

The Reform of the National Public Policies Process under the Influence of Europeanization Changes in the Policy-Making in Romania on Institutional and Legislative Level

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Abstract. *The construction initiated by Monnet, Schuman, Adenauer and De Gasperi had a remarkable evolution not only concerning the number of the Member States, but also in terms of institutional and functional development, the European Union being one of the most important changing factor concerning the governance and the policy-making process at European level and not only.*

The number of researches studying the European Union from the perspective of its role or its impact in the development and implementation of public policies has increased in the last decades, emphasizing the various approaches of this issue.

Using the theoretical, analytical and empirical framework, described by various scholars, the paper aims:

- *to explore the conceptual dimension of Europeanization and European integration, stressing the differences and similarities;*
- *to achieve a progressive analysis of the reforms made by the European Union in the European policy framework, outlining the methods used in elaboration of its policies;*
- *to emphasize the efforts of regulatory and institutional change made by Romania in its policy-making process, as a result of the European integration and Europeanization processes.*

* Beneficiary of the project "Doctoral scholarships supporting research: Competitiveness, quality, and cooperation in the European Higher Education Area", co-funded by the European Union through the European Social Fund, Sectorial Operational Programme Human Resources Development 2007-2013.

For achieving the aims of the actual paper we have used bibliographical research and study of legislation at European and national level, applied to European and domestic public policies as well as the study of procedural documents carried out by Romanian authorities for domestic public policy elaboration.

Keywords: Europeanization; national and European public policies; institutional and procedural changes.

JEL Code: H11.

REL Code: 13C.

Introduction

Six decades ago, six founding countries (France, Germany, Italy, Belgium, Netherlands, Luxembourg) were establishing according to two constituent Treaties (Paris, 1951 and Rome, 1957) what we call today the European Union. The construction initiated by Monnet, Schuman, Adenauer and De Gasperi has now (2010), 27 Member States as it celebrates more than a half of century of existence, being characterized by a remarkable evolution. The amplitude of the phenomenon is not limited to the number of Member States, but it also identifies itself within the functional and institutional assembly of Community building, the study of the European Communities being possible by means of studying the European integration process, triggering the development of many theories which had an influence on the nature of the policy-making of European Union.

From a progressive analysis perspective, we remark that during 1950s to early 1960s functionalists have tried to explain the process of integration as a process which starts from small sectors towards an ambitious and broad process (Wallace, Pollack, Young, 2010, p. 17). Within the next period, the intergovernmentalism occurred, which tries to explain why the process of integration has not taken place as the founders of Communities have expected. Webb (1977) configured a set of implications on the nature of European policy-making by analysing the assumptions of the two most dominant schools and after appreciating European Union as one of the most important factor of change regarding the governance and policy-making in Europe. New theories were developed more recently (neo-institutionalism or the perspective of rational choice and constructivism) and they emphasized other implications of the European Union policy-making.

We have to keep in mind that the enlargement and deepening of the European integration reinforces the importance of the mechanisms and tools used for its foundation, elaboration and implementation of the national public policies as well as the importance of appropriating the European practices and uses, emphasizing at the same time the need to identify particularities of the Community decision-making process. Domestic institutional framework and policy-making process have been subjects of the factor of change under the requirements of the European integration process. Moreover under the impact of the same process, the European policy-making process itself was shaped by rules and procedures that have evolved together with the successive changes and enlargements of the European Union.

Although it is estimated that on European level there is a favourable framework for the public policies unification, these can not be applied in the

same way, their diversity being caused by the different realities, traditions and cultures of the European states and, not at least, by the economic development degree, tools and mechanisms through which are being promoted national public policies (Matei, 2007, p. 4). Nevertheless, national actors can learn from the Europeanization process by trying afterwards to change and adapt their own internal processes to the EU policies.

I. Europeanization – a catalyst for the European policies

I.1. Theoretical aspects of the Europeanization phenomenon

As part of the European construction, the Member States assumed their participation in the development of some common policies by giving to an international organization powers which for centuries belonged to the national state. Under the pressure of Community norms and delegation of authority, these have created a supranational decision-making framework.

According to the objectives of our approach, two major research themes are identified in literature: the European integration and the Europeanization. There is no single definition of the two concepts, scholars being concerned by their improvement. Theoretical approaches of the European Union study generate in the mind of the junior reader a state of confusion regarding the two concepts, because some theorists approach a clear distinction between the conceptual meanings of the two terms, while other authors assimilate one term to the other. For example, we refer, on the one hand, to Schmidt perspective (2001) (in Howell, 2004, p. 8), who opposes Europeanization to European integration, arguing that European integration includes policy development and formulation at the EU level, through the interaction between national actors; and on the other hand, according to Olsen approach (2002), who perceives European integration similar to Europeanization. Olsen (2002) defines Europeanization as: (1) a governance institution developed at a supranational level; (2) influence or imposing supranational at a national and local level; (3) exporting governance procedure and policy specific for EU beyond EU borders.

According to Ladrech (1994, p. 69) (one of the most quoted sources) “Europeanization is a process reorienting the direction and form of the national politic order so that the economic and political dynamics of the Community becomes a component of the organisational logic of the national politics and policy-making”. In another perspective (Börzel, 1999, p. 574), Europeanization is a process by which important areas of national policies become moreover subject of the European decision-making process.

Europeanization is an independent variable with an impact upon domestic processes, institutions and policies (Börzel, Risse, 2000, pp. 4-6), and according to Featherstone's typology (Featherstone, 2003, p. 5) the approaches on Europeanization can be classified into four categories: (1) Europeanization as a historical process; (2) Europeanization as transnational cultural diffusion; (3) Europeanization as a process of institutional adaptation and (4) Europeanization as a change process of developing and implementing domestic policies – involves both policy-making at European Union level and their impact on domestic policy-making process.

Europeanization process was understood as “development and expansion of the skills at European level and the impact of Community actions on Member States” (Kassim, 2002, pp. 139-161). From Buller and Gamble view (2001), European integration is a process of convergence at the European Union level, while Europeanization denotes the consequences of this process, which may have a different impact on the national state level.

Differences between these two concepts are drawn by Andersen and Sitter (2006, p. 315) who argue that “European integration is the whole process of creating institutions and Community policies, and Europeanization defines the variation of national impact of integration.” Also, Europeanization has been interpreted as a globalization process in the European realm, representing a state which is contiguous to the European integration, encompassing, among others, its impact upon the national administrations (Matei, 2004, pp. 29-43). Authors such as Peters (1997) and Page (1998, pp. 803-809) brought to debate, ever since the 1990s, the link between the Europeanization process and the general tendency of the public administration to “abandon” the traditional model of governance for the model of governance, where authority is diffused (shared), and the actors have multiple roles, especially in public policies area.

In the current paper, we refer to Radaelli's definition (2003, p. 30), “Europeanization is a process of (1) construction, (2) diffusion and (3) institutionalisation of formal and informal rules, procedures, public policy paradigms, styles, «ways of doing things», beliefs and common values, which are first defined and consolidated in the European Union policy-making and then incorporated in the logic of domestic discourse, identities, political structures and public policies.” The author materializes the conceptual meaning of European integration into the transfer of sovereignty to the EU.

The definition formulated by Radaelli (2003) for European integration is in contradiction with Lawton's definition, which suggests that Europeanization is *de jure* a transfer of sovereignty towards the European Union level and that it differs from “Europeanification”, translated by power distribution between national governments and the European Union (Matei, 2008, pp. 35-37).

Taking into consideration the diversity of definitions found in the field literature, we notice that most authors understand and use the concept of “Europeanization” in one of the following forms⁽¹⁾:

- Europeanization is an incremental process reorienting the direction and shape of policy to the extent to which Community's political and economic dynamics become part of the organizational logic of national politics and policy making (Ladrech, 1994);
- Europeanization is a process by which important areas of national policies become subjects of the EU decision making process (Börzel, 1999);
- Europeanization is a set of processes through which political, social and economic dynamics becomes part of the logic discourse and national identity, political structure and national public policies (Radaelli, 2000);
- Europeanization is an institutional process whereby institutional actors at national level change the conditions and public policies in order to respond to supranational changes (Olsen, 2002).

Moreover, Olsen (2002) argues that the various definitions of Europeanization are complementary, without being in a relation of exclusion.

Concerned to improve the meaning of Europeanization concept, theorists (Matei, Matei, 2010) have outlined the Europeanization approach in terms of a three dimensional process:

- top - bottom (from top to bottom, from the Union to the Member State) entitled by Dyson and Goetz (2003) (in Bache, 2005, p. 6, Goetz, Hix, 2000, George, 2001) “the first generation” in Europeanization research, trying to explain the internal reactions to the exogenous pressures. This approach has also been called the Heineken metaphor or “downloading”. A summary view of the history analysis of this perspective reminds us that the original approach was used to analyze how policies are implemented by the Member States, and later in 1990 to analyze the impact of the Union on Member and candidate states.
- bottom - up (from bottom to top) represents the second generation of studies, known according to Wallace's assertion as the metaphor of “magnetic fields” (Wallace, 2000, p. 381) or “uploading”. From this perspective, the national and the European levels tolerate and influence each other. Andersen and Sitter (2006, p. 318) have explained that the integration is “European as form, but national as basis”, while authors such as Börzel (2001) and Howell (2004, p. 12) conclude that from this perspective Europeanization is reflected in the transfer of preferences and national abilities for action to EU and the subsequent takeover of

the European product to a national level. In other words, the approach analyses how the domestic actors of the Member States influence the decisional and policy making process at the supranational level. In this context, it is remarkable the cost analysis of adaptation to the European Union policies, emphasizing the idea that adaptation will be “cheap” if institutions and national public policies already have similar characteristics to those imposed by the supranational level.

- horizontal - through which administrations and different ways of governance tend to be convergent as result of a mimetic process. Bomberg and Peterson's studies (2000) are the most quoted sources in the analysis of this Europeanization form, equating Europeanization with a policy transfer.

From a systemic perspective, these three specific dimensions for Europeanization can be integrated within the framework of other approaches, the perspectives that emphasize two complementary aspects of Europeanization, distinguishing between Europeanization by deepening, in other words, the mutual impact between the EU and its Member States, and Europeanization by enlargement, typical for candidate states, which adopt exogenous institutional models (Matei, 2007, pp. 10-12). Irrespective of the identified mechanism's, the content or form of Europeanization, or the action of various factors at the level of any member or candidate state, a certain impact of Europeanization can be observed. In this context, we mention, the assertion of Cowles, Caporaso and Risse (2000) (in Cowles, Caporaso, Risse, 2001, pp. 217-239) according to which “the extent of Europeanization should be the common product of (1) necessary adaptation pressures between EU institutions and national policies and (2) internal variables, including the existing number of domestic institutional restrictions. Falkner (2003, p. 4), according to the Member's status quo and availability to reform, distinguishes between (1) full, (2) partial and (3) correct transposition.

Depending on the intensity of the change determined by the European Union impact on domestic level, Börzel and Risse (2000, pp. 14-15) outline: (1) absorption – when the Member States incorporate European policies and ideas and readjust their institutions without substantially modifying existing processes, policies and institutions (the degree of domestic change is low); (2) accommodation which involves adaptation of existent processes, institutions and public policies by Member States, without major changes (the degree of domestic change is modest) and (3) transformation which consists in replacement of the existent processes, institutions and public policies by new substantially different ones, or in institutions their original features and functions are fundamentally changed (the degree of domestic change is high).

Additionally to these aspects, Radaelli (2003) (in Featherstone, Radaelli, 2003, p. 37) added: (1) inertia or the lack of any change and (2) retrenchment – when national policy becomes “less” European than before EU’s intervention.

Keeping the same interest sphere and the aim to clarify the meanings of those two concepts, the lines below outline the distinction between Europeanization and other concepts, as it is expressed in the field literature on Europeanization (Radaelli, 2003, p. 33).

Therefore, Europeanization should not be confused with concepts such as convergence, harmonization, integration or public policy making. Europeanization can produce convergence or divergence between the processes of some countries; the latter, being consequences of Europeanization. However, specialized studies (Bennett, 1991, pp. 221-227) emphasized the existence of four general mechanisms that may lead to convergence of the national public policies: (1) emulation – “the utilization of national or international programmes and drawing lessons from that experience”; (2) elite networking - “the existence and share of the same ideas by a relatively coherent and enduring network of elites, engaged in regular interactions at the trans-national level” (...) Unlike emulation process, Community is committed to share the experience learned about a particular issue; (3) harmonization – “recognition and resolution of a common problem through pre-existing structures and international processes”; (4) penetration – “states are forced to conform to actions taken by other external actors”.

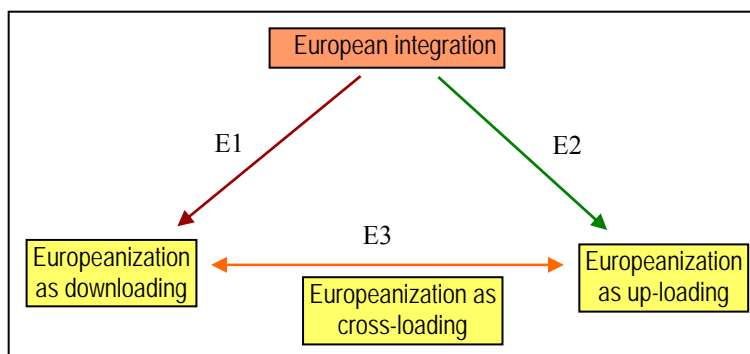
Europeanization should not be confused with harmonization, mechanism through which the regular diversity is reduced, especially by providing a uniform field of action. In a study on French environmental policy, Montpetit concluded that “Europeanization encourages domestic policy change, but not all Member States will opt for the same types of change, so Europeanization does not necessarily implies harmonization” (Montpetit, 2000, p. 590). Europeanization is not synonymous with political integration, the latter providing the framework for the emergence and development of Europeanization.

As a result of the polemics regarding the possible meanings of European integration and Europeanization, it is difficult to make a strict conceptualization of the differences between these two concepts. As above mentioned, according to some definitions, it is difficult to distinguish between European integration and Europeanization, while according to others it is impossible, because the two concepts are identical. However, if we were to detect the essence of both concepts, in a succinct formula we would refer to terms like the ones exposed in the following table (Table 1):

Table 1

European integration and Europeanization, brief issues	
European integration conceptualizes [...]	Europeanization conceptualizes [...]
1. the process by which the Community level, Member States, directly or indirectly express and make known their preferences, comparing them with those of partners, in order to take a decision (Iancu, 2004);	1. the process by which the Member States internally adjust their national preferences as a result interactions at a Community level (Iancu, 2004);
2. direct, real and regular relationship, in economic and policies framework from the 27 EU states, developed under the pressure of EU rules and which creates by authority delegation a supranational decision making locus (Lindberg, 1963, Haas, Bomberg, Peterson 1968, 2000, p. 1, Andersen, Sitter, 2006, pp. 315-318);	2. differential impact of the European integration process on the internal structures of a state and the consequences of Community institutions functioning (Schmidt, 2001, Radaelli, 2003);
European integration is analyzed in terms of the following theories [...]	Europeanization can be understood in terms of a three-dimensional process [...]
1. neofunctionalism;	1. top - bottom (from European to national level);
2. intergovernmentalism;	2. bottom - up (from national to European level);
3. institutionalism;	3. horizontal (from the national level of a Member State; to the national level of another Member State).
4. constructivism.	

With no intention of cutting the Gordian knot regarding the differences between the two concepts, we emphasize from a conceptual point of view that some differences can be identified between Europeanization and European integration, as well as a dialogical and uniform dialectical process. Moreover, the relationship between Europeanization and European integration is an interactive one, inter-networking elements affecting the distinction between the dependent and the independent variable. The graphic representation of this relationship can take the form drawn in Figure 1.



Source: adapted from K. Howell, [Developing Conceptualisations of Europeanization: Synthesising Methodological Approaches, 2004].

Figure 1. Relationship between the process of European integration and Europeanization

I.2. Evolution of the European Union construction and its implications on the European Union policies framework

The Member States' willingness to work together in order to achieve common interests represent the basis of the whole European construction. European Union's origins are closely related to the Second World War. Typically, 1950 is considered "the start" of this structure, more precise the moment when the French foreign minister, Robert Schumann, proposed the involvement of several European countries in a profound cooperation project. Negotiations between the six founding states are formalized in the Treaty establishing the European Coal and Steel Community (ECSC Treaty⁽²⁾) signed in Paris in 1951 (entered into force in 1952). The aim of this treaty was the economic growth, increasing employment and living standards through a coal and steel common market.

Taking as example the success of the Treaty establishing the ECSC, the founding states decided to extend cooperation in other economic sectors, so that in 1957, in Rome, the Treaty establishing the European Economic Community (TEEC) and the Treaty establishing the European Community for Atomic Energy (EURATOM) were signed (entered into force in 1958⁽³⁾). The main references on European policies are comprised in the European Economic Community Treaty, which stipulated, among other things, the creation of a common market and the progressive approach of economic policies of Member States.

Creating a common market does not mean only the abolition of the obstacles to the free movement of goods and carrying out the Customs Union, but it also means the liberalization of other sectors and the establishment of common policies in strategic areas such as agriculture, trade, transport, competition (art. 3 TCEE, IER, 2003, p. 4). Few years later (1962), the European Union had defined and introduced a Common Agricultural Policy⁽⁴⁾, which was also the model of the first European policy-making procedure namely, the traditional Community method.

In 1965, the Brussels Treaty was signed (entered into force in 1967) seeking a merger of the three treaties set of rules into one, thus achieving the Treaty establishing a Constitution for Europe) (not ratified yet). Regulations regarding European policies are stipulated also in Schengen Agreement (1985), supported by the adoption and implementation of Convention of the Schengen Agreement (1990) which provides explanations on visa policy (Article 7 of Convention), on Executive Committee and asylum domestic policies (art. 132, of the Convention).

The Single European Act (SEA) signed in 1986 (entered into force in 1987) represents a new stage in the European construction and in European policy framework by default. Article 20 provides the introduction of a new chapter concerning cooperation in the field of economic and monetary policy (Economic and Monetary Union) in EEC Treaty. Another innovation brought by the Single European Act is the introduction of the following policy areas in the EEC Treaty: economic and social cohesion (art. 23, SEA), research and technological development (art. 24, SEA), environment (Article 25, SEA). Title III of the same document defines the goal of European cooperation in the sphere of foreign policy, namely, “the elaboration and implementation of a European foreign policy by the High Contracting Parties, members of the European Communities”.

Continuing the progressive analysis of the European construction, we emphasize that a defining stage in its development is represented by the collapse of communist regimes in Central and Eastern Europe, which led to a rethinking of the European Community structure, thus creating a new political union and an economic and monetary one. The result is exploited by signing the Treaty of Maastricht in 1992 (entered into force in 1993), which amended the Treaty of Rome of EEC and created the European Community (TEC). In the field literature the Treaty is also known as Treaty on European Union (TEU). The constituent Treaties, ECSC and EURATOM have been amended only in view to harmonise their institutional provisions in harmony with the changes made by EC Treaty. Continuing the changing process, the Treaty establishes the European Union, consisting of: (1) European Communities – Pillar I; (2) Common Foreign and Security Policy – Pillar II; (3) Cooperation in Justice and Home Affairs – Pillar III.

In the field of European policies, the art. 3 from TEC shall be replaced by the following⁽⁵⁾: “for the purposes set out in article 2, the activities of the Community shall include: (1) the prohibition, as between Member States, of customs duties and quantitative restrictions on the import and export of goods, and of all other measures having equivalent effect; (2) a common commercial policy; (3) an internal market characterized by the abolition between Member States of obstacles to the free movement of goods, persons, services and capital; (4) measures concerning the entry and movement of persons; (5) a common policy in the sphere of agriculture and fisheries; (6) a common policy in the sphere of transport; (7) a system ensuring that competition in the internal market is not distorted; (8) a policy in the social sphere comprising a European Social Fund; (9) the strengthening of the economic and social cohesion; (10) a policy in the sphere of the environment; (11) the strengthening of the competitiveness of Community industry; (12) the promotion of research and

technological development; (13) encouragement for the establishment and development of trans-European networks; (14) the attainment of a high level of health protection; (15) a contribution to education and training on quality; (16) a policy in the sphere of development cooperation; (17) the association of the overseas countries and territories in order to increase trade and promote jointly economic and social development; (18) increasing consumer protection; (19) measures in the sphere of energy, civil protection and tourism” (Article 3, TEU).

Furthermore, through the process of TEC amending, TEU expressly mentions the concept of Community policies, regulated by Title III. Its analysis emphasizes a number of features of the following policies already outlined in Art. 3, on which other fields are added such as: the consumer protection, capital and payments, etc. Once the second pillar is established, the political cooperation between the Member States is raised at the status of common policy, which means its inclusion in a particular institutional framework. In this way, through Maastricht Treaty, the EU has a common policy extended to all sectors of Common Foreign and Security Policy and a systematic cooperation between Member States is established.

The Treaty set out a systemic cooperation form in the sphere of justice and home affairs, and the issues covered by this policy are as follows: the offer of political asylum, the immigration, the fight against fraud and drug addiction, judicial cooperation in civil and criminal matters, the cooperation between customs and police in order to prevent terrorism and other forms of international crimes.

The next milestone of the reforming process is represented by the signing of Treaty of Amsterdam, in 1997 (entered into force in 1999), through which the versions of TEC and the TEU are being consolidated.

The main innovations introduced by this Treaty are as follows⁽⁶⁾:

Related to pillar I – the Member States will consider promoting employment as a matter of common concern in the elaboration of employment policies process, and will coordinate their actions within the Council. The objectives of employment policy will be established in close connection with the economic policy guidelines, and the Social Charter’s provisions were incorporated in the content of the Treaty. In relation to these policies a new goal is emerging, “achieving a high level of employment”. However, the provisions of the Treaty consolidate the components of environment, health, social and consumer protection policy. Concerning the common commercial policy, the provisions of art. 133 TEC are extended, including international negotiations, services and intellectual property rights, which were not covered by the commercial policy yet.

The innovative elements of the Pillar II are as follows: extending the goal of common commercial policy and introduction of new foreign policy instruments (common strategies that complete the cooperation actions and common positions); introduction of “Petersberg tasks” in the TEU⁽⁷⁾ in order to emphasize the idea that the basis of EU priorities is represented by the common desire of Member States, to protect European security through humanitarian aid operations and peace restoration.

Related to pillar III – communitarization of the component regarding “visas, asylum, immigration and other policies on the free movement of persons”, introduction of the Schengen acquis under the Title IV of TEC. After all these actions have been taken, Pillar III is reduced to judicial and police cooperation in the sphere of criminal matters. The Treaty set out the basis for enhanced cooperation between states that wish to develop faster on the way of integration.

The Treaty of Amsterdam increased European integration process, in particular by the formal establishment of freedom and democracy principles, human rights and creation of a basis for a common policy in the field of freedom, security and justice. The Treaty paved the way for the institutional reform at European level, by also strengthening the role of the European Parliament. The institutional reform initiated by the Treaty of Amsterdam in order to integrate the Eastern Europe countries in the EU was embodied in the Treaty of Nice.

The Treaty of Nice (2001, entered into force in 2003) represents a necessary step in the evolution of the European construction. Its development was imposed by the EU new Member States and strengthening of European structure in order to meet the criterion of efficiency. From the perspective of European policy analysis, the finality of the Treaty was edified in one consolidated version of TEC and TEU and in the cooperation system review. The importance given to cooperation process is also reflected in the provisions concerning the establishment of European Judicial Cooperation Unit (Eurojust) aiming enhanced judicial cooperation on matters of crimes, the growth of economic financial and technical cooperation with third world countries (Article 181a, Nice Treaty). Community support is extended to other sectors namely: the social policy (42 and 137 TEU) - the reform of social protection systems and establishment of the possibility to passing from unanimity procedure to a qualified majority voting system for areas which do not belong to social security; it is intensified the fight against social exclusion.

As a continuation of this reform, the Treaty establishing a Constitution for Europe was developed, signed in 2004 at Rome by 25 Heads of State and

Government. The project aims to replace all the signed treaties except EURATOM Treaty.

Regarding the European policies dimension, Part III is especially dedicated to this subject, as evidenced by its title “the policies and the functioning of Union”. The provisions emphasize the requirements which should be taken into account in defining and implementing the policies, namely: (1) the elimination of inequality and the promotion of equality between men and women; (2) the promotion of high level of employment, the guarantee of social protection; (3) the fight against social exclusion; (4) the promotion of a high level of education, training and human health protection; (5) combating discrimination based on any criterion; (6) promoting sustainable development; (7) the consumer protection (8) promoting agriculture, fisheries, transport, internal market, research and technological development (Articles 116-121, the Treaty establishing a Constitution for Europe). Furthermore, Part III is divided into titles comprising provisions that stipulate details on each policy.

As innovative aspects, the Treaty proposed the following: improving the economic coordination among countries that have adopted the euro currency; renouncing to organization of the Union on pillars, the second and the third pillar being shifted to the Community. Common Foreign and Security Policy will be enhanced by creating a Ministry of Foreign Affairs and by promoting a common defense policy⁽⁸⁾.

The most recent reform document is the Treaty of Lisbon (2007, entered into force in 2009). In its draft form, the Treaty was called the Reform Treaty, and its goal was to replace the Treaty establishing a Constitution for Europe, which was abandoned due to the rejection by Netherlands and France. The objectives include: the promotion of the Union as an international actor and realigning the mechanisms of foreign policy available in Union for developing and adopting the new policies. The Treaty of Lisbon amends the Treaty on European Union (TEU, 1992) and renames the Treaty establishing the European Community (TEC, initially TCEE), Treaty on the functioning of European Union (TFEU). The latter details Union’s policies, except the Common Foreign and Security Policy.

The most important change brought by this Treaty consists in attaining the legal personality of Union and incorporating the EU Charter of Fundamental Rights.

The Treaty is not bringing any substantial changes on the European policies above mentioned, but it only states the role of the European Parliament as co-legislator next to the Council, on the Commission’s proposal. Other changes introduced by the Treaty in the field of policies refer to clarify some terms and concepts, emphasizing some principles in the sphere of social

protection, as well as the introduction of some particular procedural provisions. This trend also includes the enshrining of “territorial cohesion” concept within the meaning of balanced and harmonious development of the territory. To the above elements, the Treaty added⁽⁹⁾ citizens’ initiative, synthesized as the citizens’ right of the Member States to require the European Commission to submit new policies; the reformulation of economic policy objectives (achieving economic and monetary union with the EU currency, euro); the reshaping of Common Foreign and Security Policy (Title V of the TEU) and setting-up the High Representative of the Union for Foreign Affairs and Security Policy; reconstruction of the Union without pillars, the third pillar is completely communitarised “The area of freedom, security and justice” (Article 67, TEU).

As a consequence of this pillar communitarisation, it occurs a more clear definition of the EU role in the sphere of Common Foreign and Security Policy – including the disarmament operations, the military advice and assistance, and helping to restore post-conflict stability and development of common policies in the field of asylum, illegal immigration, drugs, human trafficking and the control of external borders (new policy areas).

The pioneering aspects of the Lisbon Treaty include: the recognition of the neighbourhood at the Treaty level and the promotion of a high level of employment and jobs in all European policies and actions. The Treaty introduces the legal basis for development and promotion of new European policies, namely: sports, tourism, civil protection or space policy in order to respond to new global challenges, emphasizing the EU’s commitments to an environment and sustainable energy policy.

The evolutionary perspective of the European construction has highlighted the major importance of the European policies. The European policy areas have been strengthened and completed from one stage to another and the implementation of the belief that some areas may be improved better by an approach at European level in the Member States has led to the existence of common policies, developed and adopted at Community level and applied across the whole Union.

Transformations occurred in the area of European policy as consequences of European development are gathered in the two Treaties amended by the Treaty of Lisbon. Nowadays, the European Union together with the Member States designs policies in over 24 fields, their situation being presented in the table below (Table 2).

Table 2

The policies of the European Union and their legal basis

In the following policy areas [...]	the European Union has the following competence [...]	and the legal basis ⁽¹⁰⁾ is in the Treaty [...]
Agriculture, fisheries = a common agricultural policy= =a common policy in the sphere of fisheries =	shared competence with the Member States. shared competence with the Member States excluding the conservation of marine biological resources, where the EU has exclusive competence.	art. 33, TFEU. art. 32-38 TFEU.
Economic and monetary affairs = an economic policy = = a monetary policy =	actions to support, coordinate or supplement the actions of the Member States. exclusive EU competence (for Member States whose currency is the euro).	art. 120-121 TFEU. art. 127 TFEU.
Institutional Affairs = administrative cooperation policy =	actions to support, coordinate or supplement the actions of the Member States.	art. 197, TFEU.
Foreign trade = a common commercial policy =	exclusive competence.	art. 133, TFEU.
International Relations and Foreign Affairs = a common foreign and security policy =	particular EU competence, others than those covered by art. 2 TFEU.	art. 24, TEU.
Civil protection = a civil cooperation policy =	actions to support, coordinate or supplement the actions of the Member States.	art. 196, TFEU.
Economic, social and territorial cohesion = a regional development policy =	shared competence with the Member States.	Title XVIII, TFEU.
Education, vocational training, youth and sport = an educational policy =	actions to support, coordinate or supplement the actions of the Member States.	art. 165 - 166, TFEU.
Employment and social affairs = a social policy = = an employment policy =	shared competence with the Member States. shared competence with the Member States.	Title X, TFEU. art. 145-149, TFEU.
Energy = an integrated policy in the sphere of energy and environment=	shared competence with the Member States.	art. 194, TFEU.
Industry = an industry policy=	shared competence with the Member States.	art. 173, TFEU.
Environment = an environment policy =	shared competence with the Member States.	art. 191, TFEU.

Research and technological development and space = an environment policy =	actions to support, coordinate or supplement the actions of the Member States.	art. 179-182, TFEU.
Justice, freedom and security = policies on border checks = = a common policy on asylum = = a common immigration policy =	shared competence with the Member States. shared competence with the Member States. shared competence with the Member States.	art. 77, TFEU. art. 78, TFEU. art. 79, TFEU.
Common rules on competition and taxation = a common competition policy = = a fiscal policy =	exclusive competence the governments of the Member States are the ones that decide on the taxes paid by the citizens.	art. 101-109, TFEU. art. 110-113, TFEU.
Culture = audio-visual and media policy =	actions to support, coordinate or supplement the actions of the Member States.	art. 167, TFEU.
Public health = health policy =	shared competence for the common security objectives, and for the remaining objective, each country is free to decide its health policy.	art. 168, TFEU.
Consumer protection = consumer protection policy =	shared competence with the Member States.	art. 12, art. 169, TFEU.
Trans-European networks = a policy regarding the creation of an efficient infrastructure between European regions and national networks =	shared competence with the Member States.	art. 170-172, TFEU.
Internal market = Customs Union = = the free movement of persons, services, capitals and payments =	exclusive competence exclusive competence.	art. 28-37, TFEU. art. 45, art. 56, art. 63, TFEU.
Transport = a common transport policy =	shared competence with the Member States.	art. 90, TFEU.
Tourism = a policy in the field of tourism=	actions to support, coordinate or supplement the actions of the Member States.	art. 195, TFEU.

Sources: (a) http://europa.eu/legislation_summaries/glossary/index_en.htm;

(b) http://europa.eu/pol/index_ro.htm;

(c) enhanced version of the TEU and TEC following the adoption of the Lisbon Treaty.

II. Methods used in European Union policy-making

Before going further with the analysis, it is necessary to clarify that “EU policies” mean the common policies which reflect the preferences of the national governments, the sub-national actors and the supranational organizations; they are also encountered in literature as “Community policies”. It is worth to mention Richardson’s assertion: “it might be a mistake to look for the existence of one European Union policy-making model” (Richardson, 2006, pp. 211-220), even if the data indicate the prevalence of the features of a model in Western Europe.

European policy-making is a very complex process due to the diversity of actors involved and the nature of their competences (exclusive, shared, support, coordination and supplement). In order to understand and to study these policies, researchers have appealed to the theoretical tools of comparative policies, formal and informal models taken from rational choice theory (for example, the model of the principal-agent, or the mandatory-agent).

The most EU policies are found in the form of directives, allowing in this way to different domestic systems to find their own methods of implementation in order to achieve their goals.

The practice allowed the identification of some ways for the EU policy-making, because Europeanization does not unify – the features of national process are spreading in the EU, and the differences between the Member States are reflected in EU policies and their implementation.

The specialised studies (Wallace, Wallace, Pollack, 2005, p. 47) systematize these practices in five methods: (1) the classical Community method; (2) the EU regulatory method; (3) the EU distributional method; (4) the policy coordination method; (5) the intensive transgovernmentalism method (see Tabel 3).

Table 3

The main methods of EU policy making

Method name	Particular features	Comments
classical Community method	1. a strong role of the Commission in the design, negotiation and implementation of the policies;	1. the method was defined in the 1960s having the common agricultural policy as a model.
	2. the strong support of the interested parties, by introducing them in a European process that offers better rewards than the domestic policy;	
	3. the strong role of the Council of Ministers – decisional actor through the method of majority qualified by the votes (QMV);	2. the model is structured in a functionalist logic, including the actors interested in a particular sector. The structure was

	<p>4. the engagement of the national agencies as executive bodies subordinated to a mutual agreement;</p> <p>5. the weak involvement of the European Parliament - Advisory;</p> <p>6. the occasional but significant interference of the European Court of Justice;</p> <p>7. the collective EU policy-making process;</p> <p>8 a strong level of centralization;</p>	<p>mediated by a form of politics in which the political and economic elites were co-operating to promote their various interests.</p> <p>3. the model is a form of "supranational" policy-making with a hierarchical, centralized and institutional process, with a clear delegation of the powers and seeking a positive integration.</p>
EU regulatory method	<p>1. Commission meets the quality of an architect and guardian of the regulatory standards;</p> <p>2. The Council is the forum of agreement for the minimum standards and of guidance for the harmonization - co-legislator (QMV);</p> <p>3. The European Parliament emphasizes the role of the non-economic factors within the co-legislator process;</p> <p>4. European Court of Justice and the Court of First Instance are the means of ensuring the uniform application of the rules;</p> <p>5. stakeholders have the opportunity to be consulted and to influence the form and the content of the rules;</p> <p>6. a varied level of centralization;</p>	<p>1. it is a successor of the traditional Community method, its roots being found in the Treaty of Rome's vision of eliminating barriers between national economies of the Member States.</p> <p>2. the method has been applied mainly in the EU policy in the field of competition and for the achievement of a single market without internal barriers.</p> <p>3. the negotiation process within and through the European Commission and the Council of Ministers have helped the decisional domestic factors to overcome some political constraints that had created some difficulties in the domestic policy making.</p>
EU distributional method	<p>1. Commission has the role of an editor of the programs in partnership with the local, regional and other stakeholders;</p> <p>2. MEPs are an additional source of politically regional pressure – limited impact;</p> <p>3. Member States of the Council agree on a budget with some distributive elements – decisional actor by the use of unanimity;</p> <p>4. The European Court of Justice has a marginal role;</p> <p>5. enhancement of the powers for the local and regional authorities;</p>	<p>1. the method is also known by the term "multilayered governance" helping to enhance direct contacts between European and sub-national levels.</p> <p>2. the domestic political regimes of the Member States have been partly redesign after the European policy-making through which the financial incentives could have influenced the new relationships.</p>

	6. actions to attract some other stakeholders in the EU policy-making;	
	7. the reorientation of the budget towards actions of increase of the cohesion;	
	8. a strong but limited level of centralization;	
policy coordination	1. Commission is endowed with the quality of creating networks, consisting of experts, interested actors, the civil society;	1. the method is based on the accumulation of experience and technical arguments in favor of developing a common approach.
	2. the involvement of the Council with a structure for the development of the activities of brainstorming or deliberation;	2. the creation of a single monetary policy, the adoption of the Lisbon Strategy, which strengthens the role of the "open cooperation method" and the recognition of the discrepancies between countries in terms of policy and economical performances determined the enhancement of the coordination policy technique.
	3. the involvement of some independent experts to promote the ideas and techniques;	
	4. the involvement of some specialized committees of the EP in the depth analysis of the policy issues;	3. one of the adverse implications of the method is the pronounced dispersion of political responsibilities between the relevant actors so that sometimes it is difficult to establish the responsibility of an actor.
	5. moderate level of centralization;	
intensive transgovernmentalism ⁽¹¹⁾	1. the active involvement of the European Council in the establishment of the overall setting policy;	1. defines the areas of the policies included in the pillars second and third.
	2. the predominance of the Council in strengthening the cooperation;	
	3. Commission shares with the Member States the right of initiative;	
	4. Parliament has a consultative role, sometimes is even absent;	
	5. European Court of Justice plays a minor role;	2. it is a method of policy making in other organisations, such as NATO.
	6. the involvement of a distinct group of decisional domestic factors;	
	7. the lack of transparency process towards the national parliaments and citizens;	
	8. a low level of centralization;	

Sources: (a) Adapted from Wallace, H., et al. "Policy Making in the European Union
(b) http://europa.eu/scadplus/glossary/community_intergovernmental_methods_en.htm.

The presence of various methods of policy making is the result of several factors, including: the progress of the European Union construction, changing of domestic policy making processes, the evolution of the economic and the social behavior. Outlining the main idea of this paragraph, we have to note that any of these methods has a certain impact on the domestic policy making.

Scholars (Börzel, Risse, 2000, pp. 15-19) have developed rational or constructivist mechanisms through which the EU may influence the domestic policy, of which we exemplify: confinement of national alternatives, reshaping the domestic identities and preferences by the introduction of new rules and practices. The rational perspective interprets the EU policy-making as a process of negotiations between the key actors (supranational and/or national), each of them seeking to maximize the expected utility based on fixed preferences and within the content of some formal institutional constraints of the EU (Wallace, Wallace, Pollack, 2005, p. 43). It is important to note that the system of the European policies as a unit might differ over time, especially because of the various transformations of the EU.

III. The changes of the policy-making in Romania

The changes on the Romanian political scene, but also those on the international and European level had an impact on the domestic policy making. As for Romania and the other 26 European nations (Member States) at least two policy systems coexist – the domestic and the European system.

The erosion of the domestic sovereignty also involves the “corrosion” of the exclusive competences of the Member States to decide on the domestic policy. In European policy-making process both the EU institutions and the Member States are important, whose roles and influence are determined by the type of power. For example, in taxation, taxes, the national states have most powers, unlike the field of the competition where the EU has greater powers than the Member States. The European Union has enhanced the skills on the environmental policy, leading to an evolution of the EU powers.

However, one thing is certain, before and after 1990, namely the Government had to choose between taking or not taking an action to solve a domestic issue. The main difference is the different perspective on the decision-making process. In the post-revolutionary period, the policy-making took the form of a unilateral, rigid and hyper-centralized process (top-down). During the transition period, the vertical of the power was separated, and under the pressure of some various interest groups and civil society (Vlăsceanu, 1995, Zamfir, Zamfir, 1998, pp. 67-74), the mechanisms of carrying out public

policies has become more horizontal. The results of the evolution of policies in Romania outline two distinct phases of reform: the 1991-2000 period and the 2000-2010 period.

III.1. The public policies in the 1991-2000 period

Once with the denunciation of the totalitarian system, since 1989, the political system has open towards liberalization and public participation. As a result of the economical liberalization, the political pluralism and the diversification of the public decision methods, the intensification of the demand for public policy occurs. The confirmation of a new beginning takes place in 1991, with the adoption of the Constitution, Romania being governed by “rule of law” (The Constitution of Romania 1991, art. 1, align. 3). In line with the goal of this analysis, we consider that it is important to present a few relevant moments in the history of Romania, confined to this particular period. In this respect, we consider the year 1993, when Romania signed the Association Agreement with the EEC and EAEC, acquiring the status of an associated state. The importance of 1993 moment derives also from the EU assertion about enlargement and access conditions for the membership set-up in Copenhagen⁽¹²⁾. In 1995, Romania was applying for candidacy⁽¹³⁾, so that two years later, in 1997, upon of a favorable opinion of the European Commission, shifted from the associate state status to a candidate state status. As a consequence of the acceptance of application for membership, the European Council announces that since 1998, the Commission will make periodical monitoring reports on Romania's progress according to the criteria set up at Copenhagen.

Returning to the field of public policies, theorists have considered the period from 1990-1995 as a period of “unstructured searching”. In a metaphorical formula we could say that only now the meanings of public policies are “discovered”, offered by the pioneers of the science of policies (Lasswell, 1951) (in Lerner, Lasswell (eds.), 1951, pp. 3-15, Gunn, 1984, translation 2000). During that period, some institutions have been rebuilt, while others were borrowed from the Western democracies and adapted to the domestic and cultural context. We remark the increasing involvement of trade unions and employers in the policy making and public policies communities. Unlike modern societies, the initial communities were closed networks formed mostly by specialists – civil servants specialized in different sectors and cross-cutting areas, representatives of the economic environment – from the state enterprises, as well as private enterprises and, in some cases, representatives of the main trade union groups (Craciun, Collins, 2008, p. 43).

Describing a more general context of public policy, Dye asserted: “the formulation of the public policy takes place within the bureaucratic governments, the offices of the interest groups, the rooms of the legislative committees, within the meetings of the specialized committees” (Dye, 1995, translation 2008, pp. 40-41). According to our approach, we consider that the Dye’s assertion (2008) is an evocative description for the domestic context for the period under review. It results that the formulation of the public policy is represented by the world of the specialists, the “hidden” participants, the technocrats, the elites, as Ficher asserts (2000, pp. 47-48). Particular to the period in question is the distributive nature of the public policies, as well as their more legalistic nature; in other words, other practices and analysis tools are omitted and avoided than those provided by the particular instrument of regulation.

III.2. The public policies in the 2000-2010 period

Officially, the European Council decides to start the accession negotiations with Romania after an analytical examination of the *acquis communautaire* and the preparation of the positions for each chapter in 2000. The negotiations for accession started in 2000 and ended in 2004. The year 2005 situates Romania among the countries that have closed all the negotiation chapters, aspect that facilitates the signing of the accession treaty with the EU. Two years later (2007), the new status of Romania (EU membership) is institutionalized. Particularly in this period, Romania is trying to comply with the practices and the patterns of the EU. The reforming process of the public policies cycle aimed the transition from the normative-legal perspective to the analytical -managerial perspective.

European Commission emphasizes the objective of efficiency in the public administration, referring to the need to streamline the coordination of the public policies in 2000. Under the pressure of the European Commission's assessments and identification of the following deficiencies⁽¹⁴⁾: (1) the predominant legalistic approach of the policy making; (2) the insufficient coordination and correlation of the public policies with the budget, (3) the insufficient coordination of the policy making between the central and the local level; the limited capacity for the policy formulation; (4) the lack of a gradual and staged approach in the policy making; (5) the evaluation of the policies has not yet become a method of learning and adjusting the policies or the programs currently under implementation or those to be pursued; (6) the lack of a correlation in the design of the budget and the planning of the policies; (7) the involvement of the Romanian academia is still limited; in the second stage we

could discuss about the development of a broad process of reforming the methods of the policy making (Grabbe, 2008, p. 73). It is pointed out the orientation towards policy analysis, the discovery and the increase of their attention on particular instruments, the defining element being “the phenomenon” of the transfer of public policies, practices, tools, mechanisms, models and principles. Undoubtedly, the policy of the EU’s enlargement automatically implies the coercive transfer of European policies towards the member or the candidate states (Iancu, 2010, p. 94).

The need of reforming the domestic policy making is completed by the conclusions of the State Reports of the European Union, corresponding to the years 2003-2006, that have reshaped this necessity. The first answer of Romania to the requirements imposed by the European Union’s reports consists in the commitments made in the “Programmatic Adjustment Loan (1) of the World Bank” (World Bank 2004, World Bank, 2008, pp. 12-20) regarding the adoption of the procedures for development, monitoring and evaluation of the public policies as part of the reforming policy-making. PAL 1 was embodied to assist the Government in order to achieve its objectives from the Government Program in 2007. Actors like the World Bank, the International Monetary Fund, the European Commission and other partners have largely contributed to PAL establishment. The component on policy-making takes the shape of a sub-component in the “Public Sector Reform” and it aims the improvement of the predictability and effectiveness of the governmental policies. The activities for achieving this goal have started with PAL 2 (World Bank, 2004 World Bank, 2005) when the General Secretariat of the Government, through the Public Policy Unit, accepted the terms and conditions. Moreover, Romania adopted a new procedure for the policy-making in line with the World Bank. A decisive role in the reconstruction of the domestic policy-making is played by the European Commission which sustains the approach through the instrument Phare Twinning Program RO2003/IB/OT/10, 2003/005-551.03.03 “Strengthening the institutional capacity of the Romanian Government for managing public policies and the Decision-making process”⁽¹⁵⁾.

Romania’s efforts outline two directions of action: (a) the reform and the development of the institutional structures and (2) the enhancement of the legal and procedural framework.

III.2.1. Reform elements regarding the structural dimension

Regarding the structural dimension we note the creation of some new organizational structures, also considered the main active factors from this area. The main authorities involved in the policy-making process are (see Table 4):

- The General Secretariat of Government → The Department of Public Policy;
- The Line Ministries → The Public Policy Units at the level of the Ministries;
- The Inter-Ministerial Permanent Councils;
- Non-governmental organizations, other research institutes and centers.

In November 2003, by the Prime Minister's Decision no. 25, within the General Secretariat of Government, the Directorate of Public Policy was created as a Unit of Public Policy, in order to “enhance the system of development, coordination and planning of public policies at a central level⁽¹⁶⁾”. In order to achieve its goal, the Directorate for Public Policy has outlined the following objectives: (1) the efficiency of the public policies, (2) increasing decisional transparency, (3) the superior foundation of the policies (for example, the assessment of budgetary, economic, social impact etc. (4) the improvement of the consulting system between the institutions of the central government, (5) creating a connection between the planning of public policies and the elaboration of the budget, (6) the development of the methodologies used in the evaluation and monitoring of the public policies.

The Line Ministries have the mission to elaborate the proposals of public policies, to implement the public policies and to monitor their implementation and results. Thus, ministries must make use of the feedback function to achieve a continuous improvement in the implementation and development of new policy proposals. These tasks are performed by the units of the public policy within each ministry. According to the GD no. 775/2005 provisions, the units of the public policy are established within the Ministry by the order of the institution’s Head, comprising public managers, advisers on integration, contractual staff and civil servants.

Table 4

The main actors involved in policy-making and their main tasks in the field of public policy

Institution name	Its main tasks in the field of public policy	Information source
The General Secretariat of the Government through Public Policy Department	1. it establishes the methodological and organizational framework for the system of planning, elaboration, implementation of public policies at the level of ministries and other special bodies of central public administration, assuring: (a) elaboration of the system of planning and formulating public policies, of conceptual documents and	<i>The Government Decision no. 405 / 2007 on the functioning of the General Secretariat of the Government, updated form until 28 October 2010, art. 1 and art. 3.</i>

	<p>regulations regarding the elaboration of public policies and their permanent improvement; (b) application of the public policy formulation procedures and the presentation and motivation of the draft legislation; (c) monitoring and assessment, using indicators of performance and other techniques, of efficiency of the process of formulating public policies;</p>	
	<p>2. establishes the general framework for defining the Government's priorities and aims to correlate them with the public policy, ensuring: (a) the Prime Minister regularly informing on the progress and the quality of public policy documents prepared by the ministries;</p>	
	<p>3. assures the methodological support and consultancy to the ministries regarding the public policy formulation. In this sense, it: (a) collaborates with the units of public policies inside the ministries; (b) assists ministries in implementing the procedures for formulating public policies; development, present and motivate the draft legislation; (c) identifies the necessity for professional training of the personnel involved in formulating public policies in regard to instruments, methodologies and skills of planning the public policies;</p>	
	<p>4. assures the technical secretariat of the Superior Council for the Reform of the Public Administration, the coordination of the Public Policy and the Structural Adjustment. In this sense, it: (a) collaborates with the units of public policies inside the ministries; (b) assists ministries in implementing the procedures for formulating public policies; (c) identifies the necessity for professional training of the personnel involved in formulating public policies in regard to instruments, methodologies and skills of planning the public policies;</p>	

<p>The Line Ministries through Public Policy Units</p>	<ol style="list-style-type: none"> 1. ensure the consultancy of the specialized departments within the ministries regarding the development of public policy proposals; 2. monitor the enforcement of the procedures adopted by the current Regulation within the ministry; 3. are responsible for sending the proposal of public policy public to the Unit of public policy within the General Secretariat of Government; 4. develop monitoring and evaluation reports on public policies initiated and implemented at the ministries level, in cooperation with the specialized departments; 	<p><i>Government Decision no. 775/2005, regarding the approval of procedures of elaboration, monitoring and assessment of public policies at central level, amended by the Government. Decision no. 1226/2007, art. 11</i></p>
<p>Inter-Ministerial Permanent Councils</p>	<ol style="list-style-type: none"> 1. find solutions for specific problems; 2. assure the coherence of the implementation of governmental policies from respective areas of interests; 3. assure the inter-ministerial communication inside the respective field as well as the harmonization of opinions; 4. coordinate the monitoring of implementation for promoted policies; 5. elaborate periodical reports; 6. monitor the activity of the inter-ministerial commissions and of subordinated working groups; 	<p><i>GD no. 750/2005 regarding the creation of permanent inter-ministerial commissions amended, by GD no. 98/2010, art. 2</i></p>
<p>Non-governmental organizations through The Institute for Public Policy</p>	<ol style="list-style-type: none"> 1. advocate for the high quality level of the policy-making in Romania; 2. conduct research, advocacy and promotion in areas such as: public administration reform, transparency of institutions. 	<p><i>http://www.ipp.ro/pagini/despre-ipp.php, accessed on 19 November 2010</i></p>

In principle, the new institutional arrangements suggest a more organized public policy making.

However, we must remark that the legislation remains the main instrument for the operation of the public policy making.

III.2.2. Reform elements regarding the procedural dimension

Regarding the procedural-legal component of the policy-making, the increasing number of legislative instruments is specific to the reported period. The debut of the process is marked by the completion in May 2004 of the “Guide for policy-making at the central level”, with the support of the Department for International Development of the UK Government.

In the following year (2005) the Decision no. 775/2005 of the Government was adopted, regarding the approval of procedures of elaboration, monitoring and assessment of public policies at central level, aiming an improvement of the following aspects: the coherent and cohesive policy-making framework; the adequate technical substantiation, including compulsory impact studies for each alternative identified for the public policy proposal; the institutionalization of some unique forms for compliance by all the initiators of the public policy. The Decision no. 775/2005 of the Government is a reference document in the field of public policy and it introduces formally the concept of public policy in the Romanian public administration.

Aiming the enhancement of the measures covered by the GD no. 775/2005, the Government Decision no. 1361/2006 was issued in 2006, regarding the content of the instrument for presentation and motivation of the draft legislation submitted for the Government approval, and in 2009 Government Decision no. 561/2009 was issued approving the Regulation of the procedures at governmental level for the development, approval and submission of draft policy papers, draft legislation and other documents, in order to be adopted/approved. In 2009 the legal rule is trying to clarify better the documents of the public policies and the procedures to be followed for their preparation and endorsement. A specificity consists in the fact that the Government has approved both the enactment and the public policy documents. Under the provisions of the old rules, the government only agreed to implement the enactment of the public policy’s option.

Moreover, for the deepening of the legislative reform in the field of public policy, the Law no. 24/2000 was amended, regarding the legislative technique for elaborating the legal acts. We recall in this context the development of two other major documents related to the area of public policy: the Law no.

544/2001 regarding the free access to information of public interest, published in Official Journal of Romania no. 663/23, October 2001, and the Law no. 52/2003 regarding the decisional transparency in public administration, published in Official Journal of Romania no. 70 / 3 February 2003. In this institutional and legislative framework, the policy making is characterized by the principles applicable to the European space: (1) the existence of a legislative framework which is general, valid and coherent for the policy making; (2) the autonomy of the ministries in policy making; (3) the inter-ministerial character of the policy-making.

The literature concludes (Matei, 2007, pp. 9-11, Matei, 2008, pp. 45-46) that the principles which form the basis of the public policies system are reflected in the following actions: (1) the principle of participation and transparency – the various actors involved in the domestic policy planning; (2) the principle of continuity and coordination – ensure the updating and the coordination with other initiatives; (3) the principle of responsibility – the actors involved in formulating public policies at various levels must take responsibility for the results; (4) the principle of subsidiarity – involving actors which are being located closest to the level regulated through the public policy; (5) the principle of good governance – the government's ability to respond in a timely manner to situations arising from the need of satisfying certain public needs, ensuring the fulfillment of the three E (effectiveness, efficiency and economy of the resources); (6) the principle of cooperation and coherence – the ability of the actors to achieve relations of co-operation and consultation on public policy issues. The synthesis of institutional and legislative changes can be found explicitly or implicitly in the procedure of policy-making, plotted in the figure below (Figure 2):

The policy-making process in Romania

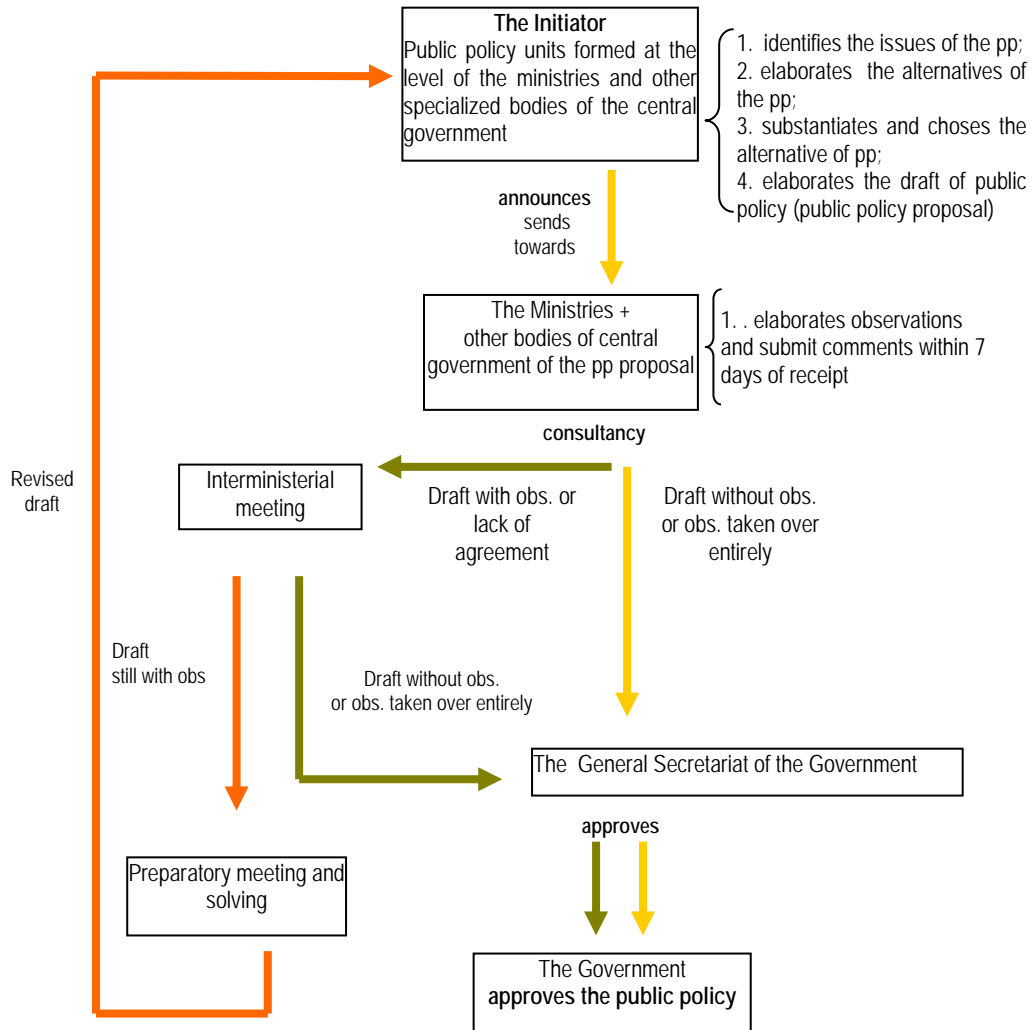


Figure 2. Interpretation based on the GD no. 775/2005 regarding the approval of procedures of elaboration, monitoring and assessment of public policies at central level

Conclusions

The analysis has emphasised that the reforms in the field of public policies have been driven primarily by the aim of EU accession and the requirements of membership. The implications of the European Union in the development of the domestic policy making were not of a "hard" nature, as the EU opted to use the guidance and coordination practices, avoiding the coercive practices (Grabbe, 2008, p. 75). Although it is estimated that in Europe there is a proper space for the unification of the public policies, the models differ from one state to another due to the specific realities of the Member States, culture, traditions, resources, economic development levels, mechanisms and instruments promoted by the domestic public policies.

Knill and Lehmkuhl (1999, p. 1) assert the relevance of the three mechanisms through which the impact of the European Union is being performed on the domestic institutional arrangements and the domestic policy making: (1) a positive integration, (2) a negative integration, (3) the framework-integration. Analysed comparatively, Annette Elisabeth Toller speaks about the existence of other three mechanisms: (1) Europeanization by adaptation, (2) Europeanization by learning and (3) Europeanization by avoidance (Töller, 2004, p. 3).

At present, Romania, on one hand, is widening the process of EU policy-making, as the other Member States, and, on the other hand, is coordinating its domestic policies, in accordance with the Open Method of Coordination. Some of the changes involved in the domestic policy making are due to the transposition into the internal order of the directives, regulations or decisions of the Union, under the sanction of the European Court of Justice.

Page and Wouters (1995, pp. 185-204) conclude in their study that "the power from Brussels" allows the existence of a transfer mechanism of the best practices towards the level of the domestic administrations, influencing the domestic public policies through Europeanization. The Europeanization of public policies can affect all the elements of a policy: the actors, the resources, the policy instruments, even its own style. The impact of the EU policies has been conceptualized in various models, some of them being the input-output model for local development (Matei, 2007, pp. 39-49), the model of administrative cost assessment. The national administrations have been encouraged and supported in developing the mechanisms of participation and coordination of their representatives' actions at the level of the European Union (Matei, 2010, pp. 15-16).

Notes

- (1) To prevent any misinterpretation we mention that the criterion according to which the definitions are exposed takes into account the chronological order of works and not their content importance, all definitions being valuable for the understanding of this complex phenomenon, Europeanization.
- (2) Treaty of establishing the European Community of Coal and Steel available online at: http://europa.eu/legislation_summaries/institutional_affairs/treaties/treaties_ecsc_en.htm, accessed on 9 December 2010. We have to keep in mind that the Treaty left the force in 2002, because it was done only for 50 years.
- (3) The Treaty regarding the establishing of European Economic Community and the Treaty regarding the establishing of European Community for Atomic Energy are available at: <http://eur-lex.europa.eu/en/treaties/index.htm>, accessed on: December 9, 2010.
- (4) The Common Agricultural Policy is a policy that is in continuous evolution, in recent years the legal texts being shortened and adapted for a easier understanding. The most recent measure taken in this sphere took place in 2008, being known in literature and at the institution's level as "monitoring the health of agricultural policy", whose greatest benefit lies in the possibility of CAP's adaptation to new challenges and opportunities.
- (5) The Maastricht Treaty is available online at: <http://eur-lex.europa.eu/en/treaties/dat/11992M/htm/11992M.html#0001000001>, accessed on December 10, 2010.
- (6) Treaty of Amsterdam is available in electronic format at: http://eur-lex.europa.eu/en/treaties/dat/11997D/tif/JOC_1997_340__1_EN_0005.pdf, accessed on December 11, 2010.
- (7) For more details regarding Petersburg tasks see: http://europa.eu/legislation_summaries/institutional_affairs/treaties/amsterdam_treaty/a19000_en.htm, accessed on December 11, 2010.
- (8) Treaty establishing a Constitution for Europe, can be accessed at: http://europa.eu/scadplus/Constitution/introduction_en.htm; <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?s=OJ:C:2004:310:0055:0185:EN:PDF>, accessed on 12 December 2010.
- (9) The guide on Lisbon Treaty is available at <http://ec.europa.eu/publications/booklets/others/84/ro.pdf>.
- (10) It was considered a consolidated form of each Treaty on 03/30/2010.
- (11) The intensive transgovernmentalism method envisages the intergovernmental cooperation between Member States on delicate issues in which the EU competence is very low or it is even missing. The option for use of the term "transgovernmentalism" is the result of the emphasized idea that the Governments of the Member States were prepared especially for a commitment of cooperation, as it actually explains Wallace, H., in his assertion "The policy making in the European Union", p. 83. Furthermore, we have to keep in mind that this method is used within the content of the second and third pillar, while the other methods are specific to the first pillar.
- (12) European Council from Copenhagen established in the task of the candidate state the following criteria: (1) stable institutions guaranteeing the democracy, the rule of law, the human rights, the respect and the protection of the minorities, (2) an economy of functional market and also the ability to face to the competitive pressure and the forces of the market

within the Union; (3) the ability to assume obligations arising from EU membership, including the adherence to the aims of political, economic and monetary union. They are available online at: http://ec.europa.eu/enlargement/the-policy/conditions-for-enlargement/index_ro.htm, accessed on December 14, 2010.

- (13) Also now there is a new meeting of the European Council in Madrid, adding a fourth criterion, namely, a candidate state should be able to implement the Community rules and procedures of the EU. The adhesion also requires that the candidate state must have the necessary conditions for its integration by adapting its administrative structures; the criterion is known in the doctrine as the “enhanced administrative capacity”.
- (14) See http://www.mie.ro/_documents/public_policy/useful_informations/elaboration_pp.pdf accessed on December 14, 2010.
- (15) “Strengthening the institutional capacity of the Romanian Government for managing public policies and the decision-making process”.
- (16) See http://www.sgg.ro/index.php?public_policy, accessed on December 15/2010.

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