

TEN YEARS AFTER ROMANIA'S ACCESSION TO THE EUROPEAN UNION: COSTS, BENEFITS AND PERSPECTIVES

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Abstract

This year we celebrate ten years since Romania became full-fledged Member of the European Union, a decade in which our country have seen a remarkable evolution marked by huge transformations and irreversible processes of reform which led to the modernization of the society and economic development. Despite these undeniable achievements which had a positive impact on the quality of life of Romanian citizens, a great number of people are disappointed because still facing poverty and economic underdevelopment, aspect that makes them to express disapproval of the fact that Romania is a Member State of European Union. In the light of this paradox, the aim of this study is to put in antithesis the advantages and disadvantages of the Romania's accession to the European Union, all this in relation to the current international context and the challenges facing the European Union.

Keywords: *European integration process; tenth anniversary of Romania's accession to the European Union; reform measures; costs and benefits; prosperity and development.*

1. Introduction

On January 1st 2017 we celebrated 10 years since Romania became full-fledged Member of the European Union and also on 25th March 2017 we celebrated the 60th anniversary of the signing of the Treaties of Rome, one of the most remarkable historical moments of the European integration process. These two anniversaries represent real moments of joy for the Romanian people, the overwhelming majority of people being convinced that Romania's accession to the European Union was beneficial for our country which have seen a remarkable evolution marked by huge transformations and irreversible processes of reform which led to the modernization of the society and economic development¹.

Despite these undeniable achievements which had a positive impact on the quality of life of Romanian citizens, a great number of people are disappointed because still facing poverty and economic underdevelopment, aspect that makes them to express disapproval of the fact that Romania is a Member State of European Union.

In the light of this paradox, the aim of the present study is to put in antithesis the advantages and disadvantages of the Romania's accession to the European Union, this approach being made by reporting to the assumed obligations and related rights of our country as shown in Treaty of Accession and Act concerning conditions of Accession as well as the Treaties on which the European Union is founded.

In the context of growing Euroscepticism and Populism in Romania and not only (this trend is fueled by populist politicians across Europe) it is important to

remind people that in this period of ten years remarkable developments have taken place, especially in the field of judiciary reform and fight against corruption, two key issues for Romanian society.

For this purpose, the objectives of this study are to highlight the substantial progress already achieved in the areas of judicial reform and the fight against corruption, achievements highlighted by the Cooperation and Verification Mechanism (CVM) reports where are underlined "a positive trend and a track record pointing to strong progress and growing irreversibility of the reforms in Romania"². On the other hand, it must be put in question the outstanding key issues whose fulfillment would lead to the provisional closing of individual benchmarks, and then the conclusion of the CVM process. Not least, it is necessary to highlight also the Romanian citizens' perception about advantages and disadvantages of the Romania's accession to the European Union.

Although the specialized literature comprises several studies on this topic, I am convinced that a new study is necessary in the context of expressed concerns, both at the European level and especially at the national level, caused by Romanian Government attempt to change and amend law No. 286/2009 regarding the criminal code and the law No. 135/2010 regarding the criminal procedure code.

2. General aspects concerning the establishment and evolution of the Cooperation and Verification Mechanism (CVM)

Given that the European Union is founded on the rule of law, a principle common to all Member States,

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¹ These aspects arise from *Flash Eurobarometer 445: The Cooperation and Verification Mechanism for Bulgaria and Romania - third wave*, January 2017 - https://data.europa.eu/euodp/en/data/dataset/S2128_445_ENG.

² Progress report Romania 2017 - https://ec.europa.eu/info/files/progress-report-romania-2017-com-2017-44_en.

in order to accession Romania has had to fulfill a number of conditions, including the existence of an impartial, independent and effective judicial and administrative system properly equipped to fight corruption.

Whilst noting the considerable efforts to complete Romania's preparations for membership, the European Commission has identified a series of remaining issues, in particular in the accountability and efficiency of the judicial system and law enforcement bodies. Consequently, pursuant to the provisions of the Treaties on which the European Union is founded and having regard to the Act concerning the conditions of accession of Romania (in particular Articles 37 and 38 thereof), the European Commission has adopted a decision to set up the Cooperation and Verification Mechanism (CVM)³.

According to this decision, Romania shall report each year to the European Commission on the progress made in addressing each of the four benchmarks provided for, respectively:

- Ensure a more transparent, and efficient judicial process notably by enhancing the capacity and accountability of the Superior Council of Magistracy;
- Establish an integrity agency with responsibilities for verifying assets, incompatibilities and potential conflicts of interest, and for issuing mandatory decisions on the basis of which dissuasive sanctions can be taken;
- Building on progress already made, continue to conduct professional, non-partisan investigations into allegations of high-level corruption;
- Take further measures to prevent and fight against corruption, in particular within the local government⁴.

Thus, the CMV was set up to address shortcomings in judicial reform and the fight against corruption, the Romanian authorities were responsible for proving that the judicial system works and that investigations in corruption cases leading to arrests and, depending on the court's judgment, convictions and confiscation of goods. Over the years, the European Commission has presented a series of evaluation reports on the progress made by Romania, these reports being the result of a careful process of analysis by the Commission, drawing on close cooperation with Romanian institutions, as well as the input of civil society and other stakeholders, including other Member States⁵.

3. Romania' progress in the fields of judicial reform and fight against corruption as shown in the CMV reports

Judicial reform and the fight against corruption have been key issues for Romanian society over the last 10 years. Therefore, the CVM has made a major contribution to a transformative process in Romania, playing an important role as driver for reform, as well as a tool to track progress.

In its overall assessment of Romania's progress, the Commission has highlighted that the 10 years' perspective of developments under the CVM shows that, despite some periods when reform lost momentum and was questioned, Romania has made major progress towards the CVM benchmarks⁶.

The European Commission has pointed a positive trend and a track record pointing to strong progress and growing irreversibility of the reforms. At the same time, a number of key issues already identified in earlier reports have remained outstanding for which reason the Commission made a number of recommendations and invited Romania to take action to fulfil them in an irreversible way, and also to avoid in the future the negative steps which call into question the progress made so far.

In the area of judicial reform the CVM goals was focused on establishing an independent, impartial, and efficient system, strengthening the consistency of the judicial process, and improving transparency and accountability. Thus, in this domain has been registered a substantial legislative and institutional progress, among achievements can be mentioned: adoption and implementation of new Civil and Criminal Codes with a view to modernizing the substantive law and improving the efficiency and consistency of the judicial process; strengthening the role of the Superior Council of the Magistracy which has established itself as manager of the judicial system; rigour of entry procedures into the magistracy, supported by obligatory training by the National Institute of Magistracy.

Despite these positive developments and strong public perception of judicial independence and trust in the judiciary, there are still a number of unresolved issues and, more than that, the reform is facing with political and media attacks on magistrates and judicial institutions, especially against the National Anti-corruption Directorate. Also, it must be mentioned the fact that only in 2016 the Constitutional Court adopted 12 decisions which annulling some provisions of the new Criminal Code and Code of Criminal Procedures and the Parliament or Government did not meet the legal term to align the codes with Constitutional Court

³ Commission Decision of 13 December 2006 establishing a mechanism for cooperation and verification of progress in Romania to address specific benchmarks in the areas of judicial reform and the fight against corruption (2006/928/CE) - OJ L 354, 14.12.2006, p. 56–57.

⁴ The benchmarks provided for Romania are contained in the annex to Decision 2006/928/CE

⁵ For details see Vataman Dan, *European Union: Specialized Practical Guide*, Bucharest, "Pro Universitaria" Publishing House, 2015, pp. 139-145.

⁶ Report from the Commission to the European Parliament and the Council on Progress in Romania under the Co-operation and Verification Mechanism COM(2017) 44 final - <http://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX:52017DC0044>.

decisions. Moreover, the situation became even worse on 31 January 2017 when the Government adopted an emergency ordinance (Ordinance 13/2017) proposing amendments to the Criminal Code and Code of Criminal Procedures. The government's intended measure to modify provisions on the corruption crimes of abuse of office and conflict of interest had resulted in the largest street rallies since the fall of communism in 1989, where hundreds of thousands of Romanians were demonstrated every evening asking for the government to resign.

With reference to the second benchmark concerning the integrity framework and the National Integrity Agency, as shown in the Report from the Commission to the European Parliament and the Council on Progress in Romania under the Co-operation and Verification Mechanism, Romania has made substantial progress and currently has a comprehensive framework for integrity for public officials, and the National Integrity Agency has established itself as an independent institution to implement these rules⁷. However, the legal framework for integrity, the set of laws defining the situations of conflicts of interests and incompatibilities for civil servants and elected or appointed officials, has been regularly re-opened in Parliament. It has not yet been possible to put in place a clear, consolidated legal framework as the bedrock for sustainability and some decisions by Parliament have still appeared to question or delay the implementation of final court decisions confirming the Agency's reports⁸.

With regard to the third benchmark namely tackling high-level corruption, the European Commission acknowledges that the achievements of Romania in this area have rightly attracted widespread recognition and substantial progress has been made. In this regard, the Commission reports reveal a steadily growing track record in terms of investigating, prosecuting and deciding upon high-level corruption cases, with a clear acceleration in the last years. Unfortunately, the repetition of similar offences suggests that corruption prevention has not been effective, reason for that the Commission has appreciated that only maintaining both the pace and the consistent direction of reform would allow this benchmark to be closed quickly.

In terms of the tackling corruption at all levels, according to the last European Commission report, medium and low-level corruption is widely perceived to be a problem in Romania, with consequences for Romania's economic and social development. The Commission pointed that progress was slow and the application of prevention measures ineffective, with insufficient political will from the top of the institutions to implement corruption prevention measures. Also

welcomed the adoption by the government of a new anti-corruption strategy for 2016–2020 in August 2016, notably seeking to target the identified weaknesses with specific measures. Thus, the Commission concluded that though some progress has been made there are however important remaining shortcomings which need to be addressed in the future and the reform needs to continue on the same path⁹.

4. Romanian citizens' perception about advantages and disadvantages of the Romania's accession to the European Union

In order to join to the European Union, any country must meet the conditions for membership (conditions known as the "Copenhagen criteria") which include a free-market economy, a stable democracy and the rule of law, and the acceptance of all EU legislation.

Before Romania's accession to the European Union the European Commission has identified remaining issues in particular in the accountability and efficiency of the judicial system and law enforcement bodies, where further efforts were needed to ensure the capacity of our country to implement and apply the measures adopted to establish the internal market and the area of freedom, security and justice. Therefore, according to the assumed obligations stated in Treaty of Accession and Act concerning conditions of Accession, Romania was forced to adopt reform measures which inevitably led to the modernization of the society and economic development¹⁰. In addition, the efforts of the Romanian authorities had positive effects on the image of the country at international level and, at the same time, on the lives of Romanian citizens.

Although these developments had a positive impact on the quality of life of Romanian citizens, a great number of people are disappointed because still facing poverty and economic underdevelopment, aspect that makes them to express disapproval of the fact that Romania is a Member State of European Union.

According to Standard Eurobarometer 85 released in spring 2016, the Romanians asked about life in the European Union showed that the most important issues facing Romania at the moment are unemployment, immigration, economic situation, terrorism or health and social security. For this reason 78% of subjects responded that the current situation in national economy is "total bad" and 55% of them showed that tend to not trust in European Union and, perhaps most worrying, 38% of Romanians responded that they do not feel European citizens¹¹.

As well, according to Standard Eurobarometer 86 released in November 2016, economic situation, health

⁷ COM(2017) 44 final, p.6.

⁸ Ibid p. 7.

⁹ Ibid p. 8.

¹⁰ Vataman Dan, *History of the European Union*, Bucharest, "Pro Universitaria" Publishing House, 2011, p. 121.

¹¹ <https://ec.europa.eu/COMFrontOffice/publicopinion/index.cfm/Survey/getSurveyDetail/instruments/STANDARD/surveyKy/2130>.

and social security and unemployment remain by far the most important issues facing Romania, according to respondents. As shown in Eurobarometer report, the European Union now has a positive image for a 50% of Romanians what is seen as a "significant increase" following the decrease seen between autumn 2015 and spring 2016¹². This result could be a cause for optimism or pessimism depending on how each individual responds to the following question: "Is the glass half empty or half full?"

Despite this negative perception of Romanians about life in European Union, a change has occurred in relation with situation regarding corruption and judicial shortcomings. In accordance with Flash Eurobarometer 445, more Romanians thought that the situation regarding corruption and judicial shortcomings had improved and things would get better in the next few years. Thus, a significant majority agreed that the action of the European Union through the Cooperation and Verification Mechanism (CVM) has had a very positive impact on tackling shortcomings in the judicial system and corruption. We see that, despite concerted actions of populist politicians and some interest groups which demanded that CVM to be stopped immediately, a large majority of Romanians agree that the European Union has a legitimate role to play in tackling corruption and shortcomings in the judicial system and, furthermore, this action should continue until convergence with other EU Member States' standards has been reached¹³.

5. Conclusions

As I pointed out above, Romania's accession to the European Union on 1 January 2007 represents a milestone in our history. From that moment Romania has known a remarkable evolution marked by huge transformations and irreversible processes of reform which led to the modernization of the society and also economic development. As a result of Romania's accession to the European Union the Romanian citizens has achieved not only the right to move and reside freely within the territory of the EU countries but also the right to be treated like any other EU citizens with equal access to all fundamental rights as enshrined in the EU Charter of Fundamental Rights.

The paradox is that although it is obvious that Romania was making significant progress, fact also recognized by European officials, continue to be one of the poorest countries in the European Union. Therefore, a large part of Romanians are confronted currently with poverty which not subside although Romania has continued to produce economic growth. Under these circumstances we might ask: Why the transition in Romania was accompanied by an explosive increase in poverty? Does poverty have connection with Corruption? The answer is certainly "YES", because corruption and poverty go hand-in-hand, existing a direct correlation between them.

Unfortunately this scourge is threatening the lives of too many people and for this reason, not just in my opinion, is necessary that the fight against corruption to continue, because this is only way to get out of this vicious circle.

As we have seen, Romania is currently making a true anti-corruption revolution, spearhead being the National Anticorruption Directorate. The fight against this scourge is supported by most Romanians which do not hesitate to penalize any measure which they deem an alarming retreat in the country's fight against corruption. This fact has been conclusively demonstrated this year when hundreds of thousands of Romanians expressed their revolt and dissatisfaction within some large mass protests against the Government's attempt to adopt an emergency ordinance on collective pardon and also the controversial emergency ordinance no. 13 /2017 which attempted a major change in the criminal public policy of the Romanian state.

In essence the message conveyed by people asking Romanian legislative authorities to create laws for the people and not against them (or even worse in interest of politicians) and also have urged the public authorities and officials to abide by the law and respect democracy.

Looking back at the 10 years that have passed since Romania's accession to the European Union and taking into account the problems that still face our country is definitely clear that only option our country is continuation the reforms and concrete steps to address corruption at all levels. This is the only way we can convince our European partners that Romania is a reliable partner which demonstrate seriousness and responsibility.

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¹² <https://ec.europa.eu/COMMFrontOffice/publicopinion/index.cfm/Survey/getSurveyDetail/instruments/STANDARD/surveyKy/2137>.

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