Logos Universality Mentality Education Novelty: Economics and Administrative Sciences
ISSN: 2284-5984 | e-ISSN: 2501-0425
Covered in: ERIH PLUS, CEEOL, Index Copernicus, CrossRef, CrossCheck, J-Gate, Google Scholar, Ideas RePeC, Econpapers, Socionet, KVK, WorldCat.

2022, Volume 7, Issue 1, pages: 67-76 | https://doi.org/10.18662/lumeneas/7.1/36

Opportunities and Challenges Regarding the Development of the Administrative Capacity from Romania. The European Integration and the Influence on the Elaboration Process of the Public Policies

Miroslav TAŞCU-STAVRE[1]

[1] Lecturer PhD, Cultural Studies Department, Faculty of Letters, University of Bucharest, Romania.

Abstract: The present paper aims to capture the manner in which the public administration of Romania evolved during the post-communist transition period. Likewise, this approach intends to identify the challenges and the opportunities associated with the adaptation and increase of the Romanian administrative capacity in the context of the adhesion to the European Union.
The aim of these changes was the shift from a controlled, political administration to a democratic one. As we will observe, the institutionalization of the formulation, implementation and evaluation systems of public policies in Romania is directly linked to the efforts of integration in the European Union and, implicitly, to the reform of the administrative system.
The hypothesis that we support is the following – the development of the administrative capacity and the reform of the public system was stimulated from outside the central administration and under the pressure of the obligations arising from the status of a Member State of the European Union.
Unfortunately, in Romania, despite the changes made at central levels, the reform of the administration has not brought an improvement in the planning or implementing of the policies.
In terms of policy evaluation, things do not seem to be any better, the culture of evaluation, the satisfaction of the public interest or the improvement of the activity remaining the exception rather than the rule, despite the constant support provided by European-funded programs.

Keywords: *policy evaluation; administrative reform; european governance; european cooperation; european integration.*

How to cite: Taşcu-Stavre, M. (2022). Opportunities and Challenges Regarding the Development of the Administrative Capacity from Romania. The European Integration and the Influence on the Elaboration Process of the Public Policies. *Logos Universality Mentality Education Novelty: Economics and Administrative Sciences, 7*(1), 67-76. https://doi.org/10.18662/lumeneas/7.1/36

©2022 Published by LUMEN Publishing. This is an open access article under the CC BY-NC-ND license http://creativecommons.org/licenses/by-nc-nd/4.0/

The European Union between multilevel administration, guidance and governance

In order to understand how these changes have taken place, certain aspects of how European Union functions need to be mentioned. The European construction study was treated equally from the perspective of international relations as well as from a comparative political science perspective.

The first studies see the European Union as an international organization, while the others regard this system as a construction of a state. The ambiguity of this construction is linked to the powers of this structure which can make binding decisions for Member States, it is true, in those policy areas where all the States have agreed. Its decision-making system incorporates the role of territorial units – the governments of a Member States – to a different extent than the way a federation operates. Thus, more and more researchers believe that this *sui generis* construction combines the features of an international organization with those of a state (Sbragia, 2006). For Tarrow, "the European Union is best viewed as a composite state formation, which I define – according to historian Wayne Te Brake – as a system of shared sovereignty, partial and uncertain political autonomy between levels of administration and models of competition combining territorial and substantive issues" (1998, p. 1).

Of course, this new entity in which hierarchical relations are not the norm but rather a wide variety of networks has provoked debate among analysts, debates that have generated a whole literature on the "new administration". A number of models have been outlined to explain how public policies are formulated at European level. For reasons of space, we will mention these theories and succinct models. In Mirela State's (2007, p. 79-83) opinion, we distinguish between the model of decision-making networks, the model of analysis levels, the model of aggregation of preferences and the model of transformation of preferences and the model of intervention forms and mechanisms for stimulating implementation What all of these models have in common is the idea that the hierarchical model of government based on coercion no longer provides satisfactory explanations for how policies are implemented.

In the debate about the transformations that have occurred with the institutional transformations generated by the Treaty changes, a privileged place is occupied by the multi-level governance system, which is built in close connection with the institutional framework on common policies. This system requires a high degree of vertical and horizontal integration and is

part of the European Union's integrated effort to make governance more democratic and efficient, making it more legitimate to represent citizens. According to Simon Hix (1994), "the new (European) administration involves multi-level, non-hierarchical, deliberative and apolitical administration through a complex intertwining of public/private networks and quasi-autonomous executive agencies" (Hix, 1998, p. 56). At European level, the concept of governance arises in the context of defining the new role of regions within the European Union. The discussion of a Europe of the Regions takes shape with the Maastricht Treaty (1992) and aimed at increasing the importance of regions as factors for the development of the European Union. The mechanisms through which this was to be achieved were not necessarily aimed at decentralization, but at partnerships between regional and national levels through the Structural Funds. Implicitly, this vision involves negotiating between different levels of decision-making and creating networks of public policies. In fact, the entire reform process after Maastricht is the consequence of a larger process. The critical debates about the role of the European Commission in the policy formulation process are older. They reproached the Commission for being too bureaucratic, for not being sensitive to citizens' priorities or for serving certain interest groups (States, 2007).

As a consequence of the institutional design changes at supranational level, in Western European countries there is a process of transformation of regional development policies that has as objectives: decentralization of competences, reducing transaction costs, increasing the number of decision-makers in order to make the governance process more efficient and optimizing institutional cooperation. Basically, since the Single European Act (1986), European integration has become a process in which some of the powers of central governments have shifted to regional levels (Chiriac, 2009). The changes made with the Single European Act were complemented by the reform of the Structural Fods (1998). This is how the visions of the development of intergovernmental origins from the early 90 are practically redefined. This vision was founded on the idea that European integration does not affect the autonomy of nation-States and that sovereignty is strengthened through integration, with supranational institutions helping States in the process (Marks et al., 2006). In contrast to this model, "governance is thus a mix of multiple efforts between socio-political, public, private actors intersecting at different levels of government. Responsibilities, tasks and governance activities are dispersed by central authorities to local institutions, the market, civil society, with which they interact (Anghel, 2015).

In European countries, structural reforms in the European Union's regional policy have overlapped a series of measures started a decade earlier in 80 in the context of welfare state development and public administration reform. Unfortunately, the same cannot be said of the Southeast European States that were undergoing a process of multiple transition from a centralized, hierarchical model to a decentralized and democratic one.

Administration reform in the process of accession to the European Union

The development of effective governance mechanisms in Central and Eastern Europe similar to those in Western Europe is problematic in several respects. The changes needed for a successful implementation of a multi-level governance system are dependent on a number of preconditions. According to Chiriac (2009), these preconditions are: Decentralization and reconstruction on new bases of fundamental social functions, the existence of a strong civil society and the transparency of the public sphere. Not only for Romania, but also for the other post-communist States, the public agenda was occupied by topics related to the observance of the conditions imposed by the European Union for obtaining the status of Member State According to the Copenhagen criteria (1993) these conditions involve:

• stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities;

• a functioning market economy and the ability to cope with competition and market forces within the EU;

• the ability to assume and implement effectively the obligations associated with membership, including the objectives of political, economic and monetary union

As with other States, Romania has been evaluated periodically, the subject of monitoring including as expected the public administration reforms. What further complicated the reform process in the public administration was also the fact that there is no single model for public administration at the level of the Member States of the European Union, such as in the regulations of the acquis communautaire (Bondar, 2007). Basically, the public administration reform in Romania, but also in most post-communist States, was determined by external pressures as a result of assuming the political objective of joining the European Union. The aim of these transformations was to move from an administration at all levels under political control to a democratic one, based on efficiency, transparency and participation. In most central and eastern European countries, the reforms

were made with the support of other international organizations (the Mondial Bank and the International Monetary Fund), the main financier being the European Commission.

In Romania, the acceleration of reforms in the public administration is the adoption of the strategy on speeding up the public administration reform of 2001 followed by a similar strategic document for the period 2004-2006. These documents propose addressing the reform on three levels: Decentralization, public service reform and improving the process of formulating public policies at central level. Decentralization involves the transfer of powers from central to local level, a process which also implies that the state no longer assumes the task of administration itself, but shares it with other categories of entities. The decentralization system aims to replace the hierarchical model, vertically, with pluralism and horizontal coordination. In essence, the decentralization process aims to provide opportunities for local development as local authorities tend to act according to local preferences. It also provides more transparency and accountability in the allocation and spending of funds.

Unfortunately, in Romania, the administration reform that created new institutions at regional level did not bring an improvement in the planning and implementation capacity of policies. This is because the regions resulting from Law 315/2004 represent associations of counties without legal personality, with statistical purposes, used for the management and implementation of pre-accession and post-accession funds (Anghel, 2015). A positive thing at the level of public administration, in the context of the Strategy for accelerating the administrative reform 2001-2004, is the introduction in the Romanian space of the concept of public policy. In this regard, the strategy expresses concern for the evaluation of the impact and effectiveness of policies, and the public Policy Unit was established within the General Secretariat of the Government (Stăvaru, 2015). Perhaps the most important benefit of introducing the term public policy at the level of the central administration is the change of vision for civil servants, by the type of responsibility assigned to them, namely, that they are no longer mere executors of administrative measures, but suppliers of an expertise that substantiates official positions Practically, by the obligation to draw up public policy documents, it is aimed at changing an administrative tradition of a legalistic type with one in which the approach is responsible for solving a problem of public interest.

Unfortunately, despite the sensitive improvement in the situation, the results of this reform process have been unsatisfactory. The European Commission's monitoring reports cited limited progress and a new strategic

framework for the period 2004-2006 was adopted. The priorities of the new strategy were to substantiate and correlate public policy proposals through formalized procedures, which led to the adoption on June 17, 2005 of GD 775 for the approval of the Regulation on procedures for the elaboration, monitoring and evaluation of public policies at central level. The process of creating an institutional framework continued in 2006 through the adoption of GD 870 of June 28, 2006, through which the Romanian Government approved the Strategy for improving the system of public policy development, coordination and planning at the level of the central public administration. The legislative changes aimed at creating a new administration and regulatory experience at the level of central public administration. However, this experience at the level of local authorities remained limited due to the fact that the legislation did not concern the level of local public administration. The stimulation of the reform process was supported by the European Commission through pre-accession financial instruments. We can say that in Romania too, the public administration reform process involved the adoption of regulations, in response to the recommendations of the EU or other international organizations and less ideological choices regarding contextual ways of increasing administrative capacity (Goetz, 2001).

Monitoring and evaluation of public interventions in the context of Romania's accession to the European Union

A final aspect regarding the implementation of the public administration reform is the state of development of a practice of evaluating public interventions. GD 775/2005 made it mandatory for monitoring and evaluation of public policies by central public administration authorities. The criteria for evaluating a public policy shall aim at: The extent to which the results of implementation correspond to those set out in the formulation stage, the ratio of the costs of achieving the results and expected results, and compliance with the content of the activities and deadlines set. Another normative act that provides for the introduction of monitoring and evaluation activities is GD 870/2006 for the approval of the Strategy for the improvement of the public policy development, coordination and planning system at the level of central public administration. Under this Regulation, instruments are provided for ensuring a coherent system of public policy formulation, as well as the structure of policy documents which must include ex-post evaluation, performance indicators and the existence of procedures for monitoring and evaluating them. According to Cerkez (2009) in Romania

there were two approaches on how monitoring and evaluation work should be introduced. A first legalistic approach supported by the Central evaluation Unit of the Ministry of public Finance through the national evaluation Strategy envisages the elaboration of a law that would provide for the mandatory evaluation (**Sensi** & **Cracknell**, 1991). This approach was supported by the fact that the European Union Regulations on the Structural and Cohesion Funds need to be transposed precisely. The second approach, supported by the public Policy Directorate of the General Secretariat of the Government, was based on a reduced regulatory system and emphasizes peer learning, organizing training sessions and using alternative tools (manuals and guides). In order to strengthen the framework of horizontal cooperation. Finally, the legalistic approach proposed by the Central valuation Unit was abandoned, mainly due to the successive restructuring of the institution (Stăvaru, 2015).

Several critical analyses of how the public policy assessment system in our country was institutionalized have highlighted a number of problems. According to Cerkez (2009, pp. 35-136) groups the identified problems into four categories:

• problems related to lack of resources (there are no financial and human resources allocated to specific activities

• problems with the use of monitoring results (results of evaluation actions are not used, there are no databases at ministerial level or are poorly organized)

• problems related to institutional weaknesses (few ministries can provide examples of good practice. There is a problem with the selection of performance indicators)

• structural problems of the administrative system (emphasis on normative acts and not on policy proposals)

Another analysis by Ana-Maria Stăvaru (2015) at the level of the ministries of the Romanian Government and the General Secretariat of the Government highlights a number of fundamental shortcomings, including:

• lack of budgetary allocations for public intervention evaluation activities, except for programs financed from european funds

• lack of assessment units and staff to deal exclusively with the coordination of evaluation activities

• the possibility that, in the current form, the regulatory framework can be easily circumvented because the responsibilities of the central public institutions regarding monitoring and evaluation are not clearly defined

Final considerations

The support offered by international organizations doubled by the system of conditionalities of the European Union contributed to the efforts to reform the public administration in most of the candidate countries in Central and Eastern Europe, including Romania. Unfortunately, Romania completed the creation of the regulatory framework for transforming the public administration later than other candidate countries, which, along with other unfulfilled conditionalities (negotiation chapter), delayed the accession to the European Union until 2007. As can be seen, the public administration reform in Romania has strengthened local and central authorities rather than regional institutions, which confirms that the elements of multinational governance have been selectively implemented. Despite the successes of implementing new models of public administration and management, the administration remains reluctant to change the traditional approach.

As for the system of evaluating public interventions, the system was also built under external impulse and did not evolve naturally. The demand for evaluation remains low at the level of the administration and we cannot yet talk about institutionalization and maturation of the evaluation system. Last but not least, there are important differences between programs and projects financed by European funds, where a practice of evaluation and policies financed from the national budget has been institutionalized.

References

Anghel, I. (2015). Guvernanţa multinivel şi rolul statului în era (post)modernă [Multilevel governance and the role of the state in the (post)modern era]. In I. Stănescu & C. Zamfir (Eds.). *România la răscruce: opţiuni pentru viitor Bucureşti* [Romania at the crossroads: options for the future Bucharest].Pro Universitaria.

Bondar, F. (2007). Reforma formulării politicilor publice [The reform of the formulation of public policies]. In F. Bondar (Ed.). *Politici publice şi administraţie publică* [Public policies and public administration]. Polirom.

Cerkez, Ş. (2009). Construirea capacităţii de evaluare la nivelul sectorului public din România [Building evaluation capacity at the level of the public sector in Romania]. In M. Cerkez (Ed.). *Evaluarea programelor şi politicilor publice: Teorii, metode şi practici* [Evaluation of public programs and policies: Theories, methods, and practices]. Polirom.

Chiriac, C. (2009). Emergenţa modelului guvernanţei multi-level în România [The emergence of the multi-level governance model in Romania]. *Revista*

Transilvană de Ştiinţe Administrative, *11*(23), 5-18. https://rtsa.ro/rtsa/index.php/rtsa/article/viewFile/118/114

G.D. no. 1006 of 4 October 2001 for the approval of the Romanian Government Strategy on speeding up the reform in public administration. https://lege5.ro/gratuit/geydsnbsgq/hotararea-nr-1006-2001-pentru-aprobarea-strategiei-guvernului-privind-accelerarea-reformei-in-administratia-publica

G.D. no. 699 of 5 May 2004 on the approval of the updated Strategy of the Romanian Government on speeding up the reform in public administration, 2004-2006. http://www.legex.ro/Decizia-699-2005-61463.aspx

Goetz, K. (2001). Making sense of post-communist central administration: modernization, Europeanization or Latinization? *Journal of European Public Policy, 8*(6), 1032-1051. https://doi.org/10.1080/13501760110098332

Hix, S. (1994). The study of the European community: The challenge to comparative politics. *West European Politics 17*(1), 1-30. https://doi.org/10.1080/01402389408424999

Hix, S. (1998). The study of the European Union II: the 'new governance' agenda and its rival. *Journal of European Public Policy*, *5*(1), 38-65. https://doi.org/10.1080/13501768880000031

Marks, G., Hooghe, L., & Blank, K. (2006). European Integration from the 1980s: State-centric vs Multi-level Governance. *Debates on European Integration: A Reader*, *34*(3), 341-378. https://doi.org/10.1111/j.1468-5965.1996.tb00577.x

Sbragia, A. (2006). Uniunea Europeană pe rol de cârmaci: administrare prin ghidare [The European Union as a rudder: administration by guidance]. In J. Pierre(Ed.). *Dezbateri asupra administrarii. Autoritate, dirijare si democratie* [Debates on administration. Authority, management and democracy]. Editura Ştiinţa.

Sensi, D., & Cracknell, B. (1991). Inquiry into Evaluation Practices in the Commission. In MONITOR Collection, *Office for Official Publications of the EC*.

State, M. (2007). Politicile publice europene. Actorii şi puterea lor de decizie [European public policies. Actors and their decision-making power]. In F. Bondar (Ed.). *Politici publice şi administraţie publică* [Public policies and public administration]. Polirom.

Stăvaru, A. M. (2015). *Întărirea capacităţii administrative: dezvoltarea sistemului naţional de evaluare a intervenţiilor publice în România : design organizaţional, cultură şi capacitate de evaluare* [Strengthening administrative capacity: development of the national system for evaluating public interventions in Romania: organizational design, culture and evaluation capacity]. Tritonic.

Tarrow, S. (1998). *Building a composite polity: Popular contention in the European Union. (Institute for European Studies working paper).* Cornell University.

The Government of Romania, judgment No. 775 of 4 July 2005, published in the Official Gazette No. 685 of 29 July 2005.