

# THE ROMANIAN ASPECT OF THE E.U. GOVERNANCE CASE STUDIES: EDUCATION POLICY AND ENVIRONMENTAL POLICY

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## Abstract

*This paper belongs to the domestic studies which try to connect the Romanian research to the current debates within the EU studies. The authors' aim is to analyze the aspects and the implications of the EU governance at the Member States' domestic policies level, as most of these policies are currently facing the challenges brought by the Europeanization process. Therefore, the theoretical framework selected is the theory of governance, focusing on the explanatory and analytical opportunities of two components – multi-level governance and governance networks; in this way, it is underlined the separation from the classic model of relation between the (multiplied) levels of political authority (supranational, national, subnational) and the exponential increase in the number and types of actors participating at the decisional process and implementation of European public policy. Within the selected case studies (environmental policy and education policy), the authors advance a research structure with the aims (a) to identify the relevant actors involved in the policy-making process of these policies, at all stages of its cycle; (b) to offer an explanation of the types of interactions between these actors, and (c) to identify the influence these interactions exert on the communitarization pronounced tendency of some EU policy sectors. The analysis is performed in terms of the Treaty of Lisbon (the selected policies being part of distinct categories of the Union competences) and it is oriented towards the national level of the making process of these policies.*

**Keywords:** Multi-level governance, Governance networks, Environmental policy, Education policy

## 1. Introduction

The theme of this article is extremely important in the EU studies: the analysis of the implications that the new policymaking methods have at the Union's and at the national states' level. Moreover, it is about analyzing the relationship between different administrative levels involved in the design and implementation of public policies and the relationship between different types of actors that influence all stages of the policy cycle. The actuality and the importance of the subject are determined, therefore, especially by the theoretical potential offered by the governance (through two of its components, multi-level governance and network governance), the researches built on this framework being still insufficient - both quantitatively and qualitatively – in order to simultaneously capture the common points, but also the diversity within the analyzed public policies. In addition, extremely interesting is the fact that the EU "realities" can differ from the national ones, in terms of authority levels and actors involved in various policies.

Therefore, our option was to select two case studies – the environmental policy and education policy – and to try to build a triple-founded research structure: (a) the identification of the relevant actors involved in the policy-making process of these policies, at all stages of its cycle; (b) the

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explanation of the types of interactions between these actors, and (c) the identification of the influence these interactions exert on the communitarization pronounced tendency of some EU policy sectors<sup>1</sup>. The researches we want to accomplish by subsequent steps are double-oriented in what concerns the triad actors-relationships-consequences: firstly, it is envisaged the situation existing at the EU level; in the second row, we consider the situation of Romania, in which case, to better reflect the before-mentioned triad, we narrow the scope of the research and we refer to two specific cases: (a) the Sectoral Operational Programme Environment (environmental policy), (b) the legislative framework, including the recent National Education Law (education policy).

It should be noted here that the choice of these two case studies is not accidental, being based on the Treaty of Lisbon, document where there are explicitly listed the „categories and areas of Union competence”. Thus, environmental policy belongs to the „competence shared between the Union and the member states” section, while education policy can be found within the EU „actions to support, coordinate or supplement the actions of the Member States” area (TFEU, art. 2). These are counter-intuitive cases to be analyzed in terms of governance<sup>2</sup>; however, also following the works of other EU and governance-interested scholars<sup>3</sup> (mostly foreign analysts, because these studies are still at the beginning in the domestic academic landscape), we selected them in order to test the explanatory power of the theory of governance. Therefore, the theoretical statement that we submit to tests is this one: whatever the nature of the EU policies, in Romania one can hardly talk about governance, as the involvement of several levels of authority and of several types of actors is precarious.

The structure of the article will comprise two parts: the theoretical framework and two case studies in the second part. The theoretical framework (second chapter) will try to cover the aspects of governance, more exactly Multi-Level Governance and Network Governance, and also a broad frame of works on public policies, Europeanization and the relation with governance. In the third chapter, we will analyze two case studies – environmental policy and education policy – and how the theory of governance can be applied to them. In both cases we tried to build a research structure based on three elements - identification of the actors, the relations between the actors and the influence these interactions between the actors have on the EU integration process. We identified the actors who operate in both European and Romanian environmental and education policy, the interactions between supranational, national, regional, local or non-governmental actors, when it was the case, and also how these interactions provide the factors for multi-level governance or network governance.

## 2. The Theoretical Framework

Although in Romania there have been very few academic writings on topics such as governance or its components; nevertheless, in spite of a fairly reduced number of local contributions on the topic, the issue of governance, as a theory as well as a practice, is a widely spread one in foreign research groups. Therefore, the attempts to coagulate a theory of governance that would properly apply to the space of the European Union and the conduct of precise analyses by which well defined sectors of the EU political and institutional construct are studied through a focus on

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<sup>1</sup> Despite the fact that the entry into force of the Treaty of Lisbon abolished the pillar-based EU structure, we use the “communitarization” notion to underline the well-known processed of integration deepening in different (more or less) EU-determined policies.

<sup>2</sup> One should not forget that the governance studies applied within the EU framework firstly developed in areas of policies that usually belong to the Union’s exclusive competence.

<sup>3</sup> For example, Piattoni (2010) – in a volume about the multi-level governance theory – has the same case studies; however, our contribution is different for two reasons: (a) her selection was determined by different arguments (mainly, the probability of some EU policies to subscribe to the multi-level governance pattern); (b) our approach innovates on the applicability dimension, as we explicitly take into consideration the policymaking at the national level.

governance components, have represented for almost twenty years a well-established path within the European (but not only) studies.

**2.1. Governance. The Theory of Governance: Multi-Level Governance and Network Governance**

Defining the concept of governance can take into account more dimensions: definitions comprised in lexicographical papers; definitions offered by different researchers in the field of (but not limited to) political science, interested in the phenomenon of governance; definitions present in the glossaries of large (international) organisations that are more or less influenced by this process.

There are several reasons for which it is extremely difficult to talk about a commonly accepted definition of this term. Firstly, the theorisation of governance as a distinct phenomenon is relatively recent (twenty years at the most, period in which considerable changes have occurred in the perception of this phenomenon, making it even more difficult for us to talk about continuity of visions), leaving insufficient time for researchers to agree on a general and relatively stable framework for defining the term. Secondly, the conclusion has been reached that there are several political, economic, as well as social sectors that are affected by the reality of governance, reason for which the unifying of these descriptions has turned out to be not so much only a difficult process, but also an impractical one. Thirdly, even when analyzing a single well-defined sector, the variety of aspects associated with governance, concerning the actors involved, the possible relations between them, the management of such interactions etc. leads to a great range of interpretations and descriptions.

From the perspective of political science and to better serve as a working definition of governance, we decided to work with the definition proposed by Chhotray and Stoker (2009, p. 3) on this concept: „governance is about the rules of collective decision-making in settings where there are a plurality of actors or organisations and where no formal control system can dictate the terms of the relationship between these actors and organisations”. Thus, governance has a concrete dimension, involving interactions determined by political factors (negotiation between „conflicting power positions and perceptions”) of human factors characterized by „bounded rationality” (Chhotray and Stoker 2009, pp. 3-6). We believe that the implications of this definition should be further clarified in respect to:

- (i) the rules of collective decision, both formal as well as informal, and (ii) the wide applicability of governance both for systemic activities and ordinary activities, as one has to point out to the fact that regardless of the decision type, this decision should be made, as much as possible, by negotiations, be they formal or informal;
- (iii) the fact that the state remains the most important actor of these processes, without having – in general or evermore often – the capacity of directing the game, but rather of coordinating and influencing it;
- one should also add another point, (iv), in order to mention the multiplication of decision making levels as well as the predominance of networks as means of tackling the collective action processes.

Here is a schematic presentation of the ideas concerning the *main traits of governance*, traits that one can also find in the case of the European Union:

Structure	Plurality of decision centres No clear hierarchy between these various centres The presence of networks as decision structures formed by „relatively stable relationships between formally autonomous organizations or actors” Decision making units formed on functional criteria, not territorial ones.
Actors	The access of actors to decision making structures is relatively easy. By actors they understand the representatives of the public sector (mainly the ones with administrative

	roles and not directly elected by citizens), private or non-profit sector, but these authors place their emphasis on “collective actors”, interest groups that have the capacity to influence the decision making process.
Decision making process	Based on negotiations, a system often configured by informal strategies, showing too little transparency and legitimacy from a democratic point of view <sup>4</sup> .
Source: Adaptation after Benz and Papadopoulos 2006, pp. 2-3.	

In order to be able to talk about a theory of governance as a political theory, in a general sense, or as a theory of integration, in a more particular sense<sup>5</sup>, that theory must fulfil several functions. For example, on the lines suggested by Diez and Wiener, it should have the functions of:

1. explaining or understanding the causes or the unfolding of a phenomenon;
2. describing and analyzing, aspect which infers “development of definitions and concepts (...) labels and classifications”;
3. critique and normative intervention; this refers to questioning the existing realities or offering „normative alternatives” (Diez and Wiener 2009, p. 18).

Additionally, one has to identify the area of research targeted by the theory, with the relation between the three possibilities being a variable one, in accordance to their being defined as dependent or independent variables:

1. the political system (*polity level*) a whole;
2. European policies (*policy level*) from the EU perspective and the perspective of the member countries;
3. *politics level* – day to day political phenomena (Diez and Wiener 2009, p. 19).

From our standpoint, in the case of the EU, there is a theory of governance localized at a middle range of generality<sup>6</sup>, in other words, applicable to at least the areas of policy and politics. This theory satisfies the above-mentioned functions by two major components: *multi-level governance* and *network governance*.

**Multi-level governance** (MLG) represents a phrase whose appearance is closely linked with the European Union, with it being used in the beginning of the ‘90’s by Gary Marks in order to describe the, novel in his opinion, way in which a public policy was forged within the EU: this concerned the administration of structural funds from different regions of EU member states, activity undertaken in a partnership by different types of actors (public and private) located in different administrative levels (supranational, national, sub-national). Currently, this practice has expanded to other policies. What would be the advantages of a MLG in the EU? European integration and multi-level governance intersect of several key traits: a decision making process that equally involves different levels of authority, a decreased weight of the state actor – in a post-westphalian definition – in this decision-making process, the fact that a hierarchic perception of these decision making levels no longer exists, fact which determines the acceptance of the involvement of different types of actors at any level, in different policies (Hooghe and Marks, 2001). Referring to the European Union, Rosamond sees the attempt to highlight the complexity of the European structure as a fundamental trait of the MLG approach, with emphasis on the „variability, unpredictability and multi-actorness” involved and the „fluidity, the permanence of uncertainty and multiple modalities of authority”

<sup>4</sup> Which is why, in the governance case, the authors give a secondary role to parliaments.

<sup>5</sup> As a brief academic support regarding our understanding of the meaning of (a) „political theory” and (b) „theory of integration”, please consult (a) *The Blackwell Encyclopaedia of Political Thought* (Basil Blackwell 1991, second edition), translated in Romanian as *Enciclopedia Blackwell a gândirii politice*. Bucharest, Ed. Humanitas, 2006 and (b) Diez and Wiener 2009, p. 4.

<sup>6</sup> About „middle-range theories” in general see the contribution of Robert K. Merton in the mid-twentieth century (Chelcea 2004, 40). Considering the middle-range status of the governance theory, see Rosamond 2000 or Hix 2005.

(Rosamond 2000, p. 111). For Papadopoulos, MLG represents a result as much a solution for „resource dispersion and to social fragmentation” (Papadopoulos 2005, p. 318).

All this considered, the orientation towards multi-level governance does not represent a panacea for the formulation of policies in a political system characterized by complexity and fragmentation, for several reasons, either general ones or defined strictly by reference to the EU. Here is a short presentation of these considerations, as described by Papadopoulos (2005, p. 322):

- there is no presence of key actors defined by the control of different types of resources (financial, of authority, of knowledge), within the essential points of MLG, reason for which the entering of other actors that only posses the quality of having been chosen democratically is complicated;

- the complicated structure of MLG is in itself lacking in transparency due to the informal nature of many decisions;

- there are credibility costs related to the involvement of decision making factors (the decreased credibility being associated, for example, with the increased resistance by the affected groups to the implementation of policies);

- the presence of more actors is often translated in a decrease in the intensity of the decision-making responsibility experienced by each individual unit. Furthermore, each unit is responsible before different political, economical and social groups, which does not lead to a greater overall responsibility before all of these categories, but a blurring in the collective responsibility, etc.

Despite all these deficiencies, the balance between the advantages and the disadvantages of using MLG looks tilted towards the positive end, with many researchers preferring to highlight its positive aspects.

**Network governance** (NG) represents, unlike multi-level governance, a concept also applied in contexts different to the EU space. In general, as a specific manifestation of governance, it is an insufficiently clear term that indicates a multiplication in the number of actors and a dislocation of decision-making authority from central level (DeBardeleben and Hurrelmann 2007, p. 3). For Torfing, according to an analysis of the specialized literature and especially Rhodes and Jessop, governance networks refer to:

„(1) relatively stable horizontal articulations of interdependent, but operationally autonomous actors who (2) interact with one another through negotiations which (3) take place within a regulative, normative, cognitive and imaginary framework that is (4) self-regulating within limits set by external forces and which (5) contributes to the production of public purpose” (Torfing 2005, p. 307).

The following table shows in a structured manner part of the arguments and explanations that Torfing initially presented in favour of the upper-quoted definition.

<b>Keyword</b>	<b>Argument/explanation</b>
Interdependence	Resources, capacities
Autonomy	There are no hierarchical constraints in order to adopt certain decisions; voluntary involvement in network processes.
Horizontal	There are no hierarchies, but there are differences in power and resources that do not allow for the monopolisation of control.
Negotiation	Involves a mixture of talks (for maximizing results during a decision making process that does not use unanimous voting) and deliberation (for the consolidation of certainties in the system, the increase in expertise by learning from past lessons and by facilitating the creation of common meanings between actors).
Normative, cognitive and imaginary framework of regulation	It is not „an institutional vacuum, (but) a relatively institutionalised framework, which is more than the sum of its parts, but does not constitute a homogenous and completely integrated whole”. The structure and way in which the network functions may change according to the actors, the stakes etc. „It has a regulative aspect, since it provides rules, roles and procedures; a normative

	aspect, as it conveys norms, values and standards; a cognitive element, given that it generates codes, concepts and specialised knowledge, and an imaginary aspect, seeing as it produces identities, ideologies and common hopes”.
Self-regulation	Implies the delimitation from the political hierarchies of the state, as well as from the rules of the market.
Set boundaries	There is, however, „a particular organisational environment that must be taken into account, since it both facilitates and constrains their capacity for self-regulation”.
Public aim	Network governance appears within well defined policies in the wider context of public interest.

Network governance is sometimes perceived as a third way, an alternative to the state and markets. We have summarized in a chart the differences identified between these three ways of achieving the goals of a system. One also should specify that the information included here are mainly based on a previous article by Torfing, as in a paper written in 2007 together with Eva Sørensen he reproduces, at least for this part, the analysis from the original article:

Presented difference	Network governance	State	Market
Relationship between the actors	Pluricentric governance system (actors are interdependent, but relatively autonomous, with a common public goal)	Unicentric system	Competitive multicentric system – actors with no common goals or obligations
Decision making	Reflexive rationality (based on interaction and negotiations)	Substantial rationality (emphasis on values and norms)	Procedural rationality – “invisible hand” type
Compliance with collectively negotiated decisions	Trust in the other actors and political agreements according to self-constituted rules and norms	Legal sanctions	Economic loss
Information processed from Torfing (2005, p. 309), Sørensen and Torfing (2007a, pp. 11-12).			

Generally, taking into account the feedback from the academic environment as well as the one coming from the political area to which the NG is actually applied, the advantages brought upon by using NG can be summarized as follows:

- by involving more actors, NG has a deeply democratic and legitimate character;
- NG increases the efficiency in the realization of public policies process by influencing all of its stages: it entails technical benefits by facilitating access to know-how even from the early stages, due to the diversity of the categories involved, contributing to a better identification of the public involvement necessary (by consulting all the interested parties, reason for which the decision making process obtains an increase in the level of information in accordance to which the respective policy is to be formulated), as well as the solutions for it (solutions that should not be directed towards a single group of beneficiaries, but satisfy the interests of as many groups as possible, with the aim of minimizing the possibility for the emergence of an opposition to the policy implementation);
- the fragmentation and dynamics of the political system are well controlled by NG, with the rate of consensus occurrence versus crisis occurrence being clearly in the favour of the first one.

One also has to point out to the fact that network governance does not represent a universal solution to the problems of collective decision, for two reasons. Firstly, the evolution of network is on many occasions unpredictable, with it being dependant on certain variables. Secondly, the networks structure itself can induce objectionable effects or even lead to “the failure” of such networks. Amongst the vulnerabilities of NG one can mention „precarious social and political processes”, „uncontrollable political and economic context”, „high transaction costs”, „small

immediate chances”, „common solutions that [usually do not] go beyond the least common denominator”, „difficulties identifying the relevant political authority with whom to negotiate its policy proposals” (Sørensen și Torfing 2007b, p. 96), whilst the failure of governance networks<sup>7</sup> is seen as the „inability to provide effective governance through negotiated interaction between a plurality of public and private actors”; in other words, one can also discuss in terms of „the failure to balance openness and closure, consensus and conflict, and efficiency and legitimacy” (Sørensen and Torfing 2007b, pp. 97, 110).

The applicability of network governance to the EU can be given, on the one hand, by the structure of the European institutional system („a multi-level structure, the combination of supranational and intergovernmental elements, and a strong role for the judiciary” - Eising and Kohler-Koch 1999, p. 269), and on the other, by the decoupling of competences associated with different stages of forging a policy, with the conception most often being associated with the supranational level (with a tendency towards consensus, be it formal or informal) and the implementation, to the national one; the key words that can describe this system are fragmentation (if we take into account the extreme specialization present within European institutions), homogeneity and fluidity, especially due to the upper-stated reason – the involvement of more actors just in the policy formulation stage, but not in the implementation one, that takes place at a national level, often involving the same people; the competences of those involved are, therefore, not only different from one policy to another, but they also vary in the separate stages of the policymaking cycle (Eising and Kohler-Koch 1999, pp. 269-271).

## 2.2. Public Policies, Europeanization and Governance

**But what kind of policies can we identify within the EU?** One way of classifying policies within the EU could be that of considering the different „categories and areas of Union competence” as defined by Treaty of Lisbon (TFEU, art. 2-6): (a) Union’s exclusive competence (concerning legislative issues), (b) competence shared between the Union and the member states and (c) EU „actions to support, coordinate or supplement the actions of the Member States”, whilst also keeping in mind the areas of special policies, such as the economic ones or the ones regarding the occupation of the labour force (fields in which states only coordinate their actions) or the common foreign and security policy (with competence falling to the Union, but also with specific procedures that preserve the main role for intergovernmental actors, such as the European Council and the Council of the European Union).

What do the majority of these extremely different types of policies have in common? One possible answer is the following: the process of their realization involves multiple levels of authority and most often it takes place inside networks that appeared in the context of developing public policies specific to the EU. One can notice the fact that, from this perspective on governance, the process of policymaking involves multiple categories of actors, differentiated according to administrative levels on which they operate as well as in compliance to their own constitutive character – public, private, non-profit – that determines their agendas and extremely varied interests. Applying this to the case of the European Union we can talk about:

- **Supranational actors:** from the category of supranational actors involved in the EU process of governance one can mention the European Commission, the European Parliament and the European Court of Justice, alongside a multitude of organisms created by the Union with the aim of obtaining a better regulatory process in different sectors of policies;

- **Intergovernmental actors:** The European Council and the Council of the European Union. In the whole of their existing working formations, as well as the dual character by which they are

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<sup>7</sup> The meanings of the "governance failure" concept may be: failure of the actors, suboptimal results compared with other modes of governance, the divergent interests of the actors involved, poor management of the network (Chotray și Stoker 2009, pp. 48-49).

defined (common institutions and national representatives of the member states), they remain, to a overwhelming extent of actions, the expression of a intergovernmental philosophy;

- **National actors:** member states, each with their own agenda derived from distinct national interests;

- **Regional and local actors:** the process of policymaking at EU level cannot ignore the existing political, economical and social differences existent not only amongst member states, but also within them, with each national administrative unit presenting its own internal organization and decentralization peculiarities, fact which require – to a smaller or larger extent – the involvement of regional and local authorities in the decision making process;

- **Actors from the secondary and tertiary sectors:** aggregated in a manner organized according to the groups whose interest they represent, this type of actors exercises their presence in all the administrative levels by constant attempts to influence the design of the different types of policies in question, with the major impact taking place at the highest level – EU institutions – by specific lobby actions undertaken both directly and indirectly. In this context, one can discuss the pressure of national representatives, national authorities, or the business environment (multinational, national and local companies), worker unions from different economic sectors, NGO's (cf. Cuglesan 2006) and even individuals.

More authors are drawing attention to the differences that exist within the European policymaking process between the conception and implementation stages, or between the cycles of realizing different policies (Wallace W. 2005, p. 458; Kohler-Koch 1999, p. 29). Cini (2007, p. 6) or Andersen and Eliassen (2001, p. 16) admit to the fact that **one cannot discuss a unitary European policymaking process**, taking into consideration the major intra-sectors differences. Similarly, Warleigh (2003, p. 22) finds that there is no unitary policymaking process because of the variations (in terms of „decision rules and policy styles” and involved actors), within the EU, depending on „the policy area and the stage in its development”. Concerning variations at the level of member states, one has to emphasize the fact that the policymaking cycle raises issues especially in the stage of effective implementation<sup>8</sup>. The reasons are extremely different and often transcend the unwieldy structure of the normative apparatus of the Union, thus leading to many situations in which there are major discrepancies between the form in which certain laws (that one could even refer to as being progressive) are adopted and what is actually put into practice (Gallagher, Laver and Mair 2006, p. 143), and the deviations are mostly caused, willingly or not, by national authorities trying by any means at their disposal to firstly satisfy the national interest and/or minimize the electoral costs of that particular government. Moreover, the involvement of sub-national authorities varies from one state to another, mainly because of the states' different internal structure (Gallagher, Laver and Mair 2006, p. 164).

Hofmann and Turk claim that any discussion about the “transformation of forms of government and governance in Europe” should be based on analyzing the stages of the public policy realization process which involve public actors from four levels – sub-national, national, supranational and international – and the institutional configuration that determines the degree of involvement of the supranational level in the process (direct involvement, actions taken through states or mechanisms of influencing just the national normative framework). In theory, the majority of the implementation process takes place, according to the “executive federalism”, with regard to the principle of subsidiarity which states that supranational intervention should be limited to the cases in which the decision making process efficiency would be potentiated by its presence. In fact, the cooperation between all administrative levels would be felt during all the phases of the policy realizing process, therefore in the implementation phase as well, hence leading to “a multitude of

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<sup>8</sup> For more information about the typology of implementation measures that may lead to differences, see Hofmann and Türk (2006, p. 74): „rule interpretation, rule application, rule-setting/rule-evaluation, approval of funds, the extension/new specification of funding programmes and information management”.

institutional structures and ad hoc policy solutions” united under the general concept of „the EU administrative network” (Hofmann and Türk 2006, pp. 1-3). In this way, the bottom-up „transfer of competences” actually „increased the demand for implementation at European level”; this process is possible by vertical and horizontal cooperation (contextualized depending on the field under scrutiny), most often regulated by the secondary law of the Union (Hofmann and Türk 2006, p. 75).

The analysis of the EU public policies in regard to the impact governance has on the way such policies are realized has to take into account the phenomenon of Europeanization<sup>9</sup>, as this usually influences EU policies and the policies of its member states.

*Europeanization: National Institutions with European Policies*

There are “different levels of Europeanization” according to Radaelli (2006/transl. 2009, p. 113). Thus, the influence of the EU governance on its member states should depend on three variables:

a. *the EU type of governance* – the functionalist spillover on the level of extended integration cannot be equivalent to an assimilation by member states of the modes of governance, especially since these are so different from one sector to the other;

b. *types of governance on the national level and „the degree of their institutionalisation”* – widely varied. Nevertheless, the top-down penetration is mainly achieved by policies, with the national institutional system being less affected;

c. *the ratio between costs associated to adaptation to the European norms and the potential further benefits of such adaptation*. If between points a. and b. from above significant differences should appear, a possible outcome would be the reification of the network (Eising and Kohler-Koch 1999, pp. 278 - 280).

Some authors consider that adaptation to the European context would present a greater challenge at policy level rather than at the level of national institutions (Eising and Kohler-Koch 1999, p. 284). Metcalfe also draws attention to the impact that the policy internationalization process has on the states, exemplifying by EU member states that have to permanently adjust to the EU *acquis* in order not be subjected to pressures by different interest groups<sup>10</sup> that could “begin to disregard the national level and jump directly to the European one”, situation that could even lead to interferences with the national interests of governments (Metcalfe 2008, pp. 107, 132). Be that as it may, top-down Europeanization doesn’t always act in perfect accordance with the lines established by the stakeholders in Brussels, with situations existing in which the implementation of a central norm would be reported as a success, without taking into account the way in which the rule was reinterpreted on the field (the member states, in this case). A good example of such situation is the implementation of the subsidiarity principle<sup>11</sup> - focal to the EU – and the negotiation of its sense (by

<sup>9</sup> One of the most frequently mentioned definitions of Europeanization is that of Radaelli, for which it means „processes of (a) construction, (b) diffusion, and (c) institutionalization of formal and informal rules, procedures, policy paradigms, styles, 'ways of doing things', and shared beliefs and norms which are first defined and consolidated in the making of EU public policy and politics and then incorporated in the logic of domestic discourse, identities, political structures, and public policies” (Radaelli 2003, p. 30).

<sup>10</sup> I refer here only to the strategies of the states, not to the nature of these pressures, if made by some powerful interest groups or expressing a view widely shared by many citizens of that state that decided to “jump” over the national level (considered, for example, inefficient or undemocratic) to directly address the supranational one.

<sup>11</sup> Justification for the transfer of competences either upward or downward, is always based on the principle of subsidiarity; the keyword is to maximize efficiency (Veggeland 2004, p. 161).

For Jordan Barbulescu, the concept of sovereignty is central for integration, namely the changes suffered in terms of: “renunciation of the dogma of absolute sovereignty (...). Giving up his own powers is voluntary, the Member States being the only actors that can decide on the integration process in its entirety, but also on its configuration”. Important here are ideas as “transfer of sovereignty” or “joint exercise of sovereignty at the EU level”, and constant association with the principle of subsidiarity (cf. Barbulescu and Rapan 2009, pp 399-400).

loopholes left intentionally during the normative codification or searched by every participant) between different types of actors from the Union's multi-level decision making system (according to Van Kersbergen and Verbeek, 2007).

### 3. Governance and Categories of Competences of the Union: Two Case Studies

As we have already stated, our aim is to analyze the aspects and the implications of the EU governance at the Member States' domestic policies level, as most of these policies are currently facing the challenges brought by the Europeanization process. Therefore, considering the different competences existing within the EU framework of policies, in the light of the Treaty of Lisbon, in order to cover a larger testing area, we have selected the environmental policy for the section of „competences shared between the Union and the member states” and the education policy as illustrative for the EU „actions to support, coordinate or supplement the actions of the Member States” (TFEU, art. 2). Our analysis is not exhaustive. We mainly intend to propose an analytical framework (to be used in a further research) for studying (a) the types of actors and decision levels involved in the policymaking process of these cases, in all the stages of the policy cycle<sup>12</sup>; (b) the interactions between these actors; (c) the binomial relation between Europeanization and governance in these sectors.

#### 3.1. The Environmental Policy: EU and Romanian Aspects

This section of the paper will focus on how the multi-level and network governance can be identified in the Romanian environmental policy, more exactly in the implementation of the Sectoral Operational Programme Environment (SOP ENV). For all this to be possible we will first try to summarize EU's environmental policy and identify the most influential actors and how they affect the development of the policy as a whole. The second part of this case study is focused on the implementation of SOP ENV and the actors involved in it. Also we will try to observe how the paradigm of multi-level and network governance is applied in this specific case of Romanian environmental policy.

##### 3.1.a. General Context

Regarding multi-level governance, environmental policy is one of the best examples that can be analyzed. This is due to the multitude of actors involved in the field of environment protection, from governmental institutions to civil society actors with more or less influence in the policy making process. From the EU's point of view, there are even more actors involved, given the supranational level that has been added and the influence that transnational nongovernmental organizations have on environmental issues.

EU environmental policy<sup>13</sup> came to attention in the early 1970s as a complementary policy for the development of the common market. This new policy input in the European Communities (EC) was due to the different environmental standards the member states have had at that time. To be more precise, “the [European] Commission feared that different national environmental standards would

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<sup>12</sup> In fact, we subscribe to the idea that there is no clear linearity of the policy cycle and it should be seen more as a useful analytical instrument: „policies are shaped and reshaped in the early decision making step, as well as in later steps, by the environment and the implementation process itself. Moreover, policies have effects which have or have not been estimated, they imply actions and reactions. The policies are defined in a subjective manner and they cannot be analyzed independently from their own elaborating process” (Hâncean 2009, p. 6). This analysis was carried out by Hâncean on a text written by Adrian Kay. 2006. *The Dynamics of Public Policy. Theory and Evidence*. Edward Elgar Publishing Limited.

<sup>13</sup> We based our short historical description of the EU environmental policy mostly on Scheuer (2005) and Piattoni (2010).

act as non-tariff barriers and produce trade distortions that would slow down the creation and impede the proper functioning of the common market” (Piattoni 2010, p. 133).

The moment that raised the awareness on environmental problems was the United Nations Conference on the Environment held in Stockholm in 1972, the first conference on environmental issues that has ever been held. This moment gave the Commission the opportunity to act towards the establishment of a new policy for the EC, opportunity accomplished through the approval of the first Environmental Action Programme (EAP) in November 1973. Among the most important objectives highlighted by the first EAP were “the prevention, reduction and containment of environmental damage, the conservation of an ecological equilibrium and the rational use of natural resources”; the EAP also “emphasized the need for a comprehensive assessment of the impacts of other policies, in an effort to avoid damaging activities” (Hey 2005, p. 18).

Until the 1970s there was no legal basis for environmental action stipulated in EC treaties, although the member states “agreed to setting compulsory environmental standards in a handful of hazardous industries — for example, Council Directive 59/221 on ionizing radiations, later replaced by Council Directive 66/45/Euratom, and Council Directive 67/548/EEC on the classification, packaging, and labeling of dangerous substances” (Piattoni 2010, p. 134). The fact that unanimity voting in the EU Council was needed in order for a decision to be taken made it hard for environmental issues to pass the negotiation level. This problem was partially solved by the introduction of qualified majority voting (QMV) regarding environmental policy elements related to the common market, by the Single European Act (SEA) in 1986, completed by the cooperation of the European Parliament, while the unanimity rule remained in use for the rest of the aspects of environmental policy. Through the SEA, an environmental policy with a stronger legal basis was instated which gave the opportunity for the future development of the policy in areas not related to the common market.

Further on, ratification of the Treaty on the European Union (TEU) in 1992, in Maastricht, meant that the Commission and the European Parliament played a more significant role in the decision making process regarding environmental policy. “The TEU [...] brought those areas of environmental policy not linked to internal market harmonization under QMV in the Council of Ministers and the cooperation procedure with the European Parliament. Areas linked to internal market harmonization became subject to the stronger procedure of co-decision with the European Parliament” (Sbragia, Alberta. 2000a. “Environmental Policy,” in eds. H. Wallace and W. Wallace, *Polymaking in the European Union*. Oxford: Oxford University Press, pp. 293–316; p. 297 in Piattoni 2010, p. 134).

Another significant step in environmental policy development was the establishment of the European Environmental Agency (EEA) in 1994, followed by other measures of empowering the Commission and the Parliament through the Treaty of Amsterdam (1997). According to the Treaty of Amsterdam, the EU “further expanded the scope of legislation to be decided by QMV (Art. 95) and through the simplified co-decision procedure, thus giving the European Parliament—and the environment-friendly parties and groups that either sat in it or had easy access to some of its members—a much stronger voice in environmental matters” (Piattoni 2010, p. 134). The Treaty of Nice didn’t bring any changes in European environmental policy, although there were changes in the QMV procedure of the Council. The changes consisted in the modification of the qualified majority threshold for the weighted votes and in the fact that the proportions between Member States votes in the Council changed (and, implicitly, the Member States’ voting powers).

Nowadays, competences in environmental policy are shared between the EU and the member states, as it is stipulated in art. 4 of the Lisbon Treaty, signed in 2007. But, comparing the legal basis provided by the Lisbon Treaty with that of the previous treaties, the competences of both the Commission and the Parliament have increased in significance. EU is in charge of the strategic overview and the general legal frame on environmental issues; on the other hand the member states

are responsible with the implementation of the grand strategies envisaged by the EU, controlling the specific details of policy implementation.

### 3.1.b. Actors within the EU Environmental Policy

In order to sustain the development of EU's environmental policy, specific bodies, with the purpose to prepare, define and implement the environmental policy's specific actions, were created. These institutional actors are in a permanent consultation with national environmental institutions of the member states, but also with nongovernmental actors, such as NGOs and environmental think tanks.

In this section of the chapter we will try to identify the most influential actors at the supranational and transnational level on environmental policy. First, we will begin with a short description of EU institutions responsible with the development and implementation of environmental policy, and we will continue by identifying the most important and active NGOs and think tanks on environmental actions and their contribution to environmental policy.

The first actor to be mentioned is **the European Commission** through the *Environment Directorate-General or DG Environment* (as it will be referred to from now on). The main objective of the DG Environment is "to protect, preserve and improve the environment for present and future generations" ([http://ec.europa.eu/dgs/environment/index\\_en.htm](http://ec.europa.eu/dgs/environment/index_en.htm)). This Directorate-General has been instated in 1981, and since then it has been given extended competences on environmental policy. It also has the role to monitor, elaborate and implement the aspects of environmental policy, and, also, it can take legal action against the member states if the environmental law is infringed by them.

The **Council of the European Union**, as *Council of Environment Ministers*, is also an important actor of the environmental policy making. The Council of the European Union can pass laws, usually in a joint procedure with the European Parliament named co-decision, and it coordinates the policies of the EU. In the environmental field, the Council of the EU has mostly legislative responsibilities and it can adopt acts such as "regulations, directives, decisions or common actions" (<http://www.consilium.europa.eu/showPage.aspx?id=242&lang=EN>).

Another actor that influences the environmental policy is the **European Parliament** which has a specialized committee on environmental issues, the *Environment, Public Health and Food Safety Committee*. The members of the European Parliament, being direct representatives of the citizens of their country, have a greater accountability for their actions and decisions; therefore, there is an indirect implication from the citizens in the legislative process. Also, given the fact that there are two ecologist groups in the European Parliament, the Group of the Greens/European Free Alliance (GREENS/EFA) and the Confederal Group of the European United Left - Nordic Green Left (GUE/ NGL), we can assume that the development of environmental policy has its support in the legislative body of the EU as well.

The two groups obtained during 2009<sup>14</sup> elections a total of 90 out of 736 seats available in the European Parliament; the first group, GREENS/EFA, won 55 seats, and the second, GUE/NGL, won 35 seats, but even though the number of seats is not a great one, the coalition potential of the two groups can be decisive in environmental policy making.<sup>15</sup>

Although the **European Economic and Social Committee** is only a consultative body, it represents the interests of nongovernmental actors from the member states, such as entrepreneurs, representatives of trade unions or of a whole range of NGOs. The EESC represents the interest of the

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<sup>14</sup> Our main source for European elections results was <http://www.europe-politique.eu/>.

<sup>15</sup> The first elections the GREENS took part were the European Parliament elections in 1984 and they won 20 seats out of a total of 434. Their percentage was higher in the next elections in 1989, but the most significant result of the group was the 1999 elections, when they obtained 48 seats out of 626, also due to the partnership with the European Free Alliance. On the other hand, GUE/NGL first elections were in 1999 and they won 42 seats, from 626, and 41 out of a total of 732 in 2004.

civil society at decision level and can bring a new perspective on environmental policy, especially if we take in consideration that some of the representatives from EESC are public figures at the national level and that they can arouse public support on important issues and put pressure on the decision makers.

Also a consultative body, the **Committee of the Regions** has a special commission on environment, the *Commission for Environment, Climate change and Energy*, and plays an important role in environmental policy development, with a perspective from regional and local level. The Lisbon Treaty “obliges the European Commission to consult with local and regional authorities and their associations across the EU as early as the pre-legislative phase, and the CoR, in its role as the voice of local and regional authorities at the EU level, is heavily involved right from this early stage” (<http://www.cor.europa.eu/pages/PresentationTemplate.aspx?view=folder&id=be53bd69-0089-465e-a173-fc34a8562341&sm=be53bd69-0089-465e-a173-fc34a8562341>). It is essential to keep in mind that the Commission (and the other EU institutions) is only obliged to consult the CoR, but the practice shows that there is not an “obligation to take into consideration” the amendments brought by the CoR.

The CoR has representatives from all 27 member states which are members of the regional or local national authorities of the member states. Given the fact that the CoR representatives “continue with their local or regional government responsibilities, whether as regional president, mayor of a major city or county councilor, [they keep in touch] with the views and concerns of the people they represent.” (<http://www.cor.europa.eu/pages/PresentationTemplate.aspx?view=folder&id=be53bd69-0089-465e-a173-fc34a8562341&sm=be53bd69-0089-465e-a173-fc34a8562341>).

The **European Environment Agency** started its work in 1994, after the regulation which established the agency was adopted by the EU in 1990 and came into force in 1993. The main objective of the EEA is to provide European actors, member states of the EU, business society, academia or nongovernmental organizations “sound, independent information on the environment” (<http://www.eea.europa.eu/about-us/who>). The EEA is a very important instrument for decision-makers, “the aim of the EEA being to ensure that decision-makers and the general public are kept informed about the state and outlook of the environment” (<http://www.eea.europa.eu/about-us/who>). Although the EEA is not involved directly in the decision making process, it provides the European institutions the necessary information in adopting new strategies and protection measures for the environment at the community level.

Other important actors for the environmental policy come from the nongovernmental scene and are represented by **NGOs or NGO coalitions, think tanks or by actors from the business community**. These actors can be either national actors that can put pressure on member states national governments, or transnational ones that act at the European institutions level.

As we mentioned in the beginning of this chapter, the environmental policy, even though it is a separate policy, it is also complementary and dependent of other policies, especially the common market and trade policy. The financing of the environmental policy comes from both the Cohesion Fund and the European Fund for Regional Development with the purpose to preserve the environment quality and to develop the new member states environmental infrastructure to the EU level.

### 3.1.c. Environmental Policy in Romania

The history of environmental policy in Romania started in 1990 when the first **Minister of the Environment** was established. The Minister of the Environment has been the main actor in the environmental policy making and implementation ever since. Between 1990 and 2007 there were three National Strategies for Environment Protection elaborated, in 1992, 1996 and 2002.

In 2007, Romania became a member of the EU and with this another strategy for environmental protection and development of environment infrastructure has been adopted under the name National Development Plan (NDP) 2007-2013. This new strategy was adopted in 2005 as a

condition for Romania's accession to the EU, and it contained European environmental regulations and a plan to finance environmental development in Romania. "The main objective of the environment sector of the NDP is the protection and the enhancement of environment quality, in conformity to the economic and social needs of Romania" (The National Development Plan 2007-2013, p. 282).

From its inception, the Minister for Environment changed its name many times, and was associated with other policies. Since the parliamentary elections in 2008, the environmental policy is administered by the Minister for Environment and Forests (MEF). The MEF is the most important actor involved in environment policy making and implementation and its main attributions are: "development of strategies and plans for the environmental field, water management, sustainable development and forestry; (...) elaborates normative papers and approve the normative papers of other governmental bodies [related to environmental law]" (Operating and Functioning Code Regulations of the MEF, pp.6-8).

The MEF has no less than 21 directorates in its composition and other agencies directly under MEF's subordination, authority or coordination. From these agencies, the National Environment Protection Agency, the National Environment Guard or the National Forest Administration is worth mentioning, without disregard of the importance of the other bodies subordinated to MEF.

As in the case of EU's environmental policy making process, the Romanian environmental policy development is influenced by other actors. The **Romanian Parliament** is an important actor due to its legislative function and the influence it can have on passing environmental legislation. The **nongovernmental sector** is of great importance too, given the fact that the most active NGOs are environmental ones, even though the degree of influence in environmental decision-making is not high.

#### 3.1.d. Sectoral Operational Programme Environment: Actors and Governance

Our main attention in this section of the paper will focus on one of MEF's directorates, the Sectoral Operational Programme Environment Managing Authority Directorate (SOP ENV) that covers a financing timeline from 2007 to 2013, and the implications of MLG and network governance in the implementation process of this programme. The main concepts we will be analyzing are SOP ENV actors, the relations between them and the Europeanization process through the *acquis* implementation in the Romanian environmental policy.

The SOP ENV is responsible with the "protection and improvement of the environment and living standards in Romania, focusing in particular on meeting the environmental *acquis*. The aim is to reduce the environment infrastructure gap that exists between the European Union and Romania both in terms of quantity and quality" (Sectoral Operational Programme Environment Paper, 2007, p. 7).

In order to achieve the objectives, SOP ENV runs a financial instrument funded from the Cohesion Fund and the European Fund for Regional Development. The financing is divided in six axes which will be presented in Addendum no.2. There is a close link between environment and other social or economic sectors, and due to this the SOP ENV has been developed in correlation with the other Sectoral Operational Programmes in order to secure a uniform and complementary development towards the Lisbon Treaty's objectives. To attain the objectives established by SOP ENV, EU has allocated approximately Euro 4.5 billion from a total of Euro 5.6 billion, the rest of the funds representing the national contribution to SOP ENV.

The management framework of the SOP ENV is divided in several levels of action: the Managing Authority, the Intermediate Bodies, the Beneficiaries, the Monitoring Committee, the Certifying Authority and the Audit Authority. Also, through the Priority Axis 6 Technical Assistance, another level of management is added and it consist of the consultancy services offered to governmental actors by private enterprises qualified on environmental issues.

The **Managing Authority** (MA) for SOP ENV is the Minister of the Environment and Forests and has the role to ensure the strategic overview of the SOP ENV. The MA is also responsible for the programme implementation and it “ensures compliance with national and EC policies on state aid, in close cooperation with responsible bodies, public procurement, environment protection, equality of opportunities for men and women and non-discrimination” (Sectoral Operational Programme Environment Paper, p. 106).

The **Intermediate Bodies** (IB) are the regional representatives of the SOP ENV implementation. There are eight IBs, each one responsible for one of the eight development regions in Romania. They play an important role, due to the fact that they are the interface between the MA and the beneficiaries. Their main attributions are related to “programming, monitoring, controlling and reporting activities. They have also been involved in the monitoring of ISPA projects in their region and in the development of grant schemes of environmental projects run under PHARE” (Sectoral Operational Programme Environment Paper, p. 106). Being the direct link to the beneficiaries and the process of implementation of SOP ENV, the IB’s reporting is essential to further development of the SOP. Although, until 2010, the IBs had fewer responsibilities, a gradually increase of these responsibilities in programming and selection process is a midterm objective for the SOP.

The main actors in the management and implementation process are the **Beneficiaries**. Beneficiaries can be NGOs, local public authorities or even state organizations and their main responsibilities are to ensure that the services and contract for their projects are as incorporated in the application for SOP ENV funding. The funding is eligible as long as the projects help attaining the SOP ENV’s objectives and the beneficiaries are accountable for any problem the implementation of the project has. Through some technical assistance projects the beneficiaries are also able to get involved in the amending of the regulations in which they are directly involved, more exactly the project evaluation and application process. This is possible through joint meetings between the IBs and the beneficiaries in which issues related to the application framework are discussed.

The **Monitoring Committee** is another actor involved in the SOP ENV implementation process and it is comprised of representatives from ministers with a Managing Authority role, representatives from business or professional associations and of members of the civil society involved in environmental protection sector. It also comprises representatives from the European Commission and from international financial institutions.

The **Certifying Authority** and the **Audit Authority** are two other actors involved in the implementation process of the SOP ENV. The first one is a part of the Certifying and Paying Authority within the Minister of Public Finances and is “responsible for drawing up and submitting to the Commission certified statement of expenditure and applications for payment in line with the provisions of Article 61 of the Council Regulation No 1083/2006” (Sectoral Operational Programme Environment Paper, p.117). The Certifying and Paying Authority is also responsible with the payments beneficiaries should receive. On the other hand, the Audit Authority is an associated body to the Court of Accounts and it provides, on one hand, internal audit for the MEF, and on the other hand audit services for SOP ENV.

### **3.1.e. Conclusion: Multi-level and Governance Networks in the Structures of MEF and the DG SOP ENV**

The **MEF** is the main actor in the environmental policy making in Romania and it has a hierarchical structure which contains state secretaries, directorates and other bodies under the authority of the MEF. The highest rank in the MEF is occupied by the minister followed by his/her state secretaries; directorates are the next level of authority, under the subordination of the state secretaries, and also have specialized divisions depending on the specific domain they are responsible with. The **SOP ENV** is one of the directorates of the MEF and is under the authority of

the minister and his/her state secretaries. There are also separate institutions, also public ones, which are under the coordination or the authority of the MEF and its subordinated directorates or divisions.

The simplistic structure stated above is the official structure of the MEF, but there are also other methods of interaction that transcend the hierarchical structure and make possible the influence of non-governmental actors in environmental policy making. Although the Operating and Functioning Code Regulations of the MEF contain a statement regarding cooperation relations between the MEF and other subordinate governmental structures or non-governmental actors, a clear method through which non-governmental actors can influence the policy making process does not exist at the moment.

Given the fact that there are no institutionalized ways in which the non-governmental actors can intervene in the environmental policy making process, through the sixth financing axis, Technical Assistance, it is possible to bring the **Beneficiaries** perspective in the process. This consists in regular meetings to discuss the improvement of project selection regulations and process within the SOP ENV. The meetings are organized by the **Intermediate Bodies** with the assistance of experts coming from the consultancy part that implements the project; the Beneficiaries proposals and the conclusions of the discussions are filtered by the Intermediate Bodies and then reported to the DG SOP ENV; the DG SOP ENV then decides which proposals are feasible and then modifies the Solicitors Guide and the project selection procedure depending on the requested modifications.

There are also other forms of influencing the environmental policy making process through interest groups or NGO coalitions. These actors lobby in order to attain their own interests by influencing the environmental policy development. This type of intervention can influence the whole environmental policy from Romania, and not only a small part, like the project selection procedure, as in the case of DG SOP ENV seminars.

In terms of MLG or governance networks, the Romanian environmental policy has a high degree of centralization. The decision stays in the hands of central government, with little influence from regional, local or non-governmental actors, even though in some instances the perspectives of these actors could be more feasible. The implication of non-governmental actors is not visible, partly due to the lack of instruments to do so, and partly because the policy making process is not a transparent one. This is one of the factors that make it hard to measure the level of implication and influence that the non-governmental actors truly have in the policy development process.

Our preliminary findings show that, at a first glance, the MLG and network governance cannot accurately describe the Romanian environmental policymaking. Nevertheless, although the decision stays mainly at the centre, the EU directives have a great influence on the environmental policy, bringing the involvement of the supranational level within this policymaking process. Also, in some aspects, the local or regional bodies influence, even though in a minor way, the development of environmental policy. Non-governmental actors have even less influence on environment policy making, but they can be present in the process of policy evaluation, especially the national non-governmental actors. The presence of at least three levels of governance actors is the proof that MLG is present in Romanian environmental policy, but we have to keep in mind that MLG is not a frequently used method in Romanian environmental policy development. In regard to governance networks, the high centralization of decision making to the MEF makes the existence of multiple decision nodes almost impossible. The MEF is a decision node, considering that it has relations in the same time with supranational actors and with local or regional ones.

In this analysis, our goal was to frame a research structure which can be developed by a thorough policy analysis based on empirical research. This thorough analysis consists in following certain aspects of environmental policy and assessing the course a certain policy topic has from its inception to its implementation. The specific aspects that we intend to study comprise a broader analysis of the actors involved in the environmental policy, a deeper research on the relations between the actors and the exact influence each actor has on the policy-making process. Such an analysis will be the subject of future research.

### 3.2. The Higher Education Policy: EU and Romanian Aspects

#### 3.2.a. General Context

In this case study, we intend to examine education policy in general, and policies concerning higher education (HE) in particular. We will start with the analysis of the Lisbon Treaty which specifies that the EU, through its institutions, support, coordinate or complement the actions of Member States in terms of education. Why is this happening? Why is it that we do not find a greater involvement of the supranational level in formulating policies in higher education? A general and common response among scholars would be as follows: it was always a sensitive area for EU Member States because of its complex social implications. More specifically, there is a direct link between the educational process and the formation of identity, which has always been operated by the state in order to create specific citizens. However, in recent decades, globalization and technological developments in communication, lead us to a different conclusion: „At the same time, knowledge knows no boundaries. Despite the effort of national states to nationalize knowledge and excellence, intellectuals often display marked cosmopolitan attitudes and identify themselves more with their own brand of science than with their nationality” (Piattoni 2010, p. 151).

Therefore, in the space of the European Union we can see two trends in terms of education: (1) One is keeping policies under the control of member governments; in this case education is understood as a political project of national conservative elites; (2) The other is the breaking down of boundaries of nation states and correlating the entire educational process to the supranational level<sup>16</sup>. Regarding the first possibility, things are relatively easy to understand, the national education system is generally dominated by local norms and traditions: „National and professional identity, political organization, policy formation and public/private markets are all viewed as contained within the borders of the state” (Novoa and Lawn 2002, p. 1). But the trend of education (transferring authority to supranational level) is in turn strongly influenced by two factors: pressure from academics which get involved in broader cultural facilities to be up to date with what is written in a certain area in the world; and, as regards the European Union, the process of globalization that leaves states of this old continent behind the other world powers like the United States, China and India.

Next we will refer to higher education policies from both the EU and the transnational level (Bologna Process), where the EU is only a partner. As a general characterization, the main strands of higher education policy at European level, as shown by Simona Piattoni are:

- Attempting to create a university or university system with a high standard of quality;
- Mutual recognition of vocational training<sup>17</sup> diplomas, for greater ease in the free movement of skilled workers across Europe;
- Community policies on the mobility of students and scholars (for example, Erasmus and Socrates);
- Intergovernmental processes of harmonization of the higher education system inside and outside of the EU (Bologna process and the Open Method of Coordination).

The purpose of this case study is to identify the appropriate European and national actors who participate in HE policy, and to analyse the types of relationships between them. Regarding the theoretical framework of this study, HE policies may be, on the one hand, interpreted in the light of MLG: „The governance of Europe has specific problems and forms. It can be conceptualized as a

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<sup>16</sup> These two trends (that can be seen as the intergovernmental versus supranational disputing viewpoints) influenced in comparable degrees the evolution of the education policy; therefore, nowadays, one can say that its design can be considered as sitting somewhere in the middle of an axis limited on the one side by the intergovernmentalists, and on the other by the supranationalists.

<sup>17</sup> This was the wording of the Treaties of Rome for the education in general. This extension of the concept of education to vocational trainings was possible after a decision of the European Court of Justice.

multilevel system of governance where private and public actors at the transnational, national and local level deal with problems of a lack of central authority and a dispersal of resources (Novoa and Lawn 2002, p. 5). The specific of this type of governance is the territorial level at which decisions are taken and not necessarily the logical order between institutional levels. On the other hand, the governance also can be understood as a "networking" process, where the state has only a motivating role (establishing the rules, reducing or increasing transaction costs, etc.). In this case, we talk about policymaking processes where interactions present non-hierarchical features, where the network depends on the actors' resources and where it is emphasized the importance of the nodes of the network, nodes which contribute in a greater or lesser level to achieve its targets.

### 3.2.b. European Actors Involved in the Educational Policy

In this chapter, we are going to present European actors from European educational policy in the chronological order of their establishment. The first discussions regarding the HE dimension began immediately after the signing of the Rome Treaties in 1957, as a proposal by Etienne Hirsch, chairman of the EURATOM<sup>18</sup>, to create a European University or a network of universities with profiles based on a supranational quality assurance. This project met a strong opposition from the French president, Charles de Gaulle. Although this first initiative had no concrete results, its contribution was important in shaping the image of the two kinds of actors which were going to be decisive for the future of this policy: the national actors (Member States) and the supranational ones (the Commission). One can also see how the interests of these two entities contrasted when the educational policy, the most viable tool of creation identities and loyalties, starts to be a subject of international debates.

The dialogue continued between the education ministers of member countries at that time; in turn, in 1971 the Commission created two working groups on this issue led by Altiero Spinelli. This work culminated with an approved "Program of Action" in 1976<sup>19</sup>. Furthermore, four years later - in 1980, the Commission implemented the follow-up programs: Comett I and II (Community Programme for Education and Training in Technology), Erasmus I and II (European Action Scheme for the Mobility Community of University Students) Lingua (Language and Training Program).

The Action Programme provides a transnational intensification of university relations, mutual understanding of educational systems and guarantees education for children of migrant workers. This program, however, appeared as a result of "mixed process resolution of the Council of Ministers of education meeting with the Council," whose implementation was also to be controlled by a "mixed process committee" which acted under direct control by the Council, but had the Commission as a full member, given its expertise and ideas on how to get Community funding for the implementation of the Action Program" (Corbett, Anne. 2006. "Higher Education as a Form of European Integration: How Novel is the Bologna Process?" *ARENA Working Papers*, WP 15/14, December; pp. 13–14 in Piattoni 2010, 156). But national ministers have classified it as an intergovernmental policy and they have done everything possible to keep the Commission far from this area so that it could not be tempted to expand its mandate.

Afterwards, in 1985, the ministers of education from all twelve Member States agreed for the first time to use Community funds and legislation to implement two projects of European education: the Erasmus program and the European Credit Transfer System. On the other hand the implementation of these projects required a change in the nature of education policy. From an intergovernmental coordination, it would gradually move to a supranational one. However, the

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<sup>18</sup> The proposal came from the President of the EURATOM's Commission because the community sought to develop techniques for producing atomic energy, exporting and the excess out of EU borders. In these conditions, it had to be created a „know-how" European area.

<sup>19</sup> We should mention here that the results appear 20 years after the initiative of Etienne Hirsch. This is a topic for a further analysis.

Maastricht and Amsterdam treaties would do nothing but strengthen the idea of promoting the quality of education and specify the supporting role of Community regarding the educational policy in Member States.

Consequently, two major agencies were created in the field of education. The first is the European Centre for the Development of Vocational Training (Cedefop), which provides analysis on vocational education systems, facilitates the exchange of information between Member States and actively participates in the process of recognition of qualifications. Basically this centre has done nothing but increase research capacity in the field through regular dissemination activities (publications, documentation centres or research groups). „Furthermore, it provided a focus for exploring various policy options, a function which can be seen as decisive for the Commission’s policy in the late 1970s and 1980s” (Preston, Jill. 1991. *EC Education Training and Research Programmes. An Action Guide*. London: Kogan Page; pp. 51f in Ertl 2003, p. 19). The second is the European Training Foundation (ETF) that is designed to „help transition and developing countries to harness the potential of their human capital through the reform of education, training and labour market systems in the context of the EU’s external relations policy” (ETF.EUROPA 2011, [http://www.etf.europa.eu/web\\_nsf/pages/AboutETF\\_EN?OpenDocument](http://www.etf.europa.eu/web_nsf/pages/AboutETF_EN?OpenDocument)). In addition to these agencies, the Commission also established a DG EAC (Directorate-General for Education and Culture) which is used for a supranational coordination of educational policy.

Among all the committees established to manage the educational programs, Socrates and Eurydice were the most stable. The first was simply an information program which contained countries from the outside of EU and the second was nothing more than a comitology committee, its members being appointed by the Ministers of Education from Member States. „**The operation of the entire Socrates program involved “centralized” and “decentralized” actions and configured a multi-level system of governance**” (Piattoni 2010, 158).

To complete this process, two other agencies, based on network structure, have been established: NARIC (National Academic Recognition Information Centres) and ENIC (European Network of Information Centres). „The NARIC network is an initiative of the European Commission and was created in 1984. The network aims at improving academic recognition of diplomas and periods of study in the Member States of the European Union (EU) countries, the European Economic Area (EEA) countries and Turkey” (ENIC-NARIC) 2011, <http://www.enic-naric.net/index.aspx?s=n&r=g&d=about#ENIC>). It must be said that this network was part of the Community’s Lifelong Learning Programme (LLP) and empowers mobility of scholars and students by facilitating information access and recognition of diplomas. Regarding ENIC, it was established to implement the Convention on the Recognition of Qualifications Concerning Higher Education in the European Region signed in Lisbon (1997) and entered into force in 1999. On the same website, we also find that this network cooperates closely with the NARIC and aims to provide information in the following areas: recognition of any kind of foreign qualifications (ex. diplomas or degrees), the educational systems of foreign countries and the ENIC’s countries, opportunities of studying abroad (scholarships or loans and advice on mobility and equivalence).

These networks have managed to build a very close dialogue both among themselves and with the Commission DG EAC, and so has appeared the first European Network for Quality Assurance in Higher Education, which aimed to promote cooperation in the field of quality assurance. Then, in 2004, the need for supranational coordination led to the creation of a European agency dealing with the HE quality assurance issues: the European Association for Quality Assurance in Higher Education (ENQA<sup>20</sup>). The proposal was made by the European Commission and then accepted by the Council and the European Parliament.

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<sup>20</sup> The mission of this association is „to represent its members at the European level and internationally, especially in political decision making processes and in co-operations with stakeholder organisations; to function as a think tank for developing further quality assurance processes and systems in the EHEA; to function as a communication

In parallel with the European initiatives which outline a coherent educational policy, in 1999 appeared the well-known Bologna Process through a political statement where officials from 29 European countries pledged<sup>21</sup> to reduce disparities in the European education across the continent, by creating a European Higher Education Area; in other words, the aim is „to create a European Higher Education Area (EHEA) based on international cooperation and academic exchange that is attractive to European students and staff as well as to students and staff from other parts of the world”<sup>22</sup>. This project had as main objectives the establishment of an official European Credit Transfer System (ECTS), improving the quality of European education or the production of diploma’s supplements for courses compatibility. Under this project, regular meetings were established to assess the national HE systems, structural comparisons between systems, the creation of indexes serving the before mentioned purpose or making regular progress reports. Many of these ideas were present in long debates and initiatives in the integration of HE national systems.

To ensure the permanence between meetings, Bologna Follow-Up Group (BFUG) was created as a secretariat. The Bologna Process website shows that it consists of all members of the Bologna Process and the European Commission, with the Council of Europe, the EUA<sup>23</sup> (European Universities Associations), EURASHE<sup>24</sup> (European Association of Institutions in Higher Education), ESU<sup>25</sup> (European Student’s Union), UNESCO-CEPES<sup>26</sup>, Education International<sup>27</sup>, ENQA and BUSINESSEUROPE<sup>28</sup>, as consultative members. „The BFUG is being co-chaired by the country holding the EU Presidency and a non-EU country, which rotate every six months. The vice-chair is the country organising the next Ministerial Conference” (EHEA 2011, <http://www.ehea.info/article-details.aspx?ArticleId=5>).

Through these mechanisms, it was succeeded in creating a European academic community which has worked increasingly better, editing a growing number of European journals and creating of European organizations. Further, „a **Standing Group on Indicators and Benchmarks** (SGIB) was also established and (roughly eighty) non-governmental organizations have been involved in the process as well, mostly to act as watchdogs vis-a’-vis their national governments in case these lagged behind in the implementation of agreed goals.” (Piattoni 2010, p. 162).

Finally, we will present a classification of the actors indentified as taking part in the evolution of this policy, both within the EU and in the field of trans-national cooperation, in accordance to their nature:

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platform for sharing and disseminating information and expertise in quality assurance among members and towards stakeholders.” (ENQA 2011, <http://www.enqa.eu/mission.lasso>).

<sup>21</sup> Statement had not coercive power.

<sup>22</sup> Quotation from the official website of the Bologna Process within the July 2007 – June 2010 period: <http://www.ond.vlaanderen.be/hogeronderwijs/bologna/>.

<sup>23</sup> Supports and represents around 850 HE institutions from 46 countries. Its role is to provide them a forum for cooperation and exchange of information on higher education policy.

<sup>24</sup> „EURASHE is the (international) association of European Higher Education Institutions – Polytechnics, Colleges, University Colleges, etc. – devoted to Professional Higher Education and related research within the Bachelor-Masters structure.” (EURASHE 2011, <http://www.eurashe.eu/RunScript.asp?page=108&p=ASP%Pg108.asp>)

<sup>25</sup> It is an international network which includes 45 student organizations from 37 countries.

<sup>26</sup> „The UNESCO European Centre for Higher Education/Centre européen pour l’enseignement supérieur (CEPES) promotes co-operation and provides technical support in the field of higher education among UNESCO’s Member States in Central, Eastern and South-East Europe” (CEPES 2011, <http://www.cepes.ro/cepes/mission.htm>).

<sup>27</sup> „As the world’s largest Global Union Federation, and the only one representing education workers in every corner of the globe, Education International unites all teachers and education workers no matter where they are.” (EI-IE 2011, <http://www.ei-ie.org/en/aboutus/>).

<sup>28</sup> „BUSINESSEUROPE plays a crucial role in Europe as the main horizontal business organisation at EU level. Through its 40 member federations, BUSINESSEUROPE represents 20 million companies from 34 countries. Its main task is to ensure that companies’ interests are represented and defended vis-à-vis the European institutions with the principal aim of preserving and strengthening corporate competitiveness. BUSINESSEUROPE is active in the European social dialogue to promote the smooth functioning of labour markets.” (BUSINESSEUROPE 2011, <http://www.bussinesseurope.eu/content/default.asp?PageID=582>).

Supranational actors	<ul style="list-style-type: none"> <li>• European Commission – DG EAC, European Education Information Network: Eurydice, European Information Network for Young People: Eurodesk.</li> </ul>
Intergovernmental actors	<ul style="list-style-type: none"> <li>• Council of the European Union (Education, youth, culture and sport)</li> </ul>
Transnational actors	<ul style="list-style-type: none"> <li>• European Centre for the Development of Vocational Training (Cedefop)</li> <li>• European Network of Information Centres</li> <li>• National Academic Recognition Information Centres</li> <li>• European Association for Quality Assurance in Higher Education (ENQA)</li> <li>• European University Association (EUA) - 850 members in 46 countries</li> <li>• Bologna Follow-Up Group (BFUG)</li> <li>• European Training Foundation</li> <li>• European Association of Institutions in Higher Education (EURASHE)</li> <li>• The European Students' Union (ESU)</li> <li>• Confederation of European Union Rectors' Conferences (CRE)</li> <li>• European Quality Assurance Register for Higher Education (EQAR)<sup>29</sup></li> </ul>

We observe two directions in terms of higher education in Europe. On the one hand, we have policies and programs coordinated by the EU through specialized institutions; on the other hand we have a general process of policy coordination in this field where 47 countries are participating with other international institutions and organizations. Any further research in this area has to clarify some of the dilemmas arising from the rays of the system of European actors: what is the relationship between the EU and the Bologna Process? To what extent all these organizations and networks contribute to a rapprochement between Bologna and EU objectives? We can also wonder which is the exact role of each actor in policy formulation and management of both the EU and the Bologna Process?

Besides the questions listed above, questions addressed to researchers interested in the supranational/transnational level of the European HE system, there can be identified items to be analyzed at the national level of the member states. For example, in the Romanian HE area, to what extent all these European processes and policies contribute to the Europeanization of the Romanian HE dimension? In order to offer the appropriate answers, we must begin with an analysis of the national actors involved in the implementation of the HE policy.

**3.2.c. National Actors within the Romanian HE Policy**

In this part, we analyse the Romanian HE actors, as well as the relations between them in order to reveal exactly their role in the policymaking process; we underline that our goal is not to make an exhaustive description of these actors, but to propose a structure for a further research. The analysis will be based on a study of official documents such as the current education law or informal documents (for example, barometers of public opinion) or specific literature.

We consider as stakeholders in higher education those institutions or combinations of institutions that contribute, to a greater or lesser extent, to the national formulation, implementation and evaluation of policies in this area. One such actor is the state, defined here as an institutional ensemble characterized by relations and tensions, and whose role is to legitimate itself (alongside its comprising institutions) in front of the higher education establishments. The State exercises its

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<sup>29</sup> An important actor at the larger European level is EQAR, „founded by ENQA, ESU, EUA and EURASHE, the European representative bodies of quality assurance agencies, students, universities and other higher education institutions, respectively, to increase the transparency of quality assurance in higher education across Europe” (www.eqar.ro).

powers in higher education through Parliament, Government and Ministry of Education, Youth and Sports" (National Education Law, 2011).

Included in the state level, we also meet governmental actors represented by the Government and the Ministry of Education. As educational law stipulates, "Ministry of Education, Youth and Sport<sup>30</sup> is a public authority and it is entitled to monitor, to control the application and enforcement of regulations in higher education and to apply sanctions where it is appropriate" (National Education Law, 2011). We may also meet 'buffer' institutions in higher education such as: ARACIS (Romanian Agency for Quality Assurance in Higher Education), CNCSIS (National Council of Research in Higher Education), UEFISCDI (Executive Unit for Financing Higher Education, Research, Development and Innovation), CNFIS (National Council for Financing Higher Education) and ACPART (National Agency for Qualifications in Higher Education and Partnership with Economic and Social Committee), accordingly to a 2009 document elaborated by Miroiu, Birzea et al. within the SOP HRD financed project „Quality and Leadership for the Romanian Higher Education”<sup>31</sup>.

Institution	Nature of the institution	Mission
<b>ARACIS</b> (Romanian Agency for Quality Assurance in Higher Education)	<ul style="list-style-type: none"> <li>• "autonomous public institution of national interest, with legal personality and its own budget of income and expenditure. The agency is not subject to political or other types of interference" (ARACIS 2011 - <a href="http://www.aracis.ro/despre-aracis/istoric/">http://www.aracis.ro/despre-aracis/istoric/</a>).</li> </ul>	<ul style="list-style-type: none"> <li>• "External evaluation of the quality of education offered by higher education institutions and other organizations providing specific curricula of higher education" (ARACIS 2011 - <a href="http://www.aracis.ro/despre-aracis/misiune/">http://www.aracis.ro/despre-aracis/misiune/</a>)</li> <li>• To develop institutional culture within the Romanian HE;</li> <li>• To notice that the education meets the requirements of the beneficiaries;</li> <li>• To protect beneficiaries by developing quality evaluation;</li> <li>• To propose policies to the Ministry for improving the HE quality.</li> </ul>
<b>CNCSIS</b> (National Council of Research in Higher Education)	<ul style="list-style-type: none"> <li>• "It is an advisory body to the Minister of Education, Research, Youth and Sports, expressing the view of the university community in terms of policy research" (CNCSIS 2011 - <a href="http://www.cncsis.ro/">http://www.cncsis.ro/</a>).</li> <li>• Members appointed by the ministry on the basis of scientific and managerial competence.</li> </ul>	<ul style="list-style-type: none"> <li>• „CNCSIS provide the interface between academic research community and the Ministry of Education, Research and Youth, which represents the Government, in allocating funds for research in universities and performance evaluation of scientific research" (CNCSIS 2011 - <a href="http://www.cncsis.ro/">http://www.cncsis.ro/</a>).</li> <li>• To mediate the relationship between universities and the ministry on scientific research.</li> </ul>
<b>UEFISCDI</b> (Executive Unit for Financing Higher Education, Research,	<ul style="list-style-type: none"> <li>• Public institution with legal personality, subordinated to the Ministry.</li> </ul>	<ul style="list-style-type: none"> <li>• „Organization's mission is to manage the financial resources needed to support development of higher education and scientific research.</li> <li>• This organization is seeking to attract new financial resources and focus its activity on quality management of funding for higher education and</li> </ul>

<sup>30</sup> From the same National Law of Education, we also find that the functions of Ministry of Education are: the proposal of national policies and strategies, development of organizational and operational regulations of the higher education system, monitoring and verifying the bodies which operate in higher education, managing the process of continuous evaluation, recognition and equivalence of diplomas according to internal laws, elaboration of the draft budget and of a report for higher education.

<sup>31</sup> The title of the document is „Understanding the Romanian System of Higher Education: Internal functions and structures” and it was created as a panel report within the above mentioned project, implemented by UEFISCDI.

Development and Innovation)		scientific research”(UEFISCSU 2011 - <a href="http://www.uefiscsu.ro/text.html">http://www.uefiscsu.ro/text.html</a> )
<b>CNFIS</b> (National Council for Financing Higher Education)	<ul style="list-style-type: none"> <li>• National advisory body to the Ministry of Education and Research.</li> </ul>	<ul style="list-style-type: none"> <li>• „Develop principles and methods of distributing public funds to state universities in Romania.</li> <li>• Through its work, CNFIS promote continued growth of the Romanian system of higher education quality, ensuring all citizens equal opportunities in higher education” (CNFIS 2011 - <a href="http://www.cnfis.ro/">http://www.cnfis.ro/</a>).</li> </ul>
<b>ACPART</b> <sup>32</sup> (National Agency for Qualifications in Higher Education and Partnership with Economic and Social)	<ul style="list-style-type: none"> <li>• Specialized body under the Ministry of Education and Research that has legal personality and branches in major cities of Romania.</li> </ul>	<ul style="list-style-type: none"> <li>• „Developing, implementing and updating national qualifications framework for higher education development, recognition and certification of qualifications based on knowledge, skills and competences acquired by the beneficiaries of the higher education system;</li> <li>• Compatibility analysis of curriculum specialization in the fundamental areas of higher education with national qualifications framework standards;</li> <li>• Involving Romanian higher education institutions in the development of a European society based on knowledge and productivity, with a competitive and dynamic economy;</li> <li>• Promoting the opening of higher education institutions to socio-economic environment through collaborative actions of cooperation between higher education institutions, businesses and other organizations to develop specific partnerships, labor market research, entrepreneurial dimension to universities in Romania and the transfer of Knowledge” (ACPART 2011 - <a href="http://www.acpart.ro/index.php?page=misiuni">http://www.acpart.ro/index.php?page=misiuni</a>)</li> </ul>
<b>CNATDCU</b> (National Council for University Titles, Diplomas and Certificates)	<ul style="list-style-type: none"> <li>• Specialized institution under the Ministry of Education control.</li> </ul>	<ul style="list-style-type: none"> <li>• „it proposes a set of minimum standards necessary and obligatory for conferring titles in academic institutions, research and development professional degrees, the quality of doctoral coordinator and certificate of entitlement. [...]</li> <li>• annually checking, at the request of Ministry of Education, Youth and Sport or its own initiative, the competitions for university teachers and researchers jobs.</li> <li>• report annually to the Ministry of Education, Research, Youth and Sports on human resource for teaching and research in higher education, based on specific indicators” (National Education Law, 2011).</li> </ul>

The institutions listed above participate in different degrees in the policymaking process by expertise offered by to the Ministry regarding the current state of higher education, as well as by external norms that have to be implemented at a national level, norms that are retrieved by these institutions through constant dialogue with various European actors.

<sup>32</sup> This agency was abolished in 2010 by the Romanian Government.

We offer here some additional details about the national actors presented in the table above. We mention that, for the purposes of this article (to identify relevant stakeholders and possible links between them, from the perspective of governance theory and in the context of the Europeanization process, proposing a structure of an extensive research), the next descriptions are based primarily on the official data available on the websites of these institutions. We are aware, however, that the continuation of this research requires further information.

ARACIS is a very important player for the Romanian HE; it has three key dimensions of action: evaluation of universities, partner of the ministry on policy formulation and bond between the Romanian and European HE. This relationship was strictly necessary after Romania's accession to the Bologna Process by which they try to create a European Higher Education Area. It must be said that the independence of this institution and its credibility come from the way of financing: taxes on institutions of higher education for credential evaluation, assessment service contracts or external grants and funds (ARACIS 2011, <http://www.aracis.ro/despre-aracis/istoric/>).

Besides the before mentioned actors, there are also other institutions formed by experts with an advisory role for the Ministry of Education in policy formulation: the National Council for Higher Education Statistics and Forecasting (CNSPIS), National Council for Titles, Diplomas and Certificates (CNATDCU), National Scientific Research Council (CNCS), the Advisory Board for Research and Innovation Development (CCCDI), National Council of University Libraries (CNBU), the Board of Ethics and University Management (CEMU) and the National Council of Ethics in Scientific Research, Technological Development and Innovation (CNECSDTI). "Teachers and researchers may be part of these organisms, with at least the title of lecturer or researcher II or equivalent titles from abroad, members of the Romanian Academy and the institutions of culture" (National Education Law, 2011) and a student representative. But we assume that their role is not a very important one in the process of making policies, because they are practically branches of the ministry, financially dependent on them, while the appointments have usually political connotations.

Moreover, at the central level of analyzing the HE National Policy there is the civil society sector that includes trade unions, student groups and associations or political parties. Perhaps the most important role belongs to academic unions, but they act only on specific issues and their lobby action lacks consistency. Usually, parties have a purely electoral behaviour, getting involved only when their actions appeal to voters (and because higher education has no significant media impacts<sup>33</sup>, public interest is also very low).

As to the local level, one can "analyse the institutional profile and how organizations such as municipalities, county councils, research centres, etc. influence the behaviour of public and private universities" (Miroiu, Birzea et al., 2009). These do not, however, have much significance because Romania is a highly centralized state, at least in the education policies, where the political decision is formed at the centre and applied implemented locally. The data obtained from an ARACIS barometer is very relevant: "Given that local authorities have been indicated as the main decision makers of a small number of respondents (2.7% of the financing and less than 1% otherwise), we decided to unite this category with the category of central authorities" (ARACIS Quality Barometer 2010, p. 138).

Another category of actors, even if they may be seen as some of the most important ones, is represented by the very core elements of the whole system, the universities. They may participate in the policy process by acting individually, their importance being given by the size and financial strength, or jointly by the National Council of Rectors, for example. But this does not happen actually; universities work more on domestic policies because of the centralized system. The potential of the universities' involvement has to be strengthened in the extended version of this article.

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<sup>33</sup> Some debates, as that of the recent law of education in general, and the stipulations regarding HE in particular, have appeared in the national media, but the interest was fleeting.

### **3.2.d. Conclusions: Multi-level and Governance Networks in the Structures of the Romanian HE Policy**

The majority of the institutional actors presented above are largely dependent on the Ministry of Education; even the expertise offered by them on specific areas is not always taken into account. Anyway, there are also significant exceptions, like ARACIS, an independent organization in terms of structure or finances.

All these things show that the Romanian system of making higher education policies is hierarchical. The biggest influence is held by the ruling party or coalition which exercises its power through parliament (the main legislative institution) and the government. Romania is, moreover, a strongly centralized state; the sub-national level has not a vital role in the HE politics and the institutions at this level often act as the agents of central power in the territory. We can therefore conclude that internally, we do not have governance, but rather a classic process of government (understood as “state” or “hierarchy”): the vertical action of government occupies the central place.

Nevertheless, the analysis of the European actors showed that HE policy has both a transnational dimension (Bologna Process) and a European one (EU) through a more pronounced role of supranational institutions. And here we refer particularly to the starting period of the student and teacher mobility process, when the Commission has begun to play an increasingly more important role. Here is what Simona Piattoni said in her latest book regarding multi-level governance: „From a purely intergovernmental “mixed process” mode, higher education has become increasingly supranational, first, by finding some legal basis in a broad interpretation of the ECJ; then, by developing a proper legal basis in the Treaties of Maastricht and Amsterdam; further, by developing a full-fledged comitology system that brings in experts, stakeholders, and education providers; and, finally, by generating a rather complex multi-level governance system that connects commission functionaries directly with national and local administrators.” (Piattoni 2010, p. 171)

## **4. Conclusions**

In terms of multi-level governance and governance networks, the study we conducted showed that the European level of policy-making works differently than the Romanian process of policy development. We also found differences between the policy-making process in environmental sector and the educational one. If the European environmental and the education and training policy have a high presence of MLG and GN practices, given the influence of supranational, transnational and non-governmental levels/actors, the same policies, this time at the national level, follow a different pattern.

The case of Romanian environmental policy-making revealed a low level of governance practices – either MLG or GN – as consequence of the high centralization of the decision making responsibilities to the central government. Nevertheless, despite the absence of the network features and despite the fact that SOP ENV is a subordinated body of the MEF, the level of MLG is higher in its case, especially due to the fact that the financing is from European funds and there is a direct link between the actions of SOP ENV and European legislation in the environmental field. The evaluation of SOP ENV comes both from national institutions and from supranational ones, this being one of the reasons that can explain the higher level of MLG. Being able to restrict the funding, the Commission plays a more powerful role in controlling some environmental policy sectors.

On the other hand, in the Romanian education policy is present a more hierarchical system, where the MLG and governance networks practices are weak, if not missing at all. Similar to environmental policy, the education policy is highly centralized; the sub-national level plays a minor role in the final decision making process, and also, the supranational level has no direct competences in the educational policy-making process of the Member States. In the case of Romanian HE policy, we can conclude that the process of governance is not present, and that a classical governing mechanism is functioning. Nevertheless, there are two peculiar aspects of this conclusion. On the one

hand, in comparison with the EU attempts to foster a greater cooperation between different types of actors situated at different decisional levels, in Romania – as we mentioned before – there are still lessons to be learnt in this cooperation aspect. On the other, one cannot say however, that there is not an Europeanization trend of this policy, even if it is mainly a top-down one, driven by national official entities; this trend can be seen if we basically compare the Romanian HE framework to the general European (not specifically EU) one.

The current analysis is just a general assessment of the levels of multi-level and governance networks in environmental and educational fields, but a future research will comprise a deeper evaluation of both policies. This future research will be based on empirical facts discovered by following certain aspects of environmental and education policies and assessing the course a certain policy topic has from its inception to its implementation. Resulting from the envisaged research will be a clearer view of the relations that the actors have in both policies and which levels of policy-making are involved. The research will also involve a broader documentation on the two subjects, other than the official documents provided by the actors we identified, to ensure a better understanding of the general framework and to better enounce the evolution the two policies had accordingly to the multi-level (on the one hand) and network (on the other) governance practices.

## **ADDENDA**

### **Addendum 1**

The specific objectives of the SOP ENV are:

1. “Improve the quality and access to water and wastewater infrastructure, by providing water supply and wastewater services in most urban areas by 2015 and by setting efficient regional water and wastewater management structures;
2. Development of sustainable waste management systems, by improving waste management and reducing the number of historically contaminated sites in minimum 30 counties by 2015;
3. Reduction of negative environmental impact and mitigation of climate change caused by urban heating plants in most polluted localities by 2015;
4. Protection and improvement of biodiversity and natural heritage by supporting the protected areas management, including NATURA 2000 implementation;
5. Reduction of the incidence of natural disasters affecting the population, by implementing preventive measures in most vulnerable areas by 2015”. (Sectoral Operational Programme Environment Paper, 2007, p.7).

### **Addendum 2**

- **Priority Axis 1** “Extension and modernization of water and wastewater systems”;
- **Priority Axis 2** “Development of integrated waste management systems and rehabilitation of historically contaminated sites”;
- **Priority Axis 3** “Reduction of pollution and mitigation of climate change by restructuring and renovating urban heating systems towards energy efficiency targets in the identified local environmental hotspots”;
- **Priority Axis 4** “Implementation of adequate management systems for nature protection”;
- **Priority Axis 5** “Implementation of adequate infrastructure of natural risk prevention in most vulnerable areas”;
- **Priority Axis 6** “Technical Assistance” (Sectoral Operational Programme Environment Paper, 2007, p. 7).

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