

Romania

The EU New Member States as Agenda Setters in the Enlarged European Union

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The publication is a product of the Open Society Institute – Sofia within the European Policies Initiative (EuPI) and the project “The EU New Member States as Agenda Setters in the Enlarged European Union”. This EuPI project has been implemented in close partnership with EUROPEUM Institute for European Policy, with funding provided by the Open Society Institute – Sofia.

About EuPI

The European Policy Initiative (EuPI) aims at stimulating and assisting the New Member States from CEE to develop capacity for constructive co-authorship of common European policies at both government and civil society level. As a new priority area of the European Policies and Civic Participation Program of Open Society Institute – Sofia, EuPI will contribute to improving the capacity of New Member States to effectively impact common European policies through quality research, policy recommendations, networking and advocacy. The initiative operates in the ten New Member States from CEE through a network of experts and policy institutes.

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The objective has been to map the positions and level of activity of the ten new EU Member States on a number of issues on the EU agenda; identifying the factors and drives behind these positions; looking at the level of political and public consensus and the influence of major stakeholders; outlining coalition patterns within the EU and, finally, trying to provide an outlook on possible change of these positions.

The countries have been classified on each of the policy issues as “Policy Takers”, “Policy Killers” or “Policy Drivers”, depending on their particular position and level of activity. In the classification of this study, Policy Takers are those states that usually follow the mainstream in the EU and in general accept whatever is offered from the EU. The Policy Driver is a country that assertively promotes an issue at EU level. A Policy Killer is a country that actively opposes the policy in question.

The research has been carried out by individual researchers in each of the ten new members on the basis of specially designed methodology, developed by EUROPEUM and major input from EuPI/OSI-Sofia. The seven policy areas under research are: I. Internal market/Lisbon Strategy; II. Minority integration and citizenship issues; III. Energy and climate change; IV. Budget review and CAP Health Check; V. EU foreign policy and enlargement; VI. Freedom, Security and Justice; VII. Institutional issues.

The research was carried out primarily in the period September 2008 – December 2009, but there may be references beyond this period. Some positions and circumstances described in the reports may have changed since the information was last made available to the researchers or reached the stage of publication.

The researchers’ findings are published in ten country reports on each of the New Member States: Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia.

The structure of the country reports includes an overview of the country’s performance as an EU member and seven chapters following the seven broad policy areas. Each chapter contains an overview of the position of this country in the area, including the top three national priorities. Then the chapters provide in-depth analyses, information and prognoses on a set of issues (defined as general and specific) within each of the seven policy areas.

A comparative report, based on the ten country reports, was produced to highlight the project’s findings.

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Country Report

April 2009

Romania

**The EU New Member States as Agenda
Setters in the Enlarged European Union**

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1. Overview

Top three policy issues for Romania:

- maintaining macro-economic stability in the new international context, especially by reducing budget deficit and controlling inflation
- maintaining the low taxation and fiscal incentives for foreign investments
- attracting EU funds as a compensation for the necessary budget cuts

In 2007, Romania's GDP per capita was at 39% of the EU-27 average, increasing from 33.6% in 2004. Research and Development expenditure reported to GDS was 0.65% in 2007, almost double that in 2004 (0.38%). Still, the R&D contribution is marginal and the increase in funding hides the fact that most of these activities take place in old fashioned state-owned research institutes, with few connections in the real economy. Prices are increasing rapidly towards EU convergence, with average prices being at 60% of the EU level in 2007, a great increase compared with 2004 (44%). Labour productivity remains below the European average. Economic growth fluctuated between 5% and 8% in the last years. In short, Romania presents the signs of an investment-based economy and is still far from the innovation-based economy envisaged by the Lisbon Agenda. It is not clear if the state could do more about that, since this should be a necessary step for the unfinished economic transition. The cheap labour force remains the main competitive advantage of Romania, but this trend would be jeopardised in the mid-term future (salaries increased by an average of 20% last year).

Romania adopted some fiscal and economic reforms. A flat tax on personal income and corporate profit was introduced in 2005 with spectacular results, since the budget income rose sharply (many underground activities took the opportunity to become clean, many employers started to pay legally all the amounts previously hidden to avoid high taxes). The government also revised the Labour Code and improved the business environment by reducing some transaction costs, including simplifying company registration. Meanwhile, inflation remains a problem, being 3% higher than the EU average.

Romania was not directly affected by the credit crunch since its banking sector had more restrictive rules than the global average (as a result of the bankruptcies that hit the economy in the late 1990s, Romanian banks were obliged to deposit large amounts in the Central Bank). Still, investment-based economic growth is jeopardised by the global increase of credit costs and reluctance of the investor to launch new operations. The state's revenues already decreased in the last two months of 2008 and the budget deficit jumped over the 3% limit established as criterion for entering the Eurozone. In June 2008 the European Commission warned Romania about its deficit. When the crisis' impact on Romania became visible, Joaquin Almunia, Commissioner for Economic and Monetary Affairs, stated that the new context will not constitute an excuse for the MSs to increase their deficits. The newly established government adopted a programme aiming to immediately reduce the deficit to 1.7% in 2009 but the same government made generous social promises in the electoral campaign. The trade unions in the public sector already announced massive demonstrations for the beginning of 2009 and the government will have to make the painful choice between macro-economic stability and social unrests.

As a result of the European debate about how the EU should intervene to prevent future crises, President Basescu took a surprisingly vehement position against the idea of creating a Common Authority for Banking Surveillance. "Our Central Bank is responsible for that policy, we do not need a European tutor in the matter," Basescu stated. Still, Basescu agrees with Europe-wide financial surveillance without being specific about the concrete way to do it.

Generally speaking, Romania was not seriously involved in the debates surrounding the Lisbon Agenda and official positions tend to be taken only in response to the agenda established by other states. Even in the cases where Romania made some comments, these were formal and lacked clarity. Romanian business associations are not usually involved in such debates and our attempts to gather opinions on the issues raised by this report revealed the fact that they are not on the internal agenda.

Table of national positions

Issue	Definition and Outlook	National Consensus	EU mainstream
1. Top three priorities	Policy Taker; likely to remain a Policy Taker with the exception of taxation	General Consensus, position not likely to change substantially	Within the mainstream for the NMS
2.1. Review of merger regulations	Policy Taker; likely to remain a Policy Taker	Consensus on the general policy	Within the mainstream
2.2. Free movement of workers	Policy Driver; likely to remain a Policy Driver to eliminate restrictions for Romanian citizens	Consensus on the general policy	In progress
2.3. Strategic review of "Better Regulation"	Policy Taker; likely to remain a Policy Taker	Consensus on the general policy	Within the mainstream
2.4. Free movement of services	Policy Taker; may become Potential Policy Driver for enlarging the free movement of services	Consensus on the general policy	Outside the current EU mainstream as it was expressed in the final form of the Bolkestein Directive.
2.5. Simplification Rolling Programme	Policy Taker; likely to remain a Policy Taker	Consensus on the general policy	Within the mainstream
2.6. Taxation harmonisation	Policy Killer; Potential Policy Killer	Consensus on the national position	In progress
3.1. Small Business Act	Policy Taker; likely to remain a Policy Taker	Consensus on the general policy	Within the mainstream
3.2. Financial retail services	Policy Taker; likely to remain a Policy Taker	Consensus on the general policy	Within the mainstream

Review of merger regulations

Definition: Policy Taker

Outlook: Policy Taker

The Romanian Competition Council ("RCC") is the competent authority empowered to enforce merger control rules. It has a management of seven persons appointed by the president of Romania on the proposal of the Romanian government for a period of 5 years with a possibility of reinstatement for another 5 years. A new Competition Law was adopted in 2005 with EU assistance. The merger control rules were largely harmonised with EC regulations and notices, in particular with EC merger legislation prior to Regulation (EC) No 139/2004. No changes have been indicated by the RCC in the near future. Concerning EU merger regulations, no position was issued.

The new government established in December 2008 adopted an ambitious programme for increasing the competitiveness of Romanian companies. The main targets assumed are: simplifying the administrative framework and reducing the bureaucratic barriers; new rules for state subsidies; facilitating the SMEs' access to EU funds; new rules for the capital market to ensure transparency and accountability, including the protection of minority shareholders. These good intentions still have to be matched with concrete policy details.

Free movement of workers across the EU and transitional periods

Definition: Policy Driver

Outlook: Likely to remain a Policy Driver to eliminate restrictions for Romanian citizens

While negotiating EU accession, Romania was in no position to reject the old Member States' policy of restricting Romanian workers' access to their markets for a transitional period. Romania sought alliances with other New Member States in order to avoid the extension of such periods. A common declaration, signed on 26 September 2008 in Warsaw by EU officials from Romania, Bulgaria, Hungary, Slovakia and Poland, states that the EU's attention "should be focused on actions towards a better administrative cooperation and elimination of still-existing barriers and hindrances in this regard [working mobility], which can be achieved in the framework of community legal regulations enforced." The Romanian officials interviewed expressed doubts about the possibility that Romania can retain Visegrad group support for a longer period. The transitional period can be extended through 2009 for countries that entered in 2004 only with the special acceptance of the Commission. Bulgaria and Romania joined later and they will remain in a special situation, with the old Member States still being able to unilaterally extend the transitional period over 2009.

Concerning the Blue Card directive, Romania expressed its concerns that favouring skilled workers from outside EU would jeopardise internal workers' rights. Romania supported that the new rules should include a principle of preference for EU citizens, including NMS citizens. This point was also covered in the above-mentioned Warsaw declaration, which considered that "the issue of immigration from third countries should be addressed with due consideration to the fact that access to the labour markets of some Member States is still restricted for nationals of the states who joined the EU in 2004 – 2007."

Positions on the Strategic review of "Better Regulation" package (COM (2006)689) and ECOFIN conclusions, 22 January 2008

EC Simplification Rolling Programme after screening the acquis

Definition: Policy Taker

Outlook: Policy Taker

The 2nd Strategic review of Better Regulation in the EU, presented by the European Commission in January 2008, shows that real and substantial progress has been achieved and sets out plans for taking the process forward.

The Romanian government tried to follow the EU's lead in reviewing regulations. In an annex to the 2007 National Reform Programme the government mentioned a list of actions to decrease the administrative procedures and delays in obtaining authorisations as part of a better regulation policy. This list contains actions such as: identifying and eliminating 25 authorisations and establishing a mechanism for the notification of excessive administrative practices; simplifying the procedures for granting environmental permits; expanding the functionalities of the e-government component within the National Electronic System (SEN); and finalising the 2008-2013 Better Regulation Strategy at the level of the central public administration. As a result of the second strategic review presented by the Commission in January 2008, in September the Romanian government adopted a "Strategy for better regulation in the central public administration 2008-2013." The Strategy aims at improving the consultation process and public policy impact assessments, reducing administrative costs and burdens, simplifying administrative procedures, and improving the organisational and functional framework of public agencies. The new government established in December 2008 also put in its programme ambitious targets for deregulation and reducing administrative barriers, but the concrete policy proposals are still to be seen.

General views of the free movement of services as enshrined in the current service directive

Definition: Policy Taker

Outlook: Potential Policy Driver if a new debate on movement of services will be launched

Romania massively exported its labour force towards Western Europe in the last years. This was largely an unregulated migration, since Romanian companies are allowed to move workers directly to other EU Member States. Despite its potential interest in the issue, Romania was only passively involved in the fierce debate around the so-called Bolkestein Directive. Obviously, Romanian companies and workers would have been advantaged by the 'country of origin' principle as it was envisaged by the first draft of the Directive. The smaller costs and less protective working legislation in Romania would have created competitive advantage for companies registered in Romania. The final compromise on the Services Directive still maintains the administrative barrier for a regulated export of Romanian work force. Thus, individual migration inflicts supplementary costs and efforts on Romanians wishing to work in the West. Nevertheless, there is no official intention from the Romanian authorities or the Romanian political parties to start such a debate or to push for changes in the current form of the Services Directive.

Positions on taxation harmonisation

Definition: Policy Killer

Outlook: Likely to remain a Policy Killer for any attempt to harmonise taxation at Western levels.

The flat tax adopted in 2005, one of the lowest in Europe, is still popular. The former Liberal government promoted it as one of its biggest achievements and the right-wing Democrat Liberal Party (PDL) also supports the measure. The left-wing Social Democrat Party (PSD) formally opposed the flat tax but it accepted after accepting to create the 'big coalition' with PDL, in December 2008. PSD insisted on the principle of new tax reductions for the poor, but it is not clear how this could be applied. Most likely this is just empty talk from the PSD to avoid being accused of opportunism. For the time being the chances to change the flat tax are minimal.

Romania has a privileged position in the European context with its economic growth and low income taxation. It did not react to the proposals of taxation harmonisation but would most probably oppose it if it is extended to personal income taxes.

The European Commission has suggested introducing a Common Consolidated Corporate Tax Base (CCCTB) for the EU-wide activities of multinationals. A number of EU countries opposed to this move, particularly those using low tax rates to attract foreign investment, such as Ireland, the UK and many of the New Member States (Cyprus, Estonia, Lithuania, Latvia, and Slovakia). However, Romania, a Member State with low corporate tax rates and little to gain from CCCTB, has been quiet about this issue.

Small Business Act (SBA) (COM(2007) 592)

Definition: Policy Taker

Outlook: Policy Taker

SMEs contribute more than 65% to Romania's GDP, account for more than 85% of private companies in Romania and employ more than 60% of the workforce. The National Council of Small and Medium-Sized Private Enterprises in Romania (CNIPMMR), the main employers' association that promotes the interests of SMEs in Romania, has participated in the European Economic and Social Committee's study group for the "Small Business Act" and the drawing of its opinion. Its reactions were positive and generally accepted the Commission proposals. The Romanian government also supported the initiative. The view of the government is that SMEs should not be excluded from direct rule of the *acquis* and the government stressed the importance of having a single regulation of some issues such as the registration, publicity formalities, financial and accounting reports, setting up and function of the cooperative societies. At the same time the view is that there are some fields in which the flexibility of the regulation is essential (e.g. fiscal facilities).

Financial retail services (SEC(2007)1520)***Definition: Policy Taker******Outlook: Policy Taker***

The Romanian stakeholders agreed with the objectives and priorities set out in the Commission's Green Paper on Retail Financial Services in the Single Market. The consultation related to this issue were coordinated by the Special Projects Initiative (SPI) Romania, a public-private partnership for the modernisation of the financial sector formed by the National Bank of Romania, the Romanian Banking Association, the Ministry of Economy and Finance and the National Authority for Consumer Protection. The stakeholders do not agree on all issues. In what concerns alternative dispute resolution (ADR), the banks consider that the participation of financial institutions in these out-of-court mechanisms should not be mandatory, while the National Authority for Supervision of Private Pension Systems and the National Authority for Consumer Protection want to make ADR mandatory. Even though the initiatives concerning financial retail services are important for the Romanian financial sector, not all issues have the same importance. For example, the low level of development of the market compared to other Member States and the low level of sophistication of the Romanian consumer of financial services translate into a reduced level of cross-border services.

Romania in the EU: An overview

Romania has walked a slippery road towards the EU and the efforts made to maintain course still haunt the country in its capacity to fully use its current membership status. The country lacked a clear and coherent post-accession strategy since all energies were directed towards achieving the accession itself. The post-accession monitoring mechanism that was agreed upon before 2007 captured the attention of both media and politicians and dominated relations with the institutions in Brussels, especially the Commission. The duplicitous behaviour of the parliamentary majority (between 2007 and 2008) seemed to confirm those opposing Romania's accession. The field at stake was anti-corruption, where EU-backed mechanisms and institutions were met with special measures for protecting prominent political figures from facing justice. Having these issues within sight, it is not a surprise that Romania has not been able to play a leading role within the EU, at least as the seventh-largest member in terms of population size.

The present report tried especially to identify the issues Romania has put on the EU agenda; their number is low and the results are rather modest. Romania has tried to communitarise the Roma issue, as a large number of Roma have migrated from Romania, creating a problem at European level. The Romanian government has joined the initiative of other Eastern European states to create EU mechanisms and institutions dealing with the Roma issue but failed to achieve anything concrete for the time being. Still, they have succeeded in raising awareness and Romania is hopeful that more substantial support from the Union will follow.

Another Romanian priority is the EU–Republic of Moldova (RM) relationship. The historical ties with the former Romanian province has pushed the Romanian government to advocate Moldova's cause, even if, at the moment, the Communist government in Chisinau does not consider its Romanian counterpart as an ally, due to a series of political differences. In short, Romania's strategy is to keep an open door for Moldova in case the country makes satisfactory progress towards a clear membership path. Finally, Romania was very interested in a proper implementation of the Black Sea Synergy initiative as an instrument to increase EU's involvement in the region.

On the top policy issues, Romania is interested in lifting the transition periods imposed by some Member States on the Romanian labour force, and in a more rapid levelling of agricultural subsidies for Romanian farmers with their Western counterparts.

Romania is likely to remain a largely passive actor on major EU debates in the near future and to concentrate on narrow issues where it can really make a difference. It is also likely that once the lagging behind during the accession period (such as in the monitoring mechanism) will be made up for, Romania will play more on symbolic politics, especially if the current president Basescu gains another term in the 2009 election. Bucharest's ambitions as a "regional leader" may inspire it to push for a larger influence in the Black Sea region. Also, it is likely that a more aggressive tone will be adopted versus the institutions in Brussels, especially the Commission. But Romania will remain basically a pro-European country since Euroscepticism is absent among the mainstream political forces.

Romania already started to play on regional alliances within the EU as it was the case with the climate change debate, where NMS had a common position regarding the reference year to be taken into account for reducing greenhouse emissions. Such positions are expected to be more frequent, since Romania shares with these countries a similar level of socio-economic development and a significant interest in attracting more money from the common budget for development objectives. Also, with agriculture playing an important role in its economy, Romania will most probably join France in the more conservative camp of CAP debates.

II. Minority integration and citizenship issues

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3. Specific issues:
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1. Overview

Top policy priorities for Romania

- ensuring a concrete follow-up to the EU Roma strategy
- 'Europeanisation' of the Roma issue

Romania had met the Copenhagen political criteria as early as the beginning of negotiations, in 2000. The rights of the country's ethnic minorities are recognised within the constitutional framework and each of them are appointed a seat in the Parliament (1 MP for each minority that does not meet the 5% threshold). The largest is the Hungarian minority, which with 1 650 000 people (unofficial figure) represents the largest national minority in Eastern Europe. In the early 1990s there were several ethnic conflicts between the Romanian majority and the Hungarian minority located in the western province of Transylvania, but the country managed to overcome this difficult period. The breakthrough happened in 1996, when the Democratic Union of Hungarians in Romania (DUHR – UDMR) joined a large coalition of democratic Romanian parties and entered the government. From this moment on, UDMR participated in various governmental coalitions and proved to be a reliable ally for opposing sides. By using the electoral model of conflict resolution, Romania places itself close to a consociational democracy, in terms of power sharing arrangements. The second largest minority in the official statistic is the Roma one, Romania having the largest Roma population in Europe. With many of them migrating in Western Europe after accession, the Roma issue was *de facto* 'Europeanised'. The Romanian government tried in 2008 to push for closer EU attention to Roma and to create within the Commission a permanent institutional framework focused on Roma problems.

Table of national positions

*please, refer to the methodology disclaimer in the supplements

Issue	Definition and Outlook	National Consensus	EU mainstream
Top priorities	Policy Driver; Likely to remain a Policy Driver	General Consensus, position not likely to change substantially	Within the mainstream of the NMS
Minorities' (other than Roma) integration issues	Policy Taker; likely to become a Policy Killer for any attempt to regulate from EU level the relations between Romanians and the Hungarian minority	General Consensus among the Romanian majority	Within the mainstream
The emerging European Roma Strategy	Policy Driver; likely to remain a Policy Driver	Consensus on the general policy	Within the mainstream
Formulation of action plans to improve housing conditions, create possibilities for employment and guarantee affordable health care and education for Roma;	Policy Driver; likely to remain a Policy Driver	Consensus on the general policy	
Institutionalisation of European policy on Roma by establishment of a Roma Unit within the EC (which will look at ways to effectively use the different EU funds to more directly target prioritised Roma policies and create, evaluate and help the implementation of the European Roma Strategy);	Policy Driver; likely to remain a Policy Driver	Consensus on the general policy	
Position and policies related to Commission Communication COM(2008) 420 final from 2.7.2008 on Non-discrimination and equal opportunities: A renewed commitment and also Community Instruments and Policies for Roma Inclusion, Staff working document accompanying Commission Communication COM(2008) 420	Policy Taker; likely to remain a Policy Taker		

Minorities' (other than Roma) integration issues**Definition: Policy Taker****Outlook: Policy Killer for any attempt to regulate from EU level the relations between Romanians and the Hungarian minority**

The Democratic Union of Hungarians in Romania (UDMR) represented the main structure used by the Hungarian minority to participate in an informal power sharing arrangement with the Romanian majority. UDMR controls the political majorities at local level in the counties with a Hungarian majority and shares it in regions with significant groups of Hungarians. At national level the representatives of the party have constantly headed powerful ministries such as Public Housing and Infrastructure or Communication. The UDMR was a fervent supporter of Romania's EU accession, seen as the solution for overcoming local problems. The participation in various governmental coalitions generated few incentives for internal reforms, and various Hungarian groups point to the "UDMR monopoly" on minority representation. On the other hand, the UDMR has warned on several occasions about the threat of losing a larger parliamentary representation, should the votes split towards various Hungarian parties. The new electoral system (under which the 2008 general election took place) creates alternative electoral thresholds, a condition for UDMR to support the new legislation on elections.

The Hungarians' situation is not directly influenced by the EU since there is no European model of problem solving in this field. The representatives of UDMR in the European Parliament did not join the Regionalists but the EPP. At national level, there

are still disagreements between mainstream Romanian parties and UDRM since the former consider there are no more "Hungarian issues" after the consecutive concessions the UDMR gained in the last couple of years, and the latter still argues for different types of local autonomy. Should a minorities charter find its place on the European agenda, the UDMR would most likely favour the principle of cultural autonomy and, equally likely, the Romanian parties would try to lobby against it.

When a big coalition government was created in December 2008, the Social Democrat Party (PSD) asked for the exclusion of UDMR from the government. This had mostly strategic rather than ethnic motivation, PSD being afraid that a three-member coalition would be more unstable than a two-party partnership. The overwhelming majority enjoyed by the new coalition in Parliament (more than 70%) made the Hungarian votes unnecessary. Some voices raised concerns over the ending of the informal power sharing between Hungarians and Romanians, which had remained stable after 1996. But UDMR maintains its control over local authorities and a precedent existed between 2000 and 2004 when the Hungarians supported the minority government of PSD without holding ministerial seats.

The emerging European Roma Strategy (if applicable)

Formulation of action plans to improve housing conditions, create possibilities for employment and guarantee affordable health care and education for Roma;

Definition: Policy Driver

Outlook: Policy Driver

According to the official census there are around 535 000 Roma living in Romania, but the figure is considered underestimated: different sociological studies cite the figure as being closer to 1.5 or even 2 million. The official underestimation is generated by the refusal of many members of the Roma minority to declare themselves as belonging to it, a sign of the social stigmatisation of the Roma. Unlike Hungarians, Roma are not politically represented, due to the fact that there is no political elite able to organise and mobilise the population. The voting rate is very low within the community, and its members would rather vote for Romanian parties than for those representing the minority. Moreover, Roma are spread throughout the country, in small enclaves, making their political mobilisation even more difficult. The Roma are poorer and less educated than the rest of the population and are culturally heterogeneous, thus their problem is rather social than ethnic. Romania has recognised this problem and created institutions and programmes that try to address it, despite having to deal with a reluctant, even hostile public opinion, and a media that often publishes racist comments.

The National Council for Combating Discrimination is the agency of the Romanian government responsible for applying Romanian and EU anti-discrimination laws. It applied several sanctions in anti-Roma discrimination cases. Also, a special Agency for the Roma was created in an attempt to improve the social and economic situation of this minority.

Before and after the country's EU accession, a large number of Roma emigrated to the West, at the same time as large numbers of Romanian workers, especially in countries like Italy and Spain. In 2008 several scandals broke out in Italy, involving Romanian citizens belonging to the Roma community. A famous case involved a young Rom who killed an Italian woman. The case caused public outrage in both Italy and Romania and a series of racist remarks towards the Roma that are "tarnishing" Romania's reputation abroad found their place in Romanian public space. The Roma situation became a political issue in Italy, where several politicians promised to expel the Roma while campaigning for the local and general elections. The new Berlusconi government passed legislation that asked for the fingerprinting of persons living in nomad camps, mostly Roma. Romania protested, considering the clause discriminatory and asked the European Commission to take action against the Italian legislation. The last version of this law is less tough than the initial draft and its implementation is becoming less strict as the echoes of the scandals are fading away.

Institutionalisation of European policy on Roma by establishment of a Roma Unit within the EC (which will look at ways to effectively use the different EU funds to more directly target prioritised Roma policies and create, evaluate and help the implementation of the European Roma Strategy);

Definition: Policy Driver

Outlook: Policy Driver

The situation in Italy made the Romanian government determined to take action at European level and ask for a comprehensive European policy in the field, including the establishment of a European Agency for Roma and a special Roma unit within the Commission. The Romanian representatives in the European Parliament brought a major contribution to the adoption of the European Parliament resolution of 31 January 2008 on a European strategy on the Roma. Romanian MEPs also questioned the Commission on several occasions about the follow-up of the initiative. The Romanian government supported the Hungarian initiative for an EU Roma strategy in June 2008.

Romania's argument runs as follows: having the largest Roma population in Europe, it confronts a severe social problem, and, despite efforts made in the last years, the situation has not significantly improved. The freedom of movement gained when Romania joined the EU facilitated this group's emigration. The freedom of movement and the lack of opportunities in Romania made the Roma more mobile than the rest of the Romanian population. The result was that Romania unintentionally exported one of its major issues to the rest of the European Union, as a result of its accession. Although the official reactions were mainly positive, the tone was rather reserved. Even if not vocally, several EU Member States showed their reluctance to "communitarise" the problem. During informal meetings, Romanian officials were told that such an approach would create a sensitive precedent: once a minority was declared an EU priority, others would make similar requests, the concerns being related to the Muslim minorities in the western Member States (UK, Netherlands). The Romanian counterargument is that the Roma is a social rather than an ethnic or (to an even lesser extent) a religious minority, thus communitarising the issue would not have the effect of a precedent.

Romania was supported by other eastern Member States with Roma communities, and Italy was also interested in involving the EU in a problem that had become its own in the last couple of years. As a response to the Romanian initiative, the Commission published a report about Roma inclusion in July 2008. Romanian MEPs publicly criticised the document, considering it vague, without clear recommendations. Moreover, although it identifies and admits the problem it does not propose anything more than cooperation among the Member States. In short, the Commission does not agree upon the communitarisation of the problem, though it does promise support for Romania and other countries that have to deal with it. A special summit dedicated to Roma issues was organised by the Commission in September 2008 and in the official conclusion a special platform for Roma problems was imagined. While it represents a step forward in Romanian officials' view, it still maintains the issue within an intergovernmental framework.

The interviewed officials considered the outcome of the initiative to be mixed: on one hand, Romania did succeed in raising the issues, but it failed to communitarise the problem. It will consider pushing for more and coherent involvement from the EU and it will seek support from New Member States.

Position and policies related to Commission Communication COM(2008) 420 final from 2.7.2008 on Non-discrimination and equal opportunities: A renewed commitment and also Community Instruments and Policies for Roma Inclusion, Staff working document accompanying Commission Communication COM(2008) 420.

Definition: Policy Taker

Outlook: Policy Taker

Romania created, with EU support, a special autonomous institution called the National Council for Combating Discrimination. It intervened on numerous occasions to sanction the discrimination against Roma, the most spectacular case being the action against Romanian President Basescu, who was recorded attacking a journalist with racist remarks. With widespread racial clichés about Roma there are few internal incentives in Romania to promote further anti-discriminatory policies after accession. The insistence of the Romanian authorities on "Europeanisation" of the Roma issue could also be

interpreted as an attempt to pass on the responsibility. A coherent action from the European Commission for a comprehensive approach to Non-discrimination could provide the necessary incentives which are not present inside Romania. Since new EU standards would inflict new responsibilities (and possible political costs) for the national government, the Romanian government will not push for such a development.

Most probably, the Romanian government will follow the lead in this area, but it will not be an active Policy Driver.

III. Energy and climate

1. Overview
2. General issues:
 - 2.1. Strategic energy review (2007) and positions towards 2010-2014 energy action plan
 - 2.2. The post-Kyoto/post-2012 proposals — the global dimension
 - 2.3. Commitment to meet the benchmarks for greenhouse emissions
 - 2.4. Strategy and commitment to increase the share of renewable sources
 - 2.5. Strategy towards nuclear energy
 - 2.6. Implementation of the revised Emission Trading Scheme
 - 2.7. External dimension of energy security
3. Specific issues:
 - 3.1. Liberalisation of the energy market — 3rd energy package (unbundling)
 - 3.2. Common rules for the internal market in electricity (COM(2007) 508), cross border exchanges in electricity (COM(2007) 531), common rules for the internal market in gas (COM(2007) 529), access conditions to the gas transition network
 - 3.3. Establishment of the Agency for Co-operation of Energy Regulators (COM(2007) 503)

Overview

Romania's top three issues in this field are:

- Energy security (both in its external dimension and also including the internal political implications)
- Development of nuclear energy
- Changing the reference point for reducing emissions in the post-Kyoto agreements or at least obtaining compensations (see details below)

Romania attaches a symbolic value to its energy policies. The dependency on the Russian gas, although lower than the EU average, is seen as a potential problem given the cold official relations between the two countries. This is the reason why Romanian officials invested hope and energy in common EU energy policies, as a way to balance Russian influence. Romania was persistent and coherent in supporting the Nabucco pipeline project and a greater interdependency among EU countries. Given its economic situation and the lack of a significant ecological movement, Romanian governments show no appetite for energy reductions goals. Romania will probably follow the European consensus in that matter, trying to reduce as much as possible the costs inflicted on national economy. On the sensitive issue of nuclear energy, Romanian mainstream parties unanimously agree that this should be an alternative and all parties made such promises in the electoral campaign, although no concrete investments plans are on the table.

Table of national positions

*please, refer to the methodology disclaimer in the supplements

Issue	Definition and Outlook	National Consensus	EU mainstream
Top three priorities	Policy Driver; likely to remain a Policy Driver and to promote its own project for LNG	General Consensus, position not likely to change substantially	
Strategic energy review (2007) and positions towards 2010-2014 energy action plan	Policy Driver; likely to remain a Policy Driver and to promote its own project for LNG	Consensus on the general policy	Within the mainstream for CEE countries
The post-Kyoto/post-2012 proposals – the global dimension	Policy Driver; likely to become a Policy Killer, depending on the negotiations	Consensus on the general policy	In progress
Commitment to meet the benchmarks for greenhouse emissions	Policy Killer; likely to remain a Policy Killer	Rather a tacit consensus than an internal public debate	
Strategy and commitment to increase the share of renewable sources	Policy Taker; unpredictable evolution, there is no commitment and the strategy is not clear but rather waits for EU evolutions		
Strategy towards nuclear energy	Policy Taker; likely to become a Policy Driver for excluding nuclear energy from the polluting energy sources	Consensus on the general policy	
Implementation of the revised Emissions Trading Scheme	Policy Taker; likely to remain a Policy Taker	Consensus on the national position	In progress
External dimension of energy security	Policy Driver; likely to remain a Policy Driver	Consensus on the general policy	Within the mainstream
Liberalisation of the energy market – 3 rd energy package (unbundling)	Policy Taker; likely to remain a Policy Taker	Consensus on the general policy	Within the mainstream
Common rules for the internal market in electricity (COM (2007) 508), cross border exchanges in electricity (COM(2007) 531), common rules for the internal market in gas (COM(2007) 529), access conditions to the gas transition network (COM (2007)	Policy Taker; likely to remain a Policy Taker	Consensus on the general policy	Within the mainstream
Establishment of the Agency for Co-operation of Energy Regulators (COM(2007) 503)			

General issues:

Strategic energy review (2007) and positions towards 2010-2014 energy action plan

Definition: Policy Driver

Outlook: Policy Driver

The EU's energy action plan underlines the importance of energy source security and solidarity between Member States, and Romania welcomed both objectives. Trying to decrease the EU's dependence on Russia, the Commission is committed to the Nabucco pipeline, another major objective for Romania, which supported the project since its beginning. Romania also welcomed the Commission's plan to create a regional market for energy and to contribute to the interconnection of energy networks. In the context of the Commission's intention to develop the liquefied natural gas (LNG) as an alternative to pipeline transportation, Romanian President Traian Basescu previously proposed the development of a LNG terminal in Constanta harbour with EU financial support. But the EC's plan does not take this possibility into account and the EC's inside sources, cited in the Romanian media, dismiss the Romanian proposal, arguing that it is not economically viable. Romania may continue to seek support for this

project despite the current reluctance inside the Commission. Given the fact that the EU's plan follows its long term objectives, Romania is a Policy Driver.

Commitment to meet the benchmarks for greenhouse emissions

Definition: Policy Killer

Outlook: Policy Killer

Romania signed the Kyoto protocol, which required the reduction of emissions below a certain percentage of 1990 (1989 in the case of Romania) levels. Energy consumption and pollution were extremely high in Romania before 1989, but as a result of inefficient industries going bankrupt, total current levels are currently well below that of 1989. Romania effectively reduced emissions much more than the level required by Kyoto (emissions halved compared with 1989) but this occurred as a result of involuntary de-industrialisation.

Other countries (more developed) have difficulties in reducing their emissions, because their energy sectors were much more efficient than Romania's in the base-year 1990. The Kyoto protocol allows these countries to contribute to the reduction of emissions in third countries, by investing in more environmental friendly technologies there. According to this arrangement Romania can effectively "sell" its surplus of GHG to developed countries, "buying" better technology in exchange. The value of this "sale" is around 800 million Euro. Romania's policies in recent years were inconsistent and volatile: initially, the government did not want to "sell" its GHG surplus, thinking it might need some "reserves" for later since the country attracts new Greenfield investments at a high pace compared with the general European level. Later, the officials changed their minds and tried to sell a part of this surplus. Thus, the commitment to reduce emissions is questionable, especially because the ecology movement in Romania is weak and there are no internal pressures on the government.

The post-Kyoto/post-2012 proposals – the global dimension

Definition: Policy Driver

Outlook: Policy Driver

Meanwhile, the new European consensus for the post-Kyoto policy went bad for Romania. The decision to change the base year for reductions to the post-2000 period would mean that:

- Romania may lose the possibility to "sell" GHG
- Since 2000 showed a minimum in energy consumption and, implicitly, emissions, Romania would be forced to reduce more than the nominal post-Kyoto commitment, and this would take place during a period of fast economic growth.

All the eastern Member States are more or less in a similar position regarding changing the reference year, since they all experienced an economic transition from Communism. A platform for cooperation is already set. The Ministers responsible for European affairs of Bulgaria, Hungary, Poland, Romania and Slovakia adopted in Warsaw on 26 September 2008 a common declaration which expresses concerns that the post-Kyoto deal would jeopardise economic growth and would demand new sacrifices from these countries. The Warsaw declaration states that: "Gas emission reduction plans and the increased share of the renewable energy sources should be attained in a cost effective manner to minimise the burden on the economies of the EU Member States, in particular those still undergoing the process of economic and social convergence (...). The specific situation of the less affluent should be taken into account (...). The final allocation scheme of the emission reduction effort (including those under and outside the Emission Trading Scheme) should also reflect the contribution to the common goals by those Member States that have already undertaken significant reductions compared to their initial levels under the Kyoto protocol's first commitment period."

The diplomatic language hides the eastern states' frustrations of paying a new price before catching up with the wealthier, more industrialised Western countries. The difference in terms of vision is clear between the two groups. In Romania at least, there is no relevant ecological movement, and the issue of global warming remains at the bottom of the public agenda. There is no public pressure for submitting efforts in

this field and the political factors would most likely favour a *realpolitik* position, stating economic interests as a priority.

Still, the interviewed decision makers stated that Romania would have a flexible position during negotiations, as opposed to the more intransigent ones of Poland and Hungary. Considering that the signing states of the Warsaw declaration would not be able to change the reference year, Romania will follow a plan B, negotiating potential compensations from the Commission.

Concerning other details of the post-Kyoto mechanism, Romania expresses a generally more reserved attitude, making it clearly a Policy Taker, following the European consensus and trying to reduce the impact on its economy where this is possible. An example is the current proposal that the reduction target of EU states' emissions would change from 20% to 30% in a global post Kyoto agreement. Some EU countries (UK for instance) would prefer this to happen automatically, but Romania favours it only after complying with two conditions:

- a Post-Kyoto agreement is to be ratified
- this agreement would imply significant efforts from big polluters such as China.

Supporting these hard-to-accomplish conditions, Romania places itself in the group of European states that support minimal efforts regarding post-Kyoto.

Strategy and commitment to increase the share of renewable sources

Definition: Policy Taker

Outlook: Policy Taker

18.5% of the energy consumed in Romania comes from renewable sources and the country assumed the goal to increase this share to 24%. The first figure is potentially misleading since energy sources such as wood are taken into consideration. A major part of the rural population (which makes up around 40% of the total population) uses wood for heating. However there is a tendency among richer residents to replace old-fashioned wood heating with gas heating, leading to a decrease in the percentage of renewable sources. For the time being there is no relevant plan at national level for increasing the percentage of renewable sources. Some reports mention the possibility of investing in wind mills (up to EUR 1 billion, according to media rumours), but no concrete plan has been presented so far.

Strategy towards nuclear energy

Definition: Policy Taker

Outlook: likely to become Policy Driver for excluding nuclear energy from the polluting energy sources

The above-mentioned problem regarding renewable sources is deepened by Romania's commitment to expand its nuclear capacities. Nuclear is not considered a renewable source in the current methodology and some officials complained about this in interviews, saying that nuclear does not emit gases. They agreed with the idea that Romania could support such a position at European level, although no official steps had been taken. In any case the potential expansion of nuclear energy makes it even more difficult for Romania to meet the commitments for renewable sources, measured under current methodology.

In any case, there is an unusual consensus among the mainstream Romanian parties about the need to extend the use of nuclear power. Romania has one nuclear plant in Cernavoda with two functional reactors and another two under construction. Cernavoda produces 12% of the energy Romania consumes. The current government allocated funds to complete the third and fourth reactors (the final costs are estimated at EUR 2.2 billion) and proposed a plan for a new nuclear plant to be built, most probably in Transylvania, in order to be closer to the new industrial capacities in that region. All mainstream parties agreed with these plans and made related promises in their electoral programmes but for the time being this is just political talk: neither concrete investment plans nor feasibility studies have been released.

External dimension of energy security

Definition: Policy Driver

Outlook: Policy Driver

The political and external dimension of energy security is one of the most important aspects of EU policy in this area from the point of view of Romanian officials. Romania is not an exception in the region, since eastern countries tend to be more sensitive to energy dependence on Russia, given their troubled history with Moscow and their territorial proximity. In the above-mentioned Warsaw declaration Romania, Bulgaria, Poland, Hungary, and Slovakia made an appeal for the European Union to "speak with one voice on energy matters." The five countries also "believe that the European Commission should be more ambitious in the field of secure supplies of energy resources and should propose solutions equally as challenging as those proposed in the climate and energy package."

Without mentioning Russia explicitly, Romanian president Basescu stated before the October European Council that "the EU should have a unitary voice and making bilateral agreements in excess weakens the EU's capacity to negotiate with the energy supplier." It is more the political aspect than the economic side that worries Romania. Considering security of supply, Romania is one of the better-off countries, because of its diversified primary energy resources (coal, water, nuclear). Gas is the only resource with high external dependency (64%). But traditionally, as Romania tried to escape Russia's influence by joining EU and NATO, the new context of energy prices and general dependence on Russia has generated concerns. President Basescu is considered to be more hostile to Russia than other officials. He remains the most popular politician and he has the best chances to win next year's presidential election. But no matter who will lead Romania's foreign policy, the country will remain reluctant with regard to Russia's influence on EU energy matters. Although less vocal than Poland or Lithuania, Romania will remain firmly on the side that insists upon a unitary action at EU level.

Former Finance Minister Varujan Vosganian stated in October 2008 that Romania could support both the Nabucco and the South Stream gas pipelines. This declaration was interpreted as a signal that powerful businessman Dinu Patriciu may be interested in influencing Romania's energy policies towards Russia. Patriciu is the richest Romanian and former owner of Rompetrol, the biggest Romanian private company. He sold the company to the national oil company in Kazakhstan and is interested in developing good relations with Moscow since the company depends on eastern oil sources. Also, Patriciu is one of the main sponsors of the Liberal Party, to which Vosganian belongs. However, the Romanian Foreign Ministry embarrassed Vosganian by announcing that the country's official position remains unchanged.

In this line, Romania saluted French proposal to institute an emergency solidarity mechanism for helping the countries that suffer from energy shortages. Romania also supports the opinion that this should be completed with a political mechanism for reacting in such cases. One official interviewed said that an intervention mechanism without a common political position "is useless."

The Nabucco pipeline is considered a major security issue for Romania and this is a consensual position at political level. Romania was pleased that the project had officially become a European project following the March 2007 European Council but is still looking for a more serious involvement of the EU in this project. At this moment Nabucco is delayed by the Turkish claim to retain 15% of the transiting quantity. According to Romanian officials, Turkey had mentioned it might change this position, depending on a chapter in the accession negotiations. For this reason, Romanian officials intend to more actively support Turkish efforts in this process.

Liberalisation of the energy market – 3rd energy package (unbundling)**Definition: Policy Taker****Outlook: Policy Taker**

Romania's energy sector is fully unbundled, both in electricity and gas, and has a theoretical liberalisation of 100% (in theory, all customers can choose their supplier, even though only 50% have effectively decided to change from the current supplier). The Romanian energy sector thus has the potential to become much more competitive than in most EU countries. Bucharest also has a well-functioning energy exchange (OPCOM), established in 2005, which is now the 8th energy market in Europe in terms of liquidity and transactions, with prospects of becoming a regional exchange.

Worryingly, Romania is considering a form of re-bundling of production and distribution of electricity by establishing the National Agency for Electricity. This would be a setback for efficiency, would affect the competition on OPCOM and is contrary to EU trends. The current government promoted a special ordinance creating this Agency, but the opposition parties criticised the measure and threatened to block its implementation in Parliament.

In the July 2008 European Council, Romania supported the countries which wanted to demand enforcement of the unbundling principle for companies from third states (Gazprom was obviously the main target of this idea). The compromise solution, to ask for so-called "functional unbundling" to be applied for such companies, was criticised by Romanian officials in private interviews, as they considered it did nothing in real terms to decrease the negotiating power of Gazprom.

Common rules for the internal market in electricity (COM (2007) 508), cross border exchanges in electricity (COM(2007) 531), common rules for the internal market in gas (COM(2007) 529), access conditions to the gas transition network (COM (2007)

Definition: Policy Taker

Outlook: Policy Taker

Romania experienced an incomplete form of deregulation of the energy sector, combining state-owned non-competing generators with private distributors and suppliers. Although it created conditions for more efficiency on the supply side, this model did not help to protect consumers. Thus the common rules for an internal market in electricity came to complete the picture, assuring some standards for the demand side. Some of the aspects meant to protect consumers will be difficult to implement by the national regulator in the energy sector, an autonomous body with little experience and with a tradition of obedience in front of the powerful energy companies. As for the provisions regarding access to gas networks, since Romania made such steps in its previous reforms of the energy sector, the EU rules did not inflict extra burdens.

Establishment of the Agency for Cooperation of Energy Regulators (COM(2007) 503)

Definition: Policy Taker

Outlook: Policy Taker (to be confirmed)

Romania has its own national regulator, the Romanian Energy Regulatory Authority, which is largely seen as ineffective and corrupt (it was recently in the centre of a political storm because of the huge salaries its management received). There was no official or political position concerning COM(2007) 503. One Romanian member of the European Parliament asked for the headquarters of the Agency for Cooperation of Energy Regulators to be situated in Romania. However, previously the European Parliament had decided on Brussels as the headquarters of the new body.

IV. Budget review and CAP "Health Check"

1. Overview
2. General issues:
 - 2.1. Position towards CAP "Health Check" (COM(2007)722)
 - 2.2. Positions towards the expenditure structure of post-2013 budget (SEC(2007)1188)
 - 2.3. Position towards Common Market Organisation for Fisheries

1. Overview

Top policy priorities

- levelling CAP subsidies of NMSs to the EU-15 amounts
- finalising the institutional framework for efficient and accountable direct payments

Romania does not have a clear position towards the debates on CAP and the EU budget. Some important political decisions have to be made concerning the subsidies versus rural development options, but no real internal debate has taken place.

Agriculture is one of the most important economic sectors in Romania, generating 12% of the country's GDP. Around 30% of country's active population works in agriculture, most of them in semi-subsistence farms with little connection to the markets. The development of agriculture is hampered by one of the worst rural infrastructures in Europe and an extremely fragmented ownership system. Semi-subsistence farmers own small pieces of land with an average size of 1.5 hectares. This situation creates serious problems because on one hand these small farmers do not have the means and knowledge to access European funds and on the other hand the Romanian state has encountered the difficult task of registering all these lands according to a sophisticated EU methodology. The European Commission closely monitored Romania during the accession process in order to ensure a mechanism of sound financial management and control of agricultural expenditure, especially operational payment agencies and an Integrated Administrative Control System (IACS). The EC reports revealed deficiencies and a decision was made in August 2008 to suspend rural development payments to Romania temporarily due to deficient auditing procedures. Romanian authorities insist that the problem will be remedied promptly and the payments resumed.

Table of national positions

*please, refer to the methodology disclaimer in the supplements

Issue	Definition and Outlook	National Consensus	EU mainstream
1. Top three priorities	Policy Driver; likely to remain a Policy Driver	General Consensus, position not likely to change substantially	Within the mainstream
Position towards CAP "Health Check" (COM 2007(722))	Policy Taker; likely to become more active in particular areas	Lack of internal debate, minimal consensus for limited areas	
Positions towards the expenditure structure of post-2013 budget (SEC (2007)1188)	Policy Taker; likely to remain a Policy Taker	Lack of internal debate	
Position towards Common Market Organisation for Fisheries	Policy Taker; likely to remain a Policy Taker	Consensus on the general policy	Within the mainstream

Position towards CAP "Health Check" (COM 2007(722))

Definition: Policy Taker

Outlook: Policy Taker likely to be more active on particular areas

Despite the importance of agriculture for the national economy, Romania has manifested only limited positions in the general debate over the future of Common Agriculture Policies. There is an internal consensus that the farmers should be supported but there are no political positions about the connection between Romanian farmers and European negotiations. At a general level, Romania favours the conservative approach towards CAP because it is advantaged by the farming subsidies

and structural funds. At the same time, Romania does not reject the UK's general position that rural development should be emphasised more, with the condition that subsidies should be affected. But the goal of emphasising rural development is to create windows of opportunity for subsidy cuts. In fact, Romania considers that it needs both subsidies and development funds and will try to play the game of negotiations with the objective of preserving the former and increasing the latter. The officials we interviewed consider that Romania still has to make a political decision over the two priorities.

Romania reacted to the French call and signed a common position paper with seven other states warning against bold CAP reform actions, on the grounds that we should first decide what the future of agriculture in Europe should be and what the goals of CAP are before negotiating budget cuts. At the same time, Romania rejected another French idea — national payments for farmers outside CAP — considering it would be costly for the national budget.

On other technical aspects, Romania opted as follows:

- **on SPS/SAPS** — Romania used the option offered to NMS and will continue with SAPS until 2013.
- **on cross compliance** — Romania obtained the postponement of the animal welfare rules until 2016. Romanian government also underlines that the rule concerning the exception from penalties for financial help of less than EUR 100 advantages Romania, given its large numbers of small farms.
- **on the new Article 68** — The Romanian government obtained an annual limitation referring to an "integral" subsidy (that will be received by Romanian farmers in 2016 under the current schedule).
- **on limits of aid** — Romania disagreed with the proposal of a superior limit and was content with the inferior limit of 1 ha.
- **on modulation** — This policy did not applied to Romania, thus the government did not express a position under the current negotiations because the policy is scheduled for reevaluation in 2014.

It is possible that Romania will initiate informal negotiations in order to obtain the portfolio of Agriculture Commissioner in the future Commission. Romania's case will consist in:

- the weak position it held in the current body (Commissioner for Multilingualism), well below its voting power and ambitions
- its large agriculture sector
- positive signals received from France, which would prefer an official from a country reluctant towards reformist zealotry.

Special interest issues for Romania

Besides the general position over CAP Health Check we consider there are several minor issues worth mention because they represent a particular interest for Romania.

According to Ministry of Agriculture and Rural Development (MADR) officials, Romania is promoting a quick levelling of direct payments for the new EU Member States with the funds enjoyed by the old members. Romania is collaborating with Hungary, Bulgaria, Poland, Czech Republic, Slovakia, Lithuania and Latvia in order to achieve this goal. The objective is to raise the subsidy at a pace of 15% to 50% annually in order to reach, in the next two years, the same financial support as for the old members (the current increase is 5% to 10% annually).

While the "Health Check" was being drafted, Romania proposed a common fund to be created regarding risk management, addressing both market risks (evolution of prices) and weather and sanitary risks. The proposal was not accepted by the Commission and failed to attract sympathy from other Member States, but the idea remains and may be revived in the future. Another long-term purpose concerning CAP is the simplification of cross compliance rules as measures to facilitate access of small farms to European funds.

In July 2008, former Romanian Agriculture and Rural Development Minister Dacian Cioloș proposed the Council of the Agriculture and Fisheries Ministers to adopt an integral approach related to forestry. In his view the relevant departments within the European Commission should be unified in a single structure (the forestry sector is currently addressed within farming, environment and energy policies).

Positions towards the expenditure structure of post-2013 budget (SEC (2007)1188)

Definition: Policy Taker

Outlook: Policy Taker

Despite its major interests in EU funding, Romania manifested as a minor player in the budget debate. The official position was expressed in the document "Romanian Government contribution to the public consultation process on the EU budget review," sent to Brussels in April 2008. The document is vague and covers the lack of ideas with diplomatic language. It states that "cohesion policy should remain a key priority for the European Union in the following financial perspective, due to its crucial contribution to achieving EU political priorities and Lisbon Strategy objectives/targets," but at the same time, "the mechanism for implementing the Cohesion Policy should be simplified. Issues such as state aid, public procurement, environmental impact, complex procedures and technical standards raise many difficulties at project level and generate important delays in implementation." On the CAP budget, the Romanian government expresses its preference that the CAP share should be established "after having agreed the objectives and the mechanisms of the CAP." Romania prefers the principle of distribution of the financial burden among Member States "on the basis of their economic development". The position on a possible EU tax is also vague, the paper underlining the advantages and the risks of the proposal. The conclusion is that "any future EU tax must meet various criteria with certain weightings for each Member State and must not lead to an increase of the fiscal burden."

Position towards Common Market Organisation for Fisheries

Definition: Policy Taker

Outlook: Policy Taker

Romania completed negotiations with EU in the area of fisheries in 2001, accepting the entire *acquis communautaire* without requesting any derogation or transition periods. Fisheries resources management is carried out by several institutions, under Minister of Agriculture coordination:

- The National Company of Fisheries Resources Management (NCFRM) - for the Black Sea, the Danube and inland waters, excluding the Danube Delta Biosphere Reserve (DDBR) and the mountain waters.
- The National Forest Administration — for fisheries in mountain waters and trout farming.

In the informal ministerial conference in Brussels on 29 September 2008, the Romanian government answered the French Presidency's questions about the reform of the Common Fisheries Policy. The document supports continuation of the fishing restriction inside the 12 maritime miles. Also, it states that the vessel tonnage and engine power are not relevant indicators for countries' quotas and a better solution could be the actual number of fishing tools. Romanian fishermen associations express some concerns that they will be disadvantaged by EU quotas with respect to their competitors from non-EU Black Sea countries. Thus the Romanian government supports the general principle that fishing quotas should be established between Member States based on the subsidiarity principle.

V. EU foreign policy and enlargement

1. Overview
2. General issues:
 - 2.1. Preference of countries for accession and any specific points or concerns relating to it (including bilateral disputes and how they might translate into EU-level policy and decision making)
 - 2.2. Preference for any particular country in the framework of ENP
 - 2.3. Enhanced ESDP, increasing Europe's defence capabilities etc.
 - 2.4. Position towards Kosovo, e.g. status and EU mission in Kosovo
 - 2.5. Transatlantic relations
3. Specific issues:
 - 3.1. Completion of accession negotiations with Croatia
 - 3.2. Opening of accession negotiations with Macedonia
 - 3.3. Signing of SAA with Serbia
 - 3.4. Blockage of accession talks with Turkey, possibility of unblocking it
 - 3.5. Polish-Swedish initiative for ENP Eastern Partnership
 - 3.6. Strategy for the Black Sea Region/Black Sea Synergy Implementation assessment
 - 3.7. Strategy for the Baltic Sea Region
 - 3.8. Revision of European Security Strategy

1. Overview

Romania's top issues:

- ENP and EU relations with the Republic of Moldova
- Black Sea Synergy initiative
- Supporting Serbia's ambitions for a clear perspective on EU membership

Romania has a major interest in keeping the EU's door open for the Republic of Moldova. The historical links with Moldova and the sensitivity of the Romanian public opinion for what it considers "the lost land" make it a top priority for Bucharest. The cold relations with the current government in Chisinau does not change the situation, since Bucharest considers to have a more salient duty to the people of Moldova. While Chisinau is reluctant to pursue the reforms requested by the EU, and the Union itself does not see Moldova as a priority, Romania seems to assume Moldova's integration as a long-term goal and a consensus exists among the mainstream political parties on this issue.

A general support for Serbia and a particular interest in Turkey's accession connected with the Nabucco pipeline are also worth mentioning. The importance of Turkey's accession for Romania is only temporary and connected with the pipeline project, seen in Romania as having great importance for country's energy policies.

Table of national positions

*please, refer to the methodology disclaimer in the supplements

Issue	Definition and Outlook	National Consensus	EU mainstream
Preference of countries for accession and any specific points or concerns relating to it (including bilateral disputes and how they might translate into EU-level policy and decision-making)	Policy Taker considering further enlargements; likely to remain a Policy Taker	General Consensus, position not likely to change substantially	Within the mainstream
Preference for any particular country in the framework of ENP	Policy Promoter for Republic of Moldova integration; will remain Policy Promoter	Consensus on the general policy	Trying to influence EU mainstream for this particular issue
Polish – Swedish initiative for ENP Eastern Partnership	Policy Promoter with the condition to ensure special status for the Republic of Moldova; likely to remain Policy Promoter	Consensus on the general policy	
Enhanced ESDP, increasing Europe's defence capabilities etc.	Policy Taker; likely to remain a Policy Taker	Consensus on the general policy	Within the mainstream
Position towards Kosovo, e.g. status and EU mission in Kosovo	Policy Killer concerning recognition of Kosovo independence, Policy Taker concerning participation in the EU mission there; the position will not change	Consensus on the general policy	Outside the EU mainstream
Transatlantic relations.	Policy Taker as the current trend of improving US–EU relations will continue; likely to stay Policy Taker	Consensus on the general policy	Within the mainstream
Completion of accession negotiations with Croatia	Policy Taker; likely to remain Policy Taker	Consensus on the general policy	Within the mainstream
Opening of accession negotiations with Macedonia	Policy Killer; Potential Policy Killer	Consensus on the national position	In progress
Signing of SAA with Serbia	Policy Driver Likely to further promote Serbia's accession	Consensus on the general policy	In progress
Blockage of accession talks with Turkey, possibility of unblocking it	Policy Taker; likely to remain Policy Taker	Consensus on the general policy	Within the mainstream
Polish – Swedish initiative for ENP Eastern Partnership	Policy Promoter for Republic of Moldova integration; likely to remain a Policy Promoter	Consensus on the general policy	In progress
Strategy for the Black Sea Region/Black Sea Synergy Implementation assessment	Policy Driver; likely to remain a Policy Driver	Consensus on the general policy	Within the mainstream
Strategy for the Baltic Sea Region (defined as a priority for the Swedish Presidency – second half 2009)	Policy Taker; likely to remain a Policy Taker	Consensus on the general policy	Within the mainstream
Revision of European Security Strategy (thought to be initiated by the French Presidency)	Policy Taker; likely to remain a Policy Taker	Consensus on the general policy	Within the mainstream

Preference of countries for accession and any specific points or concerns relating to it (including bilateral disputes and how they might translate into EU-level policy and decision-making)**Definition: Policy Taker considering further enlargements****Outlook: Policy Taker**

Romania does not have a particular interest in any of the countries which are currently formal candidates to EU accession — Croatia, Turkey or Macedonia. As a general orientation, the Romanian government favours further enlargement because of its particular interest regarding the Republic of Moldova (see the sub-chapter below for further details), for which Bucharest seeks to ensure the membership in the long term. Thus, accepting new members could be used by Romania as precedents in favour of Moldova, especially Macedonia, which is a similar case in size and nation-building difficulties.

Preference for any particular country in the framework of ENP**Definition: Policy Promoter for Republic of Moldova integration****Outlook: Policy Promoter**

Romania has a top priority in the ENP: bringing Republic of Moldova (RM) on a solid EU accession path. Most Romanians still consider RM as part of the national territory, unjustly taken by Stalin's USSR. The word itself, "Moldova," signifies both the current independent state and the eastern region within Romania. There is a fierce dispute between Romania and the current government in RM over identity issues: Bucharest considers Moldovans as part of the Romanian nation, RM considers that being Moldovan is a different identity. The dispute takes part largely in the common language, since Romanian and "Moldovan" are basically the same. Romania considers accepting the new borders and following a path towards EU and NATO, which consequently caused a rupture with RM, a historic sacrifice. Many villages on the Romanian-Moldovan border have the same name on the left and right banks of the border river Prut. These villages were once part of the same community and many relatives live in different countries since Moldova was occupied in 1944. With Romania strongly attached to the West and Moldova in the foggy territory outside the EU, and with the emphasis on securing the eastern border of the EU, there is a feeling of a new era, a new rupture between the two countries with such strong links.

The current government in Chisinau, dominated by the Communist Party, had complex relations with Romania. Moldovan President Voronin tries to preserve good relations with Russia and to make steps towards the EU. Many observers have noted that Romania seems to be more committed to RM's European integration than Moldova itself. This is obviously correct. While Voronin still tries to maintain a balance between Russia and the West, Romania has already made the choice and is now trying to bring Moldova in. The policy of, "ignore the government, bring the country into the EU" can be followed by any Romanian government (there is a consensus on this issue) and does not depend on the Moldovan government's short term evaluation. As one Foreign Affairs official said during an interview, Romania tries to keep the EU's door open for Moldova, waiting for the moment when both the EU will overcome the enlargement fatigue and the Moldovan government will decide to make the serious commitments and reforms for EU accession.

Following these general principles, Romania made several steps recently to keep RM close to the EU. It worked towards a special conclusion paper on the Republic of Moldova issued by the General Affairs Council on 13 October 2008. Romanian officials were satisfied with the final wording, in which "the EU welcomes the recent increase in the pace of its relations with the Republic of Moldova. It is ready to have a deeper relationship in the framework of the European Neighbourhood Policy and to negotiate a new and ambitious agreement with Moldova soon. This agreement will go beyond the current Partnership and Cooperation Agreement and will include the aim of a comprehensive and deep free-trade area, to be put in place when the Republic of Moldova will be ready to sustain the effects of complete liberalisation of its trade with the EU. The aim of the agreement will be gradually to bring the Republic of Moldova and the EU closer together."

Romania insisted on such a text granting a serious perspective to "gradually" bringing RM in the EU because of the importance of the moment. RM will organise elections in

2009 and it will try for the first time to include the breakaway region of Transdniestria in the electoral process. The Chisinau government and the separatist authorities stopped negotiations and many expect Russia to use its leverage over Transdniestria to accept a compromise. Romania is afraid that Moldova would be willing to accept an unfavourable resolution of the frozen conflict and that President Voronin would promise to stop its European orientation completely in exchange for Russia's involvement in Transdniestria (this scenario was fuelled by the recent flexing of Russian muscles in Georgia). Having considered all these factors, Romania insisted for the RM to receive a strong political signal from EU and this is the interpretation key of the above Council declaration.

Polish – Swedish initiative for ENP Eastern Partnership

Definition: Policy Promoter with the condition to ensure special status for the Republic of Moldova

Outlook: Policy Promoter

The above mentioned declaration also includes a reference about a "deeper relationship in the framework of the European Neighbourhood Policy" and a "new and ambitious agreement" between the EU and the Republic of Moldova. While RM is formally dealt with as an ENP country, Romania tries to upgrade its status to a similar level as the Western Balkans (Association Agreement or something similar, but with a clear accession possibility). While Eastern Partnership is a step forward, Romania still considers it insufficient. Romania worries that keeping Moldova in the same framework as countries such as Georgia or Belarus will make Chisinau dependent on other external factors, in an already very complicated context. As a consequence, Romania strongly supports Eastern Partnership but insists on the principle of each country's self differentiation in order to promote RM as a splinter from the group, keeping the possibility to pull RM out of ENP if Chisinau were to make significant progress. It is not yet clear how the Polish–Swedish initiative on the Eastern Partnership would affect Romania's strategy. On one hand, a closer collaboration between the EU and its Eastern partners would benefit RM. On the other hand, RM would still remain in a group of countries without any perspective of membership. For the time being, the Romanian government sees this initiative as an opportunity to push for more attention to and incentives for the Chisinau government.

Enhanced ESDP, increasing Europe's defense capabilities etc.

Definition: Policy Taker

Outlook: Policy Taker

Romania does not have a clear position on ESDP, preferring to await the European consensus. As a general behaviour, Romania tends to see itself as a loyal partner of the bigger states, whether the USA, NATO or a European structure, as long as they guarantee Romania's security. The country committed itself to the Chad EU mission and to the Kosovo military mission.

Revision of European Security Strategy (thought to be initiated by the French Presidency)

Definition: Policy Taker

Outlook: Policy Taker

Concerning the revision of ESS, Romania would agree with a clear energy crisis strategy and a political mechanism to react in such condition. Also, given its EU external border, the inclusion of border control in that area may trigger Romania's interest. No official or unofficial reactions on this matter have been registered.

Position towards Kosovo, e.g. status and EU mission in Kosovo

Definition: Policy Killer concerning recognition of Kosovo independence, Policy Taker concerning participation in the EU mission there.

Outlook: The position will not change

Romanian President Basescu strongly committed Romania to the anti-independence side on the Kosovo debate. This was an exceptional step outside the Western mainstream for Romania, which voted with Russia and against the USA and major European states for the first time on a major issue since communism fell. But the President was not alone in that matter. A majority of columnists and media pundits, as

well as all the Romanian parties represented in Parliament criticised Kosovo's independence. This was caused by the traditionally good relations with Serbia and, most importantly, because there was a widespread concern that Kosovo could be a precedent for the Hungarian minority in Transylvania to demand separation. Only the Hungarian party placed itself on the other side and one Liberal Romanian MEP made a public statement supporting Kosovo, making her the most prominent Romanian official to take such a position. Confusingly, although it considers Kosovo's independence to be illegal, Romania immediately answered the call to participate in the EU mission there that oversees the same independence. Romania wanted to transmit the message that although it has principle-based objections to this matter, it remains a loyal partner once a decision has been made.

Transatlantic relations.

Romania has had a constant policy of good relations with USA as a shield against Russia. NATO accession was a major objective, assumed as such by all mainstream political forces. Bucharest participated both in the NATO campaign in Afghanistan and in the USA-led coalition in Iraq. President Basescu is seen a strong pro-American figure. While the former liberal government proposed to withdraw Romanian troops from Iraq, President Basescu has treated it as a matter of national honour to stay with the allies until the mission is considered accomplished.

A 2005 study of public perceptions on foreign affairs in Romania, authored by the Institute for Public Policy, revealed that 52% of Romanians think the EU should become a superpower like the US and should enjoy an equal partnership with the US, while 16% believed that besides becoming a superpower, the EU should become a competitor to the US. 9% were of the opinion that the US should remain the only superpower and the EU should be a loyal ally, while 23% did not have an opinion on this issue. Asked about who is more important from the point of view of Romanian national interests, between the EU and the US, 54% of those questioned answered that both of them are important, 27% said that the EU is more important, and 4% that the US is.

The 2007 Transatlantic Trends study revealed that 67% of Romanians believe the European Union should exert strong leadership in world affairs; only 13% consider that this is undesirable. At the same time Romanians tend to have an Atlanticist view of the world. Of the countries surveyed, only the United Kingdom, the Netherlands, and Romania had more respondents who viewed U.S. leadership more desirable than undesirable.

Although the Romanians are still much more pro-American than the Western Europeans, a lot of frustration is caused by the visa regime. Like some other members of the EU, Romania did not satisfy the US criteria for visa restrictions to be lifted. The European Commission included the issue in a larger package of negotiations. But since the process took too much time, some Eastern European countries accepted Washington's offer to negotiate directly (and to make some compromises about anti-terrorism information transfers that the EU as a whole opposes). Estonia, Hungary, and the Czech Republic made such deals with US. Romania was in a difficult position. It would prefer for the EU to deal with the US for the simple reason that it had a weaker position than other eastern countries (a bigger percent of rejected visas made lifting the restrictions more difficult) and as consequence a common position would bring an advantage.

Definition: Policy Taker is the current trend of improving US – EU relations will continue

Outlook: Policy Taker

Completion of accession negotiations with Croatia

Definition: Policy Taker

Outlook: Policy Taker

Romania does not have a particular interest in Croatia's accession. As a general tendency, the country supports further enlargements in order to ensure Moldova's accession to the EU.

Opening of accession negotiations with Macedonia

Definition: Policy Taker

Outlook: Policy Taker

The above comment applies also in the case of Macedonia.

Signing of SAA with Serbia

Romania has traditionally good relations with Serbia and it strongly supports Serbia's integration. Romanian diplomats interviewed for this report stated that Romania will push for Serbia to obtain candidate status by the end of this year. Romania was Serbia's advocate within the EU in the case of Kosovo independence and tries to maintain good relations with its neighbour. The only controversial matter between the two countries is the treatment of the small Romanian minority in the Timoc Valley in Serbia. A Romanian MEP recently made an official statement in the European Parliament about the closure of a Romanian church there.

Definition: Policy Driver

Outlook: Policy Driver

Blockage of accession talks with Turkey, possibility of unblocking it

Definition: Policy Taker

Outlook: Policy Taker

Romania did not express a clear message towards Turkey's accession. It has a narrow interest in opening the energy chapter in negotiations. Turkey created problems for the Nabucco pipeline in order to obtain 15% of the transported energy. Being directly interested in the completion of the project, Romania received the signal from Turkey that it would make some compromises if the energy chapter would be opened. Most probably, Romania will push for obtaining this outcome.

Strategy for the Black Sea Region/Black Sea Synergy Implementation assessment

Romania promoted more EU involvement in Black Sea area. The current Foreign Minister recently declared that he hopes the Black Sea will not be a long-term frontier for EU, thus implying support for further enlargements to the East. The Black Sea Synergy initiative is seen by Romania as an instrument to consolidate the region on the EU's agenda. Among its components, the "frozen conflict" dimension represents an immediate interest for Bucharest, since Romania needs indirect leverage for the conflict in Transdnistria.

Definition: Policy Driver

Outlook: Policy Driver

Strategy for the Baltic Sea Region (defined as a priority for the Swedish Presidency – second half 2009)

The Swedish Presidency priority could represent an interest for Romania only if it could be used as a precedent for the Black Sea region.

Definition: Policy Taker

Outlook: Policy Taker

VI. Freedom, Security and Justice

1. Overview
2. General issues:
 - 2.1. Common European asylum system
 - 2.2. Common European migration policy
 - 2.3. Enhanced role in co-operation of law enforcement agencies and their co-operation at EU level
 - 2.4. Harmonisation of serious aspects of cross-border crimes
3. Specific issues:
 - 3.1. Establishment of Eurosur (European border surveillance system)
 - 3.2. Establishment of entry-exit system and other border management tools
 - 3.3. Amendments of asylum-related regulations (2003/9/EC – reception conditions for asylum seekers, regulation 343/2003 on the determination of Member States responsible for assessing asylum applications)
 - 3.4. Evaluation of FRONTEX and the future developments in this area

1. Overview

Top three issues:

- Post-accession monitoring mechanism for Justice and Anti-corruption
- Assistance for the EU external border managed by Romania
- Relations with the Republic of Moldova in the context of EU external border management

Romania entered the EU in 2007 with some “debts” from its previous negotiations process, most prominently, the post-accession monitoring mechanism in the justice and anti-corruption field. The country concentrated on dealing with this issue that causes fierce debates in media and politics. Little interest remains for broader aspects of JHA, and the country tends to follow the EU mainstream with little original contribution. As Romania consolidate its position within the EU and learns to take advantage of its membership it is likely to unload onto the EU agenda the problem of its non-EU frontier (one of the largest in the Union) and to seek further assistance in managing it. Migration remains a remote problem for most Romanians since the country is not a destination for people looking for better living standards. For the time being the most important aspect in this field for Romania is the treatment of its citizens working in Western Europe and the lifting of limitations for the Romanian workforce.

Table of national positions

*please, refer to the methodology disclaimer in the supplements

Issue	Definition and Outlook	National Consensus	EU mainstream
Common European asylum system	Policy Taker; likely to remain a Policy Taker	General Consensus, position not likely to change substantially	Within the mainstream
Common European migration policy	Policy Taker; likely to remain a Policy Taker	Consensus on the general policy	Within the mainstream
Enhanced role in co-operation of law enforcement agencies and their co-operation at EU level	Policy Taker; likely to remain a Policy Taker	Consensus on the general policy	Within the mainstream
Harmonisation of serious aspects of cross-border crimes	Policy Taker for general aspects, Policy Killer for the particular issue of EU monitoring on justice and anti-corruption; likely to be a Policy Taker in the long term	Lack of consensus on anti-corruption	
Establishment of Euro-sur (European border surveillance system)	Policy Taker; likely to remain a Policy Taker	Consensus on the general policy	Within the mainstream
Establishment of entry – exit system and other border management tools	Policy Taker; likely to remain a Policy Taker	Consensus on the general policy	Within the mainstream
Amendments of asylum – related regulations (2003/9/EC – reception conditions for asylum seekers, regulation 343/2003 on the determination of MS responsible for assessing asylum applications)	Policy Taker; likely to remain a Policy Taker	Consensus on the general policy	Within the mainstream
Evaluation of FRONTEX and the future developments in this area	Policy Taker; likely to remain a Policy Taker	Consensus on the general policy	Within the mainstream

Common European asylum system

Definition: Policy Taker

Outlook: Policy Taker

Asylum policies are not a priority on the Romanian public agenda, since the country is not a preferred destination for asylum seekers. The situation will change in the medium future as unofficial estimations show the country will become a target for non-EU migrants in the next 10-15 years. The officials interviewed for this study foresee that Romania will pursue more consistent assistance from EU in managing its external frontiers (Romania manages 2070 km of the EU's external border) and stronger cooperation with third countries that are sources of migration.

For the time being, the interviewed officials tend to believe that Romania would in principle favour the third pillar (intergovernmental) approaches and would be reluctant to transfer more competence for JHA to the first pillar. But in the absence of a robust public debate and clear political positions, this is merely a crude approximation of the future position.

In the debate on the French-proposed Pact for Asylum and Immigration, Romania argued for flexibility of the time line in introducing biometric visas. Romanian authorities are worried that they will not be able to meet the deadlines due to financial and technical difficulties.

Romania proved its good will in this area in 2005 when it hosted approximately 450 political refugees from Uzbekistan who were seeking asylum in the EU after the political violence in that country.

Common European migration policy

Definition: Policy Taker

Outlook: Policy Taker

Romania is still not very attractive for economic migrants, mainly because of the differences in living standards when compared to Western countries. As there is no significant migrant community, public debate on this issue does not exist and, and it follows, neither is there an immediate need for public policies in the field. Of greater importance for the Romanian public is the situation of the Romanians living and working abroad. There are approximately 2 million Romanians working legally or illegally in Western Europe, mainly in Italy and Spain. The Romanian government participated in the debate concerning the European migration policy, having as priority the protection of Romanian working abroad (in order to ensure their treatment as EU citizens, according to internal market rules, rather than as third-country migrants).

Another priority for Romania was to diminish the impact of the European policy on external borders on the existing relationship with the Republic of Moldova (RM), especially because there are approximately 500 000 (unofficial figures) Moldovans who have been or are about to be granted Romanian citizenship. Romania has historical ties with the Republic of Moldova, thus the new rules on the common border applied after the 2007 accession were seen as a painful sacrifice paid in order to join the EU. Romania sought and gained a special agreement between the EU and the Republic of Moldova regarding visas. According to the General Affairs Council Conclusions released on 13 October 2008, this agreement is meant to "lay down the introduction of a visa-free travel regime for the citizens of the Republic of Moldova as a long-term perspective." Besides this, Romania obtained a special mobility partnership between the EU and the Republic of Moldova providing assistance for Chisinau in order to diminish migration from this country. This partnership remains to be implemented.

In the debate about the Pact for Asylum and Immigration, Romania underlined the need for a clear differentiation between free movement of EU citizens within the EU borders and the migration from non-EU states. According to the interviewed officials, Romania wanted to be sure that the right of its citizens to travel in the EU would not be affected. This position followed a series of scandals between Romania and Italy regarding Romanian immigrants. Another priority was maintaining the community preference in the context of the Blue Card programme.

Enhanced role in co-operation of law enforcement agencies and their co-operation at EU level

Definition: Policy Taker

Outlook: Policy Taker

Romania did not express an official position on law enforcement cooperation at EU level; it took as granted the obligations assumed during negotiations. The official paper preparing JHA Councils generally assumes that Romania supports cooperation, but no clear options are made.

Harmonisation of serious aspects of cross-border crimes

Definition: Policy Taker for general aspects, Policy Killer for the particular issue of EU monitoring on justice and anti-corruption

Outlook: Policy Taker

While not very active in EU-wide interest issues, Romania has a special problem inherited from the accession process. Despite intense efforts made by the European Commission during negotiations, the results in combating corruption remained limited. The EC therefore proposed a so-called "mechanism for cooperation and verification" in order to ensure the anti-corruption efforts for the post-accession period. This mechanism was created specially for Romania and Bulgaria. In the case of Romania it covered aspects connected to justice reform, anti-corruption policies and agriculture.

If the two countries fail to register significant progress (measured against EC-established benchmarks) the Commission will be able to activate a safeguard clause. Once the safeguard clause in JHA is activated, there will be no obligation for other Member States to recognise Romanian judicial decisions. While praising efforts made by the special Anti-corruption Prosecutor's Office, the EC criticised other institutions

and notes in two reports released in 2008 that not a single case of high-level corruption has been finalised. Only three weeks after this report was released, the government decided to sack the chief prosecutor of DNA, the one institution appreciated by the EC as having continued the anti-corruption efforts. Although the EC has repeatedly criticised the evolutions in Romania, it has not yet activated the clause for the time being and there are few expectations in Brussels and Bucharest that it will do so. More probably, the EC will try to continue the pressure by attaching more "sticks" for non-compliance.

There is a fragile consensus among the political forces that the monitoring mechanism should be stopped, but different actors understand this issue differently. While President Basescu (elected on a strong anti-corruption platform) and a part of the media support the continuation of anti-corruption efforts, the former Liberal government (which is in conflict with the President) and the former majority in Parliament (the Liberal party formed the government alone but it was supported in legislative chambers by the Social Democrat Party) tried to intimidate the Commission in order to stop the monitoring, despite the negative assessments. The December 2008 election led to an unexpected coalition government between the President's party and the Social Democrats, which shared the ministries equally. The situation is not clear as concerns anti-corruption since the government gathers former opponents with very different approaches in this field.

Establishment of Eurosur (European border surveillance system)

Definition: Policy Taker

Outlook: Policy Taker

Romania supports the Eurosur system and followed the above-mentioned general objectives within this policy: Eastern neighbourhood and EU assistance for securing the borders. Regarding Eurosur, Romania is satisfied with the inclusion of the Black Sea together with the Mediterranean. Romania's interest is generated by the fact that the system will allow the consolidation, using EU financial tools, of the capacities of third-party states to control their own borders.

Generally speaking, Romania does not join the critical voices of the states that claim these measures will create a "fortress Europe." Being a border country with much work to be done in securing its border, Romania will welcome communitarisation and the allocation of funding.

Establishment of entry – exit system and other border management tools

Definition: Policy Taker

Outlook: Policy Taker

Romania does not have a particular position on this issue and will most likely follow the EU consensus.

Amendments of asylum – related regulations (2003/9/EC – reception conditions for asylum seekers, regulation 343/2003 on the determination of MS responsible for assessing asylum applications)

Definition: Policy Taker

Outlook: Policy Taker

Romania formally supports the fulfilment of the objectives set by the Hague Programme regarding the European Common Asylum System and a single status for persons granted refugee status or other subsequent form of protection. The government welcomed the Commission Communication on the policy plan on asylum, issued in June 2008, stating, "the document offers the right approach regarding the development of asylum policy at EU level." Without offering details, the position asks for attention to be paid to judicial procedures, since there are some differences in the judicial systems of the Member States and "harmonising these issues will have a deep impact on our judicial systems."

Also, Romania welcomed the attention paid to the cooperation with third countries (see above discussion about the Republic of Moldova).

Evaluation of FRONTEX and the future developments in this area***Definition: Policy Taker******Outlook: Policy Taker***

In its post-accession strategy, the Romanian government states the country pays particular attention to cooperation within FRONTEX, given the external EU border managed by Romania. In March 2008, the Romanian Home Affairs Ministry participated in a conference organised by the Slovenian Presidency to discuss a Commission evaluation on FRONTEX. The Romanian delegation agreed with the conference's conclusion that FRONTEX should have an enhanced role and to extend the cooperation with other EU agencies. Also, the participants agreed that FRONTEX will play a crucial role in the development of the common border surveillance control (EUROSUR).

Romania participated in FRONTEX's land border operations, providing human resources for joint operations, trainings and workshops, and hosted projects such as GORDIUS (a joint operation of the Member States to check travel documents of Moldovan citizens in order to identify false or falsified travel documents) or the URSUS III phase of the "Five Borders" project, which aimed to enhance operational coordination on the EU external border towards the Ukraine.

VII. Institutional issues

1. Overview
2. General issues:
 - 2.1. Representation of the country in the EU institutions: EC, European council, EP – a backgrounder
 - 2.2. Position of the country and the different stakeholders (including public opinion) towards the Lisbon Treaty and the framework of changes introduced by it
 - 2.3. Alternative proposals to the institutional development of the EU, rated by the relative influence of their proponents (e.g. multi-speed Europe, one-voice foreign policy, etc.)
3. Specific issues:
 - 3.1. Position towards the main changes offered by the Lisbon Treaty:
 - Extended qualified majority voting;
 - European Parliament's increased role;
 - President of the European Council;
 - High Representative for Foreign Policy;
 - Revision of the representation in the European Commission;
 - Charter of Fundamental Rights legally binding
 - 3.2. Implementation of institutional innovations:
 - President of the European Council: competences vis-à-vis the rotating presidency, job description, secretariat and its size etc.
 - EU High Representative: competences vis-à-vis the two presidents, relation to other commissioners with external relations portfolios, competences and relations vis-à-vis the rotating presidency
 - EU External Action Service: Implementation of the EU External Action Service:
 - 3.3. Future of Lisbon Treaty ratification

1. Overview

Top issues for Romania:

- maintaining country's right to appoint a commissioner
- seeking a more important portfolio in the future Commission than the current one

Generally speaking, Romania suffers from a serious deficit of internal debate over EU issues. One may notice that once its own accession was completed, Romania found itself in the strange situation of achieving a major objective and not knowingly exactly how to deal with it. Having been accepted into the club with difficulties, many Romanians feel they are not yet entitled to have strong opinions and proposals for the debates that are beyond them. Any issue that seems to be beyond immediate Romanian interest or vicinity is treated as "somebody else's" problem. In many cases, politicians leave important decision to be made by high-level civil servants, who do not have the political support to commit the country in the long term. Although they are able to support Romania's interests at a technical level, they lack the internal political support to engage Romania in major debates about Europe. The regular Romanian MPs and journalists also lack the expertise and information necessary to connect them to some major debates already started when Romania was still engaged in negotiations. We encountered serious difficulties in formulating some clear positions for Romania in the above-mentioned issues since there were no clear options. The single exception seems to be the option to maintain the current system of appointing the commissioners, with Romania among the states that stick to the "one country one commissioner" principle. With this limited exception, the country's political establishment seems to be committed to support the Lisbon Treaty and it is not willing to renegotiate it. Given the situation, Romania will follow the consensus on institutional debates and will concentrate on narrow issues of immediate interest. As concerns the future Commission, Romania will seek a more important portfolio than the current one (Multilingualism) and there is a low profile initiative to lobby the other Member States for a Romanian Commissioner for Agriculture.

Table of national positions

*please, refer to the methodology disclaimer in the supplements

Issue	Definition and Outlook	National Consensus	EU mainstream
Representation of the country in the EU institutions: EC, European council, EP – a backgrounder;	Policy Killer for reducing the number of commissioners; likely to remain so	General Consensus, the issue built on symbolic terms	In progress
Position of the country and the different stakeholders (including public opinion) towards the Lisbon Treaty and the framework of changes introduced by it;	Policy Taker; likely to remain a Policy Taker	Consensus on the general policy	Within the mainstream
Alternatives proposals to the institutional development of the EU, rated by the relative influence of their proponents (e.g. multi speed Europe, one-voice foreign policy, etc.).	Policy Taker; likely to remain a Policy Taker	Consensus on the general policy	Within the mainstream
Position towards the main changes offered by the Lisbon Treaty	Policy Taker; likely to remain a Policy Taker	Consensus on the general policy	Within the mainstream
Implementation of institutional innovations:	Policy Taker; likely to remain a Policy Taker	Consensus on the general policy	Within the mainstream
Future of Lisbon Treaty ratification:	Policy Taker; likely to remain a Policy Taker	Consensus on the general policy	Within the mainstream

Representation of the country in the EU institutions: EC, European council, EP – a backgrounder;

Definition: Policy Killer for reducing the number of commissioners

Outlook: Policy Killer

Romania is represented in the EU institutions as follows: 35 Members of Parliament, 14 votes in Council (according to the Nice Treaty) and one Commissioner, with an insignificant portfolio in the current Commission (Multilingualism). Related to the debates over the principle "one country, one commissioner" and possible replacements, the Romanian President stated that Romania prefers to continue the Nice procedure, thus maintaining the current system. Our interviews showed that Romanian officials will stick to this principle, taking the issue mostly in symbolic terms, saying that Romania is a country big enough to deserve higher representation in the Commission. Some signals show that Romania would probable seek the position of Agriculture Commissioner (see the discussion in the CAP chapter).

Position of the country and the different stakeholders (including public opinion) towards the Lisbon Treaty and the framework of changes introduced by it;

Definition: Policy Taker

Outlook: Policy Taker

Romania joined the EU in particular circumstances, after the failure of the Constitution and after a consensus was reached on the Lisbon Treaty. With very difficult accession conditionalities upon it, Romania was not in the position to trouble EU internal debates at that moment. Some voices believed that, after the Irish referendum, Romania and Bulgaria could use the moment to review their position towards Lisbon. But this did not happen, and Romania does not have any objection to the Lisbon Treaty in its current form. There is no internal debate over it and the country will surely follow the European consensus.

Romanians continue to be overwhelmingly pro-EU in opinion polls, at least comparatively. In the last Eurobarometer (December 2008), Romania was in first place on the question about the positive image of EU (63% of Romanians having a positive image). Also, 66% of them consider that Romania's membership was a good thing and 69% think the country benefited / benefits from its accession. The European Commission is trusted by 55% of Romanians and the European Parliament by 63% of them, which is impressive in a country with low levels of political trust.

Alternatives proposals to the institutional development of the EU, rated by the relative influence of their proponents (e.g. multi speed Europe, one-voice foreign policy, etc.).

Definition: Policy Taker

Outlook: Policy Taker

The position towards the main changes offered by the Lisbon Treaty (important in case the Lisbon Treaty is revamped and/or introduced through its separate elements) in case the treaty is scrapped – what innovations should be implemented (and how)?:

- Extended qualified majority voting (if the national position differs from the areas, envisaged in the Lisbon Treaty);
- European Parliament increased role;
- President of the European Council;
- High Representative for Foreign Policy;
- Revision of the representation in the European Commission;
- Charter of Human Right legally binding

Implementation of institutional innovations:

Definition: Policy Taker

Outlook: Policy Taker

- President of the European Council: competences vis-à-vis the rotating presidency, job description, secretariat and its size etc.
- EU High representative: competences vis-à-vis the two presidents, relation to other commissioners with external relations portfolio, competences and relations vis-à-vis the rotating presidency
- EU External Action Service: Implementation of the EU External Action Service (see also point VIII): what proportion of EU/national diplomats, who should pay for national diplomats (should they have status of EU officials or be seconded to EEAS; internal quotas?), institutional anchoring of EEAS (Commission, Council, separate, under what scrutiny?)

Romania is interested in a one-voice foreign policy as a matter of principle, but it is neither a leader nor a convinced follower in this respect. Most probably it would agree with several orientations such as strong links with the US and unitary positions towards Russia. No preference was expressed about the multi-speed Europe concept. One of the diplomats interviewed for this report expressed the preference that the EU External Action Service should be composed of staff delegated from the Council, Commission and Member States, by temporary assignments. Romania would thus take an intergovernmental approach on this issue, but is impossible to assess how seriously it would stick to this position.

Future of Lisbon Treaty ratification:

Definition: Policy Taker

Outlook: Policy Taker

President Basescu recently met the President of Ireland and stated in a common press conference that Romania will not pressure Ireland over a second referendum and that this should be the Irish people's decision entirely. Some signals were received that the Irish government appreciated this stance. But besides the diplomatic gesture, the strong opinion in Romanian official circles is that a solution should be found to preserve the Lisbon Treaty and to avoid opening new negotiations. No preference was expressed about the concrete modality; most probably Romania would follow the majority.

About the authors

Cristian Ghinea is Director of the Romanian Centre for European Policies (CRPE). After eight years of writing for the Romanian media, Cristian went abroad in 2007–2008 to study EU Governance at the London School of Economics. He was previously involved in civic projects with the Romanian Academic Society, the Centre for Independent Journalism, the Helsinki Committee and Freedom House – Romania. Mr. Ghinea has written chapters on Romania in prestigious international reports such as the “Media Sustainability Index” (IREX) and “Nations in Transit” (Freedom House). Upon his return to Romania he set out to combine academic approaches and new-found connections to shape a credible and influential public discourse on EU-related issues.

Supplements

Methodology notes

The research has been carried out by individual researchers in each of the ten new members on the basis of specially designed methodology, developed by EUROPEUM and major input from EuPI/OSI-Sofia. The seven policy areas under research are: I. Internal market/Lisbon Strategy; II. Minority integration and citizenship issues; III. Energy and climate change; IV. Budget review and CAP Health Check; V. EU foreign policy and enlargement; VI. Freedom, Security and Justice; VII. Institutional issues.

The research was carried out primarily in the period September 2008 – December 2009, but there may be references beyond this period. Some positions and circumstances described in the reports may have changed since the information was last made available to the researchers or reached the stage of publication.

The researchers' findings are published in ten country reports on each of the New Member States: Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia.

The structure of the country reports includes an overview of the country's performance as an EU member and seven chapters following the seven broad policy areas. Each chapter contains an overview of the position of this country in the area, including the top three national priorities. Then the chapters provide in-depth analyses, information and prognoses on a set of issues (defined as general and specific) within each of the seven policy areas.

The views expressed in the reports are those of the authors and do not necessarily reflect the views of the Open Society Institute – Sofia.

Classifications: Policy Taker, Killer, and Driver explained

In the classification of this study, Policy Takers are those states that usually follow the mainstream in the EU and in general accept whatever is offered from the EU. The reasons may vary — from the lack of stakes and interests in the issue, to the lack of capacity to formulate a meaningful position, or they may have a position but lack the weight and experience to promote it.

The Policy Driver is a country that assertively promotes an issue at EU level. Ideally, a Policy Driver would have a broad political consensus and public support at home, capacity and expertise to advocate successfully, and carry the weight to gather coalitions and promote the policy. This may also imply additional legitimacy, measured also by the added value of this policy to the "European project" or adherence to the "European values" or "common European interest".

A Policy Killer is exactly the same as a Policy Driver, but with an opposite sign. In many cases, a Policy Killer country becomes a Driver if it succeeds in proposing a feasible and viable alternative to the policy it tried to prevent.

While all members are at some point "Policy Drivers" or "Killers", the crown of a "super Policy Driver" and "super Policy Killer" goes undoubtedly to Poland. Poland, the biggest of the new members, with enough self-confidence, has led an effective opposition to the Constitutional Treaty, the Lisbon Treaty, and to the energy and climate package.

Tables of national positions: Explaining the exercise and words of caution

In the course of the current study, the country researchers were asked to classify the position and policy behaviour of the country as Policy Taker, Policy Driver or Policy Killer on the respective issues. The judgments had to be based on the level and character of activity, interest and involvement of the country in the given policy area. The researchers were also asked to provide a forecast for the short and medium-term positions and behaviour of the country, based on diverse factors triggering change — domestic political change, rise of powerful stakeholders able to promote or kill a policy, a window of opportunity to intervene, reversal of policy at EU level that causes negative reaction, etc.

The attempt at classification and forecasting (laid out in detail in the tables at the end of the report) should be used with caution, as the positions and factors at play are

nuanced, multifaceted and complex: simplified tick-boxes of classification, presented in the tables, can never be too accurate. Therefore, they are more for orientation purposes and the provided substantive reports should be consulted for a more detailed analytical description, as the authors themselves often point to several possible explanations and scenarios for future development. Nevertheless, this is a valuable set of information, based on very good expert knowledge and judgment.

Country abbreviations	
EU27 European Union - 27 Member States	
BE	Belgium
CZ	Czech Republic
BG	Bulgaria
DK	Denmark
<i>D-E</i>	<i>East Germany</i>
DE	Germany
<i>D-W</i>	<i>West Germany</i>
EE	Estonia
EL	Greece
ES	Spain
FR	France
IE	Ireland
IT	Italy
CY	Republic of Cyprus *
CY (tcc)	Zone not controlled by the government of the Republic of Cyprus
LT	Lithuania
LV	Latvia
LU	Luxembourg
HU	Hungary
MT	Malta
NL	Netherlands
AT	Austria
PL	Poland
PT	Portugal
RO	Romania
SI	Slovenia
SK	Slovakia
FI	Finland
SE	Sweden
UK	United Kingdom
HR	Croatia
TR	Turkey
MK	Republic of Macedonia

This EuPI project has been implemented in close partnership with EUROPEUM Institute for European Policy, with funding provided by the Open Society Institute – Sofia.



About EuPI

The European Policy Initiative (EuPI) of the Open Society Institute – Sofia aims at stimulating and assisting the New Member States from CEE to develop capacity for constructive co-authorship of common European policies at both government and civil society level. As a new priority area of the European Policies and Civic Participation Program of Open Society Institute – Sofia, EuPI will contribute to improving the capacity of New Member States to effectively impact common European policies through quality research, policy recommendations, networking and advocacy. The initiative operates in the ten New Member States from CEE through a network of experts and policy institutes.

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About EUROPEUM

EUROPEUM Institute for European Policy is a non-profit, non-partisan and independent institute. It focuses on the issues of European integration and its impact on the transformation of political, economic and legal milieu in the Czech Republic. EUROPEUM strives to contribute to a long-lasting development of democracy, security, stability, freedom and solidarity across Europe. EUROPEUM formulates opinions and offers alternatives to internal reforms in the Czech Republic with a view of ensuring her full-fledged membership and respected position in the European Union.

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