

# **The Challenges of the European Integration in a Transition Society. The Case of Romania**

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Last decade of the XX century and beginning of the new millennium were dominated by the imperative of the EU enlargement, as the dismantlement of communism in the Central and East-European countries was accompanied by the strong orientation and political commitment of the new authorities to join the political, economic and military structures of Western Europe, first of all NATO and the European Union, so that the passed divisions between East and West to be overcome and East and West countries to be finally reunited under a common umbrella.

## ***Reunification of Europe – main objective***

EU enlargement process after 1989 represented the main element initiating and catalyzing all debates and activities devoted within this period to the European construction. If the Maastricht Treaty, signed in February 1992, put rather modestly, even unnoticeable, the task of enlargement, the following intergovernmental conferences and the new treaties of Amsterdam and Nice gave more substantial answers to the numerous problems related to the largest enlargement in the EU history.

The prevailing opinion at that time considered that „enlargement was the most ambitious project assumed by the European Union”, representing “the reunification of the entire European continent, divided following the Second World War. Previous enlargements took place in a divided Europe, but this one helps the fulfillment of the founding fathers’ dream: to achieve a united and free Europe<sup>1</sup>” (See also Schuman’s Declaration of 9 May 1950).

Vasile Puscas, Romania’s chief negotiator with EU noticed that “there is an absolutely fascinating moment: we are negotiating with the European Union at a moment when the Union itself negotiates its own statute for the following years”<sup>2</sup>, i.e., facing the largest enlargement process in its entire history, the Union, continuing to move ahead, was adapting its own institutions, policies and mechanisms. How it succeeded, that is another problem!

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<sup>1</sup> Wim Kok – Enlarging the European Union: Achievements and Challenges. Report to the European Commission, Robert Schuman Center for Advanced Studies, European University Institute, Florence, 26 March 2003, pag.9

<sup>2</sup> Prof. Vasile Pușcaș, Romania’s chief negotiator with the EU– Conference on Romania and the EU, 27 March 2002, in “Romania in the context of EU enlargement. Debates organized by the European Institute of Romania in 2002”, Bucharest, February 2003, pag.19 (in Romanian)

The fifth wave of EU enlargement, which eventually included Romania, was the most extensive one throughout the history of the European integration, with 12 countries joining the Union in two phases: 10 countries on the first of May 2005 and two countries on the first of January 2007. (Some people are now speaking about the fifth and sixth waves, which is against the decisions adopted by the EU supreme body – the European Council!)

With this huge wave, the enlargement process has not come to an end but it will continue to build up with new candidates, as we already see: the agenda already covers the Western Balkans and Turkey, in different stages of the process, which have been given the perspective of becoming EU members *on the basis of the already agreed principles and conditions*. It is worthy keeping this in mind, as **now as before**, among the candidate countries there is a concern and even a fear that the EU access criteria will be changed to be made tougher if not impossible to be fulfilled!

The Final Declaration of the European Council in Athens, in April 2004, when the accession treaties were signed with 10 of 12 countries of CEE, mentioned it clearly: “This Union represents our joint decision to put an end to centuries of confrontation and to overcome the former divisions of our continent. This Union represents our common will to build a new future, based on cooperation, respect of diversities and mutual understanding. Our Union represents a collective project: a project to share our future as a community of values”<sup>3</sup>.

The spirit of Europe reunification, even if blurring somewhat – what we have to recognize -, continues anyway to be present in the official thinking and debates in the EU and encourages the desire of other European states, as those pertaining to the Western Balkans, to persevere on the road towards full EU membership.

## ***Main milestones of CEEC-EU relations***

The EEC<sup>4</sup> relations with the countries behind the “Iron Curtain” up to 1989 were profoundly marked by the incompatibility of the two economic systems and the ideological gap. “At the origin of the Western European construction, USSR behavior was extremely negative. Marshall Plan proposal in June 1947 and the creation of OEEC<sup>5</sup> excluded the soviets from this initiative” and “the American will, clearly expressed, to liberalize the European market, to open its frontiers, to abolish the custom borders, represented, undoubtedly, the most unacceptable exigency”<sup>6</sup>.

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<sup>3</sup> Final act of Plenipotentiaries Meeting in Athens, Greece, on April 16, 2003, pag.11

<sup>4</sup> European Economic Communities – a precursor of the present European Union

<sup>5</sup> Organisation for European Economic Co-operation (OEEC) set up in 1948 to help administer the Marshall Plan for the reconstruction of Europe after World War II. In 1961, it was reformed into the Organisation for Economic Co-operation and Development.

<sup>6</sup> Pascal Delwit - "Introduction: Historique des relations entre la Communauté et le PECO", in "Un Défi pour la Communauté Européenne: les bouleversements à l'Est et au Centre du Continent", Editions de l'Université de Bruxelles, 1993

The attempts to establish direct relations between COMECON<sup>7</sup> and EEC were not successful, as EEC did not recognize COMECON competencies to that respect but only to the individual states. Romania was one of the few countries to conclude a general agreement in 1973 and two sectoral agreements in 1976 (on textiles) and 1977 (on iron-and-steel products). Let us add that till 1989 there were again some but modest attempts to develop direct relation between COMECON and EEC, but the final collapse of the communist societies everywhere in the Central and Eastern Europe, in the years 1989-1990, prevented us to see if they were supposed to take us somewhere! No regrets!

Soon after the communism collapse, at the level of EEC was inaugurated a process of reflection on how to meet the requests of the CEEC<sup>8</sup> to join the EU. So, at the beginning of 1990, Jacques Delors, president of the European Commission launched the idea of concluding *association agreements* with the Central and East-European countries. Even if these agreements were not provided for in the EU founding treaties, however they were concluded on the basis of the classical model of association in relationship with EU neighbor countries (so nothing special so far!), but what was more important, they “were targeting at the perspective of complete integration in EU through the detailed schema of harmonization with the EU standards”<sup>9</sup>. So, the final objective was clearly defined!

The association agreements, called also “European agreements”, were the most ever complex agreements concluded by the European Communities with other countries, focusing on three main areas:

1. strengthening EU assistance for the process of **economic reform** in the associated countries, providing, inter alia, trade expansion through the gradual and asymmetric creation of free trade areas, financial and technical assistance, legislation harmonization, economic cooperation
2. strengthening the process of **political reform** and the establishment of the proper institutional framework for structured political dialogue
3. assistance for the achievement of the associated countries’ accession to the EU

The **political dimension** is essential in this type of agreements, at it implies an explicit definition of the general political option, with all the repercussions on the national security, detachment of a certain zone of influence and re-occupation by the respective country of the place it held in Europe before the war. Through these agreements the European Union committed itself to grant assistance to the associated countries in order “to continue and complete the transition to a *new political and economic system*”, indissolubly associated with the “respect of the state of law and of the human rights, including the rights of the persons belonging to minorities, functioning of a multi-party

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<sup>7</sup> Council of Mutual Economic Assistance, also abbreviated CMEA

<sup>8</sup> Central and East-European Countries

<sup>9</sup> Christopher Preston – Poland and the EU integration: current issues and perspectives, in Jackie Gower, John Redmond (coordinators) – Enlargement of the European Union. Perspectives, Club Europe Publishing House, Bucharest 2001, page.41 (in Romanian)

system, free and democratic elections and economic liberalization with a view of establishing a market-oriented economy”.

Through such an approach there is clearly operated a rejection of the totalitarian regimes and everything related to them in political, societal, civil and economic construction in a particular country and a clear definition of the new formula of state construction that these countries must observe and implement, characterized by essential elements: *rule of law*, respect of the fundamental *human rights*, a *multi-party system* ensuring *free and democratic elections* and the introduction of a process of *economic liberalization* (opposite of the strict centralized planning of the economy) leading to a *functional market-oriented economy*.

In the framework of the *structured political dialogue* the examination of the extent to which these criteria are complied with stands for a decisive factor in the continuation and even the speed-up of the process of rapprochement while the missing of progress and even a negative evolution could determine a revision of the agreements as the political progress is considered to be an essential objective!

The **economic dimension** of the European agreements provides primarily for the *establishment of a free trade area for the industrial products*. Even if limited only to this objective, the agreements include an *undertaking concerning the legislative harmonization*, the most important provision for the integration perspective. So, the European agreement with Romania provided expressly: “The two Parties recognize that an important prerequisite for Romania’s economic integration to the Community is the harmonization of Romania’s present and future legislation with that of the Community. Romania will strive to ensure that its legislation will be made gradually compatible with that of the Community”<sup>10</sup>.

Main critics on the association treaties refer, first of all, to the *commercial provisions*, in the sense that the European Union was practicing a protectionist regime as the agricultural products were concerned and, secondly, to the fact that EU has not committed itself, fully and expressly, from the very beginning, to the *full membership* of the CEEC. More than two years of negotiations were needed till the agreements included a *loose* wording that, in case of Romania, was as follows: “Recognizing that Romania’s ultimate goal was to become a member of the community” and to that extent “the association, in both Parties’ vision, would help Romania to fulfill this objective”<sup>11</sup>.

The present and potential candidate-countries are supposed to sign and implement a new type of agreement “Stability and Association Agreement”, which are similar to the “European agreements” addressed to the countries belonging to the West Balkans. At this point, there are three countries with the statute of candidates (Turkey, FYROM and

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<sup>10</sup> Europe Agreement establishing an association between the European Economic Communities and their Member States, of the one part, and Romania, of the other part, Art.68

<sup>11</sup> Europe Agreement establishing an association between the European Economic Communities and their Member States, of the one part, and Romania, of the other part, Preamble

Croatia) and four countries as potential candidates (Albania, Bosnia and Herzegovina, Kosovo, Montenegro and Serbia).

The stabilization and association process has three main aims:

1. Stabilizing the countries and encouraging their rapid transition to a market economy – a specific requirements for the countries of the Western Balkans, known to be part of a geographical area with particularly tormented history (the powder barrel of Europe – See also Robert Kaplan's "Balkan Ghosts", published in 2005)
2. Promoting regional cooperation
3. Eventual EU membership

### ***The Copenhagen criteria – a difficult but necessary turning point***

Studying the experience of the CEEC will be very beneficial for avoiding expensive and not necessary experiences in joining the European Union and also to save time. For that reason, I consider the Copenhagen criteria to be the "α and ω" (alpha and omega) of the EU integration and their knowledge will be helpful for the candidate-countries as they provide answers to questions even never put. Let us emphasize that the *implementation of the criteria is essential and compulsory* only for the countries wishing to join the European Union – if you wish to join a club, you have to obey its rules!

An important step forward to concretizing the perspective of accession to the European Union of the associated countries was represented by the decisions of Copenhagen European Council, of June 1993, which established that "the associated countries in Central and Eastern Europe that so desire shall become members of the European Union" and the "accession will take place as soon as an associated country is able to assume the obligations of membership by satisfying the economic and political conditions required"<sup>12</sup>, from now on called the "accession criteria" or "Copenhagen criteria".

We have to emphasize that the "Copenhagen criteria" are not mentioned explicitly in the text of the EU Treaties, but they were established as such only in Copenhagen Presidency Conclusions, but so they became an important point of reference in all further developments. The Copenhagen Presidency Conclusions read as follows:

"Membership requires that candidate country has achieved *stability of institutions guaranteeing democracy, the rule of law, human rights* and respect for and *protection of minorities*, the existence of a *functioning market economy* as well as the *capacity to cope with competitive pressure and market forces* within the Union. Membership presupposes the candidate's ability to take on the obligations of membership, including adherence to the aims of political, economic and monetary union. The Union's capacity to absorb new members, while maintaining

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<sup>12</sup> Presidency Conclusions, Copenhagen European Council - 21-22 June 1993, Final text, page 1

the momentum of European integration, is also an important consideration in the general interest of both the Union and the candidate countries”<sup>13</sup>.

The practice of the European Union and the further analysis in the specialized literature established the following synopsis of the criteria:

1. political criteria
2. economic criteria
3. administrative criteria
4. community criteria

Let us look more in detail at all these criteria as they are “essential and compulsory”:

1. **The political criterion** means the existence of stable political institutions, guaranteeing the democracy, the rule of law and the respect of human rights and protection of minorities’ rights. The Treaty of Amsterdam introduced the requirements of this criterion as constitutive elements of the Treaty establishing the European Union and they were also emphasized in the Charter of the Fundamental rights, proclaimed by the European Council in Nice, in December 2000<sup>14</sup>. Furthermore, the European Council in Helsinki (December 1999) established this criterion as the **only one criterion to be fulfilled before the start-up of the accession negotiations**. Let me say here only that this criterion is a neutral one from a political point of view!
2. **The economic criterion** means the existence of a functioning market economy, able to cope with competitive pressure and market forces within the Union. This criterion is in conformity with the principles of economic policy included in the Maastricht Treaty. But there is a whole debate to establish the exact point from where on an economy could be considered as being a „functioning market economy” and we passed through this debate in Romania. We shall revert further on this subject.
3. **The administrative criterion** (or that of the **acquis**) means the capacity of the candidate state to take on the obligations of membership including adherence to the aims of political, economic and monetary union. This criterion refers to the adoption of the EU legislation. Known also as the „acquis communautaire” or “*EU acquis*”, this term is used in the European Union law to refer to the total

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<sup>13</sup> PRESIDENCY CONCLUSIONS, Copenhagen European Council - 21-22 June 1993, Final text, page 1

<sup>14</sup> Towards the Enlarged Union. Strategy Paper and Report of the European Commission on the progress towards accession by each of the candidate countries, Brussels, October 2002, pag.8  
(<http://europa.eu/rapid/pressReleasesAction.do?reference=IP/02/1443&format=HTML&aged=&language=null&guiLanguage=en>)

body of EU law accumulated thus far. It implies the adoption and effective application of the “*acquis communautaire*” by the respective state at the moment of its accession to the EU. Let us point out here that starting with the European Council in Madrid, in 1995, „The successive European Councils underlined the importance not only of the adoption of the “*acquis*” into the national legislation, but also of *ensuring its effective use* by means of adequate administrative and judicial measures”<sup>15</sup>.

4. **The Community criterion**, which means the Union’s capacity to take on new members, while maintaining the momentum of European integration, is also an important consideration in the general interest of both the Union and the candidate countries. This criterion does not concern directly the candidate countries and it is not considered in the European Commission’ Annual Reports, but it focuses on the essential adaptation of EU institutions, policies and mechanisms, so that the European Union to be able to function efficiently with a significantly increased number of members (from 12 members, at the European Council in Copenhagen, in 1993, to 25 in 2004 and 27 since 1 January 2007). That is why the treaties following the Maastricht Treaty of 1992, that means those from Amsterdam (1997), Nice (2000) and Lisbon (2007) represent necessary steps in this process of remaking the EU, so that to be able to meet the challenges of an increased membership.

On the basis of the decisions taken by the European Council, the practice of the European Commission as regards the opinion on the application of membership and also taking into consideration the studies made by specialists, the “Copenhagen criteria” could be translated into the following grill<sup>16</sup>:

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| A. Requirements concerning the democratic development and the political stability           | <ol style="list-style-type: none"> <li>1. Situation of the process of political reform</li> <li>2. State Institutions: role of president, government and parliament</li> <li>3. Multiparty system</li> <li>4. Non-governmental institutions, social organizations</li> <li>5. Mass-media, policy in the field of mass-media</li> <li>6. Reform of administrative structures (at national, regional and local levels)</li> </ol>  |
| B. Requirements concerning the compatibility of the legal system with the Western standards | <ol style="list-style-type: none"> <li>1. Constitution, constitutional provisions, constitutional reality</li> <li>2. Human rights, minorities’ rights, minorities’ protection</li> <li>3. Judicial system, legal protection against administrative abuses</li> <li>4. Reform of the civil, commercial and economic legislation so that to meet the evolution towards a market-oriented economy</li> <li>5. Harmonization of the national legislation with the EU legislation</li> </ol> |
| C. Requirements concerning the foreign  | <ol style="list-style-type: none"> <li>1. Basic orientations and main objectives of foreign policy and security</li> </ol>   |

<sup>15</sup> *ibidem*, page 8

<sup>16</sup> The grill was elaborated by Bertelsmann Foundation in cooperation with the European Commission and was utilized to assess the "potential of integration" of the EU associated states. Since 1994, the Foundation published annual volumes "Readiness for integration of the EU associated countries".

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| policy and security policy                            | <ol style="list-style-type: none"> <li>2. Membership to international organizations</li> <li>3. Scope of the desire to integrate EU, WEU and NATO</li> <li>4. Reform of army (especially the civil control over the armed forces, the integration potential, adaptation to NATO standards)</li> <li>5. (Sub)regional cooperation: present stage, interest towards an enlarged participation in such forms of cooperation, domains of regional cooperation, participation at Euro-regions</li> <li>6. Policy towards Russia and other CIS states</li> </ol>  |
| D. Requirements concerning the economic reforms       | <ol style="list-style-type: none"> <li>1. Progresses towards establishing a functioning market economy</li> <li>2. Stage of structural reforms (including the conversion of the arms production)</li> <li>3. Compatibility concerning data gathering, procedures of standardization and authorities competent for standardization</li> <li>4. Basic macro-economic data</li> <li>5. Monetary and fiscal policy (public debt, inflation, commercial balance, currency convertibility)</li> <li>6. Regulations concerning the competition</li> <li>7. Policy of privatization, stage of privatization in different economic branches, foreign participation to the privatization process</li> <li>8. Legislation concerning the right of residence, acquiring of real estate by foreigners, profits transfers abroad, direct foreign investments</li> <li>9. Policy of foreign trade, commercial exchanges, tariffs restrictions and quantitative limitations, competitiveness of export industry, perspectives of the foreign trade (with EU, CEFTA, CEEC, CIS)</li> <li>10. Development of banking and financial services sector</li> <li>11. Agricultural policy, weight of agriculture in GDP and employment, stage of agricultural reform</li> <li>12. Infrastructure (transport, traffic fluidity, telecommunications)</li> </ol> |
| E. Requirements concerning the civil society          | <ol style="list-style-type: none"> <li>1. Social policy, socio-economic situation of the population, reform of the social system</li> <li>2. Potential social conflicts</li> <li>3. "Outpacing the obsession of the past", "nostalgia of the past", attitudes towards the former communist system</li> <li>4. Attitude towards EU: level of information about EU, population attitude (mass media) towards Europe, EU and getting the statute of EU and NATO membership</li> <li>5. Perceptions of possible menaces, "phobias"</li> <li>6. Development of the national identity, attitudes of population (mass media) concerning the national sovereignty, acceptability of subordination to supranational structures</li> <li>7. Development of regional identities, regionalism</li> </ol>  |
| F. Stage of the EU association and the related issues | <ol style="list-style-type: none"> <li>1. Stage of association agreement implementation</li> <li>2. Problems in the domain of economic and technical-scientific cooperation ("sensitive" sectors", agriculture, programs of EU assistance and not-reimbursable funds)</li> </ol>  |

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|  | <ol style="list-style-type: none"> <li>3. Evolution of the "structured dialogue " (points of major interest, problematical domains)</li> <li>4. Cooperation in the Common Foreign and Security Policy</li> <li>5. Cooperation in judicial and internal affairs domains (JAI)</li> <li>6. Perspective of the association process</li> </ol> |
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Certainly, EU did not homologate the above detailed presentation of the “Copenhagen criteria”, but the elements herein included could be easily found in the opinions formulated by the European Commission, starting on 15 July 1997, on the performances of the candidate states in the process of preparing the EU accession.

Let us mention here that, in the context of Agenda 2000<sup>17</sup>, the European Commission developed its own methodology of assessing the progresses achieved by the candidate countries in fulfilling the accession criteria. On the basis of this methodology, the assessment is done in terms of legislation and adopted or implemented measures, and the progress is determined as against a standard detailed list, allowing, in a transparent manner, the use of the same standards for all the candidate countries.

So, the evaluation of the political criterion implementation will be made by describing the institutions of each country and the way in which different rights and freedoms are exercised.

The economic criterion examination will take into consideration two elements: 1. the existence of a functioning market economy and 2. the capacity of coping with competitive pressures and market forces. The evaluation of the “acquis” criterion, i.e. of the capacity take on the obligations of membership, which implies the “acquis” adoption and implementation area, will be done by examining each of the 31 chapters of negotiations (in the case of Romania and other 11 CEEC) – what has been done and what follows to be done.

Establishment of the “Copenhagen criteria” was very important for that historical moment and they maintain their importance for the forthcoming accessions, providing the basis of the equal treatment of all candidates’ countries and evaluation of their performances on their own merits. They represented a necessary answer to the stringent requirement of the period following immediately after the collapse of communist society: what kind of society we shall put in place? What kind of economy we shall build up? What will be our future system of international alliances and relations? By making the choice of joining the EU, NATO and other Western structures, these countries indicated the solution they wanted and their application for EU membership, even more than the membership to NATO, has the significance of establishing a pattern of society and economy.

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<sup>17</sup> Agenda 2000: For a stronger and wider Union, COM (97) 2000 final. See in particular Part Two – The Challenge of Enlargement: I. Assessment on the basis of the accession criteria ([http://ec.europa.eu/agenda2000/index\\_en.htm](http://ec.europa.eu/agenda2000/index_en.htm))

If we agree that the membership to EU implies the use of a *suggested pattern of society* in its fundamental elements (“bricks”) of an institutional construction, we have to admit at the same time that this pattern does not reject, but demands a national identity, a national imprint, supposing the taking into consideration of a certain cultural, political, mental etc heritage, the so-called “national features”. The EU is not a “melting pot”, where the individual countries are sublimated into an amorphous substance, but on the contrary, despite a general mischievous perception, the Union encourages the strengthening of the national identity, from all points of view, and also its full revelation.

I will restrict myself only to the debates in Romania in the early 1990<sup>7</sup>. There were people considering that Ceausescu’s rule was indeed mistaken, but the ideological and political system was good, so what we had to do was just to give a “human face” to this regime and it could further function. On the other side, there were people and parties requesting a fundamental rupture from the communist construction and to move to something essentially new, the values we shared before the World War II, which were the general values of democracy, respect of law and fundamental liberties, a multiparty system etc, with all the criticism we could have and with all proposals for liquidating the ambiguities, imperfections, inadequacies etc. Also, there were people asserting that we will need a very long period to construct a new system on the ruins of the preceding one and more than that, we have to create it, as it is no invented science or policy telling us how to pass from communism to capitalism.

The things became simpler for the simple reason that the Revolution swept all the communist structures and people and parties were already trying to put “something else” in place. Secondly, the commitment of the country to join the Western political, military and economic structures made clear the road we choose to go further. And so, Romania will accomplish by end of this year 2009 two years of full EU membership. A period of satisfactions, with many achievements but a lot of things to be further done to cope with the standards the other countries have already attained and to urge a substantial progress in many branches that are essential for enjoying fully the advantages of being member of such a large family – that of the European Union!