



## event \_\_\_\_\_

### Estonia: holding the Presidency of the Council of the European Union



Photo source: <https://www.mae.ro>

The European Commission Representation in Romania organized on 5 July 2017 a press conference marking the launch of the Estonian Presidency of the Council of the European Union. On this occasion, Mr. **Ants Frosch**, Estonian Ambassador to Romania, Mr. **Teodor Meleșcanu**, Romanian Minister of Foreign Affairs, and Mr. **Cristian Buchiu**, Deputy-chief of the European Commission Representation spoke in the opening session. The rotating presidency of the Council will be held by Estonia until the end of 2017, to be followed by Bulgaria in the first half of 2018.

The presidency of the Council has two main objectives. On one hand, the state which ensures the handling of the presidency ... **p.2**

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## EIR projects \_\_\_\_\_

### EIR: a new Strategy and Policy Studies series

Following a tradition of over 10 years, the Strategy and Policy Studies (SPOS) project coordinated by EIR, through the Studies and Analyses Unit (BSA), continues to be implemented in 2017, as well. Envisaged to support the decision makers in order to improve Romania's capacity to fulfil the obligations derived from EU membership, this year's project tackles a variety of relevant themes for the European agenda ... **p.3**



... also manages the planning and chairing of the meetings within the Council and its preparation groups, and, on the other hand, it represents the Council in its relations with the other EU institutions, especially with the Commission and the European Parliament. During the July-December 2017 period, Estonia will facilitate this process under the motto 'Unity through balance', and the priorities that it will actively put forward within the Union are: an open and innovative European economy; a safe and secure Europe; a digital Europe and the free movement of data; as well as an inclusive and sustainable Europe<sup>1</sup>.

Scheduled initially for 2018 (when there will be celebrations in Estonia marking 100 years since the declaration of independence), the process of taking over the presidency of the Council by Estonia was shifted for the 2<sup>nd</sup> semester of 2017, given the Brexit situation, but this did not represent a significant difficulty as the preparations began as early as 2012, Mr. Ants Frosch mentioned. Referring to the causes of shifts occurred in the presidency schedule, the Ambassador of Estonia pointed out several lessons learnt from the United Kingdom, given the vote to leave the European Union, such as: not to be afraid to speak about the cost of non-existence for EU; look up for initiatives that unite us (EU's social pillar); developing the Union and paying more attention to the European citizens in order to receive legitimacy from them.

Concerning the speech delivered by the Minister of Foreign Affairs, H.E. Mr. Meleşcanu mentioned that the **common objective of Romania and Estonia is to maintain and strengthen the European unity**, equally welcoming the attention given to the completion of the Single Digital Market - *the Union's (but also Romanian's) competitiveness depends on the capacity to generate and efficiently utilize digital innovations in all economic sectors, being essential for Europe to become a real and robust single digital market, where citizens, companies and the administration can make use of the digital services in easing their daily activities and needs*<sup>2</sup>. Also, H.E. reiterated the support Romania will provide towards the priorities put forward by the Estonian Presidency which aim at strengthening the global role of the Union, with emphasis on the countries from the Eastern Partnership, towards which the EU should keep its engagements.

In the final session of the event, during the meeting with the journalists there were also mentioned the preparations Romania is making in terms of human resources, in the view of holding the Presidency of the EU Council in 2019, such as the training courses which will be organized together with the National School of Administration from France (ENA) for the central administration personnel, the envisaged collaboration with the NGOs with the purpose of recruiting volunteers and fixed-term employments.

**Eliza Vaş**  
Studies and Analyses Unit

<sup>1</sup> More details available at: <https://www.eu2017.ee/>.

<sup>2</sup> The participation of the Foreign Affairs Minister, Teodor Meleşcanu, at the press conference occasioned by the launch of the Estonian Presidency of the Council, press release, 05 July 2017, available at: <https://www.mae.ro/node/42414>.

## EIR projects

### National Network of Correspondents Project Debate: Working time/Rest time – uncertain border

In the framework of the Eurofound project, the European Institute of Romania and its partners organized a new quarterly debate on a very hot topic of interest and research for Eurofound and for the Romanian labour market - **Directive 2003/88/EC of the European Parliament and of the Council, of 4 November 2003 concerning certain aspects of the organisation of working time**<sup>1</sup>.

The provisions of the Working Time Directive refer to the issues that concern the (a) minimum periods of daily rest, weekly rest and annual leave, the breaks and maximum weekly working time, (b) certain aspects of night work, shift work and patterns of work.

A very important provision is about average working time; for each seven-day period, including overtime, the working time should not exceed 48 hours. Other provisions refer to: a minimum daily rest period of 11 consecutive hours every

<sup>1</sup> Full text of the Directive can be found on EUR-Lex website: <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32003L0088&qid=1498466360362&from=RO>.

24; a rest break during working hours if the worker is at work for more than 6 hours; a minimum weekly rest period of 24 hours uninterrupted for each 7-day period in addition to the 11-hour daily rest period; paid annual leave of at least 4 weeks per year; additional protection for night work<sup>2</sup>.

At the moment, in Romania, there is no dialogue between the social partners and the Government regarding the legislative provisions on working time. The Social Dialogue Law from 2011, imposed new rules on acquiring representativeness in the social dialogue.

Furthermore, taking into consideration the aforementioned issues, the presentations<sup>3</sup> held by the national correspondents and social actors' representatives identified and discussed the following aspects: overtime hours and the trap of flexible working time, reconciling work with private life, working time and rest time - elements of the collective bargaining, case study - working time and organizing the medical guards in public health system/the impact on the quality of life and when and how Romanians are working.



Regarding the conclusions of the debate, we have to mention: there is no clear delimitation between working time and rest time; there are provisions of the Directive which were transposed more efficient in the Romanian legislation<sup>4</sup>; there is a debate among the experts on Romanian legislation regarding the granting of rest leave for the parents who were on parental leave for two years<sup>5</sup>; there are categories of workers for whom the rest time is not clearly regulated - e.g. specialist carers, doctors or sales agents; even if the Romanian legislation makes clear that weekly working time must not exceed 48 hours, in Romania 30% of the employees are working overtime; very often the minimum daily rest is ignored when one person is concurrently concluding several employment contracts; 41% and some 26% of the doctors considered that a prolonged working time contributes to increased fatigue and increases the risk of professional errors; 85% of Romanians workers, employed under a fixed-term contract are in agriculture and 95% are self-employed and unpaid family workers.

The debates organized by EIR will continue this autumn with two new discussion topics - minimum wages and indicators measuring the unemployment.

**Nicoleta Voicu**  
Projects Unit

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<sup>2</sup> Eurofound, 2015, *Opting out of the European Working Time Directive*, 2015, available at: [https://www.eurofound.europa.eu/sites/default/files/ef\\_publication/field\\_ef\\_document/ef1527en](https://www.eurofound.europa.eu/sites/default/files/ef_publication/field_ef_document/ef1527en)

<sup>3</sup> The presentations can be found on EIR website: <http://ier.ro/evenimente/dezbateri-timpul-de-munca-timpul-de-odihn-%E2%80%93-o-grani-%C8%9B-%C4%83-tot-mai-difuz-%C4%83.html>

<sup>4</sup> The Directive mentions the minimum daily rest period of 11 hours, while the Labour Code mentions 12 hours.

<sup>5</sup> The Cluj Court of Appeal made a preliminary reference to the Court of Justice of the European Union, Case C-12/17 Dicu, Jurnalul Oficial al Uniunii Europene, available at: <http://eur-lex.europa.eu/legal-content/RO/TXT/PDF/?uri=CELEX:62017CN0012&qid=1498465158753&from=EN>

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## EIR: a new Strategy and Policy Studies series

Following a tradition of over 10 years, the Strategy and Policy Studies (SPOS) project coordinated by EIR, through the Studies and Analyses Unit (BSA), continues to be implemented in 2017, as well. Envisaged to support the decision makers in order to improve Romania's capacity

to fulfil the obligations derived from EU membership, this year's project tackles a variety of relevant themes for the European agenda and for Romania's preparations to hold the presidency of the Council of the EU, in 2019. As such, the research themes from this year are focused on:



1. *The impact of Romania's accession to the European Union for the Romanian economy. Cross-sectorial analysis (industry, agriculture, services etc.);*
2. *Romania, democratic transition expertise supplier for the Eastern Partnership and Western Balkan countries;*
3. *Romania and the EU Digital Single Market. Opportunities and challenges;*
4. *Current challenges in the field of cyber-security - impact and Romania's contribution to this field.*

As a result of the fact that the 2017 SPOS edition drew the attention of relevant target-groups, we received 36 applications, entailing high-quality research proposals and demonstrating the applicants' expertise in the field of studies, together with the interesting methodologies proposed.

Following the process of selection, the winning teams were the ones coordinated by: Mr. **Lucian Liviu Albu**, Director of the Institute for Economic Forecasting (for study no. 1), Mr. **Iordan Gheorghe Bărbulescu**, Professor, International Relations and European Integration Department, National University of Political Studies and Public Administration (for study no. 2), Mr. **Viorel Nicolae Gaftea**, scientific secretary, Science and Information Technology Department, Romanian Academy (for study no. 3), and Mr. **Ioan-Cosmin Mihai**, lecturer, "A.I. Cuza" Police Academy (for study no. 4).

The *1<sup>st</sup> study* aims to develop an analysis focused on the impact of Romania's accession to the European Union for the Romanian economy (by tackling the fields of industry, agriculture and services), in order to identify and formulate a series of recommendations for the post-2017 period. One point on the agenda is related to the study's contribution to supporting the decision makers in terms of preparing and holding the presidency of the Council of the EU, in 2019.

The *2<sup>nd</sup> study* will analyse the manner in which Romania contributes to the process of *democratic transition* among the countries included in the *Eastern Partnership and the Western Balkans*, through the lessons learnt and specific expertise. The research will showcase the instruments which Romania can use in order to provide expertise and will identify best practice examples/lessons learnt in the process of democratic transition. The authors will also track the way in which Romania has provided expertise in the two strategic neighbouring regions, and, in the end, they will formulate policy recommendations to enhance this contribution, be it in a bilateral format or on a European level.

The *3<sup>rd</sup> study* seeks to analyse the current status of the digital sector in Romania and to evaluate the existing opportunities the Romanian state can turn to advantage in order to actively participate in the *consolidation of the EU*



*Single Digital Market*. In this sense, the authors will address the current situation of the Romanian digital sector, by assessing the degree to which the targets assumed through the Digital Agenda were observed (the progress made to digitalise the economy). Also, the researchers will provide policy recommendations aimed at improving the digital convergence of Romania, and to identify the opportunities/competitive advantages Romania could make use of within the Single Digital Market.

The *4<sup>th</sup> study* will seek to present an overview of the cyber-security current status and future developments, by analysing the impact of the ongoing challenges at European and national levels. The specific objectives of this study will be reached by identifying the vulnerabilities, risks and threats to cyber-security at European and national levels, evaluating Romania's readiness to counteract these risks and challenges and by emphasising the existing good case practices. The study will provide recommendations in view of adapting the regulatory and institutional framework from Romania in accordance to the on-set European recommendations.

During this year, the Studies and Analyses Unit members will organise a series of meetings with the working groups for each study, the main purpose being to assure a constant dialogue between the researchers and the representatives from the main beneficiary institutions (Ministry of Foreign Affairs, specific ministries, governmental agencies, parliamentary committees etc.), in order to have a continuous flow of information and to design useful policy recommendations.

The studies will be completed by the end of this year, and in the first months of 2018 they will be made available for the general public and promoted during the debates/thematic conferences organized by the European Institute of Romania.

**Oana Mocanu**  
Studies and Analyses Unit

## The Transatlantic Security Relation in the age of President Donald Trump

In the aftermath of the latest NATO Summit, held in Brussels on 25 May, we may argue that we have an emergent “*Trump Doctrine*”, which marks, at least in terms of conception and initial execution, the most radical departure from a bipartisan United States foreign policy in connection to the transatlantic security relation since the end of World War II and the establishment of the United Nations based international system. In support for this, National Economic Council Director Gary D. Cohn and National Security Adviser H.R. McMaster wrote in an op-ed for the Wall Street Journal that “the president embarked on his first foreign trip with a clear-eyed outlook that the world is not a ‘global community’ but an arena where nations, nongovernmental actors and businesses engage and compete for advantage”, adding that “rather than deny this elemental nature of international affairs, we embrace it”.<sup>1</sup>

As such, during the NATO Summit in Brussels, President Donald Trump, who not so long ago said that the Alliance was “obsolete” before changing his mind, publicly lectured NATO allies for not spending enough on defence (only five NATO members currently meet the alliance’s target of spending 2% of GDP on defence that was agreed in 2006) and made only a passing reference to Article V of the NATO treaties, under which all allies pledge to come to the aid of a member under attack.<sup>2</sup> Every US president since Harry Truman in 1949 has pledged to honor this policy. The provision has been invoked only once so far, after the 9/11 terrorist attacks in the United States, by the former president George W. Bush.

A week later, the “leader of the free world” announced that he is withdrawing the United States from the landmark Paris climate agreement, an unexpected move that shocked and infuriated most of America’s traditional allies and inflicted a blow to the global effort to address the warming planet. The United States is now part of a “select club” of only two other countries - Nicaragua and Syria - which oppose a climate agreement reached by all other nations in 2015. Nevertheless, the US withdrawal from the climate deal cannot actually be finalized until near the end of Trump’s term because of the accord’s legal structure and language.<sup>3</sup>

It goes without saying that the “elemental” nature of international relations mentioned by Cohn and McMaster has existed since the beginning of recorded history. The history of the human race is one of fierce competition and protracted conflict. And US foreign policy has amply reflected this feature over the course of time, as the United States still remains unmatched in terms of sheer *hard power*. It has the world’s largest military and intelligence apparatus, troops deployed in various hotspots and bases operating in dozens of countries around the world. It may even be argued that political and military competition lie at the very heart of the American creed. But in 1945, the world did change, in the wake of two of the deadliest, if not unavoidable, wars in human history. With tens of millions killed, wounded and displaced and much of the Old Continent and Asia physically and mentally devastated, the United States tried to build a new international system, in a dramatic break from the past.<sup>4</sup>

Still fuelled by Wilsonian idealism and learning from the lessons of the failed League of Nations, post-war America created institutions, rules and norms that would encourage countries to solve their differences through negotiations rather than war. It forged a system in which trade would expand the world economy in such a manner that everyone could benefit from the fruits of globalization, setting the scene for the network of complex interdependences. It set up mechanisms to manage global problems that no country could solve all by itself, it emphasized basic human rights and it strongly supported the idea and the functional process of building a United Europe, including the United Kingdom. And, in spite of the Soviet Union’s best efforts to counter the spread of the liberal world order during the Cold War years, Western Europe, Canada and the United States did, in fact, become an amazing zone of peace and economic prosperity, of sustained political and military cooperation, having as corollary the transatlantic security relation. The competition among nations remained, but it was managed peacefully and, in turn, led to greater growth, more freedom and improved human rights.

Europe, which waged endless wars in the name of sovereignty and the balance of power against the backdrop of the “elemental nature” of international competition for hundreds of years, was now competing only to create better jobs and ensure more growth. Unfortunately for the transatlantic security community, from the start of his unholy political career, Trump has seemed oblivious to this history and ignorant of these accomplishments, which he took for granted. As

<sup>1</sup> H.R. McMaster and Gary D. Cohn, “America First Doesn’t Mean America Alone”, *Wall Street Journal*, available at: <https://www.wsj.com/articles/america-first-doesnt-mean-america-alone-1496187426>.

<sup>2</sup> Justin Huggler and David Chazan, “Trump demands Europe pay more toward Nato in excoriating speech at Brussels summit”, *The Telegraph*, available at: <http://www.telegraph.co.uk/news/2017/05/25/trump-demands-europe-pay-toward-nato-excoriating-speech-brussels/>.

<sup>3</sup> Michael D. Shear, “Trump will withdraw US from Paris climate agreement”, *New York Times*, available at: [https://www.nytimes.com/2017/06/01/climate/trump-paris-climate-agreement.html?\\_r=0](https://www.nytimes.com/2017/06/01/climate/trump-paris-climate-agreement.html?_r=0).

<sup>4</sup> Fareed Zaakaria, “Trump’s radical departure from postwar foreign policy”, *Washington Post*, available at: [https://www.washingtonpost.com/opinions/trump-could-spur-the-rise-of-a-new-not-so-liberal-world-order/2017/06/01/1e9aef2-4707-11e7-98cd-af64b4fe2dfc\\_story.html?utm\\_term=.d68698d64f41](https://www.washingtonpost.com/opinions/trump-could-spur-the-rise-of-a-new-not-so-liberal-world-order/2017/06/01/1e9aef2-4707-11e7-98cd-af64b4fe2dfc_story.html?utm_term=.d68698d64f41).

such, he has consistently alienated some of the United States' closest political, economic and moral allies, while, at the same time, openly praising strongmen such as Russia's Vladimir Putin and China's Xi Jinping.

However, as Stephen Walt argues, the American President may be a symptom of the larger crisis that has been eroding the very *raison d'être* of NATO ever since the Cold War ended.<sup>5</sup> Alliances are first and foremost a collective response to threats, and NATO's primary rationale disappeared when the Soviet Union collapsed. Attempts to rebrand the Alliance through creative strategic concepts and give it new "out of area" missions did not go as well as planned, given the messy outcomes of concerted interventions in places such as Libya, Kosovo or Afghanistan, while some of America's other initiatives, like the Second Gulf War, did significant damage to transatlantic solidarity as well. Hitherto, the EU still has no military capability to defend its territory, relying mostly on collective defence through NATO to do that job.

Alluding to difficulties with Donald Trump and *Brexit*, a few days after the NATO Summit in Brussels, German Chancellor Angela Merkel reckoned that "the era in which we could fully rely on others is over to some extent", adding that "we Europeans truly have to take our fate into our own hands".<sup>6</sup> Despite the lack of a deal on the Paris accord and other disagreements, the German chancellor said she intends to maintain good "neighbourly relations" with both the UK and the US, and "also with Russia," though she made it clear that from now on Europe would be fighting for its future on its own.<sup>7</sup>

An idea which, by itself, is not a bad one at all. But it will all ultimately depend on how Europeans choose to implement that vision of strategic autonomy, stated in the EU Global Strategy, and on the extent of Europe's ability to credibly and coherently act like a single actor on the grand chessboard. The geopolitical environment looks helpful to getting something done on defence and so does the state of debate in Brussels. But when it comes to this area of *high politics*, the money, power and decision-making authority rests in the national capitals.

What recent events have underscored, is that no nation today is large or powerful enough to impose rules on everyone else. In spite of the relative decline of the United States as a global leader, there is reason for optimism because, just like the result of the British referendum, the new American President has brought the continent's countries together in a way that not even Vladimir Putin could. And, in the long term, his apparent foreign policy shift may actually strengthen the liberal international order, with the EU and its unique *normative power* re-emerging at its core.

**Bogdan Mureşan**  
Studies and Analyses Unit

<sup>5</sup> Stephen Walt, "In Praise of a Transatlantic Divorce", *Foreign Policy*, available at: <http://foreignpolicy.com/2017/05/30/in-praise-of-a-transatlantic-divorce-trump-merkel-europe-nato/>.

<sup>6</sup> Giulia Paravicini, "Angela Merkel: Europe must take 'our fate' into own hands", *Politico*, available at: <http://www.politico.eu/article/angela-merkel-europe-cdu-must-take-its-fate-into-its-own-hands-elections-2017/>.

<sup>7</sup> *Ibidem*.

## The Perspectives of Romania's Accession to the Eurozone in the context of the White Paper on the Future of Europe, 13 June 2017, Romanian Senate



Sursă foto: <https://www.senat.ro/>

The European Affairs Committees from the two chambers of the Romanian Parliament, respectively the Budget, Finances, Banking Activities and Capital Market Committee from the Romanian Senate have organised the debate *The Perspectives of Romania's Accession to the Eurozone in the context of the White Paper on the Future of Europe* on 13 June 2017. The participants at this debate (organised at the Palace of Parliament) included Ms. **Angela Cristea**, head of the European Commission in Romania, Mr. **Daniel Dăianu**, member of the Romanian Academy, Ms. **Gabriela Creţu**, senator, president of the European Affairs Committee, Romanian Senate, Mr. **Victor Ponta**, deputy, president of the European Affairs Committee, Chamber of Deputies, Mr. **Eugen Orlando Teodorovici**, senator, president of the Budget, Finances,



Banking Activities and Capital Market Committee, Romanian Senate, Mr. **Valentin Lazea**, chief economist, National Bank of Romania, Mr. **Cristian Pârvan**, General Secretary, Romania's Business People Association, Mr. **Mihai Sebe**, expert, European Institute of Romania, representatives of the political class, business and academia environment.

The debate focused on drafting the conditions of a successful accession to the single currency, in the context of a wider debate regarding the future of Europe. The event had as purpose a better information of the public and parliamentary opinion as regards to the premises of the Euro currency accession and the role of Romania in the future of Europe.

Ms. **Angela Cristea** declared that Romania must establish an accession target to the Eurozone, "in tandem with a step by step program", that would lead to the observance of that date, but for the time being there is the risk that one of the important criteria, that of the consolidated budget deficit to be under 3% is not fulfilled.

"Currently, at the European Commission level, there is a concern that Romania risks to backtrack on one of these criteria. It is about the consolidated budget deficit, that must be under the 3% threshold and the calculation of our colleagues, from the Financial Direction, that say that after a sustained growth, that was last year of 4.6% we see now a 5.7% growth, there is the risk that his growth would lead to a deficit increase".

Mr. **Victor Ponta** underlined the importance of real criteria observance, "Romania must accede to the Eurozone when, other than the nominal criteria, we are close to the real criteria". He also reiterated the Parliament's role of "explaining and collaborating" with the Romanian business sector as to the way in which Romania will be affected by such a decision and how it must be prepared to win from Romania's accession to the Eurozone and not losing due to this.

Mr. **Daniel Dăianu** stated that Romania could join the Eurozone in the next eight years, but also that the Eurozone needs to improve the way it works. "In the context of an improvement of the way in which the Eurozone works, I believe we can accede to the Eurozone in the first half of the next decade. We

want to accede to the Eurozone. We believe in the European project".

As possible scenario: if Romania keeps an average growth rate of 5% per year in a sustainable manner, it could reach the 75% level of the Eurozone in 2024. But everything must be regarded with caution: "Romania is not prepared to accede to the Eurozone, and those who say, that if we were to be invited we should join, show a rather simple way of thinking and that shows the misunderstanding of the problems we would be dealing with".

Ms. **Gabriela Crețu** used this opportunity to talk about a series of possible scenarios regarding Romania's accession to the Eurozone, that go from a conservative scenario of compliance with the current provisions to a possible realignment with the camp of those willing to reform the Eurozone.

Mr. **Valentin Lazea** tackled the convergence issue, underlining the need of a cultural convergence between various areas of Europe as regards the relationship with the economy.

Toward the end of the debate, Mr. **Mihai Sebe** presented the general audience a series of recommendations and possible ways to go forward for Europe, as they result from a recent EIR report concerning the first decade of EU membership for Romania.

The Study *Romania and the accession to the Eurozone: the question is IN WHICH CONDITIONS!*, Daniel Dăianu (coordinator), European Institute of Romania, 2016 is available online at: <http://ier.ro/stiri/românia-și-aderarea-la-zona-euro-riscuri-și-opportunități.html>.

EIR Report: *Romania - 10 years in the European Union* is available online at: [http://ier.ro/sites/default/files/pdf/SPOS\\_2016\\_Romania\\_si\\_aderarea\\_la\\_zona\\_euro.pdf](http://ier.ro/sites/default/files/pdf/SPOS_2016_Romania_si_aderarea_la_zona_euro.pdf).

The full audio-video recording of the debate is available online at: <https://www.youtube.com/watch?v=ThrcPxaRd70>.

**Mihai Sebe**  
Studies and Analyses Unit

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## EIR Participation at the 16<sup>th</sup> Summer Seminar for Young Public Policy Professionals from South Eastern Europe and the Black Sea Region

The 18th annual edition of the Economic Policy Institute forum consisted of its traditional regional meeting - *the Summer Seminar for Young Public Policy Professionals from South Eastern Europe and the Black Sea region*. The Seminar took place in Albena, on the Bulgarian Black Sea coast, between 29 May and 2 June 2017, and was centred on the subject of *Public Policy Challenges - European and Regional Dimensions*. The event benefited from the financial support of the Hanns Seidel Foundation, the Representation of the European Commission in Bulgaria, the Central European Initiative and the Austrian Embassy in Bulgaria.



The Summer Seminar is an annual forum aimed at young public policy professionals within public administration structures of the SEE (South and East Europe) and Black Sea region countries. It is a discussion platform for networking of young central authorities' representatives and of think tanks and research centres members. The current edition was attended by 35 experts from both EU member states (such as Bulgaria, Romania, Croatia) and candidate/potential candidate states (such as the Republic of Moldova, Turkey, Albania, Serbia, Montenegro, Georgia, Macedonia, Bosnia & Herzegovina, Ukraine). They were offered the opportunity to compare their own vision on the EU current state of affairs and to debate the future of the European construction. The European Institute of Romania

was represented by Ms. Livia Mirescu, Documentation Centre project coordinator and Marketing and Communication Unit expert.

The seminar's broad area of subjects allowed for both the examination of key EU agenda items - such as possible Brexit scenarios, priorities of the Bulgarian EU presidency and the European integration process - and for discussing of public policy essential aspects, such as e-governance for the improvement of public policy performance, regulatory practices or technology trade. Matters of regional importance, such as strategic communication and the way in which talks on the EU future would impact EU expansion and neighbourhood policies, were also subject of debate. This wide variety of interesting and provocative subjects lead to intense discussions and debates while contributing to a successful exchange of opinions, ideas, know-how and expertise among young, active professionals and experts.

Aside from getting new information and live dialogue within the event's interactive sessions, participants had the opportunity to expand effective cooperation and networking. Traditionally held in the first part of the seminar, the *Rethinking SEE in light of an Asian century* workshop, dedicated to aspects such as the major economic challenges of the globalization era (increase and creation of workplaces, demographics, migration, supply security), global balance of power - with particular reference to China and effective public policies on the increase of the quality of life and competitiveness, stirred heated debates between participants seen as valuable experience in view of the increase in their professional competencies, communication and presentation abilities. A second group task on developing *Scenarios for the future of the SEE and Black Sea region* stimulated the participants' creative thinking and resulted in interesting presentations and self-developed inspirational movies. Split in six groups, young participants examined scenarios on political, economic, security, social and regional cooperation and presented them to their fellow colleagues. Each presentation had a different approach and was evaluated by the other workgroups.



The seminar proved to be an effective and successful initiative, reaching its previously established major goal of building a training centre for future SEE and Black Sea region decisional factors. It also aimed at improving professional abilities and competencies of the participants while encouraging the establishment of a successful international cooperation.

**Livia Mirescu**  
Marketing and Communication Unit



## EIR - partner of the Economic Forum, Krynica

The 27<sup>th</sup> edition of the **Economic Forum** will take place in Krynica (Republic of Poland), between **5 and 7 September 2017**, under the motto *“Project: Europe. A Recipe for the Coming Decades”*.

The **Economic Forum** is a major event in the region and a renowned platform of discussion on a wide array of issues such as economy, politics, international security and society. As in the previous years, the Forum will be a distinct meeting place for the government officials and policy-makers, prominent politicians, business leaders, bankers and experts from most of the EU countries and other regions. The Forum’s program includes plenary sessions and over 150 panel sessions and round table discussions which will offer impartial and up-to-date information on the currently discussed political and economic issues.

Within the Economic Forum, for the sixth year in a row, the **European Institute of Romania (EIR)** will organize a panel session in cooperation with the **Institute for Eastern Studies (Instytut Studiów Wschodnich - ISW)** from Warsaw.

**Roma Locuta - Causa Finita? What is the Gravitas of the Small and Medium-Sized States in the International Game Lead by the Big Players?** is the theme proposed for debate within this edition.

The events we have been following in recent years may lead us to the conclusion that we are witnessing the return of the nineteenth-century style of international politics, to the concert of the great powers, where some of the most important players are in the lead, yet the voices of the smaller states are increasingly weaker and their interests are respected insofar as they are compatible with the aspirations of the superpowers. *Is this impression justified? How important is the voice of the small and medium sized states in international politics?*

Within the panel moderated by Mrs. **Gabriela Drăgan**, PhD, Director General of the European Institute of Romania, there will be invited officials and experts from EU Member States as well as from other countries.

For more information about the Economic Forum, please visit the [official site](#) of the event.



**Florentina Costache**  
Communication and Marketing Unit

## Pilot-judgment in *Rezmiveş and Others v. Romania* – a long awaited decision

On 25 April 2017, the European Court of Human Rights delivered a pilot-judgment in joined cases *Rezmiveş and Others v. Romania* and unanimously found a violation of Article 3 (prohibition of inhuman or degrading treatment) of the Convention for the Protection of Human Rights and Fundamental Freedoms. Four Romanian nationals - Daniel Arpad Rezmiveş, Marius Mavroian, Laviniu Moşmonea and Iosif Gazsi - lodged applications with the Court concerning the conditions of detention in prisons. They complained, among other things, of overcrowded cells, inadequate sanitary facilities, lack of hygiene, poor-quality food, decaying equipment and the presence of rats and insects in the cells.

The first findings of a violation of Article 3 on account of poor detention conditions in several Romanian prisons date back

to 2007 (cases *Bragadireanu*<sup>1</sup> and *Petrea*) and, as a result of said judgments, their number continued to increase: between 2007 and 2012 there were 93 judgments finding such violations. Most cases concerned prison overcrowding and other recurring issues of the material conditions of detention (poor hygiene; insufficient ventilation and lighting; inadequate sanitary facilities; insufficient or poor-quality food; limited access to showers; the presence of rats, ectoparasites, lice, etc.). Given the large number of applications concerning the same issue, the Court found it necessary in 2012 to contact Romanian authorities pursuant to Article 46 of the Convention, without applying the pilot-judgment procedure. The presence and magnitude of the structural dysfunction identified by the Court in *Iacov Stanciu*<sup>2</sup> justified the specification of general measures to

<sup>1</sup> <http://www.ier.ro/sites/default/files/traduceri/cedo-22088-04.pdf>.

<sup>2</sup> [http://hudoc.echr.coe.int/eng#{"fulltext":\["Iacov Stanciu"\],"documentcollectionid2":\["GRANDCHAMBER","CHAMBER"\],"itemid":\["001-123577"\]}](http://hudoc.echr.coe.int/eng#{)

improve the material conditions of detention in Romanian prisons, measures coupled with an adequate and effective system of domestic preventive remedies and specific compensatory remedies.

In the years following the *Iacov Stanciu* judgment, the number of cases where the Court held that there had been a violation of Article 3 of the Convention on account of prison overcrowding and poor material conditions of detention has grown constantly, amounting to 150 judgments finding a violation. Moreover, in August 2016, there were 3 200 similar applications pending before the Court. The growing number of cases, as well as the assessments made by other European or Romanian institutions<sup>3</sup>, confirmed the disturbing fact that prisons and police detention facilities remain seriously affected by overcrowding and poor material conditions of detention.

In its pilot-judgment, the Court held that, within six months from the date on which the judgment became final, the Romanian State had to provide, in cooperation with the Committee of Ministers, a precise timetable for the implementation of the appropriate general measures to solve the problem of prison overcrowding and of poor detention conditions, in line with the Convention principles. The Court also decided to adjourn the examination of similar applications that had not yet been communicated to the Romanian Government pending the implementation of the necessary measures at domestic level.

To solve the structural dysfunction found, the Court held that two types of general measures should be introduced:

#### 1. Measures to reduce overcrowding and improve the material conditions of detention

Regarding pre-trial detention, the Court noted that police detention facilities had been found by the CPT and the Committee of Ministers as “structurally inadequate” for a detention extending over several days. Thus, domestic authorities should ensure that the accused are transferred to a prison as soon as the provisional detention ends. Regarding post-conviction detention, the Court noted with great interest the reform launched by the Government -

intended, among others, to reduce the length of sentences for certain criminal acts, to use the criminal fine as an alternative to prison sentence, to waive the sentence or to postpone the sentence, - as well as the positive effects of the probation system. Though this reform’s immediate effects might not be significantly felt in terms of the overcrowding level, such measures, coupled with a diversification of alternative sentences to detention, might have a positive impact on reducing the prison population.

The Court also noted the Government’s new strategy, which includes investments for creating new accommodation. Whereas this initiative proves the authorities’ willingness to solve the problem of prison overcrowding, the Court recalled the Recommendation Rec(99)22 of the Committee of Ministers, stating that such a measure is, in principle, less likely to offer a sustainable solution. Moreover, considering the very poor material and hygiene conditions in Romanian prisons, authorities should continue to provide funds for renovating the existing detention facilities.

#### 2. Remedies

The Court reiterated its recommendation<sup>4</sup> that Romania should introduce a preventive remedy to ensure that post-sentencing judges and the courts could put an end to situations breaching Article 3 of the Convention and award compensation. The Court also recommended that Romania should introduce a specific compensatory remedy to ensure that appropriate compensation could be awarded for any violation of the Convention concerning inadequate living space and/or precarious material conditions. The Court noted with interest the legislative initiative on the reduction of sentences<sup>5</sup>, which can be an appropriate remedy for precarious material conditions of detention provided, on the one hand, that it is explicitly granted to remedy the violation of Article 3 of the Convention and, on the other hand, that its impact on the length of sentence of the person concerned is measurable.

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<sup>3</sup> Reports of the European Committee for the Prevention of Torture and Inhuman and Degrading Treatment or Punishment of the Council of Europe (CPT), assessments by the Committee of Ministers of the Council of Europe on measures adopted by Romanian authorities in response to the Court’s findings, and the Ombudsman’s recommendations.

<sup>4</sup> The Court’s recommendations in the *Iacov Stanciu* judgment, delivered in 2012, were reiterated in the *Rezmiș* pilot-judgment.

<sup>5</sup> Between 3 and 13 November 2016, the Ministry of Justice held a public debate on a bill amending Law no. 254/2013 on the enforcement of prison sentences and custodial measures. This bill aims to introduce a compensatory remedy to enable prisoners faced with conditions of chronic overcrowding to get a reduction in sentence of 3 days for each 30 days served in an inadequate living space.

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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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