR's Administrative Board, Mr **Cristian Marius Bădescu**, Secretary of State for European Affairs in the Ministry of Foreign Affairs (MFA) and Mr **Florin Bonciu**, Professor, Vice Rector of the Romanian-American University, Bucharest.



Expressing appreciation for the high quality and professionalism shown in the development process of the SPOS documents, the written message sent by Mr **Leonard Orban**, Presidential Adviser for European Affairs, noted that the studies address topics of particular importance in the current European context, which is marked by real challenges. As for the usefulness of the studies, the Presidential Adviser pointed out their role as tools for professionals, policy-makers and the entire Romanian society, while at the same time providing “a good basis for national debate on European issues”.

Mr. **Mihai Sandu**, Adviser within the EU Affairs Committee, Chamber of Deputies, presented the written message of Mrs **Ana Birchall**, President of the European Affairs Committee in the Chamber of Deputies. In her message, Mrs Birchall drew the public's attention towards the need to present the Romanian state with valuable research projects from representatives of the Romanian civil society.

“SPOS is the “ brand” of the EIR and serves to contradict the superficial notion currently present in Romania that there are no white papers, materials etc. available for the decision makers. Thus they exist, but they need to be read” said Mrs **Alina Bârgăoanu** in her speech. Taking a close look at the European context, one can note that all five studies this year have a common theme, namely they discuss and debate different aspects of the “crisis of the European Union model”. This idea was further expanded on by Mr. **Florin Bonciu**, who addressed the need to read the five documents in a triple reading key, keeping in mind not only the European level, but also the global and national ones.

Mr. **Cristian Marius Bădescu**, State Secretary for European Affairs in the Ministry of Foreign Affairs stated in his intervention that the interaction between government agencies and academia is a crucial one, as “there is a need for more extensive public debate on European issues”.

Following the introductory remarks, members of the SPOS 2015 collective of authors took the floor. The first speaker to address the audience was Mr. **Iordan Bărbulescu**, University Professor, as coordinator of study II, entitled “The cross-border cooperation between Romania and Ukraine, and between Romania and the Republic of Moldova. Opportunities and challenges over the 2014-2020 period”. Regarding the relevance of the study, the coordinator said that the solutions presented in the studies should not be approached lightly, but rather read keeping in mind that they are generally developed in close partnership with relevant public institutions, so that cooperation is crucial in this aspect.

As coordinator of study III, “Creative industries: the development potential in Romania and at European level”, Mr. **Valentin Cojanu**, Professor at the Academy of Economic Studies welcomed the close collaboration with the Institute, while expressing the growing European interest in creative cultural sector as a potential solution to the declining economic growth facing the EU. But regarding Romania, Mr Cojanu stated, the study attempts to show why the country is not an attractive environment for creators.

Mr. **Daniel Belingher**, representing the authors of study IV, entitled “The Juncker Commission Investment Plan and its potential impact on the Romanian economy”, offered in his speech a short overview of the contribution the team had on the Strategy and Policy Studies 2015. Describing the study, Mr Belingher pointed out that it sought to identify the potential impact of the investment plan on the Romanian economy and formulate policy recommendations for both optimizing the functioning of the European Fund for Strategic Investments in Romania and to increase the impact of investments on the domestic economic growth.

Closing the session, Mrs. **Gabriela Drăgan** saluted the authors' efforts throughout the entire period of research and development of the studies. While assuring that the next period will be plenty of debates for the specific areas of the studies, to which she extended an invitation to the audience, Mrs Drăgan also took the time to point out that all SPOS 2015 studies and executive summaries volume (the latter both in Romanian and English) are now available on the EIR website (<http://www.ier.ro/publicatii.html>), along with the information regarding the selection process for the studies included in the new project for 2016.

Ioana Panaite, intern

EIR Participation to the International Conference "The Flux of Migrants – a new test for the Member States of the European Union? How is Romania responding to the new socio-political challenges?" – 23 February 2016



The starting point of the conference was the organizers' opinion according to which **the flux of migrants currently on the European territory is going to represent the main test for both the European Union institutions and the Member States**. In order to tackle this challenge, it is important that the Member States develop the capacity to respond to the flux of migrants at the level of the institutional structure of the public administration and of the justice system, by adapting their legislation concerning the asylum and the border security at the new configurations.

Besides, as the time passes by, the need to develop a minimum package services for the migrants becomes more and more obvious. It is essential that all these measures be taken by having in view the main values of the EU, such as solidarity and responsibility.

In that context, on 23 February 2016, the **LiderJust Association**, the **Romanian Association for Law and European Affairs (RALEA)** and **Romanian US Alumni Association** organized the international conference "**The Flux of Migrants - a new test for the Member States of the European Union? How is Romania responding to the new socio-political challenges?**"

The debate brought together national and international experts and it dealt with three main topics: *Massive immigration - a test for the administrative and justice system?*; *Penal Policy and National Security in the current geo-political context* and *The Issue of Immigration from the perspective of the European Union law and the proceedings relating to the human rights*.

The issue of the migrant flux is a complex one, and it has to be tackled on multiple levels, such as socio-economic, cultural, security, politics, etc. The legal issues raised by this process are also numerous, and they require an update of the national legislation.

On this occasion, Mr **Mihai Sebe**, expert within the European Institute of Romania, had a presentation dealing with **Romania's stance in the issue of the refugee crisis. Political aspects. Preliminary observations**.

By briefly presenting the Romanian authorities' reaction facing the refugee crisis, Mr Sebe offered the audience a series of partial conclusions regarding Romania's situation that may act as talking points for future analyses:

- the absence of a xenophobic/anti-refugee rhetoric at the official level;
- internal difficulties in integrating the refugees;
- high oscillations of the citizens attitude toward the refugee issue/compulsory quotas;
- the disappearance of this theme from the internal public agenda at the beginning of 2016;
- short/medium term solutions v. long term solutions;
- tensions in the relationship with the neighbours - see the case of Hungary and the fence it builds at our common border;
- the Eastern crisis - unsolved issue - a possible impact upon the refugee crisis;
- joining/reforming the Schengen Area - unsolved problem.

In the end the only legitimate question that stands is the following: **are we ready for the arrival of the first refugees?**

The full presentation, the initial paper "Romania's Stance in the Issue of the Refugee Crisis. Preliminary Observations" and additional information regarding the debate are available at: <https://www.europeanpolitics.ro/index.php/2016/02/25/the-flux-of-migrants-a-new-test-for-the-member-states-of-the-european-union-how-is-romania-responding-to-the-new-socio-political-challenges/>

Mihai Sebe

Romanian Journal of European Affairs – Spring 2016

In the Spring issue of the Romanian Journal of European Affairs, the contributors bring forward topics such as: law enforcement cooperation as a central part of the EU internal security policy; the EU's humanitarian and civil protection aid; competition within the EU public procurement regulation and practice; thematic agendas of selected European cross-border cooperation structures; an analysis of the Czech and Slovak different strategic choices towards the Eurozone and a book review of the volume 'United by or against Euroscepticism? An Assessment of Public attitudes towards Europe in the Context of the Crisis'.

Ramon Loik, member of the Research and Development Council of the Estonian Ministry of Defence and National Voting Member of the European Police College's (CEPOL) Governing Board, **Erkki Hämäläinen**, expert in international policing and law enforcement cooperation at the Ministry of Interior, Finland, and **Viljar Veebel**, researcher and consultant working in the Estonian National Defence Academy, explore the internal security cooperation under functional expectations, particularly in the case of Finland and Estonia. The paper argues that law enforcement cooperation, as a central part of the EU internal security policy, needs to be more effective and that it can become so through the removal of barriers and the construction of a common security area.

Fulvio Attinà, Professor of Political Science and International Relations, Jean Monnet Chair Ad Personam at the University of Catania, focuses his attention on the EU's humanitarian and civil protection aid, choosing Italy's eccentric and ECHO-consistent policy as case study. Looking into the coherence of the aid given by ECHO and EU Member States to countries in need of humanitarian and civil protection assistance, the article focuses on Italy, which appears as an eccentric case. The first part of the paper refers to the EU's humanitarian aid burden, drawing attention to the existing coherence (or lack of it) at world level, while the second showcases the consistency of Italy's aid with that of ECHO.

Noemí Angulo Garzaro, PhD. candidate at the University of Deusto, discusses the importance of the EU Competition Policy in regard to the EU Public Procurement regulation and practice. The paper examines the different public activities that may have as a result the distortion of the competitive dynamics of the market. To do so, it seeks to firstly evaluate the adequacy of not submitting certain public activities to the EU Competition Law. With regard to public regulatory activities, the paper argues, with a view of achieving the single Public Procurement Market, the imperative necessity of observing competition constraints and of submitting such activities to the EU Competition Policy considerations.

Valentin Cojanu, Professor of International Economic and Business at the Bucharest University of Economic Studies, **Alexandru Gavriş**, Lecturer at the same faculty, and **Raluca Robu**, Associate Teaching Assistant at the same institution, investigate several thematic agendas of selected European



cross-border cooperation structures. The researchers design and utilise a methodological approach based on a content analysis of public documents or papers specific to each area of the study, the scope of research stretching itself only to the layer of territorial cooperation, namely the thematic agendas of selected CBCS such as Council of the Baltic Sea States, Greater Region, and Nordic Council, Oresund Region (OR) and South Eastern European Region (SEER).

Jiang Li, Senior Researcher at the Institute of Russian, East European and Central Asian Studies at the Chinese Academy of Social Sciences, performs an analysis of the different strategic choices of the Czech Republic and Slovakia on the path towards adopting the Euro. Taking a critical look into the recent history of both nations, both pre- and post- EU accession, the paper seeks to shed light into the different evolutions of Slovakia and the Czech Republic, particularly towards the Eurozone, by answering the questions: Why did the Czech Republic and Slovakia make different strategic choices on the issue of Euro introduction? How is Slovakia's experience in the Eurozone compared with the Czech Republic, which has not introduced the euro? Is the Slovak economic situation better or not? Which economic consequences did the Eurozone debt crisis bring to Slovakia and how does it affect the decision of the other Central European countries, including the Czech Republic, about euro adoption?

Anca Ulman, PhD. candidate at the Faculty of Communication and Public Relations, National University of Political Studies and Public Administration, Bucharest, reviews a collection of academic articles written under the coordination of PhDs Alina Bârgăoanu, Loredana Radu and Diego Varela. The book review gives a comprehensive image of the public attitudes concerning the European Union. Euroscepticism and the broader context of the leadership crisis in the EU are permanently mirrored in this book, as a connection between the two is continuously sought.

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

Oana Mocanu

The research results of the European Institute of Romania on citizens' rights are in the eBook *Claim Your Rights*

CITIZEN
RIGHTS

REVENDICĂ-ȚI
DREPTURILE

The European Institute of Romania, together with eleven European organizations have implemented starting 2014 the “Citi-Rights Europe!” project. The project is implemented with the financial support of the European Union and European Alternatives is the coordinating organization of the project. The aim of the project is to raise awareness, inform and train the European citizens about the right to free movement, the right to employment and the social dimension of European Union citizenship.

Experts from the European Institute of Romania were part of the team which developed a research on the role of the European Union in protecting citizens' rights and helped to highlight areas where legal rules for the protection of citizens' rights do exist and where protection is deficient.

The desk research was concentrated on six topics: digital privacy, LGBT¹ rights, labour and social rights, migration, Roma rights and citizenship. The content of each topic provides information about the citizens' rights, the way in which these rights are understood, the way European directives that protect the rights of EU citizens should be properly understood.

At the end of each topic, an illustrative case study is presented. They refer to situations where courts have pronounced judgments concerning the rights of persons living in the European Union.

As European Alternatives underlined in the Introduction, *“Through the topics and cases highlighted within this eBook we can clearly see that while the EU has a legal framework in place that goes some way in protecting citizenship and fundamental rights, the limitations on where the EU can and cannot act with regards to rights protection limits the ability of the EU to fulfil its founding values of “respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities.”*²

Taking into consideration the aspects mentioned above, the eBook is a useful resource for those who want to inform themselves on the topic of citizens' rights in the European Union, but can also be used as support material for teachers of history and civics wishing to launch new challenges to their students.

For those interested, the eBook can be found in English language on the project website created by European Alternatives³.

Nicoleta Voicu

National Network of Correspondents project debate: *Atypical forms of employment*

In the framework of the **Eurofound project**, the European Institute of Romania and its partners organized in January the first quarterly debate on a very hot topic of interest and research for Eurofound and for the Romanian labour market - *Atypical forms of employment*.

National correspondents involved in the project, representatives of the Romanian Government, of trade unions and employers' associations, and members of the Eurofound Governing Board representing Romania were invited to express their points of view.

Interventions supported by the representative of Romanian Government, by the Eurofound national correspondents, representatives of trade unions and employers' associations

have emphasized both the negative and the positive consequences of this type of contracts on the labour market in Romania.

According to the data published by Eurostat in 2014, in Romania this type of contract generated 54.3% risk of poverty in working for the self-employed workers, 12.1 % for those with temporary employment contract and 4.9 % for employees with permanent contracts. From this point of view the most important actors should pay more attention in social policy-making related to this type of workers.

The impact of the digitalization on work and working relations, brought into question another perspective on the relationship between employee and employer. There were highlighted

¹ Lesbian, Gay, Bisexual, Transgender Community

² European Alternatives, e-book *Claim your Rights*, chapter Introduction, page 4.

³ <https://citizenrights.euroalter.com/wp-content/uploads/2016/02/Claim-your-rights-educational-ebook-EN.pdf>

especially positive effects on several social groups such as disabled people or parents who raise their children alone. The digitalization can lead to flexibility on working hours and on working relations even if the employee is relocated, and allows the possibility for the employee to have several contracts simultaneously. Romanian legislation on employment or the Labour Code is not permissive in terms of digitalization and its impact on labour relations.

Representatives of the trade unions and employers' associations have drawn attention to the consequences and impact that such contracts - atypical - may have on the labour market in Romania. Among the consequences derived from accepting this type of contract there were mentioned: low income, associated with low rates of payment; lack of a career plan; job insecurity or fewer opportunities for training and career development for employees.

The discussion on flexible forms of atypical employment is not over yet. One of the most important conclusions was that flexible forms of employment can help the most vulnerable



groups such as young people who are early in their careers, the long-term unemployed or those unskilled, facilitating their integration into the labour market, with the opportunity to gain work experience and new skills.

Nicoleta Voicu

The European Court of Human Rights – 2015 in Review

2015 was a year of significant changes for the European Court of Human Rights. On the one hand, in terms of the composition of the Court, this year marked the end of the terms of office of Dean Spielmann, former president, and the election to this position of Guido Raimondi, judge at the Strasbourg Court since January 2010. Another notable departure is that of Vice-President Josep Casadevall, a judge elected in 1996, the last existing connection with the members of the “old Court”. 2015 also witnessed the election of ten new judges, who were joined by another two new judges who began their terms in January 2016.

On the other hand, 2015 was notable in terms of the reform of the Convention system. Thus, the Brussels Declaration, adopted following the fourth high-level conference, stressed the importance of executing Court judgments and of the states' strong political commitment in this regard. The Declaration encourages further cooperation and exchange of information with national authorities and the Committee of Ministers, and it also envisages exploring new practices to improve the efficiency of the examination of applications. More specifically, the Court will have to provide a statement of reasons for two types of decision that, in current practice, are not accompanied by this, namely the refusal of a request to refer a case to the Grand Chamber (Article 43 of the Convention) and the decision to indicate provisional measures (Rule 39 of the Rules of Court).

As in previous years, in 2015 the Court continued its dialogue with domestic courts; its members took part in meetings and seminars with their counterparts from senior judiciary at the national level. Thus, with regard to us, on 12 June 2015, the Romanian Constitutional Court received a delegation composed of President Dean Spielmann and judges Iulia Antoanella Motoc and Steven Phillips. Discussions concerned, on the one hand, the benefits of the mechanism made available to the national court by the entry into force of Protocol No. 16 to the Convention and, on the other hand, the establishment at the Strasbourg Court of a network for the exchange of information and research, in constant contact with the research departments of the national courts of the signatory states of the European Convention on Human Rights, a network that will facilitate cooperation and case-law exchange concerning the protection of fundamental rights and freedoms.¹

Another novelty is the entry into force, on 1 January 2016, of the amended Rule 47 of the Rules of Court, which stipulates the conditions for properly lodging a complete and valid application with the Court. The amendments are minor and are set forth in detail in the press release published by the Court on 1 December 2015.²

The statistics for 2015 show a lower number of new cases allocated to a judicial formation.³ Thus, in 2015, 40 650 applications were allocated, representing an overall decrease of 28% compared with 2014. Another decrease can be observed in the number of applications disposed of judicially (45 576, *i.e.* a decrease of 47%), while the number of cases *pending* before the Court decreased by 7% to 64 850. At 31 December 2015, the number of applications *pending* at

¹ The network for the exchange of case-law information was launched on 7 October 2015. The French Court of Cassation and *Conseil d'État* were the first courts to sign up for the network, in a ceremony attended by numerous judicial figures (more at <http://www.scottishlegal.com/2015/10/06/ecthr-launches-network-for-the-exchange-of-case-law-information-with-national-superior-courts/>).

² For the consolidated form of Rule 47, see http://www.echr.coe.int/Documents/Rule_47_ENG.pdf.

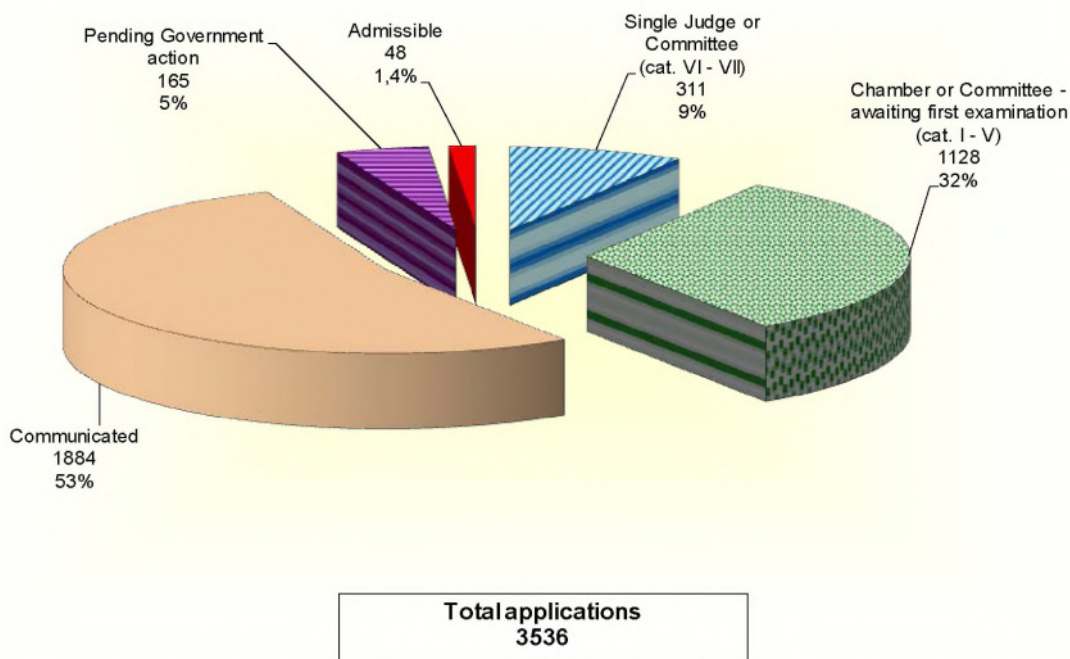
³ See also the Analysis of statistics 2015 at http://www.echr.coe.int/Documents/Stats_analysis_2015_ENG.pdf.

the pre-judicial stage stood at 10 000, *i.e.* a decrease of 48% relative to the previous year. The number of applications declared inadmissible or struck out of the list of cases by a Single Judge also decreased by 48%, standing at 43 135 compared to 83 680 in 2014. The Single-Judge formation decided 36 314 cases in 2015, *i.e.* a decrease of 54% compared with 2014. The number of applications struck out by a Chamber or a Committee, in a decision or a judgment, following a friendly settlement or a unilateral declaration, increased by 111% in 2015 (4 628 compared to 2 198 in 2014). The number of unilateral declarations multiplied by 6 compared with the previous year (2 970 compared to 502). In 2015, 15 965 applications were communicated to the respondent governments (compared to 7 895 in 2014). The number of applications settled by a judgment increased to 2 441 (compared to 2 388 in 2014, *i.e.* an increase of 2%).

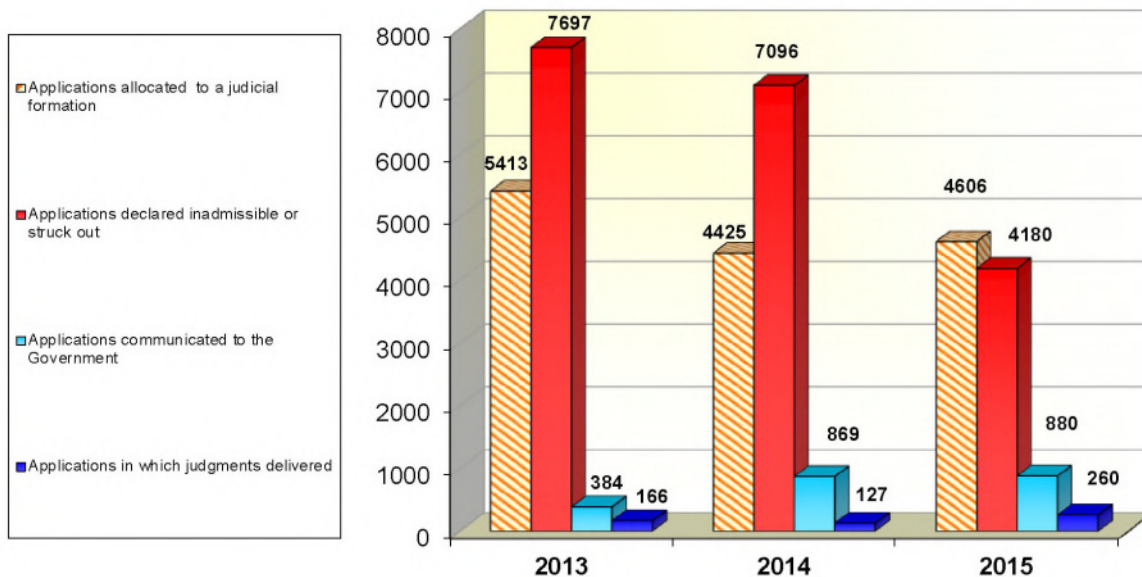
With regard to Romania, the data comparisons with the years 2013 and 2014 are listed in the two tables below. It should be noted that there is an increase in the number of unilateral declarations (116 in 2015, compared to 64 in 2014 and only 38 in 2013) and of friendly settlements (168 in 2015, compared to 51 in 2014 and 29 in 2013).

Romania

The Court's caseload by stage of proceedings and decision body



Major procedural steps in processing applications



Mention should be made that in 2015, pilot judgments were delivered regarding prison conditions in Bulgaria (the *Neshkov* case) and Hungary (the *Varga* case), each setting a timeframe for the national authorities to take action in response to the finding of a violation of Article 3 of the Convention, but also regarding the excessive length of judicial proceedings (cases *Gaszo v. Hungary* and *Rutkowski v. Poland*). The pilot judgment procedure was also initiated against Romania, in the *Iacov Stanciu* case; the Court ruled that there had been a violation of Article 3 on account of the material conditions of detention and the failure to properly treat the applicant's health problems and it found the Romanian State in breach of the obligation under Article 46 - binding force and execution of ECHR judgments. The Court pointed out that the problem found is a recurrent one in the Romanian prison system (overcrowding, poor hygiene and lack of proper healthcare in detention facilities) and that, to improve the situation, Romania must take new measures, in particular to establish an effective system of remedies (compensation according to the standard practice of the Court).

Regarding the dissemination of the Court's case-law in 2015⁴, the following should be mentioned:

1. A number of 30 judgments were selected for the *Reports of Judgments and Decisions*; the selection was made by the Bureau of the Court following the Jurisconsult's recommendation (the list of cases is available at http://www.echr.coe.int/Documents/Cases_list_2015_ENG.pdf);

2. The Court's Registry continued to improve the Court's database HUDOC⁵; the new features added in 2015 include: highlighting the leading cases included in the *Reports* and providing links to the *Reports* volume in which they are published; the HUDOC interface is currently in English, French, Russian and Turkish, but plans are under way to add Bulgarian and Spanish versions in 2016;

3. The Court's Jurisconsult produced new case-law guides covering Articles 8 and 9 of the Convention and Article 2 of Protocol No. 1 as well as an overview of health-related issues in the Court's case-law. The third edition of the *Practical Guide on Admissibility* was translated into several languages with the assistance of governments and other partners. The Registry also produced a first methodological guide (*Finding and understanding the case-law of the European Court of Human Rights*) on how to make the best use of HUDOC, Court publications and other tools in order to find, understand and stay updated on its case-law.

All these projects show, in the words of Guido Raimondi, the new President of the Court, that the Strasbourg Court "is constantly on the move, keen to improve its operation and to forge closer links with other courts".

Costin Leonard Fălcuță

⁴ See also the *Annual Report 2015, Provisional Version*, at http://www.echr.coe.int/Documents/Annual_report_2015_ENG.pdf.

⁵ <http://hudoc.echr.coe.int>.

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