UNIVERSITY OF CRAIOVA
FACULTY OF SOCIAL SCIENCES
POLITICAL SCIENCES SPECIALIZATION &
CENTER OF POST-COMMUNIST POLITICAL STUDIES
(CESPO-CEPOS)

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NO. 63 • 2019

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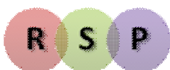

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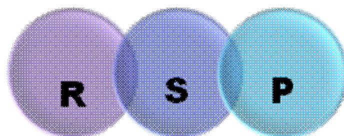

EDITORS' NOTE

Ethics in Business and Administration: Insights & Experiences from the East European Post-Communism

Note of the Editors of the *Revista de Ştiinţe Politice. Revue des Sciences Politiques*

Issue 63/2019

Anca Parmena Olimid[*],
Cătălina Maria Georgescu[**],
Cosmin Lucian Gherghe[***]

Ethics in business and administration has become in the last twenty years an important chapter of the policy studies and social sciences. The evolution of administration policies and strategies, the reform of the European administrative space, the migration polices and the national challenges, the employment relationships in the EU Member States, the analysis of the general regulations in various administration domains, the cross-sectorial monitoring of the advertising framework, the evolution of the stock exchanges, the new developments of the conditions for employment, the media

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coverage of the public administration and the image of the political leaders necessitate an in-depth analysis of the ethical approach conducting business and administration in the East-European post-communist landscape.

Furthermore, Issue 63/ 2019 of the Revista de Științe Politice. Revue des Sciences Politiques launched in September 2019 regards a list of business and administration ethics research topics focusing:

1. The ethical approach in the public administration reform in the post-communist countries researched in the article entitled: *Ethics in the Public Administration of Mitrovica Municipality* (authors: Elvis Feka and Jonuz Abdullai).
   The study signed by Elvis Feka and Jonuz Abdullai relates the "moral standards in governance", "the public administration performance" and the ethical behaviour in public administration.
2. The cleavages of the EU integration and the impact of the implementation of the Community acquis for the public administration sector researched in the article entitled: *Public Administration Reform in Post-Communist Countries as a Requirement for EU Membership: Towards the European Administrative Space* (author: Elena Todorova).
   The paper explores the good governance principles and the administrative standards requirements.
3. The relationship between the citizens' liberties, the national sovereignty and the multilevel governance in the European Union focused in the article entitled: *Europe facing migration. National Strategies versus European policies* (author: Alexandra Porumbescu).
   The study formulates a research response to the "particular matter of migration" by pointing the importance of the European Agenda on Migration launched in May 2015.
4. The scrutiny of the passangers transport, the transport contracts, the carrier liability and substitution in the national legislation overviewed in the article entitled: *Critical Analysis of the General Regulation of the Transport of Persons and Baggage* (author: Cristina Stanciu).
   The critical analysis of the transport contracts points towards the legal norms, the regulation of the transport contracts and other terminological aspects relating to the rights and obligations of the persons.
5. The challenges of the professional life and the legal framework of the employment contracts in the European Union's Member States researched in the article entitled: *Establishment of the Employment Relationship: Conditions for Emploment in EU Member States* (authors: Roxana Cristina Radu, Marina Loredana Belu).
   The study focuses on the ethical approach to the individual employment contract, the duration of the probationary period, the working age, and the protection of young people at work in the EU legislation.
6. The advertising sector for the pharmaceutical products in Romania using the thematic analysis and the impact on individual consumers focused in the article entitled: *Advertising and Health in Romania* (author: Valentina Marinescu).
   The research of the "Direct-to-consumer advertising" (DTC advertising) points towards the following topics: the pharmaceutical industry, the consumer behavior, the medical prescription, the therapeutic effect, the media impact, the

marketing strategy, the type of message in advertising, the health system, the relationship between media and society.

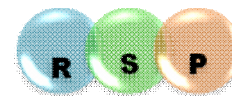
7. The challenges of the stock exchange, the competitive capital markets, the objectives and the strategic initiatives focused in the article entitled: *New Developments in the Evolution of Bucharest Stock Exchange* (author: Cristian Valeriu Stanciu).
   The paper researches the importance of the capital allocation process and the functionality of the financial market in the post-communist landscape.
8. The media coverage of the visual arts during the Croatian transition period pointed out in the article entitled: *Media coverage of visual arts from 1990 until 1995 – on the example of the city of Zadar in the Republic of Croatia* (author: Vesna Kalajžić).
   The paper focuses on the art and cultural activity in the post-war period by monitoring the cultural and administrative policy and programmes of Croatia in the period 1990-1995 namely: music, movies, performing arts etc.
9. The influence and behaviour of the political leader focused in the article entitled: *Władyslaw Gomułka: One of the most influential of the East European Communist Party Leaders* (author: Tudor Urea).
   The article overviews: the resistance struggle, the post-war Polish politics, the quality of leadership and the de-Stanilization process.

The current issue of the *Revista de Ştiinţe Politice. Revue des Sciences Politiques* (Issue 63/2019) focuses on the ethical approach to the business and administration sectors in the East European post-communism by providing insights and shared experiences of the citizens, communities, organizations, social groups, regions, nations etc.

Therefore, the contents of the journal are very informative and provide useful insights and screening measures of the East-European countries of the business and administration practices during the transition period.

Wishing you all the best,

The Editors



ORIGINAL PAPER

Ethics in the Public Administration of Mitrovica Municipality

Elvis Feka*
Jonuz Abdullai**

Abstract
Ethics in public service deals with the practical application of moral standards in governance. Ethics is primarily related to how an individual thinks should behave; it deals with values and their implementation in a given context. It is known that the civil society is directly related to the service provided by the public administration and as a consequence it directs its entire activity to meet the needs and interests of the public, exercising its functions, based on sound ethical and respectful law. The public administration performance study becomes important as this public sector represents the state and the way of governance, and that public services are very important to the beneficiaries, since they are ultimately vital and irreplaceable. There is always a direct link between ethics as discipline and public administration, which springs from the emergence of administrative functions in the civilized world. In this context we are going to go through procedures and standards that regulate the Ethics and ethical behavior in Kosovo Public Administration. In order to achieve the desired results and findings needed for this paper, we are going to use different research methodologies, such as text analyses and review of different documents that regulate this matter. Also we are going to use a questionnaire that will help us to obtain the necessary findings in order to complete this paper.

Keywords: *ethics; public administration; Kosovo; standards; regulations***.**

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Ethics in the Public Administration of Mitrovica Municipality

Ethics and moral values are a constitutional part of every contemporary society. Many of the developed countries place the ethical values as standards that need to be respected and they operate in align with those standards, thus ensuring equal opportunities to all of its citizens regardless to their gender, age, nationality, race, etc. In the other hand, countries in transition struggle on the implementation of these standards mainly because the lack of rule of law, high corruption and political instability, which distracts the attention from enforcing moral and ethical values in the society.

The public administration performance study becomes important as this public sector represents the state and the way of governance in a given country and that public services are very important to the beneficiaries; they are ultimately vital and irreplaceable. There is always a direct link between ethics as discipline and public administration, which comes from the need of administrative functions in the civilized world, but under the current circumstances, they must be pre-requisites and a necessary tool for an employee who performs public services. The good or bad functioning of a state public structure has ethics as an inherent element. This would mean that when the public servant performs unethical behavior during the performance of his duty, then he has violated the public's credibility towards himself, the institution and the state itself. If a violation happens on an organization that has breached formal and standard rules, odds are that the managers or those in charge be the first to hear about those violations. It’s important that the organization can depend and rely on the staff, not to only do the right thing, to follow the guidelines, but also be the first to inform the manager if a colleague of theirs is not following the standards (Banfield, Kay, 2011). This issue will be our main concern in this paper, since the public administration in Kosovo is facing many challenges related to ethics in public state institutions, mostly due to the fact that those institutions has emerged during a transition period.

Ethics as a discipline starts with Aristotle who say that it represents a branch of philosophy which deals with the basic values of inter human relations. It is a discipline which deals with morale as an issue and its philosophy. Also it is a guideline on some important behavior, the way how we should live, do we reach for happiness or do we strive for knowledge, with virtues or beauty, etc. Ethics in the public service has to do with the practical application of moral standards in governance. Ethics is primarily related to how an individual feels behaving; it deals with values and their implementation in a given context. It is known that the civil society is directly related to the service provided by the public administration and as a consequence it directs its entire activity to meet the needs and interests of the public, exercising its functions, based on sound ethical values and respecting the law.

Ethics and the lack of ethics within the citizens and public institutions have become part of debates and public discussions by sociologists and philosophers, who have an impact and responsibility for this diverse situation in the field of morality and ethics. But, how necessary and important is the communication ethics in the Administration? The problems of Albanian society today are domestic violence, institutional arbitrariness, violation and disrespecting the laws, both by citizens and public administration employees, lack of social accountability, organized crime, lack of trust in independent institutions, lack of efficiency of law enforcement agencies, with a great impact on the rule of law. An example of ethical principles in public administration lies in the "Seven Principles of Public Life" by the Nolan Committee of the United Kingdom. According to this document they are: altruism, integrity, objectivity, responsibility, sincerity, honesty and direction (Chapman, 2002).

The role of public administration is a bridge between politics and society and this is achieved through the exercise of the working responsibilities of public servants, which represents the guarantee and the assurance of fulfillment of their mission in the realization of services and general goods in the interest of public. At political level, institutions and technological structures strictly limit human choices by imposing a great loss of freedom as long as they are thought and acted with instrumental reasons. In this society people end up as sealed within the walls of their heart (Rosenbloom, Kravchuk, 2002). The administration is based on the merit and professional skills of civil servants who are verified in free competition to enter the civil service, in accordance with the legislation in force.

The moral culture of public servants

Moral culture is an important indicator for the development of a moral personality. This culture is proved in the voluntary pursuit of moral standards and the implementation of the targeted action that is characterized by the harmonious combination of personal and public interests (Jowett, 1885). Moral freedom is represented through the ability to express free will by choosing a mode of action within many alternatives, controlling personal behavior, and taking responsibility for the primary needs. The essential components of moral freedom are: recognition of moral standards requirements; recognition of these standards as internal needs; making a decision in accordance with the internal will, without being subject to external (legal or arbitrary) pressure; serious efforts to control oneself and feelings about the achieved results and taking responsibility for the causes and consequences of the actions.

Moral culture is a quality tool of the development and moral maturity of a person. Personal moral culture cannot be reduced in external ethics or in moral self-reflections; it is not limited to the basic requirements of morality, nor with qualities such as consciousness, honor, and generosity, although it cannot exist without them. Personal values and ideals, objectively and historically defined goals, are very important. Each public servant has special obligations according to his / her position. Their combination forms the concept of professional tasks (Fromm, 2003).

The moral aspect of these tasks is related to the will of the clerk to fulfill them consciously and with the meaning of the vital importance of work he performs. Perfect application of personal duties is a matter of honesty. Deep understanding and conscientious application of duties makes the employee known and respected by public opinion. Public servants have the right and tremendous opportunities to act in favor of the state and to participate in the preparation and implementation of decisions that give genuine social and economic results for the majority of the population. For this reason they must have high professional and moral qualities. Learning the standards of employee etiquette in the public service is higher than those of the private sector. These are the following:

- Understanding the critical link between ethics and responsibility and challenges that ensure that administrative behavior is full of responsibility;
- Ability to explain the sources of discrepancies between citizen's desires and administrative decisions and ways in which citizens can interpret the stated differences;
- Understanding managerial, political and legal perspectives that take responsibility;

- Learning the general features of codes of professional ethics that modern public administrators should adhere to.

Public administrators are treated as 'guardians' (Platon, 1999) of the modern administrative state. This sentiment raises a very usable expression: "Who watches the watchmen?" Public administrators have a duty to behave responsibly as their activity has many aspects that can lead to misunderstanding of public interest, corruption and subversion (Çela, 2006).

In general, public servants need to follow higher operating standards than those of other sectors. But there are many public administration dimensions that exacerbate the appropriate level of responsibility. It is therefore necessary to examine the managerial, political and legal duties of responsibility and ethics. Ethics can be taken as a form of self-responsibility or as an 'internal restraint' of the actions of public administrators. However, this restraint may come from the demands of external factors on the behavior of administrators.

The new perception of professionalism, including the code of ethics, is considered by many people as a tool to help "watchers" to try to watch themselves. Public administrators have become an important point of reference for power and political influence; many times they play an active role in shaping public policy. They have to do with the way, pace and tone of implementation of these policies. Out of this range of circumstances, a fundamental issue is raised by Frederick Mosher as follows: "How can the principle "government by the people" be consistent with the continuous public service, where people work without being chosen by the people nor appointed by their representatives" (Mosher, 1968). For many citizens and political authorities this is the fundamental political issue emerging with the development of the contemporary administrative state. This is also central issue of modern management.

As Victor Thompson (Thompson, 1961) points out, the rising specialization and the technical skills of subordinate employees have created a brutal equilibrium between hierarchical authority and the responsibility of top-level administrators on the one hand and their intellectual capacity to manage their staff on the other. That is why New Public Management opposes the hierarchy and gives priority to higher authorizations of employees. Responsibility is also a matter of law and relates to the following questions: "Who and for what is responsible, which actions are illegal?" It is important to address the problem of how administrators can guard their public trust. It breaks down the New Public Management (NPM), the traditional managerial, political and legal perspectives in relation to responsibility and ethics. Ethics is considered as an internal restraint, as a sense of personal responsibility, while responsibility as a process of enforcing the external restraints that the administrator has in the public sphere. Although the ethics and responsibility of public administrators are world-wide principles, there are many examples of misusing public trust and acting in a manner that is conflicting with the public interest.

The contemporary public administration (Gera, 2007) is considered as honest and in compliance with the foreseen standards, but still needs improvements in order to be perfect. Administrators sometimes give hasty judgments, make mistakes, and are not successful in carrying out their duties. Poor performances pose the potential problem, but there are three points where administrators violate public trust and which have a lot more to do with ethics and responsibility. It is about a misunderstanding of public interest (O'Toole, 2002), corruption and subversion.

Misunderstanding with the public interest

Some factors within the public administration make public servants misunderstand or misinterpret the public interest. The first are social factors. Public administrators, particularly those of the highest level, acting in more complex and politically most influential positions, can form a social group that does not represent the interests of the population; they can be seduced by the middle class position. Due to their skills, education and qualifications, but also the support they may have from governing governments, this category of employees is the most paid (Krislov, Rosenbllom, 1981). The group's baseline provides a sense of how people live, telling about their problems and needs, it is an important element for creating individual and group values and norms of behavior. Human understanding is greatly influenced by social attributes. Seymour Lipset asserts that "the behavior of state bureaucrats depends on the non-governmental social background and the interests of those who control the bureaucratic structure (Lipset, 2010)."

People are closely related to several categories: one is born as a woman and somebody else as a male, as a member of a race, ethnic or social class. Most public administrators are members of the middle class society. The second factor that public administrators may cause to mislead the public interest is their specialization; they perform highly specialized functions and develop a close view of the public interest. In everyday activity they can exaggerate the importance of work they do and disparage the work of others, they can form opinions that exacerbate the meaning of alternative views and recognize the legitimacy of competitive values.

There are many well-known examples of this nature in daily life. For example, lawyers sometimes defend people who are known to be guilty of very serious crimes. Their reasoning is that each lawyer is obliged to defend his client in the best way and that the legal system cannot function differently. A knowledgeable person finds it difficult to distinguish between an individual who helps a child rapist to leave the crime scene and a lawyer who uses technical rules of evidence to release him after arrest. The policemen, who daily face crime, are used to deal with high-risk criminals, prostitutes and other types that are quite harmful to society.

These are some ways to think about the actions of people, including those of public administration in certain job circumstances. Bureaucracies perceive socialism as a mechanism for rooting in the values of employees and formation of work ethics. Anthony Dows shares the opinion that any administrative agency should develop its own office ideology which can be summed up in five principles:

- It will emphasize the benefits of office activities and will not emphasize its costs;
- It will show that extending office services is welcome, while cutting them unwanted;
- It will emphasize the benefits that the office offers to society even though it serves "special interests";
- It will highlight the high level of office efficiency;
- It will understand its achievements and future capabilities and minimize its inefficiencies and disabilities.

Moreover, this ideology is handed to important employees because "all officials exhibit strong legitimacy to the organization that controls their professional security and promotion (Dows, 1967)." Specialization and administrative socialism forms the world public understanding. The functions of education workers, military officers, urban

planning, medicine, and other public administrators are considered to be extremely important for the future and the well-being of society. Close linkage with residents of a zone is another factor that may affect public administrators in misinterpretation of the public interest.

Different economic circles and social groups from government agencies seek supporting their interests. This process can sometimes lead the agency into mixing client and public interests and forcing it to act as a protector of clientele's interests. Joseph La Palombara describes this situation as a relationship with the "clientele" where a group of interests, for various reasons, achieves to become natural reflection in the eyes of an administrative agency, a representative of a social sector and a reference point for the agency's activities (Palombara, 1963).

Dealing with corruption

Corruption can be defined as a violation of public trust for private interests. According to many views, corruption in public administration is a global phenomenon and a serious obstacle to achieving government objectives. During the Cold War, the "bureaucracy crash" syndrome has been present in both the former Soviet Union and the United States, and examples of administrative corruption were discovered by both the press and various officials.

The main reason for the presence of corruption in public administration lies in the fact that it is within its competence to allocate or distribute something that the people need. Michael Johnston says: "Although the source of corruption is similar in all public administration environments, the betrayal of public trust and corrupt action by administrators differs according to political cultures (Johnston, 2005)." Each country has its own norms and values that define the different kinds of political exchanges. Political exchanges mean compensation for reports involving government and politics. The candidate's example for Congress, which says "Vote for me to lower your taxes" is a case of political exchange (Heidenheirner, 1970). The same is the demand of a driver to the policeman: "Let me pass this time by warning and I will not speed again." Vote bargain, the mutual support for advancing positions in the legislative system, drafting political party platforms, and recruiting party candidates for public offices, are also examples of political exchange.

No political system can stand without this element. But not all kinds of political exchanges are legal in all societies. An obstacle to understanding administrative corruption lies in precisely determining which types of political exchange are considered as acceptable part of political life, and which are not. Regarding the issue of administrative corruption in the US, a discussion has arisen between the norms and values of the two political cultures. One of them is the culture based on political structure, while the other in contemporary civic culture. These cultures were represented in the early public service reforms of the 19th century and in the progressive movements of the first half of the last century.

In political-based political culture, political exchanges are made between citizens, their chief or agents, and between bureaucratic and business apparatus. Votes are traded for jobs and other favors: for money, privileges, and public works contracts. These exchanges are considered acceptable, though sometimes referred to as 'honest bribes'. It has also become commonplace for administrative officials to deviate from administrative laws in order to satisfy their assistants or their friends. Public officials can receive gifts from clients and others in order to generate goodwill (Stuart, 2005). Public

employees should participate in the elections and contribute to the material benefit of the ruling political party. On Election Day, even though they are paid by the state cash, they have to cast the votes from the voters. Officials can also legitimately benefit from 'internal' knowledge, for example, they may know in advance of where the new road will go or where social housing will be built. Generally speaking, the goal of politics is not to achieve ideological goals, but personal gain by trading political support and money for the benefit of governmental benefits and advantages (Banfiled, 1963). Civic culture implies a completely different perspective; it has to do with what is common, of community, with the promotion of public interests against private ones. In this context, the government is not seen as a tool that distributes good gifts, but as an institution in charge to provide general welfare to society. In the civil society, the state protects personal interests and not the chief, a principle embedded in written and unwritten legal documents. In such systems vote trading for finding a job is considered an illegal act. Giving money for licenses, privileges and various contracts is also considered as corruption. These gifts should be distributed according to the rules that give priority to the interest of the community rather than the individual.

Public administrators are prohibited from using internal information for private purposes. The laws that deal with conflicts of interest aim at preventing such misuse. It is forbidden the participation in electoral activities. Norms apply to all citizens, regardless of party, gender, profession, ethnicity, religion, etc. Part of the problem of identifying administrative corruption is the result of the coexistence of norms of these two types of political culture. Political machinery has shrunk, is being fragmented, is weaker than in the early twentieth century. This is an implicit consequence of public service reforms and progressive movements.

However, the norms, values and some general practices of the political apparatus of the past are still influential in the politics of affinity. Some 'political executive' positions are still on a party basis. Public administration employees, engaged in the distribution of government privileges, are sometimes guided by opposing views, such as those based on political administration and in other civic culture (Aristotel, 2003). Corruption definitions differ according to political culture, but within each political or administrative system there are several types of corruption. One useful way to think about corruption is to consider the way of realization and the purpose of the corrupt activity. Realization can capture a person or organization; it may be unilateral, which means the non-inclusion of an exchange with an individual or corporate entity. Same as the individual, the agency also can hide its mistakes. This is one of the reasons why Congress was so much interested in Clinton's experience of losing e-mails. Individuals and agencies can falsify data and recordings in order to be removed from doing the job as it is best. In such cases, the purpose of the individual or the agency is to preserve and increase its authority. Part of the unilateral corruption can also be material benefits.

Theft, misappropriation and use of official sources for private purposes are key examples of this type of corruption. Corruption can also be transactional, including direct exchange itself. In case the exchange increases the administrative authority, this behavior can take the form of extremely strong clientele reports. In order to repay the loan for the given support, the administrator gives the client group privileges that are incompatible with the public interest.

The survey

By taking into account all the above mentioned regarding the ethics and ethical standards in public administration, as mentioned in the introduction of this paper, we are going to test the use of ethics in public administration in Mitrovica, a city in northern Kosovo, through a survey which is going to show us the state of ethics in this new country. For this purpose we are going to present the results from a survey which was conducted with 100 respondents (citizens and employees of the Municipality of Mitrovica in Kosovo), on a random sample.

When asked how they evaluate the transparency and communication of the administration in the Municipality of Mitrovica, 45 respondents answered bad and very bad, compare to 21 respondents who answered good and really good. This results show that majority of the respondents think that there is a lack of transparency and communication from the administration servants.

On the question whether civil servants in the Mitrovica Municipality Administration do a professional job, 76% of respondents had a negative stance, while only 24% had a positive answer. This results shows that overwhelming majority of the people who answered the questionnaire think that the public administration in their municipality need to improve their professionalism towards their duty.

Almost similar are the results on the question whether occurred during working hours not to find employees at workplaces. 73% of the respondents answered positively, which reflects the negative opinion regarding the presence of the employees in their workplace during the working hours.

When asked about the time needed to get an answer, after submitting a request to the administration of the Municipality of Mitrovica, the results are disappointing. Majority of respondents (54%) answered that it took more than 30 days to get an answer on their request, 35% answered that it took between 20-30 days, 8% answered between 10-20 days, while only 3 respondents have experienced fast answering on upon their request towards the municipality administration.

On the question whether civil servants in the municipality of Mitrovica are corrupt, again we find alerting results, where 64% of the respondents answered positively, while the remaining 36% thinks that the civil servant are not corrupt.

When asked whether the employment process in the municipality of Mitrovica is based on meritocracy, 86% answered with negation, while only 14% had a positive opinion regarding this process. This shows that the opinion of majority of respondents is that there should be changes in employment practices in the municipality.

Regarding the question on the effects of politics during the employment in the Municipality of Mitrovica, below we see the opinion of the respondents, where the majority shares the view that the effect of politics on employment varies around 75% of the cases. This result shows that politics has a large interference in the employment process in the public administration in Municipality of Mitrovica, and it also can represent a general opinion regarding the public administration employment procedures.

The results from the survey clearly show that there are many issues that need to be addressed in order to improve the quality of the offered services from the side of the public administration, which this time was the case of Municipality of Mitrovica. In this regard, the use and practice of code of ethics by the public administration employees will eliminate majority of concerns brought up by the survey, if enforced and implemented by the governing bodies and backed by the rule of law.

Conclusions and Recommendations

Beyond the view of public administration, as a managerial or political concern, public administration today is also considerably an ethical concern. Everything, including the smallest actions or tasks you will perform in the role of the public administrator, can have a very important impact.

At the root of every action of every public servant, whether in the development or execution of public policy, lies a moral or ethical question. A good selection system will help the effectiveness of the entire organization. Referring to the case presented in the Municipality of Mitrovica, there should be severe changes in employment practices, reforms in the law for public administration should be undertaken, in order to eliminate political pressure on employment processes, while installing meritocracy as standard that needs to be respected.

Installing Code of Ethics that will cover the minimum values that each member of the organization must possess and practice is of special importance for the successful functioning of any institution that strives for high goals and contributes to prospective social development. This is a must deal for the Municipality of Mitrovica in order to eliminate majority of concerns brought up by the survey conducted in this paper. Also addressing the state service principles and professional ethics and moral values would allow for the elimination of conditions for corruption manifestations in various categories.

Public service ethics encompassed a wide range of principles and values that must not be overlooked. These should include objectivity, impartiality, fairness, sensitivity, compassion, responsiveness, accountability and selfless devotion to duty. More than anything else, transition to a free and open society calls for rededication to democratic values and belief in the service of the citizens and of the common good. Regarding to this, workshops and other trainings should be conducted within the public administration through which they are going to be informed regarding ethical standards in Public Administration, their importance and effect in providing quality service to the citizens.

References:

Aristotel. (2003). *Politika*, Tirana: AIIS Publishing House.

Banfield, E., James, Q. W. (1963). *City Politics*, Cambridge, Mass: Harvard University Press & M.I.T. Pres.

Banfield, P., Kay, R. (2011). *Introduction to human resource management*, Tirana: UET/Press, Printing House DITA 2000.

Çela, H. (2006). *Etika e Biznesit*, Tirana: Botimet Albpaper.

Chapman, R. A. (2002). *Etika në shërbimin publik për mijëvjeçarin e ri*, Tiranë: Botimet Iceberg.

Fromm, E. (2003). *Njeriu për vete gjurmim në psikologjinë e etikës*, Tirana: Botimet Fhoenix.

Gera, M. (2007), *Organizimi i administratës qendrore shtetërore. Politikat dhe instrumentat*, Prishtina: Botimi Sigma, 43.

Heidenheimer, A. J. (1970). *Political Corruption Readings in Comparative Analisys*, New York: Holt, Rinehart & Winston.

Johnston., M. (2005). *Syndromes of Corruption: Wealth, Power, and Democracy*, New York: Cambridge University Press.

Jowett , B. (1885). *The Politics of Aristotle*, Oxford: Clarendon Press

Krislov, S., Rosenbloom, D. H. (1981). Representative Bureaucracy and the American Political System. New York: Praeger Publishers.

Lipset, S. M. (2010). Democracy in Private Government: A case study of the International Typographical Union. *British Journal of Sociology*, 61 Suppl 1(1), 9-27.

Mosher, F. (1968). *Democracy and the Public Service*, New York: Oxford University Press

O'Toole, B. J. (2002). "Interesi Publik: Një leverdi politike dhe administrative", Etika në Shërbimin Publik në mijëvjeçarin e ri", Tirana: Iceberg Publicity, ribotim.

Palombara, J. (1963). *Bureaucracy and Political Development*, Princeton: Princeton University Press.

Platoni, (1999). *Republika*, Tirane: Botimet Phoneix,

Rosenbloom, D. H., Kravchuk, R. S. (2002). Public administration, understanding management, politics, and law in the public sector, London: botimet McGraw-Hill Humanities/Social Sciences/Languages; 7 edition (April 7, 2008).

Stuart, C. G. (2005). *Ethics codes and codes of conduct as tools for promoting an ethical and professional public service*. Washington: PREM, World Bank.

Thompson, V. (1961*). Modern Organization*, New York: Knopf.

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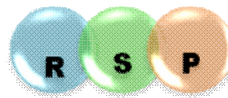

ORIGINAL PAPER

Public Administration Reform in Post-Communist Countries as a Requirement for EU Membership: Towards the European Administrative Space

Elena Todorova*

Abstract
After the end of the Cold war, former communist countries expressed their intention to become EU members. The EU started to prepare for the future enlargement and introduced new, more complex accession criteria- the 1993 Copenhagen criteria that were later supported by the Madrid criteria, according to which harmonious integration of Central and Eastern European countries into the EU would require adjustment of their administrative structures. The enlargement criteria recognize the need for countries to build a strong national public administration with the capacity to transpose and implement the acquis communautaire effectively. The forthcoming EU enlargement with Central and Eastern European countries implied administrative reforms that were not required by the countries that have joined the EU at the earlier stages. The aim of the paper is to analyze the impact of the public administration reform on the success of the EU accession process in the case with the Central and Eastern European countries. The European Union has not introduced specific model for the organization and functioning of public administrations. However, because of the great importance of the institutions of public administration in implementing of the EU acquis, they need to adhere to the general principles of good governance and meet certain administrative standards defined within the EU. The paper furthermore explores the European administrative space that represents an evolving process of increasing convergence between national administrative legal orders and administrative practices of member states.

Keywords: *European administrative space; public administration; reforms; EU accession.*

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Introduction

The European Union (EU) is open to new members since it was established in the 1950s, following the dream of its founding fathers to unite the European continent in order to make it prosperous and peaceful. This is especially the case after the end of the Cold war when the division of the continent was finally overcome and former communist states started the process of transition and proclaimed their aspirations to become members of the EU. Following these events, the EU has started to prepare for the future enlargement by clarifying the accession criteria and assisting these states in the transformation of their systems as part of the European integration process. In this way, the accession process became very complex and extensive- on the one hand, the candidate states were committed to the process of transformation of their societies following the will of their people; on the other hand, these reforms were conducted under the guidance and support by the EU, following their aspiration for membership.

The biggest enlargement of the EU happened on 1st of May 2004, when ten new member states joined the EU- Cyprus and Malta and the post-communist Eastern and Central European countries: the Czech Republic, Latvia, Lithuania, Estonia, Hungary, Poland, Slovakia and Slovenia. This historical integration of the East into the EU family marked the end of the Cold War division of the European continent between the West and the East and gave the EU a role of a unifier of the European continent and a possibility to spread the values on which it is established. Romania and Bulgaria joined the EU in 2007.

One of the most striking features of the eastern enlargement was its scale and magnitude and the transformative effect it has had on the shape of the EU. From a membership of six countries and 185 million people in the late 1950s, the EU expanded gradually 15 member states and a population of 375 million people after the 1995 EFTA enlargement. With eastern enlargement the Union expands to 25 member states with a combined population of 450 million (O'Brennan, 2006: 3). For the new members, accession presented the achievement of one of the central foreign policy goal that their governments had formulated more than a decade earlier, after the political transformations of the late 1980s (Sedelmeier, 2005: 3). The EU prepared itself for the forthcoming enlargement- it introduced changes in the decision-making process (extension of weighted majority voting in the Council to cover new policy competences), new legislative procedures were introduced, financial adaptation etc.

Since 1989, Central and Eastern European countries have been involved in a fundamental transition consisting of three parts: introducing democracy and democratic state institutions, shifting to a market system and moving toward integration into EU. Integration into the EU can occur only if democratic systems of governance and market economies are in place. Candidate countries must be able to implement effectively Union's directives and policies in their domestic context. The accession burden on candidates from CEEs countries was far greater than for other candidates or previous entrants (SIGMA/OECD 23, 1998: 121-123). Institution building means adopting and strengthening democratic institutions, public administration and organizations that have a responsibility in implementing and enforcing Community legislation. The integration process is not simply a question of introducing legislation; it also requires effective and efficient implementation of the texts. It includes the development of relevant structures, human resources and management skills (European Commission, 2003: 17). One of the great challenges for the new member states, acceding, candidate or potential candidate countries is to reform, adapt and strengthen their public institutions in order to apply

well EU institutions and procedures (or the acquis communautaire) and benefit fully from the membership in the Union. Twinning programme was launched by the European Commission in 1998 as one of the principle tools of institution building assistance in the context of the preparation for EU enlargement (European Commission, 2017: 10).

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Public administration reform as a requirement for EU membership

The EU has clarified the membership criteria when the applications from the former communist states were imminent. According to the Copenhagen criteria for membership (defined at the European Council in Copenhagen in 1993), a candidate country must achieve: stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities; a functioning market economy; the capacity to cope with competitive pressures and market forces within the Union; capacity to take on membership obligations (the acquis), including adherence to the aims of economic, monetary and political union (Mannin, 1999: 42).

The European Council in Madrid in December 1995 referred to the need, in the context of the pre-accession strategy, to create the conditions for the gradual, harmonious integration of the applicant countries, particularly through - the development of the market economy, - the adjustment of their administrative structure, - the creation of a stable economic and monetary environment (European Commission, 1997a). In this way, the Union emphasized the importance of the implementation of the legislation- it was necessary not only to transpose the acquis into national legislation, but to build adequate administrative capacities that will be capable to implement it efficiently as well.

Building on the requirement to embrace the acquis (the third Copenhagen criterion), 1995 Madrid European Council emphasized the importance of assuring the adjustment of the administrative structures of the candidate countries to enable them to meet the challenges of accession and to generate sufficient administrative capacity to effectively implement the acquis. A number of subsequent European Council meetings followed Madrid and Copenhagen emphasizing the importance of the reform of administrative structures, in the course of the Central and Eastern European countries' transformation and the role such reform plays in the effective transposition of the acquis (Kochenov, 2008: 180).

Because of this, it could be supposed that the Commission would assess the administrative structures and civil services of candidate CEEs countries that did not happen in the previous negotiations for accession or association. However, it needs to be stressed that the Commission have only the power to make recommendations to participate governments and its influence is merely due to its capabilities to look for the Union's common interest and capacities to assess the development of negotiations (SIGMA/OECD 23, 1998: p. 138). Member states who joined the EU after 2004 carried out substantial administrative reforms as part of their preparation for EU membership. These aimed to modernize policy-making, improve effective coordination and create a merit-based civil service able to attract and retain well-qualified staff. However, several years after accession in many of these countries the momentum was lost. Many aspects of administrative change remained fragile and fragmented. (European Commission, 2016: p. 2-3). The contexts of conditionality refer to different (stylized) stages in the Europenization process. In the period starting with the beginning of post-communist transition in CEEs, EU conditionality was mainly democratic conditionality: EU external incentives were linked to the fundamental political principles of EU, the norms of human

rights and liberal democracy and the institutions of market economy. These rules are not only fundamental for the EU, but for the entire western community of states. EU conditionality thus goes hand in hand with efforts of other organizations of this community (NATO, the OSCE, the OECD or the Council of Europe) to support the democratization and democratic consolidation of the transformation countries. Democratic conditionality prepares the political ground for the accession process and the transfer of more specific EU rules. Acquis conditionality sets in once candidate countries start to prepare for full membership, which becomes the major external incentive for rule adoption. In the case of the CEEs, the EU formulated rather strict pre-accession conditionality. It not only demanded full compliance prior to accession but insisted on significant progress with adopting the acquis as a precondition for starting accession negotiations. In many cases, acquis conditionality already began to apply before all the problems of democratic conditionality had been sorted out (Schimmelfennig & Sedelmeier, 2005: 211-212).

For many countries of the former Eastern bloc, reforms have to overcome realities that are difficult to imagine by Western administrators. The environment in which public administration is placed in the post-communist countries is not particularly stimulating for change and reform. The environment in which public administration is placed in postcommunist countries is not particularly stimulating for change and reform. This environment is characterized by precarious economic situation, market mechanisms functioning in a rather random manner, ubiquitous corruption, citizens who are not always aware of their rights and the nature of the relationship that should exist with public administration structures (perceived as a factor promoting unilateral authoritative approach), political elites that are not always able to provide clear, strong and coherent political decisions concerning administrative change and dangerous political instability ((Hintea, Sandor & Junjan, 2004: 146). The issue of public administrative and judicial capacity, as one of the requirements of EU membership, derives from the criteria established by the Copenhagen European Council (1993) and specifically from the first of these- the political criteria. In the years since 1993, public administrative and judicial capacity related reform efforts have been considered in terms of "best practice", rather than a fixed model to be adopted (European Commission, 2006: para. 1-2). The Commission attaches the greatest importance to ensuring that the candidate countries reach an adequate level of administrative and judicial capacity by the time of accession. Starting from its 1997 Opinions and subsequently in the regular reports, the Commission has carefully monitored the progress made by each country in this area. The Commission has pointed out that while administrative and judicial capacity was a key factor for accession, building up administrative structures and strengthening administrative capacity, including horizontal administrative capacity, was a long-term effort that will need to be continued also after accession. The action plans for reinforcing administrative and judicial capacity constitute an additional instrument to monitor the implementation of commitments related to the development of each country's administrative and judicial capacity (Commission of the European Communities, 2002: 3-13). The task of the Commission was unprecedented because the Copenhagen criteria are broad in political and economic terms and go beyond the acquis communautaire (for example, assessing administrative and judicial capacity), and because the acquis itself has expanded considerably since previous enlargements (European Commission, 1997b: 39). Developing adequate administrative capacity for EU membership is a demanding and

complex task that requires reforms in every sector and policy covered by the EU policies and legislation.

Table 1. Administrative capacity to apply the acquis in the Central and Eastern European countries

Country	Administrative structures and capacity	General evaluation
Bulgaria	-the government attaches high priority to the reform of administrative system; - a Strategy to establish a modern administrative system was adopted in 1998; -establishment of an integrated information system for public administration; -Bulgaria has set up a new European integration mechanism that is centered around the Foreign minister and Ministry of foreign affairs.	Bulgaria's capacity to implement and enforce the acquis is still weak. Important first steps have been taken in general public administration reform and in the areas of anti-trust, indirect taxation and regional policy administration. Bulgaria has recognized the importance of taking action on justice and home affairs and a number of concrete steps have already been taken. There is an ongoing need to build up capacity to formulate and coordinate policy inside the administration, including in the area of EU affairs.
Estonia	-lack of highly qualified staff at the medium and technical levels of the civil service; - in 1998 the government set out the spheres of responsibility among ministries for the coordination of public administration development; - the approximation of laws is done by the ministries; - the priority target groups, the contents and methods of training of civil servants on EU matters have also been established; -staff has also been recruited to strengthen the public awareness on EU activities.	Although Estonia has taken some steps to reform public administration and judiciary, due in particular to limited human resources, progress is slow and administrative shortcomings exist in key areas such as financial market supervision, state aid monitoring, maritime transport and employment and social policy. The current reorganization of financial control institutions and the development of regional development structures need to be sustained and consolidated in order for Etsonia to be in a position to effectively use EU funds.
Hungary	-following the modification of the Act on the legal status of public officials, public service employees are being prepared for EU membership; -from 1999 management level public service employees will be obliged to pass a special examination, also covering EU topics, within 3 years; -the government has strengthened the ethical rules for the public service; -substantial structural changes within public administration at central governmental level since July 1998.	Has continued to make progress in building up its administrative capacity to apply the acquis. In doing so it has addressed one of the short term priorities of the accession partnership. The emphasis on training in European affairs throughout the civil service and the judiciary is a positive development which reflects the seriousness of Hungary's preparation for membership. However, administrative capacity in certain key areas such as standardization, state aid control and regional development is weak and a concrete effort will be needed to strengthen institutions in this areas.

Latvia	-The Bureau of Public Administration Reform (established in July 1997) is responsible for making recommendations for rationalizing the structure of the public administration; -a medium-term public administration strategy and an Action Plan with a range of priority tasks including eliminating duplication of tasks between Ministries, pay reform, career development, internal audit, territorial reform, budget reform and transparency issues were adopted in March 1998; -The Ministry for Foreign Affairs is in particular responsible for preparing Latvian positions with regard to EU policy issues and bilateral relations with EU Member States and institutions; -a Council of senior officials which meets regularly to discuss and monitor EU integration issues has been established; - The European Integration Bureau is the central administrative institution which is responsible for the daily management of EU integration issues including the implementation of the National Programme for Adoption of the acquis.	Latvia has made a number of important steps in strengthening its public administration, recognizing the importance of setting up and developing enforcement capacity in areas such as standards and certification, state aids and banking supervision. However, further efforts are needed to clarify responsibilities in environment and regional development. Administrative capacity needs to be strengthened in agriculture, intellectual and industrial property, customs and tax administration, justice and home affairs. The capacity of the judiciary to apply the acquis should be strengthened by enhancing the status of the profession, through training and ensuring that vacancies are filled promptly.
Lithuania	- the 1998 law makes a distinction between the recruitment of career civil servants and political appointees; - during 1998 the number of civil servants in ministries and state institutions has been cut by 30%, but the European integration departments in line ministries were not affected by these cuts; - a Strategy for the training of the Lithuanian civil service for the accession to the EU (1998); - the management of the integration process has been strengthen.	A number of important agencies and institutions have been established since the Opinion. It is too early to judge their capacity to implement the acquis effectively. The tempo of institution building and strengthening of administrative capacity needs to pick up in order to keep pace with the rate of transposition, particularly in the internal market and environment sectors. There is a widespread need for training to improve staff qualifications.
Poland	-absence of a coherent and effective national policy for recruitment, remuneration, training and development of the civil service; -the Act on civil service (1996) has not been implemented as intended; -ongoing problems in maintaining institutional continuity at management level due to changes of key administrative personnel with successive changes in government; -a need to further develop a coherent integrated pre-accession strategy, focusing on upgrading knowledge of the acquis and foreign languages in particular at middle management level, to enable the administration to implement the acquis.	Has experienced difficulties in implementing planned public administration reforms which are needed to lay the foundation for further improvement of administrative capacities in specific sectors of the acquis. Efforts need to be made to enhance the capacity of the Polish administration to implement and enforce legislation in key internal market areas (standards and certification, intellectual property protection) and customs. Progress has been made in the regional development and financial control areas. There is a need to consolidate the functioning of administrative structures in a sustainable manner.

Czech Republic	-a little progress has been made in public administration reform since July 1997; - The absence of a civil service law, low remuneration and the lack of civil service-wide training, combined with insufficient government attention to these issues, impede the development of a modern effective administration capable of apply the acquis; - the government adopted a resolution laying down an indicative time-table for the reform of the public administration in 1998; - the new Government has made public administration reform one of its main priorities and has taken some encouraging steps, responsibility for public administration has been clarified, and salaries are being increased; - there is a Government Committee for European Integration. The new government has appointed a Deputy Prime Minister as chairman; - the Ministry of Foreign Affairs is responsible for the coordination of relations with the Union, including the preparation of the accession negotiations; - a Committee for European integration was established in 1998.	The Czech Republic has recognized public administration reform as a priority but has not yet taken the necessary steps to translate that political commitment into concrete actions. Nonetheless since the Opinion, banking and financial services capacities has improved, institutions in the standards and certification area have continued to strengthen and veterinary structures have undergone a period of consolidation.
Romania	-as regards decentralization, the laws on Public and Local patrimony, on local public finance and on concessions were adopted in 1998, but their entering into force depends on the framework law on local public administration, which has not yet been adopted by the Parliament; -the Law on regional development, adopted in 1998, has created an appropriate framework for development and implementation of regional policies; -remuneration and career structures for civil servants as key factors for determining the effectiveness of the reforms; -systems and institutions for budgeting and expenditure management have developed slowly and unevenly, mainly due to the fact that the laws in this field are not effectively underpinned by appropriate administrative structures; -other areas that needed further attention: strengthening of mechanisms to ensure and monitor implementation of policy decisions, systematic elaboration of legislation and regulatory norms in line with the EU acquis, review of consultative mechanisms to involve non-central government actors in policy formulation process and improvement of governmental communication capacities; -public confidence in the civil service remained low. Romania has been slow to draft laws to protect citizens, provide redress and control the executive. The introduction of the acquis will place a burden on general administrative law and control mechanisms. Oversight systems should take account of the intensifying relationship between citizens, economic actors, and the administration.	"There has been little progress in strengthening the Romanian public administration. While in many areas steps have been taken to establish the legal framework for setting up the institutions responsible for the application of the acquis, there has been little progress in actually creating these institutions. The provision of the financial and human resources to permit the functioning of these institutions, once established, has not been ensured" (European Commission,1998: 50).

Slovakia	-civil service law has not been adopted; - low civil service remuneration has contributed to a high turnover of staff; - there has been substantial political interference in nominations and promotions; -The number of EU integration and accession related structures in the Slovak administration has multiplied since the Opinion; -Administrative weaknesses and lack of co-ordination can be noticed on all three levels involved with the approximation process: there is a lack of interministerial coordination; the Institute for approximation of law, the second level in the approximation process, is not able to provide clear and transparent information on progress made in the different fields of the approximation of legislation. Furthermore it does not seem to have sufficient expertise and know-how to make full use of the different assistance projects (approximation and training) and other tools (TAIEX etc.) at its disposal. It is questionable whether the Institute has sufficient resources in terms of numbers and qualifications of staff; The National Council (Parliament) is the third level in the approximation process. Officials of the division of approximation of law at the Chancellery check the contents of the EU compatibility clause provided by the Institute for Approximation of Laws. Each bill is then discussed at the Committee on Constitutional and Legal Matters of the National Council, and is also assessed for compliance with EU legislation. The Parliament and its supporting services do not appear to have the capacity to discharge this function effectively.	Slovakia has made little progress in developing the necessary administrative and judicial capacity to effectively implement the acquis. Civil service legislation has been delayed, progress in judicial reform has been limited and recommendations in the Opinion to reform, strengthen and establish new institutions in the internal market area have not been followed up.
Slovenia	-The Commission's Opinion pointed to widespread shortages of staff in public administration in Slovenia, especially at middle and senior management levels, as well as the need to further develop administrative skills. In the meantime, the civil service has expanded; -An amendment to the Law on Local Self Government was adopted in October 1997, and the debate over the issue of decentralization has been launched; - In general, there remains clear scope for improvement of the efficiency and effectiveness of public administration	Slovenia has made little progress since the Opinion in general public administration and judicial reform. The measures taken to enhance administrative capacity vary between sectors. While there has been some progress in the process of institutional consolidation in employment and social affairs, agriculture, customs and environment areas, concerted efforts still need to be made in the internal market, taxation, state aids and justice and home affairs areas. There is a general need for clarification in the scope of responsibilities of the various administrative structures and for more and better qualified staff.

Source: 1998 Regular reports from the Commission on countries progress towards accession

The European administrative space

The EU has no specific competences in the administrative sphere but still has a strong indirect impact on the administrative practice in member states through the administrative standards set in the acquis, the transfer of best practices with EU financial instruments, the promotion of management practices of its own institutions etc.

(European Commission, 2018: 3). This is underlined in one of the SIGMA reports- "although the EAS does not constitute an agreed part of the acquis, it should nevertheless serve to guide public administration reforms in candidate countries. The extent to which a candidate country shares these public administration principles and adheres to the standards of EAS gives an indication of the capacity of its national public administration to effectively implement the acquis, in accordance with the criteria made explicit by the European Council in Copenhagen and Madrid" (SIGMA/OECD 27, 1999: 6).

Since 1957 and the signatures of the Treaties of Rome, the guiding principle of European integration has been to create "an ever closer union among the peoples in Europe". As the case law of the European Court of Justice shows, this is more than a philosophical statement. It is a guiding principle of a process of approximation of the economic, social and even political systems of the EU members. Approximation does not mean harmonization: there is neither a project nor a need for having identical systems and institutions throughout the Union. Approximation means that EU members look more and more at each other and find a source of inspiration for reforms in success and failures of their neighbours. As demonstrated in the legal sphere with the concept of general legal principles common to member states which has become an important source of the case law of the ECJ, a set of standards common to EU members exists and is developing in the fields of law, institutions and economy. Becoming a member state of the Union means accepting those general standards as features relating to the acquis communautaire which is constituted not only by the Treaties, but mainly by all existing European Community legislation, case law and policies (SIGMA/OECD 23, 1998: 137). Stressing the harmonizing potential of public administration standards does not mean that administrative institutions should be homogenously set up across EU member states. The important thing is that, independently of institutional arrangements, national public administrations must recognize principles and adhere to standards that are shared by EU member states (SIGMA/OECD 27, 1999: 7).

There is no general body of European law in the public administration filed and member states are independent in organizing their administration. Because of this, public administration structures and regulations vary among the EU member states. However, member states must have an administration that is capable to implement EU policies and legislation in their countries. Because the Union has no administration at individual country level, it relies on each member states to implement its decisions. While candidate countries are not under any requirement to as to the means they use, they do have to satisfy "performance requirements" (or "obligation of results") (SIGMA/OECD 23, 1998: 13).

SIGMA (support for improvement in governance and management) is a joint initiative of the OECD and EU aimed to help the process of public administration reforms in countries in transition as a part of the European integration process, in order to help the process of professionalization of civil servants, to increase the accountability of public administration, to improve the quality and modes of delivering of public services and to create citizens oriented public administration. A well functioning public administration is necessary so that the state can function properly and is a precondition for the transposition and implementation of the acquis.

In one of the SIGMA specialized reports it lays the foundations of the concept of European administrative space as a: shared principles of public administration among EU member states constitute the conditions of a "European Administrative Space"

(EAS). The EAS includes a set of common standards for action within public administration which are defined by law and enforced in practice through procedures and accountability mechanisms. Countries applying for EU membership should take these standards into account when developing their public administrations(SIGMA/OECD 27, 1999: 5).

Conclusion

Public administration capacity has a crucial role in the success of candidate countries in the accession towards the EU, as well as in the period after joining the EU, because of its great importance in the effective implementation of the EU legislation and in the representation of national interests in the EU. The process of EU accession influences the reforms in the candidate countries that need to fulfill the accession criteria. The accession criteria imposed on the Central and Eastern European countries were more strict and complex in comparison to those required in the previous enlargements. The reason for this arise from the large number of expected applications from the CEEs countries after the end of the Cold war and the specific nature of the political and economic systems of the communist period, that were radically different from those existing in the current Western European EU member states. The 1995 Madrid criteria complemented the initially established Copenhagen criteria and refer to the administrative capacity of the candidate countries to implement the EU acquis. Candidate countries need to reform their public administrations in order to be prepared to become part of the EAS. This criteria were later clarified in the Commission's reports and in the pre-accession period. The Commission monitors the fulfillment of the obligations of the negotiating countries and identifies the eventual problems so that the countries can take appropriate measures to develop adequate public administrative structures and legislation and meet the membership requirements.

The forthcoming EU enlargement with Central and Eastern European countries implied administrative reforms that were not required by the countries that have joined the EU at the earlier stages. CEEs countries own administrative capacity is weaker than most prior acceders, due to large part to the need to break radically with incentive systems and human resource policies of the communist period, inadequate to the emergent systems of market capitalism and democracy. The administrative capacity requirement was further reinforced by the Commission's opinions on each country's application for membership. The precise meaning of this requirement for each case must be derived on a specific basis. In general, the literature identifies two types of necessary administrative strengthening (Nunberg, 2000: 1-2): building the explicit management requirements of accession process itself and the direct membership responsibilities countries will have to assume in the future and enhancement of government's stability to function with roughly equivalent competence and neutrality with current EU member state public administrations.

References:

Commission of the European Communities (2002): Communication from the Commission on the Action Plans for administrative and judicial capacity and the monitoring of commitments made by the negotiating countries in the accession negotiations, Com(2002) 256 final, Brussels, 5.6.2002. Retrieved from: https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2002:0256:FIN:EN:PDF.

European Commission (1997a). Agenda 2000- Commission Opinion on Estonia's application for membership of the European Union. DOC/97/12. 15 July 1997. Brussels. Retrieved from: http://europa.eu/rapid/press-release_DOC-97-12_en.pdf.

European Commission (1997b). Agenda 2000. For a stronger and wider Union. Bulletin of the European Union, supplement 5/97. Belgium: European Communities, Retrieved from: http://ec.europa.eu/agriculture/cap-history/agenda-2000/com97-2000_en.pdf.

European Commission (1998). Regular report from the Comission on Romania's progress towards accession, COM(98)702 final, 17 December 1998. Retrieved from: http://aei.pitt.edu/44598/

European Commission (2003): Enlargement of the European Union- An historic opportunity, European Commission, Enlargement Directorate General: Brussels, Retrieved from: https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/archives/pdf/historic_opportunity_2003_en.pdf.

European Commission (2016): European semester thematic factsheet- quality of public administration, https://ec.europa.eu/info/sites/info/files/file_import/european-semester_thematic-factsheet_quality-public-administration_en_0.pdf.

European Commission (2017). Twinning manual,Retrieved from: https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/twinning-manual-revision-2017-final-updated-09-08.pdf.

European Commission (2018). A comparative overview of public administration characteristics and performance in EU28. Brussels, Retrieved from: https://ec.europa.eu/social/BlobServlet?docId=19208&langId=en.

European Commission, Enlargement Directorate-General (2003). Enlargement of the European Union- an historic opportunity. European Communities: Brussels.Retrieved from: https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/archives/pdf/historic_opportunity_2003_en.pdf.

European Commission Directorate-General Enlargement (2006). Support to public administrative and judicial capacity in Bulgaria and Romania. Thematic evaluation report of the European Union Phare programme: Retrieved from: https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/financial_assistance/phare/evaluation/zz_pajc_0536_final_version_revised_e4_en.pdf.

Hintea, C., Sandor, S. D., Junjan, V. (2004). Administrative reform in Romania and the European Union. In Dimitrova. L., A. (editor). *Driven to change- The European Union's enlargement viewed from the East*. Manchester and New York: Manchester University Press.

Kochenov (2008). *EU enlargement and the failure of conditionality*. The Hague: Kluwer Law International.

Mannin, M. (1999). Policies towards CEEC. In Manin, M. (editor), Pushing back the boundaries- the European Union and Central and Eastern Europe. Manchester, UK: Manchester University Press.

Nunberg, B. (2000). Ready for Europe: Public Administration Reform and European Union Accession in Central and Eastern Europe. World Bank Technical Paper No. 466. Washington, D.C.: World Bankp.

SIGMA Papers: No. 27 (1999). European principles for public administration. CCNM/SIGMA/PUMA(99)44/REV1. Retrieved from: http://unpan1.un.org/intradoc/groups/public/documents/nispacee/unpan006804.pdf.

SIGMA Papers No. 23 (1998). Preparing public administrations for the European administrative space. Retrieved from: CCNM/SIGMA/PUMA(98)39: https://dx.doi.org/10.1787/5kml/6143zd8p-en.

Schimmelfennig, F., Sedelmeier, U. (2005). Conclusions: The impact of the EU on accession countries. In Sedelmeier , U., Schimmelfennig, F. (editors): The Europenization of Central and Eastern Europe, United States: Cornell University Press.

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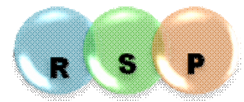

ORIGINAL PAPER

Europe Facing Migration. National Strategies versus Common European Policies

Alexandra Porumbescu*

Abstract
The European Union presents itself, nowadays, as a unique space of freedom, allowing its citizens liberties and granting them rights never met in any other international organization. Moving on from the usual debate on the relationship between national sovereignty and common European approaches on matters regarding state security, the aim of this paper is to analyze the ways in which the member states regard and rule the issues related to international migration, and the ways in which European legislation influences the response to these issues. The European Agenda on Migration issued in May 2015 by the European Commission states, among others, the need for enforcing tools meant to ensure protection to displaced persons that are in need of it, in order to formulate a proper response to the ongoing migration crisis. Therefore, the question this paper aims to answer is to what extent are the institutions of the European Union, and the common policies they formulate, enabled to offer viable solutions in this matter, and what is the position of the national institutions and policies of the member states in this international framework? By creating a comparative analysis of the two levels of legislation, this paper scrutinizes the European Union's current multilevel governance system applied to the particular matter of migration, and the shifts it took from Hooghe and Marks's approach back in the 1990s.

Keywords: *migration; policies; institution; European Union; national; multilevel governance.*

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Introduction

Migration is one of the key issues concerning the European stakeholders for the past couple of years. While the European space defines itself as a frontier-free area where circulation is encouraged, the challenge of numerous third country nationals arriving at European borders, either as migrants, refugees or asylum seekers has set the common institutions, as well as the representatives of Member States in the position to face the need of identifying the proper measures to respond to this situation. The fact that the challenge itself originates outside the European space makes it even more difficult to be addressed, since, in addition to the communitarian legal provisions, there are also international law and humanitarian law regulations to be taken into consideration. However, the social reality that characterizes the phenomenon of mass migration reveals the fact that this issue needs to be tackled in various ways, at local, national, and supranational level. This implies an effective coordination of the tools and initiatives that are to be used, taking into consideration the specific characteristics of European governance. The concept of *governance* has been used until recently in the specialized literature in order to highlight the responsibilities of the government and administration. The reasoning for this type of definition resides, on the one hand, in the privileged position of the states on the international arena, as main actors, and, on the other hand, in the fact that most of the national competences were retained by the national governments. The reforms performed by the European Union in the late 1980's regarding the elaboration and implementation of the Regional Development policy, as well as the transformations brought along by the modifications introduced in the subsequent Treaties regulation the functioning of the European Communities and the European Union, lead to a shift in the understanding of the term *governance*.

A significant issue regarding the balance of power between the national sovereignty of the member states and the increase in decisional power that the European Union is claiming for, tackles the topics related to internal migration and the "migration crisis" the Europeans have had to formulate proper response actions to. Several studies have approached this subject over the past years, and interesting conclusions have been drawn, recalling that "even politicians who have called for strengthening EU "governance" and the "coordination" of member state policies have generally refrained from advocating outright increases of EU powers that would permanently infringe on the "sovereignty" of the member states" (Jabko, Luhman, 2017: 2). To sum up, while there are numerous matters that are better addressed at a common European level, the issue of migration in not regarded as one of them. Since international migration is, by itself, a delicate topic in terms of flows, causes and consequences, dealing with the effects of the arrival of vast numbers of migrants in certain European Member States makes it even more difficult to balance the national sovereignty and the common interests. Different levels of action need to be taken into consideration and engaged in addressing these issues, thus allowing for the use of the European multilevel governance model to its full potential.

Multilevel governance and migration

One of the first definitions issued for the "governance" concept is provided by the World Bank, highlighting the link between a country's power and prosperity. This definition is embraced by most of the institutions in the United Nations' system, but members of the academia have rather endorsed the definition proposed by J. Kooimans,

referring to the relations between the leaders and those who are led: "governance is the form in which public or private actors do not separately, but in conjunction, engage in problem solving together, in combination, that is to say co-arrangements" (Kooiman, 2003: 52). This approach on the concept is very interesting, as it provides the frame of analysis with the opportunity to observe the unequal distribution of power and resources between the center and the periphery, namely those who exert power and society. Furthermore, this asymmetry is expanded to the relations among other sub-national actors, such as the regional authorities and the individuals in a community, or between two communities. These differences are, however, not to be regarded as catalysts of antagonism between the different levels of authority, but rather as a context that calls for cooperation and coordination between the different types of actors involved in addressing common issues.

Another definition of *governance* is the one provided by the *Commission on Global Governance*, as the totality of ways in which institutions and individuals manage their common business. Furthermore, it is usually explained that governance reveals how governments cooperate with other social organizations, but also how they work together with citizens to make decisions on important social matters. The concept of governance can be used in different contexts such as, for example, global, national and institutional, or even that of a community.

When the classical national frame of analysis is expanded, and more actors are involved in the governance process, creating a denser level of hierarchy, new tools of examination are to be taken into consideration. In this context, the concept of multilevel governance can be defined as the different patterns of relationships that can be constructed among actors, be they from the public or private sector, on different territorial and hierarchical levels. It was introduced for the first time in the specialized literature by Gary Marks, and explained as "a system of continuous negotiation among nested governments at several territorial tiers", in which "supranational, national, regional and local governments are enmeshed in territorially overarching policy networks" (Marks, 1993: 392). However, during the past years, it was used more and more frequent in theorizing the evolution and the decision-making processes within the European Union. In order to differentiate the multilevel governance integration system in Europe from the federalist model designed by Delors as "the Europe of regions", Liesbet Hooghe and Gary Marks, the promoters of this concept, propose the *multilevel governance*, as a governing model for the European Union, described by Hooghe as a "Europe with regions" (Hooghe, Marks, 2001). Although subtle, the difference in the two concepts can be explained by observing the emphasis on the relationship between the parts – namely regions, and the whole – represented by the European Union. While the federalist angle focuses on the organization, as a fully entitled actor, and describes it as being composed of regions, the latter perspective describes the cooperation system created between the organization and the regions. This is the context in which multilevel governance can be applied and explained.

When applied to the specific matters related to international migration, multilevel governance translates into the goal of creating synergy between the national and communitarian sets of institutions, as well as promoting cooperation between different sectors of public and private activity. That is to say, a multilevel approach of migration should be defined by the mutual benefits supported by a triangulation of efforts: first of all, a correct and efficient normative framework, secondly, the properly directed efforts of official, administrative actors, and thirdly, but of no less importance,

the support that can be provided by the involvement of the civil society in host countries, represented by non-governmental organizations, private associations, academia etc.

Between the supranational level, on the one hand, and the national and sub-national levels, on the other hand, there is a relationship of institutional and functional interdependence, rather than a hierarchy, because the basis of the relations between the European Union institutions and the Member States is represented by the principles of cooperation and the principle of subsidiarity. Supranational institutions, together with all the actors involved in the decision-making process, form an integrated system characterized by the role of national actors at Community level in terms of negotiation and decision-making, but also for the implementation of these policies together with sub-national actors such as regional authorities, local and private ones. At supranational level, the coordination of national policies is done through the open method of coordination, as promoted by the Lisbon Strategy, enshrining the non-binding and decentralized nature of regulations in line with the principle of subsidiarity, and aims to involve, through various forms of partnership, all actors, regardless of their level (Community institutions, national governments, regional and local authorities, or civil society as a whole). The second feature of the multilevel governance system means that most decision-making processes are conducted on the basis of negotiations between the main actors, based on consensus and non-majoritarian vote. In this context, the hierarchy competes with competence and qualification, that is, both the Commission and the national states are merely mediators aiming to stimulate the best decisions to combine or transform the competing interests of the actors involved, idea that is also supported, among others, by Kohler-Koch (1998) in a paper on the evolution of economic and political integration in the European Union.

Moving to the voting system with a qualified majority in the debates of the Council of Ministers and the European Council, it can be considered a way of speeding up decision-making and, while, at the same time, it is significantly reduced in the areas in which decisions are made by consensus, restraining them only to those of strategic importance for the Council of the European Council.

The third feature of the multilevel governance system is that there is a division of decision-making skills between actors at different territorial levels. From the point of view of dispersing authority, L.Hoghe and G.Marks (2001) assert that two types of multilevel governance can be distinguished by taking into account criteria such as the type of tasks, general or specialized, which the authorities fulfill, the mutual or exclusive nature of the powers exercised by the authority over a territorial entity and the duration of the regulations. Whenever the multilevel governance model is applied to a specific field of action within EU's competencies, it becomes noticeable the existence of a number of authorities with general or specialized tasks, as well as a number of administrative levels defined by exclusive or mutual competences.

The European Agenda on Migration

Several plans for addressing the issue of international migration have been developed by institutional actors as well as political representatives throughout the European Union. Thus, it was considered that, in order to properly handle both legal and illegal migration, "not only a firm policy in addressing irregular flows while ensuring the protection of those in need, but also a proactive policy of sustainable, transparent, and accessible legal pathways" (European Commission, 2016a) were required.

Furthermore, as the European Commission argues, legal migration can bring along significant and highly remarkable contribution to the welfare of the European Union's Member States, both in the years to come and on the longer term, offering viable solutions to the lack of workforce, providing high-skilled professionals for the European developing economies, and ensuring aid in solving the issue of aging population throughout the European continent. As several research shows, the lack of workforce due to the issue of aging population, as well as other problems generated by this phenomenon, are some of the most consistent social challenges that need to be addressed by the European stake holders: "The aging of Europe's population is already certain, and current demographic trends do not show a change in this phenomenon in the near future, taking into account low fertility rates. In total, at the beginning of 2014, 15.6% of the population was made up of people under 14 years of age, the working population accounted for about 65% (15-64 years), and 18.5% of the population consisted of people over 65 years old" (Pogan, 2018: 49). Despite the fact that, as stated above, the challenge is common for the entire European Union, each of the Member States bares an individual responsibility in "deciding how many third country nationals they admit for employment, study and research, while the European Union rules define common admission conditions, procedures and rights for applicants" (European Commission, 2016a).

Following the events in the spring of 2015, the European Agenda on Migration pushed forward several tools to cope with the effects of the migration crisis, tools that were meant to ensure that the existing European legislation and the systems meant to handle these type of migration related events were followed and applied correctly. In this regard, the European Agenda on Migration designed a more "comprehensive approach", in order to address all aspects of international migration "based on the four areas of: (1) irregular migration, (2) border management, (3) asylum policy and (4) legal migration, as key for delivering an effective and sustainable EU migration policy, and laid out a number of key actions for each of these areas" (European Commission, 2017: 3). Furthermore, the key priorities acknowledged by the European Union in the matters related to international migration are considered to be: "cooperating with the countries of origin and countries of transit, strengthening the external borders of the European Union, handling migration flows and fighting immigrant smuggling, reforming the common European asylum system, ensuring legal migration paths and favoring the integration of third country residents" (Porumbescu, 2018: 43).

However, a thorough analysis of the European Agenda on Migration reveals a swift in the approach regarding the arrival of foreign population within the European borders. While some decades ago, immigration was encouraged by several European countries as a way to provide the necessary labor force much needed for the post-war reconstruction, the current common approach on migration regards it more as a threat rather than an opportunity. Furthermore, the internal balance of power between national institutions and the European institutions has changed in several aspects, due to the increase in decisional powers that the common institutions have gained, following the series of Treaties that have shaped the European institutional architecture throughout the years. Thus, the European Union, along with the Member states, aimed at creating a system of functional tools meant to control and handle the migrant's flows in a more effective manner.

The Dublin system

The events in the spring of 2015 which resulted in the arrival of hundreds of thousands of migrants and asylum seekers to the terrestrial and maritime borders of the European Union, set the roots to a real crisis and seriously challenged the main institutions meant to enforce the common border regime: the Schengen Area and the Dublin Convention.

The Schengen Area was created as a zone in which the internal borders no longer exist, while the Dublin Convention is meant to establish and enforce the process that the asylum seekers need to complete in order to be registered when entering the European territory. The model that set the base for these agreements was that of intergovernmental cooperation, as, at the time they were established, member states faced the need to identify the means to ensure the freedom of mobility of their citizens, while, at the same time, guaranteeing their sovereign prerogatives.

Furthermore, under the Dublin and Schengen systems, "states retained the right to monitor their own borders and to unilaterally re-introduce border controls, and retained the right to return asylum seekers to the first country of entry—to prevent potential influxes of migrants and asylum seekers from external Border States such as Italy and Greece" (Jabko, Luhman, 2017: 24). Therefore, the responsibility and the decision making does not lay predominantly on the communitarian institutional system, but rather on the Member States, who chose to preserve their sovereign right to decide whether accepting migrants or not, depending on their national regulations and national interest.

According to the system designed by the European Union, the Dublin regulation "establishes the criteria and mechanisms for determining which EU Member State is responsible for examining an asylum application" (European Commission, 2016b). Thus, as the system is created, as part of the Migration and Home Affairs programs, its purpose is to guarantee a rapid form of access of the asylum application to the asylum procedure by "a single, clearly determined, Member State", as a key objective of the plans to better handle migration. However, the fact that the Dublin system "was not designed to ensure a sustainable sharing of responsibilities for asylum applicants across the European Union, was considered to be a shortcoming of these procedural systems" (European Commission, 2016b), shortcoming accentuated in an undoubtable manner by the migration crisis.

All in all, the central theme of the Dublin system is developed around the emphasis of the fact that the first and main responsible actor for examining an asylum claim is "the Member State which played the greatest part in the applicant's entry to the European Union" (European Commission, 2016b). The most frequent situation is that in which the Member State responsible for examining the asylum claim is also the Member State of first entry. But there are several other types of situations, such as the Member State that has issued a visa or residence permit to a third country national, who then decides to stay and apply for asylum when this authorization expires (European Commission, 2016b). In certain situations, special derogations from these rules can occur, such as those generated by migration issues in the field of family unity and protection of unaccompanied minor, and, consequently, the decision regarding asylum claims can be placed upon a different Member State. However, the large diversity of real life situations, as well as the significant amount of the migration flows bring along serious challenges to the migration-handling systems enforced by the European Union,

challenging more and more the borders between the national and supra-national decision-making levels. The specialized literature in the field of migration in Europe and the constitution of sovereignty within the European Union reveals the fact that the member states proved to have a deep desire to continue on the path of intergovernmental cooperation, essentially aimed at protecting the "essential aspect of sovereignty", such as the type and amount of control that can be exerted over the national frontiers (Schain, 2009).

But, despite the fact that the intergovernmental - supranational debate in the theoretical field of European integration is vivid and fueled by significant and logical arguments on both sides, the empirical evidence brought along in such divergence reveal the fact that concepts such as coherence, formulating a communitarian response and building common approaches in the field of migration are still depicted more as objectives, rather than realities. In this regard, recent studies confirm that "there is a heterogeneous presence of migration issues among national security and defence strategies of MS due to different security strategic cultures and approaches to migration-security nexus, which block the development of a common and effective strategy to deal with the recent migration crisis" (Estevens, 2018). In the following part of the paper, this issue will be further analyzed from the perspective of national strategies and normative tools in addressing migration.

National vs. supranational in handling migration

Under the motto "*Migration is a process that needs to be handled, not an issue that needs to be solved",* Romania's national strategy regarding immigration is grouped in an official document issued in 2015 (H.G. 780/2015). Containing nine chapters, it starts from describing the international context in the field of migration, and states Romania's obligation to take over a quota of 1705 persons within the internal relocation mechanism and 80 persons within the European Union's program for extra-EU relocation. Such precise figures are, of course, to suffer some re-definitions over the years, due to the regional and global fluctuations of migration flows.

The document also reinforces the need to ensure an increase in the coherence between the Union's actions and the actions of the member states, while underlining the importance of the situation in each of the member states as a starting point for the policies in this matter. The European Council has already established a set of legal and operational guidelines regarding freedom, security and justice for the following years, and they will influence the policies for asylum, migration and frontier regulations in each of the European countries. In this context, the Romanian national strategy regarding immigration reinforces the commitment to follow and apply the common European decisions in this matter.

Regarding the national circumstances, the need to harmonize the efforts of all countries in order to diminish and eradicate the factors that contribute to the proliferation of illegal immigration is being stated. Furthermore, Romania's general strategic goal is to participate in an active manner to the efforts of the international community and the European Union's member states in identifying long term solutions for the people in need of international protection and social integration of third countries nationals (Romanian Government, 2015).

The European integration process triggered a wide complex of legislative harmonization aiming to ensure the respect of the European legislation in the field, as well as other international legislation that the Romanian state is part of. Furthermore, the

social landscape of Romania's contemporary society argues for the need of better regulation in the matters related to international migration, as well as tackling the issues those left at home are being confronted with (Porumbescu, Pogan, 2018).

Romania remains a country of transit for the illegal immigrants as asylum solicitants. Field data analyses reveal the fact that Romania is being used as a space of transit for illegal immigration towards more developed western European states. A characteristic of the phenomenon of illegal immigration in the Romanian territory is represented by its bipolarity: on the one hand, illegal immigration of third countries nationals coming, mostly, from the countries that also represent the share in legal migration (Moldavia, Turkey, China). This category is characterized by certain continuity and by "conventional" illegal immigration methods, represented by the exceeding of the sitting period granted by the visa or the resident permit.

On the other hand, there are the temporary illegal immigration flows caused by social and economic events in the countries of origin, representing "new waves" of immigration.

The current normative frame ruling the situation of foreign citizens in Romania, the situation of the citizens from European Union Member States and the European Economic Space, as well as the laws regarding the asylum procedures in Romania is provided by the Emergency Government Ordinance no. 194/2002, republished, regarding foreigners' regime in Romania, Emergency Government Ordinance no. 25/2014 regarding employment and posting of foreign workers on the Romanian territory, and modifying and completing some normative acts regarding foreigners' regime in Romania, Emergency Government Ordinance no. 102/2005 regarding the freedom of circulation on the Romanian territory of the citizens of European Union member states, the states of the European Economic Space and the citizens of the Swiss Confederation, Law no. 122/2006 regarding asylum in Romania, and Government Ordinance no. 44/2004 regarding the social integration of foreigners who acquired a form of protection or the right to settle in Romania, as well as the citizens of the European Union member states and of the European Economic Space, approved after being modified by the Law no. 185/2004.

Romania is also compelled to apply the EU Regulation no. 604/2013 of the European Parliament and the Council from June, 26th, 2013, establishing the criteria and mechanisms of choosing the member state responsible of examining a request for international protection presented in one of the member states by a national of a third country or a stateless person, as well as the EU Regulation no. 603/2013 of the European Parliament and the Council from June, 26th, 2013, regarding the creation of the Eurodac System for comparing fingerprints with the purpose of proper enforcement of the EU Regulation no. 604/2013 for establishing criteria and mechanisms for choosing the member state responsible of examining a request for international protection presented in one of the member states by a national of a third country or a stateless person, and regarding the requests of authorities to apply the law in the member states, and of Europol to compare the Eurodac data in order to ensure the enforcement of law, and of modifying EU Regulation no. 1077/2011 for creating the European Agency for operational handling of large scale information systems, in the space of freedom, security and justice (published in the Official Journal of the European Union L180, June, 29th, 2013). The numerous provisions in the Romanian national strategy regarding immigration that refer to the application of the common European decisions highlight the need for coherence and cooperation between the national and supra-national level of

decision in the matters related to migration, thus enabling the multilevel governance frame of analysis to offer an adequate understanding of the institutional and systemic landscape designed to address the matters related to migrant population.

Conclusions

Despite the fact that the matter of foreign population entering a state's territory is being regarded as a matter of national security, European states aim at finding a viable common approach, in order to formulate an answer to the threat represented by the waves of immigrants crossing its borders. However, it is obvious that throughout the European Union's territory, migration related issues are being addressed and handled differently. Numerous differences appear also in the manner in which civic integration measures that are adopted by the member states. In this regard, it is noted that "The comparison of civic integration policies in the Netherlands, France and Germany revealed significant variation in their respective national interpretations and implementations" (Joppke, 2007: 20).

The need for harmonized European legislation in the field of migration is also imposed by its need to formulate a position as strong actor in the matter of international security, position that can only be achieved if all the member states agree on confiding the common institutions the ability to rule in issues that affect all the countries.

Through the lenses proposed by the multilevel governance theory of European integration, the migration landscape is defined, as explained above, by the interdependencies and cooperation established by institutional and non-institutional actors set on different levels of hierarchy. Despite the fact that migration, understood as the movement of people from one country to another, is an issue that needs to be handled within a normative consensus between the Member States and the common institutions, the involvement of private actors is also required. But, while the contribution of non-governmental organizations and other type of associations concerned with the integration of the immigrants is frequently discussed, the influence of other types of non-institutional actors in migration-related policies is still debatable: "owing to the lack of transparency in the field of border security policy (enhanced by the overall lack of transparency in the Council, and certain restrictions to access in the Commission and European Parliament), it has not been always possible to identify clearly the causative influence of business actors on border security policy" (Baird, 2018: 130).

The specificity of the European system of ruling and deciding in matters related to international migration resides in the balance of power between the supranational institutions and the member states. In this regard, unlike the intergovernmental approach, that highlights the supremacy of the national sovereignty inside and outside the state, the multilevel governance system is defined by the existence of three defining features: the institutional architecture does not have a clear hierarchy, the decision-making process also lacks a clear hierarchy and the authority is usually dispersed, rather than concentrated in a designated institution or set of institutions. This model of explaining integration best suits the empirical characteristics and the normative architecture of the European migration phenomenon, creating a unique model of regulating and integration policies and actions.

References:

Baird, T. (2018). Interest groups and strategic constructivism: business actors and border security policies in the European Union. *Journal of Ethnic and Migration Studies*, 44:1, 118-136, DOI: 10.1080/1369183X.2017.1316185.

Estevens, J. (2018). Migration crisis in the EU: developing a framework for analysis of national security and defence strategies. *Comparative Migration Studies* (2018) 6:28. Retrieved from: https://doi.org/10.1186/s40878-018-0093-3.

European Commission (2015). *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on a European Agenda on Migration,* Brussels, 13.5.2015.

European Commission (2016a). *Communication from the Commission to the European Parliament and the Council towards a reform of the Common European Asylum System and Enhancing Legal Avenues to Europe,* Brussels, 6.4.2016.

European Commission (2016b). *The reform of the Dublin system.* Retrieved from: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/background-information/docs/20160504/the_reform_of_the_dublin_system_en.pdf.

European Commission (2017). *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on the delivery of the European Agenda on migration*, Brussels, 27.9.2017.

Hooghe, L., Marks, G. (2001). Types of Multi-Level Governance. *European Integration online Papers* (EIoP), Vol. 5, no. 11. Retrieved from: http://eiop.or.at/eiop/pdf/2001-011.pdf.

Hooghe, L. (2001). *Multi-Level Governance and European Integration,* Lanham: Rowman & Littlefield.

Jabko, N., Luhman, M. (2017). Reconstituting Sovereignty in the European Union: A Comparison of the Eurozone Crisis and the Migration Crisis, *Paper prepared for delivery at the EUSA Fifteenth Biennial Conference,* Miami, May 4-6, 2017.

Joppke, C. (2007). Beyond National Models: Civic Integration Policies for Immigrants in Western Europe. *West European Politics*, Vol. 30, No. 1, 1-22, 2-23.

Kohler-Koch, B. (1998). *The evolution and transformation of European governance*. (Reihe Politikwissenschaft / Institut für Höhere Studien, Abt. Politikwissenschaft, 58). Wien: Institut für Höhere Studien (IHS), Wien. https://nbnresolving.org/urn:nbn:de:0168-ssoar-246681.

Kooiman, J. (2003). *Governing as governance*, London: Sage.

Marks, G. (1993). Structural Policy and Multilevel Governance in the EC. In Cafruny, A. and Rosenthal, G. (eds.), *The State of the European Community*, New York: Lynne Rienner, pp. 391-410.

Pogan, L. (2018). Family and labor force – individual lives, social outcomes. *Sociology and Social Work Review*, 2/2018, 47-56.

Porumbescu, A. (2018). The European institutional actors in handling migration. *Sociology and Social Work Review*, 1/2018, 41-48.

Porumbescu, A., Pogan, L. (2018). Social Change, Migration and Work-Life Balance. *Revista de Stiinte Politice. Revue des Sciences Politiques*, No. 60/2018, 16-26.

Romanian Government (2015). *Government Decision no. 780/2015 approving the National strategy regarding immigration 2015-2018 and the Action Plan for the year 2015 for implementing the National strategy regarding immigration 2015-2018.*

Schain, M. (2009). The State Strikes Back: Immigration Policy in the European Union. *European Journal of International Law*, 20 (1), 93-109.

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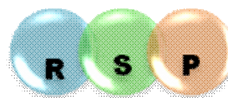

ORIGINAL PAPER

Critical Analysis of the General Regulation of the Transport of Persons and Baggage

Cristina Stanciu*

Abstract
In the matter of the carriage contracts, the rules of the Romanian Civil Code are grouped into three sections: a first set of rules is composed of the provisions of art. 1955-1960 - *Section 1. General provisions*, the second set of rules which gives the content of the second section – *Section 2. The contract of carriage of goods* are the provisions of art. 1961-2001; and the third set consists of the provisions of art. 2002-2008 - *Section 3. Contract of carriage of persons and baggage*.
The first section provides general rules for all transport contracts, irrespective of the mode of transport and whether it is the carriage of goods or persons, and section two cover the transport contract of goods.
The final section, *Section 3. The contract for the carriage of persons and baggage*, as a whole, is a set of rules with a novelty status at the general rule level for this matter. This regulation is considered by the doctrine, however, a summary, which is not enough for all the legal aspects raised by this type of transport. Although it is appreciated that the current Romanian Civil Code provides, in contrast to the previous legislation, norms establishing, even at the principle level, a minimum of rules for this matter, thus making the contract for the carriage of persons and baggage a named contract; we must admit that this regulation is a improvable one. Therefore, there are a series of legal problems raised by this matter which still requires specific legal norm.

Keywords: *carriage of persons; baggage; legal characters; effects.*

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General Considerations

Until the entry into force of the current Romanian Civil Code, that is, until 2011, the contract for the transport of persons did not have a general regulation, but there were only special rules governing the different types of transport. In other words, in the Romanian regulation, there were no general rules to be constituted in what is called a general theory of the contract for the transport of persons. This is the reason why, before 2011, since there was no general rule in this matter to provide legal coverage for situations where the special rule was deficient, for certain legal situations, the rules of the Commercial Code, then in force were applied, within the scope of the freight contract. Of course, the application of rules in the matter of the contract of transport of goods only took place for those situations where it was possible, that is, only if there was compatibility with the passenger transport contract.

Currently, the regulation in the Civil Code ensures a general rule in the matter of the passenger transport contract by the provisions, the contract thus becoming a nominate contract.

In the matter of the transport contract, the rules of the Civil Code (Romanian Civil Code, art. 1955-2008) are grouped into three sections: a first set of rules is made up of the provisions of art. 1955- 1960 - *Section 1. General provisions*, a second set of rules making up the second section – *Section 2. The contract for the transport of goods* are the provisions of art. 1961-2001; and the third set consists of the provisions of art. 2002-2008 - *Section 3. Contract for the transport of persons and baggage*.

The first section provides a general rule for all transport contracts, regardless of the mode of transport and whether it is the transport of goods or persons and the regulations concerning general issues: definition of the transport contract, proof of contract, transport modalities, scope of the rules to which we refer to, general aspects regarding carrier liability and substitution.

The second section regulates the contract for the transport of goods and, taken as a whole, resumes the issues of the previous regulation, that of the Commercial Code.

The final section, *Section 3. Contract for the transport of persons and baggage,* represents, as a whole, a set of norms with a novelty status at the general norm level for this matter. Although there are opinions in the doctrine that the regulation is a summary, not sufficient for all the legal aspects raised by this type of transport, it should be appreciated that the current Code provides rules that establish, even at the level of principles, a minimum of rules for this matter.

However, we must admit that, if we look at this regulation as a whole, we cannot ignore the fact that it is reserved for a very small number of articles and that from the viewpoint of content, only two aspects of the contract of transport of persons and baggage are regulated: the obligations of the parties and the liability of the transport operator for the passenger and for baggage and other goods (Cotuțiu, 2015: 203).

In fact, and with regard to the obligations of the parties, one of the criticisms of the doctrine refers precisely to the fact that these obligations are not fully regulated and that one of the main obligations of the passenger, namely to pay the fare for the transport, is missing from the regulation.

So, just as an overview, it is noticeable that the regulation we are referring to is a perfectible one, both in terms of the issues it has to deal with, but also on their content.

For this reason, in this article, we propose to analyze this general regulation, on the one hand, in relation to the elements to which it should refer: definition of the

contract, legal characters, substance and form conditions, legal effects and liability; and, on the other hand, to try to find out how to regulate the same legal problems in the special regulations, such as the regulations in air, rail, road transport, etc., which could have been a real source for a complete general regulation.

Definition and Legal Characters

As mentioned above, the general regulation in the area of the transport contract comprises three sections, and the first section provides a general rule for all transport contracts, regardless of the means of transport and whether it is the transport of goods or of persons. The definition of the contract for the transport of persons is ensured by the provisions of art. 1955 of the Civil Code that concerns both the transport of goods and that of persons: the transport contract is, according to the legal regulation, the contract by which a party, called a carrier, undertakes, with the main title, to transport a person or a good from one place to another, in exchange for a fare that the passenger, the sender or the consignee undertakes to pay, at the agreed time and place.

As it is a definition of both contracts, it undoubtedly has a high degree of generality and the article we refer to only considers the essential elements in defining the transport contract. As a result, in order to render as true as possible the actual legal appearance of the contract for the transport of persons, it is necessary to corroborate this article with the regulation in the third section, which expressly deals with the contract for the transport of persons and baggage. Also, it is necessary to approach all the elements that, at the level of theory, lead to a complete definition of the transport contract.

A first element in the definition is the identification of the parts of the contract. From the definition of the transport contract offered by art. 1955 of the Civil Code it can be seent that the parts of this transport contract are: the carrier and the passenger. Although the concept of *passenger* is used in this area of regulation, it is not found at all in the regulation in the third section, namely in art. 2002-2008. Another concept is used in the regulation regarding the contract for the transport of persons and baggage, namely, *traveller*. It is obvious that the person travelling on the basis of a transport contract is considered to be the same - the individual, both in the general section where the contract is defined and in the third section. However, at a terminological level, the Code option is different: *passenger* and *traveller*. If we are to analyze the terminology of the special laws in this matter, we also have different options: in the railway transport, the traveller term is chosen, in the legislation of the air transport the notion of passenger is used, in the road and naval transport there is no specific terminology, the legislative references being made to the transported person. Therefore, the option of the Code for terminology regarding one of the parts of the contract for the transport of persons is not a sharp one and as it does not make a distinction, we understand that both options can be used: the traveller or the passenger are party to the contract.

If we are to offer a critical opinion on this subject, we can notice that in terms of terminology in the regulation of the transport contract, in general, there are a number of problems. Thus, in the specialized literature (Dănișor, 2015: 157-158) attention has been drawn to the fact that polysemy in the language of law can sometimes be a source of ambiguity. And, unfortunately, in the matter of transport law we encounter such situations. In fact, we are dealing with the legal language with two types of polysemy: external and internal. External polysemy refers to the situation in which the terms used in law get a meaning, and when used in the language outside the law or in the usual one

they have other connotations; therefore, there are terms with dual status and valence: technical-legal and usual. The internal polysemy is the one that is qualified as a factor of ambiguity because the same term has several distinct meanings within the legal language. Here we can include, for example, terms such as *consignor, consignment* or *combined transport*.

What we want to emphasize is that the terminological aspects have their role and that, although they seem minor in relation to the content of the regulations, they can create confusion and thus affect the substance, the content of the regulations.

In the matter of passenger transport, a unique option for the person travelling on the basis of a transport contract was preferable. Updating the language in this area and the option for clear formulas for naming these contracts, the transport documents, the parties, should be considered a priority issue and not secondary to the legal issues that need to be regulated.

Another important element in defining the contract for the transport of persons are the obligations of the parties related to the characteristic performance, namely the obligation of the carrier to transport a person or a good and the obligation of the passenger to pay the transport fare. As an exception, the obligation to pay the fare may be missing in a situation, expressly provided by law: if the transport is performed by a carrier that offers its services to the public, within its professional activity, the transport may also be free of charge.

Other elements that must be part of the definition of the contract are: a deadline for the execution of the transport, the carrier being liable for the damages caused by delay; the existence of a suitable means of transport, as defined by art. 9 paragraph 2 of the Government Ordinance no. 19/1997: “the means of transport are movable means, with or without propulsion, fit for the transport of passengers or goods, specially intended to move by a road, rail, naval or air route” and the completion of an itinerary on a transport infrastructure are other important elements.

Also, in defining this contract, two other aspects that the Code insists on, ensuring regulation, must be considered. It is about the content of the obligation to transport persons and the legal nature of this obligation.

The obligation to transport persons includes, besides the travelling operations, the operations of embarkation and disembarkation. As a result of this obligation, the carrier's liability will cover both the damages suffered by the passengers and their baggage during the transport, as well as during the operations of embarkation and disembarkation. In other words, the failure to perform or the improper performance of the embarkation and disembarkation operations will generate a contractual liability, the same as the travelling operation. The doctrine warns of the correct interpretation of this situation, in the sense that the carrier has the obligation to arrange and use the infrastructure specific to each mode of transport and to ensure the safe access in the means of transport and the landing of the passenger under the same safety conditions. However, these operations should not be confused with the actions of the passenger of getting on and off the means of transport, carried out by their own actions and for which there is a personal responsibility (Cotuţiu, 2015: 204-205).

This obligation is stipulated in art. 2002, para. 1 of the Civil Code, so it has a consecration at the level of general rule, but in the special laws there are express regulations that specifically stipulate which the obligations of the carrier are in relation to these operations and which his responsibility is in case of failure to comply with them.

Regarding the legal nature of the obligation to transport persons, different legal

options offered by the Code are observed in the transport of persons compared to the transport of goods. Thus, according to art. 1958 para. 2 of the Civil Code, except when it is done by a carrier that offers its services to the public in its professional activity, free transportation is not subject to the provisions contained in the regulation concerning the transport contract, as the carrier is only bound by an obligation of prudence and diligence. In the case of transport for a fare we have to deal with an obligation of result.

Regarding the type of obligation, in the case of the transport of persons and baggage, we deal with different solutions: regarding the baggage transport, the solution is the one offered by art. 1958 para. 2 of the Civil Code, and regarding the transport of persons, art. 2002 para. 2 provides that the carrier is bound to bring the passenger on time, unharmed and safe, to the place of destination. Therefore, we deal with an obligation of result whether it is a transport for a fare or free of charge, and this obligation contains not only the travel of passengers, but also an obligation considered in the specialized literature (Pop, Popa, Vidu, 2012: 33-34) as a *security obligation*, to transport the passengers unharmed and safe.

The security obligations do not have an express legislative obligation, they are considered to be a type of the obligations to do, contractual in nature in most cases and sometimes legal. It is a contractual or legal duty that one party has to guarantee the other party and even third parties against the risks that threaten their bodily security (Pop, Popa, Vidu, 2012: 33).

If we look at the legislation as a whole, we notice that the security obligations are met, in particular, in consumer law and in transport law, when it comes to the transport of persons.

Therefore, the transport contract is the contract whereby a party, called the carrier, undertakes, with the main title, to transport the passenger / traveller on time, unharmed and safely, from one place to another agreed with him/her, with an appropriate means of transport, in exchange for a fare that the passenger / traveller commits to pay and to ensure for him/her the appropriate conditions for the operations of embarkation and disembarkation to be carried out safely.

From the perspective of the legal characters, the contract for the transport of persons is a *reciprocal* contract, an *onerous* contract, a *consensual* contract. It is also a *commutative* contract.

Some authors characterize the contract of transport as, in general, one of *adhesion*. The justification for this qualification lies in the fact that, as a rule, the contracts of the modern era tend towards a simplification of the execution procedure and they are characterized by a rapidity motivated by the need of the time economy. This category includes a wide range of contracts, such as radio and television contracts, water supply, electricity, telephone services, insurance contracts, etc.. From this perspective, the transport contract can fulfil the conditions required by art. 1175 of the Civil Code for such a contract: "the contract is of adhesion when its essential clauses are imposed or are drafted by one of the parties for its account or following its instructions, with the other party having only to accept them as such.”

It should also be noted that the regulation of the adhesion contract itself, namely the provisions of art. 1175 of the Civil Code, creates confusion considering the valid conclusion of the contract when the parties have established its essential clauses, that is, when it fulfils what the doctrine calls a sufficient agreement (Pop, Popa, Vidu, 2012: 123). The secondary elements of the contract, those the doctrine calls open clauses, are subsequently established and have no impact on the validity of the contract. If the parties

do not reach an agreement on the secondary elements or the person to whom they assigned the task of determining them does not make a decision, the court will order, upon the request of either party, the completion of the contract, taking into account, depending on the circumstances, its nature and the intention of the parties (Romanian Civil Code, art. 1182).

In this legislative context, the question arises on which the essential elements for the valid formation of the transport contract are. The doctrinal references regarding the essential elements of a contract are to the characteristic benefits of the respective contract. By the conclusion of the transport contract, an obligatory report arises. The subject matter of the transport contract is the transport, and the object of the obligation report is given by the benefits to which the parties are bound: the transport of the person to the destination by the carrier and the payment of the fare by the passenger. As a result, the agreement on these essential elements, translates into the valid conclusion of this contract and as in practice the routes are established by the carrier, and the customer only chooses from the practicable routes offered, and the price is most often a formed one, given the offer of the carrier that calculates it according to standard methods that take into account the number of kilometres travelled, the fuel consumption and its price, etc., it can be concluded that this contract can be considered as an adhesion one for most types of transport.

However, we must admit that in some of the situations and with the observance of the limits imposed by law, the contract of transport also has a *negotiated* character. The complex structure of this contract, which contains negotiable and non-negotiable elements in the conclusion process, made the doctrinaires (Stănescu, 2017: 30) admit the possibility that this contract, the transport one, can fall into the category of *contracts concluded with consumers*.

The contract concluded with the consumers is regulated by the current Romanian Civil Code in art. 1177, according to which such a contract is subject to special laws and, in addition, to its provisions. The special legislation in this matter, the law of consumer protection, regulates the legal relations between professionals and consumers.

The doctrine (Dogaru, Drăghici, 2014: 65-70) notes that contemporary law has achieved a new classification of contracts, starting from the content of the terms "professional" and "profane", in the sense of amateur. Contracts concluded between them are still subject to the traditional regime, but contracts concluded between a professional and a private individual are called consumer contracts and are subject to a consumer protection regime, an increasingly extended regime. This legal regime is based on the idea of protecting the individual in his/her relationship with the professional who, in comparison with the other, has the skill and ability. A consumer is any individual or group of individuals constituted in associations, which, under a contract, acts for purposes outside its commercial, industrial or production, artisanal or liberal activity. The professional is any authorized natural or legal person, who, under a contract, acts within is/her/its commercial, industrial or production, artisan or liberal activity, as well as any person acting for the same purpose on his/her/its behalf or account.

Our legislation and, implicitly the legal practice (Pap, 2016: 194-196), have a clear tendency to consider the passenger a consumer. An example in this regard is Decision no. 1912/2006 regarding the establishment of measures to ensure the application of Regulation (EC) No 261/2004 of the European Parliament and of the Council of 11 February 2004 establishing common rules on compensation and assistance

to passengers in the event of denied boarding and of cancellation or long delay of flights. Thus, in order to ensure the application in Romania, from the date of Romania's accession to the European Union, of the provisions of Regulation (EC) no. 261/2004, the National Authority for Consumer Protection has been designated as the body responsible to supervise the observance of the rights of passengers provided by Regulation (EC) no. 261/2004. The designation of the National Authority for Consumer Protection as a responsible body represents a tacit recognition of the consumer status.

Substance and Form Conditions

Regarding the substance conditions, essential conditions for the validity of the transport contract, it is necessary to specify that they are common with those of any convention: the ability to contract, the valid consent of the obliging party, a given object and a legitimate cause. Also, in the situation where the law expressly provides it, the form of the contract is an essential condition.

In the matter of transport law, the regulations and rules of the common law operate, but with particularities regarding the content of the transport activity.

Thus, regarding the consent, as a particularity, it is necessary to specify the situation of the professional carrier who is in a state of permanent offer of services to the public and the fact that he/she does not have the right, except in the cases expressly provided by law, to refuse to carry out the transport. Thus, according to art. 1958 para. 3 of the Civil Code, the carrier who offers its services to the public must carry any person who requests its services and any goods the transport of which is requested, if there is no good reason for refusal.

The law does not specify what can be, from the carrier's point of view, a *well-founded reason for refusal*, but in the special laws we find reasons for refusal considered as grounded. Thus, according to art. 9 of Government Ordinance no. 7/2005 regarding the approval of the Romanian Rail Regulation, passengers who do not comply with the regulations and the provisions of the railway operator, made public, are excluded from the transport. Also, the following are not allowed or can be evacuated from the train or the station: persons who, by their conduct, disturb other travellers or who cause injury to the rolling stock belonging to the railway operator or who do not comply with the regulations; persons who, due to illness, cause inconvenience to other travellers, unless they have booked and paid for the whole compartment; persons who insult or abuse the personnel of the railway operator or the infrastructure manager / administrators during the service.

From the perspective of the other party, namely the passenger’s, it is worth mentioning the case of line transport, where the transport conditions are conditions pre-determined by the carrier and brought to the public's knowledge and where the acceptance by the passenger consists, practically, in an adhesion.

The object of the contract, according to art. 1225 of the Civil Code, is represented by the legal operation, that is the transport. The subject of the obligation is, according to art. 1226 of the Civil Code, the benefit to which the debtor undertakes, namely *to give, to do* or *not to do* something concrete as an effect of the legal operation that he/she concluded.

The definition refers to the benefits to which the parties are bound, but it also refers to the persons to whom the conduct of the parties refers, viewed as a derivative object of the civil legal report and, therefore, of the contract. Thus, the carrier may refuse a transport if it does not have the appropriate means of transport to carry out the

transport and must be lawful because, at times, issues related to public safety or conditions of operation of the means of transport justify the refusal of the carrier to carry certain persons. The impossibility to transport must exist at the time the contract is executed and must be objective. At the same time, the object of the transport contract must have a legal character, that is to say it should not contravene the imperative norms and the social rules.

Regarding the carrier, we can talk about particular elements regarding the capacity of use. Thus, according to the rules of the Government Ordinance no. 19/1997 only the persons who carry out transport activities *in the public interest* and according to the norms of the Civil Code can carry out transport activity and can conclude transport contracts, only the transporters who *offer their services to the public in their professional activity*.

Regarding the passenger, the rule is also the capacity to exercise, that is, the person's ability to conclude legal documents on their own (Romanian Civil Code, art. 37). Given the regulations regarding the exercise capacity of the individual, whose content is transposed in the special regulations regarding the transport of persons in different ways, depending on the type of transport, the minor with limited exercise capacity can enter into conservation deeds alone, administration documents that does not prejudice him/her, as well as disposition documents of small value, current in nature which are executed on the date of their conclusion. The current disposition documents of low value, include, for example, the purchase of a subway ticket, which represents, in fact, the conclusion of a transport contract (Baias, Chelaru, Constantinovici, Macovei, 2012: 47).

The case does not have particularities with regard to the rules of civil law, in the sense that the provisions of the Civil Code in this matter are applicable, as follows: for the carrier, the purpose for which the transport contract was concluded is to obtain the price of the transport in which his/her profit is introduced, and for the traveller the purpose is to move his/her person in space.

At the level of general rule, the law does not provide for certain form conditions for the contract for the transport of persons, as, it does not provide for the goods contract either. Two articles refer to questions regarding form: art. 1956 of the Civil Code that covers both the contract for the transport of goods and the contract for the transport of persons and which provides that these contracts are evidenced by transport documents, such as a consignment note, a baggage receipt, a roadmap, a bill of lading, a travel ticket or the like, as the case may be and art. 2007 of the Civil Code regulating the transfer of rights from the contract for the transport of persons. Thus, according to the legal regulation, in the absence of a stipulation to the contrary or unless otherwise provided by law, the passenger may assign his/her rights arising from the transport contract before commencing the transport, without being bound to notify the carrier. This last article provides information on the legal nature of the transport document. Thus, the professionals in their activity use some documents that lend the characteristics of the credit securities, without, however, being credit securities. They are the titles of legitimation, named by the doctrine as improper securities (Stanciu D. Cărpenaru, 2012: 605) and prove the existence of legal relationships that serve to legitimize the right of the holder. The holder of such a title is considered legitimate to receive the payment.

Art. 2007 of the Civil Code regulates the transfer of rights in the transport contract. According to it, if there is no stipulation to the contrary or unless otherwise provided by law, the passenger may assign his/her rights arising out of the transport

contract before the commencement of transport, without being bound to notify the carrier.

Effects of the Contract

The main obligations of the carrier, as they result from the general regulations, are: the obligation of the professional carrier to be in a state of permanent offer to the public in its transport conditions; the obligation of the carrier to take the passenger to the place of destination, unharmed and safe; the obligation of the carrier to carry out the transport within the established term; the obligation of the passenger carrier to have a civil liability insurance; the obligation of the carrier to make available to the passenger a place corresponding to his/her travel ID; the obligation of the carrier to carry the children travelling with the passenger, without payment or at a discounted rate, under the conditions of the special law; the obligation of the carrier to carry the baggage of the passenger without further payment, in the quantity and conditions stipulated by the provisions of the special law.

The obligation of the professional carrier to remain in a state of permanent offer to the public in its transport conditions. The professional carrier is in a permanent state of supply of services to the public and it is bound to accept any transport request, except in the situations provided by law.

Moreover, this obligation benefits from legal regulation in the Civil Code. Thus, art. 1958 para. 3 of the Civil Code provides that the carrier who offers its services to the public must transport any person who requests its services and any goods for which transport is requested, if it does not have a good reason for refusal.

The Romanian Civil Code refers to the special law in this matter, which applies with priority over the general one, in art. 2002 para. 3 and which contains different provisions regarding the refusal to accept a transport or a conditional acceptance. For example, the taxi driver may, according to art. 52 (i) of Law no. 38 of January 20, 2003 regarding taxi and rental transport, with subsequent amendments not to involve the transport of a client in an advanced state of intoxication, so he has the right to refuse to transport him/her. The commander of a civil aircraft may, according to art. 40 paragraph 3 of the Government Ordinance no. 29 of August 22, 1997 on the Air Code, disembark any crew member and any passenger at an intermediate stop, for reasons determined by flight safety and keeping order in the civil aircraft. EC Regulation no. 261/2004, art. 2 (j) defines "refusal to board" as refusing to carry passengers on a particular flight, although they have appeared for boarding under the conditions set, unless there are good reasons for refusing to board, such as health, inadequate safety or security requirements or inadequate travel documents. Therefore, the substantive reasons why the air carrier may refuse to transport a person are listed on this occasion.

The obligation of the carrier to take the passenger to the place of destination, unharmed and safe. The carrier's obligation to do the transport can be analyzed by reference to the classification made of the obligations in general. Thus, starting from the classification of the obligations according to their source, we note that the carrier's obligation to carry out the transport of persons falls into the category of contractual obligations, arisen from legal documents, the classification of the source according to the source consisting in: contractual, quasi-contractual, criminal and quasi-delictual obligations.

Depending on their purpose, obligations are traditionally classified into: obligations *to give*, obligations *to do* and obligations *not to do* (Ploscă, 2015: 173-174).

Viewed from this perspective, the obligation of the carrier to carry out the transport of goods is an obligation *to do*.

In the specialized literature, the classification of obligations according to their object, involves discussions, in the sense that, in light of the new regulations and starting from the fact that our legislation is largely French-inspired, another classification of obligations has been proposed in the report according to this criterion, in: obligations to pay an amount of money or to deliver an amount of other generic goods, obligations to deliver a certain, individually determined good, obligations to provide services and obligations not to do. Part of the doctrine considers that this classification is closer to the practical realities, compared to the obligation to give, challenged in this vision, because it is considered that the transfer of the right of property and other real rights operates fully on the basis of the will agreement.

In such a classification, the obligation of the carrier to do the transport is an obligation to provide services, that is an obligation that has as its object the activity of the debtor, except for the delivery of a good or goods.

Depending on the purpose pursued, the obligations are classified into the obligations of means and the obligations of results. The obligation of the carrier to carry out the transport of goods is an obligation *of results*, whether the carrier performs, within its professional activity, a paid or a free transport.

Also within this classification another type of obligation was identified - the security obligation. Security obligations are considered to be a kind of obligation *to do* in which one party has a contractual or legal obligation to guarantee the other party against the risks that threaten their bodily safety. We find this type of obligation in the case of the transport of persons: art. 2002 para. (2) provides that the carrier is bound to bring the passenger in time, unharmed and safe, to the place of destination. Therefore, we deal with an obligation of result whether it is a transport for a fare or free of charge, and this obligation contains not only the travel of passengers, but also an obligation considered in the specialized literature as a *security obligation,* that of bringing the passengers safe and unharmed. The doctrine (Pop, Popa, Vidu, 2012: 139) notes that this obligation exceeded its initial condition, when it was considered as an implicit obligation in the transport contracts and now, by its consecration in art. 2002 para. 2 has become an explicit contractual obligation, expressly provided in the general theory of the contract for the transport of persons, as the clearest expression of the modernization of our private law.

From the contents viewpoint, the obligation to transport persons includes, besides the travelling operations, the operations of embarkation and disembarkation. This aspect is provided in art. 2002, paragraph 1 of the Civil Code and its effect is that the carrier's liability will cover both the damages suffered by the passengers and their baggage during the transport, as well as during the operations of embarkation and disembarkation.

The obligation of the carrier to carry out the transport within the established term. According to art. 2002, para. 2 of the Romanian Civil Code, the carrier is bound to bring the passenger, unharmed and safe, to the place of destination on time. The carrier's responsibility to carry out the transport within the established term also results from art. 2004 para. 2 of the Civil Code where the carrier's liability for direct and immediate damages is established, resulting from the non-execution of the transport, from its execution under conditions other than those established or from the delay of its execution. The liability is a contractual one.

Depending on the type of transport, some of the carriers have transport deadlines set by the legislature or the law authorities, others set them unilaterally and make them known to the public, and others establish them by conventional means.

The obligation of the passenger carrier to have a civil liability insurance. The carrier is bound to have a civil liability insurance, concluded under the terms of the law. This obligation of the carrier is generally established solely for the purpose of the carrier of persons and baggage. By special laws, civil liability insurance can also be established for the transport of goods.

The importance of the transport of persons has determined that, regardless of the mode of transport or whether it is remunerated or free of charge, the carrier has the obligation to contract a civil liability insurance (Pop, Popa, Vidu, 2012: 83).

The obligation of the carrier to make available to the passenger a place corresponding to his/her travel ID. The means of transport of persons are diverse, they have different classes, comfort levels, degrees of speed; they are means of transport where you can travel standing. For example, in rail passenger transport, according to art. 12 of the Governmental Ordinance no. 7/2005, the passenger can occupy a seat on the train, observing the right to class and the services provided by his/her travel card. For trains with reservation of seats, the passenger can occupy only the places registered in the travel card. The traveller who cannot obtain a seat and does not consent to travel standing is entitled to request the return of fare for the unused part of the journey, to postpone the trip or to pay the difference for the trip in a higher class, according to the provisions of the Uniform Rules or to the railway transport operators' own regulations, and in case the traveller cannot occupy the seat reserved according to his/her travel card, the train staff is bound to provide another seat, within the available seats of the train, according to the provisions of the Uniform Rules or to the railway transport operators' own regulations.

The carrier's obligation to transport children travelling with the passenger, without payment or at a reduced rate, under the terms of the special law. Special laws detail this obligation differently. Thus, for railway transport, according to art. 13 of the Governmental Ordinance no. 7/2005, children up to the age of 5 years, for whom no separate seat is required, are transported free of charge, without a travel ID, and children up to the age of 10 years pay 50% of the fare and of the train supplement and they have a separate seat. For trains with reserved seats they also pay the full fare. In the national paid road transport, according to art. 41 paragraph 4, the transport of children under 5 years is free of charge, if they do not occupy separate seats.

The obligation of the carrier to carry the baggage of the passenger without further payment, in the quantity and conditions stipulated by the provisions of the special law. Although the Civil Code regulates the baggage as a general rule, as a concept, it does not define or make a clear distinction between what is represented by hand baggage and the checked baggage, referring to the special laws.

Thus, a broader regulation of the baggage rules and, possibly, a definition thereof results from the special regulations regarding the railway transport of persons and baggage. According to art. 17 of the Government Ordinance no. 7/2005, the traveller can take with him/her in the passenger cars the hand baggage, free of charge. Hand baggage should, as a rule, be easy to handle, be well packaged, so that it is not possible to leak the contents, damage or mess the wagons or cause inconvenience to the other passengers. The passenger has, for his/her hand baggage, only the space above the seat he/she occupies or an equivalent space in the baggage storage of the wagons. For

railway transport, the total weight of hand baggage allowed for each occupied palce is 30 kg. The supervision of the objects that the traveller takes with him/her in the wagon rests with them and, in principle, the traveller is responsible for any damage caused by the objects he/she takes along in the wagon. The carrier remains liable if it is found that the baggage has been lost out of its fault.

For the air transport of persons and baggage, the provisions of Government Ordinance no. 107/2000 regarding the ratification of the Convention for the unification of certain rules regarding international air transport, adopted in Montreal on May 28, 1999, and the provisions of art. 3, respectively, stipulate that the carrier is bound to issue to the passenger a baggage identification tag for each item of checked baggage. Also, the passenger will be informed that a written notification will be issued indicating that in the case of applying this convention, it will regulate and may limit the liability of the carriers in case of death or injury, in case of destruction, loss or damage to the baggage, as well as in case of delay. In the regulation of airway transport, the term baggage means both checked and unchecked baggage.

At the same time, in art. 17 regarding the liability of the air carrier for the death or injury of the passengers and for damage caused to the baggage, it is stipulated that the carrier is liable for the damages arising due to the destruction, loss or damage of the checked baggage, provided that the event that caused the destruction, loss or damage has taken place on board the aircraft or during the time when the carrier was in charge of the checked baggage. The carrier is not responsible if the damage occurred due to a baggage defect, the quality of a vice thereof. In the case of unchecked baggage, including personal items, the carrier is liable if the damage arises from its fault, its agents or proxies.

In the legislation in the field of road transport, there are also, for different types of means of transport, references to baggage. Thus, Law no. 38/2003 regarding the transport in taxi and rental regime, as subsequently amended and supplemented, art. 52 paragraph 3 (m) stipulates the obligation for the carrier to carry the baggage of the clients, in the case of the transport of persons, within the space meant for them, without collecting additional fees; and art. 49 paragraph 1 (c) that the price of the transport is not conditioned by the number of persons or the quantity of goods transported, as long as they do not exceed the authorized transport capacity of the taxi.

In this context, a review can be formulated: The Romanian Civil Code, although it stipulates the obligation of the carrier to carry the baggage of the passenger without further payment and establishes the carrier's liability for non-compliance with this provision, it does not define the concept of baggage, it does not establish a legal regime at the principle level for liability in respect of hand baggage and the checked one and does not make a clear distinction between what constitutes the transport of goods and that of baggage. It limits itself to making references to the special laws which, although they regulate the baggage regime in their own means of transport, they do not have complete references covering the whole spectrum of legal issues raised by baggage, which is why, where possible, it leaves it to the carrier, by its own regulations, to manage these aspects (Piperea, 2005: 63).

Regarding the spectrum of the carrier’s obligations, although its legal regime benefits from a much broader regulation than that of the passenger with regard to his/her obligations, we must note that, as a general rule, the legislator had the possibility to regulate other obligations of the carrier. For example, the obligation to go on the established route and the legal consequences of its non-compliance. At the same time,

the legal regime of the carrier's rights, at the level of principle, is ignored by the legislator.

The legal regime of the traveller's obligations from the general regulation is a reduced one, in the sense that, according to the provisions of art. 2003 para. 2 of the Civil Code, during the transport, the passenger has the obligation to submit to the measures taken according to the legal provisions by the carrier's agents. Of course, this obligation must be supplemented by the obligations resulting from the special laws. However, we cannot fail to notice that one of the main obligations of the passenger, namely the payment of the fare, which could have benefited from regulation, at a general rule level, is missing from the regulation.

With regard to the passenger's rights, the Code establishes the passenger's right to unilaterally terminate the transport contract if, according to the circumstances, due to the delay in carrying out the transport, the contract is no longer of interest to the passenger. In this situation, the traveller may denounce it, requesting the refund of the fare.

Therefore, in order to be able to exercise the passenger's right to unilaterally terminate the transport contract, the following conditions must be cumulatively fulfilled: there must be an inadequate fulfilment of the transport contract, in order to delay the transport execution and the delayed transport execution is no longer of interest to the traveller.

The unilateral denunciation is a cause of termination of the contract regulated by art. 1276 of the Civil Code, according to which the right to unilaterally terminate the contract can be exercised only by the party in favour of whom it is established and only if the execution of the contract has not begun.

The Carrier's Liability

Regarding the legal regime of the carrier's liability, the Civil Code stipulates that it is responsible for: the passenger's death, injury to bodily integrity or damage to the traveller's health, the non-execution of the transport, its execution under conditions other than those established, the delay of the transport.

The carrier's liability is, as a legal nature, a contractual one and, according to the legal regulation, any clause by which the carrier's liability for the damages stipulated in the general law is removed or restricted is considered unwritten.

Clauses considered unwritten are null and void clauses. In the doctrine (*Nicolae,* 2012: 27-29), it was emphasized that they were enshrined in our national law under the influence and impulse of the Community regulations, and they are found in the domestic law of several European Union states, such as the French, Belgian law and those clauses inserted in a legal act, which the legislator considers as non-existent, because they contradict the nature and the normal legal effects of that act and which are fully replaced by the mandatory legal provisions.

The carrier is also responsible for the damage caused by the means of transport used, his/her health and the health of his/her employees.

The transport contract is unique and indivisible (Cristoforeanu, 1925: 215 - 218) and the period for which the contractual liability is committed is that between the time of the passenger's embarkation and the moment of his/her disembarkation, the embarkation and disembarkation being part of the transport activity and attracting the contractual liability as well. Therefore, for actions or inactions attributable to the carrier prior to the

embarkation or disembarkation, its liability can only be engaged on a criminal basis (Cotuţiu, 2015: 210).

Art. 2004 para. 4 stipulates the situations in which the carrier's exemption of liability operates. Thus, the causes of non-liability are listed as follows: if it proves that the damage was caused by the traveller, intentionally or by serious fault; if it proves that the damage was caused by the traveller’s health; if it proves that the damage was caused by the act of a third party for which it is not liable; if it proves that the damage was caused by force majeure (Atanasiu, Dimitriu, Dobre, 2011: 737).

The passenger’s health and the deed of a third party for which the carrier is not held liable have the legal nature of a fortuitous case for the carrier. In the matter of the contract for the transport of persons, the fortuitous case does not exonerate of liability and the reason why the Civil Code expressly lists these two situations is because they, as an exception from the situation of the fortuitous case in general, exonerate the carrier from liability.

The analysis regarding the carrier's liability for baggage and other goods cannot be made without specifying, as I have mentioned, that the notion of baggage, as well as that of other goods of the passenger, does not receive a definition in the general law. As most of the doctrine points out, the definition is important because for the damages brought to goods other than those mentioned, the carrier's liability will be based on the provisions of art. 1984 et seq. in the matter of the contract for the transport of goods and not on art. 2005 which regulates liability for baggage and other goods.

The carrier is liable for the loss or damage to the passenger’s baggage or other goods, unless it is proved that the damage was caused by their vice, the passenger’s fault or by force majeure.

It can be seen that art. 2005 of the Civil Code regulates the loss and damage, but not the delay of baggage. This does not mean that in case of delay the carrier is not liable, but that the liability for the delay of the baggage will be based on the provisions of art. 1959 para. 2 of the Civil Code stipulating that: for the damages caused by the delay in reaching the destination, except for the fortuitous case and the force majeure, the carrier is liable. This regulation may be incidental in this matter also because art. 2005 in par. 4 allows the application of the regulations in the matter of the contract for the transport of goods, if there is no stipulation contrary to them, in the matter of the contract for the transport of persons and baggage.

For hand baggage or other goods that the traveller carries with him/her, the carrier is liable only if the latter's intention or fault for the loss or damage is proved.

Regarding the amount of damages, the carrier is liable for the loss or damage of the passenger’s baggage or other goods within the declared value or, if the value has not been declared, in relation to the nature, their usual content and other such elements, as the circumstances may be.

The Civil Code regulates in this matter, in art. 2006, the responsibility in the successive or combined transport. Thus, in the successive or combined transport, the carrier on the transport of which the death occurred, the injury of the bodily integrity or the health of the passenger, the loss or damage of the passenger’s baggage or other goods is responsible for the damage thus caused. We observe the promotion at the legislative level of a different solution to the transport of goods, where regarding the liability of this type of transport, the responsible action can be exercised against the carrier who has concluded the contract of transport or against the last carrier and in

respect of damages, In their relations, each carrier contributes to compensation in proportion to the appropriate portion of the fare.

An exception is also allowed in this matter: the carrier is not liable if the transport contract expressly stipulates that one of the carriers is fully responsible.

For the loss or damage of baggage or other goods of the traveller that have been delivered, each of the carriers is required to contribute to compensation.

The responsibility for the delay or interruption of the transport comes only if, at the end of the whole journey, the delay remains. Article 2006 para. 3 of the Civil Code establishes the rule according to which, in the case of successive or combined transport, the delay of the transport must be appreciated globally, at the end of the entire journey. Therefore, the delay of the transport on one of the segments of the route does not constitute a breach of the obligations deriving from the transport contract, likely to establish the liability of the one who carried out the transport in the segment concerned, as long as there is no delay of the transport for the entire route.

Regarding the baggage, the Code refers to the provisions of art. 2000 of the Civil Code that becomes applicable in the matter, that is to say the solution in the matter of the contract of transport of goods. It should be noted that the solution is valid, according to the Code, for the loss or damage of baggage or other goods of the passenger that have been handed over to the carrier. On the contrary, this solution does not apply to baggage and goods held by the traveller, but to the transport of persons.

Conclusions

The general regulation in the matter of the contract for the transport of persons is, without doubt, a necessary and welcome one in the matter of the legislation in transport law, deficient in this segment until the entry into force of the current Civil Code. However, it is a perfectible one and there are new legal issues that need to be regulated and others that need more extensive or clearer development:

- regarding the terminology, in the regulation of the contract for the transport of persons, a unique option at the level of general rule for the name of the person travelling on the basis of a transport contract would be preferable, with the Code currently using both the notion of passenger and that of traveller;

- regarding the legal nature of the obligation to transport persons, we deal with an obligation *of results* whether it is a transport for a fare or free of charge, but this obligation is also a *obligation of security*, that of transporting passengers unharmed and safe The security obligations do not have an express legislative obligation, they are considered to be a type of the obligations *to do*, contractual in nature in most cases and sometimes legal. A consecration at the legislative level of these types of obligations is preferable, and the contract for the transport of persons is a classic example of this type of obligation;

- regarding the legal character, a regulation that does not leave room for interpretations and which establishes whether this contract is an *adhesion* one and if it can be included in the category of *contracts concluded with consumers*;

- regarding the spectrum of the obligations of the carrier, at the level of general rule, the legislator can regulate its other obligations. For example, the obligation to go on the established route and the legal consequences of its non-compliance. At the same time, the legal regime of the carrier's rights, at the level of principle, is currently ignored, it can get regulation;

- the legal regime of the traveller's obligations in the Civil Code is a reduced

one, in the sense that, according to the provisions of art. 2003 para. 2 of the Civil Code, during the transport, the passenger has only the obligation to comply with the measures taken by the carrier's agents. We note that one of the traveller's main obligations is missing, namely the payment of the fare, which could have benefited from regulation;

- The Romanian Civil Code, although it stipulates the obligation of the carrier to carry the baggage of the passenger without further payment and establishes the carrier's liability for non-compliance with this provision, it does not define the concept of baggage, it does not establish a legal regime at the principle level for liability in respect of hand baggage and the checked one and does not make a clear distinction between what constitutes the transport of goods and that of baggage. We also note that art. 2005 of the Civil Code regulates the loss and damage, but not the delay of baggage.

References:

Atanasiu, A.G., Dimitriu, A.P., Dobre, A.F., (2011). *Noul Cod civil, Note. Corelaţii. Explicaţii*, Bucharest: C.H. Beck Publisher.

Baias, Fl. A., Chelaru, E., Constantinovici, R., Macovei, I. (coordinators), (2012). *Noul cod civil, Comentariu pe articole,* art. 1-2664, Bucharest: C.H. Beck Publisher.

Cotuțiu, A. (2015). *Contractul de transport,* Bucharest: C.H. Beck Publisher.

Cristoforeanu, E. (1925). *Despre contractul de transport*, Cartea I, Bucharest: „Curierul judiciar" Publisher.

Dănișor, D. (2015). *Interpretarea Codului civil. Perspectivă jurilingvistică*, Bucharest: C.H. Beck Publisher.

Dogaru, I., Drăghici, P. (2014). *Drept civil. Teoria generală a obligațiilor* Bucharest: C.H. Beck Publisher.

Nicolae, M. (2012). *Nulitatea parțială și clauzele considerate nescrise în lumina noului Cod civil. Aspecte de drept material și drept tranzitoriu*, Revista Dreptul,11, 27-29.

Pap, A. (2015). *Transportul aerian și drepturile pasagerilor în legislația Uniunii Europene. Sinteze de jurisprudență*, Bucharest: Universul Juridic Publisher.

Piperea, G. (2005). *Dreptul transporturilor,* 2nd Edition, Bucharest: All Beck Publisher.

Ploscă, R. (2015). *Teoria generală a dreptului*, 4rd Edition, Bucharest: C.H. Beck Publisher.

Pop, L., Popa, I. F., Vidu, S. I. (2012). *Tratat elementar de drept civil, Obligațiile*, Bucharest: Universul Juridic Publisher.

Stanciu D. Cărpenaru (2012). *Tratat de drept comercial român*, Bucharest: Universul Juridic Publisher.

Stănescu, A. T. (2017). *Dreptul transporturilor. Contracte specifice activității de transport,* Bucharest: Hamangiu Publisher.

Codul civil român (2011), art. 1955-2008.

Legea nr. 38/2003 privind transportul în regim de taxi şi în regim de închiriere.

Legea nr. 265/2007 pentru modificarea şi completarea Legii nr. 38/2003 privind transportul în regim de taxi şi în regim de închiriere.

OUG nr. 21/2019 pentru modificarea și completarea Legii nr. 38/2003 privind transportul în regim de taxi și în regim de închiriere.

OG nr. 7/2005 pentru aprobarea Regulamentului de transport pe căile ferate din România.

OG nr. 29 din 22 august 1997 privind Codul aerian.

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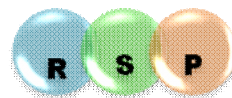

ORIGINAL PAPER

Establishment of the Employment Relationship: Conditions for Employment in EU Member States

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Abstract:
The most important document that sets out the conditions of work, the individual rights and obligations of the parties to an employment relationship is the individual employment contract. This is also the most important contract in the profesional life for the majority of people. Under current national labor laws, the individual employment contract is concluded between an employer and a worker. The individual employment contract stands at the foundation of labor relations, being common across most of the European Union's Member States, with the aim of establishing working and employment conditions, regulating relationships between employer and worker. The present study illustrates the employer's obligation to inform the employee about the future content of the individual contract and the mandatory provisions of the employment contract, the form of the individual employment contract, European Union's regulations for non-compliance with the written form of the contract, the probationary period, the working age in different EU Member States, prohibition of children's work, protection of young people at work in EU space.

Keywords: *employer; individual employment contract; labor law; employment conditions; worker/ employee.*

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General considerations

The most important document that sets out the conditions of work, the individual rights and obligations of the parties to an employment relationship is *the individual employment contract.* This is also the most important contract in the profesional life for the majority of people. Under current labor laws, the individual employment contract is concluded between an employer (or in some countries, defined by the law as between the owner of an enterprise, organization or institution or the authorized agency thereof, or an individual/natural person) and an employee.

The task of defining the terms “employee”, “employer”, “contract” and “employment relationship” rests with national legislators. In compliance with the provisions of the Directive 2002/14/EC of the European Parliament and of the Council of 11 March 2002 establishing a general framework for informing and consulting employees in the European Community, the term “employer” has the meaning of a natural or legal person which concludes employment contracts or employment relationships with employees, in accordance with national legislation and practice. The other party of the employment agreement – the “employee” – could be any person who, in the Member State concerned, is protected as an employee under national employment law and in accordance with national practice.

The information of employee and the mandatory provisions of employment contract

Except short-term contracts or casual work arrangements, employment relationships in all EU member states should be legitimated in a written individual employment contract. Although in some member states national labor legislation do not expresslly stipulate that the employment contract must be concluded in writing or verbally, in the practice of employment relationships verbal agreements are used on a large scale in many countries of the European Union. For example, in Estonia, one can enter into a working relationship based on a verbal convention but only for fixed-term contracts not exceeding 2 weeks; the Slovak legislation provided two exceptions to the written form of the employment contract, neither of which giving rise to an employment relationship: the first exception concerns contracts whose duration does not exceed 300 hours per year and the second one refers to contracts concluded between an employer and a high school or a university student, as long as the duration of work does not exceed 20 hours per week in an average period of maximum twelve months (Kuddo, 2009:9).

Council Directive 91/533/EEC of 14 October 1991 on an employer's obligation to inform employees of the conditions applicable to the contract or employment relationship stipulates that an obligation to inform employees in writing of the main terms of the contract or employment relationship shall not apply to employees having a contract or employment relationship:

(a) with a total duration not exceeding one month, and/or - with a working week not exceeding eight hours; or

(b) of a casual and/or specific nature provided, in these cases, that its non-application is justified by objective considerations.

Furthermore, by the Directive, the employee must be provided with information on any change in the essential elements of the contract or employment relationship except in the event of a change in the laws, regulations and administrative or statutory

provisions.

The same Directive establishes the essential aspects of the employment contract or relationship of which an employee should be notified:

“(a) the identities of the parties;

(b) the place of work; where there is no fixed or main place of work, the principle that the employee is employed at various places and the registered place of business or, where appropriate, the domicile of the employer;

(c) the title, grade, nature or category of the work of the employee or a brief specification or description of the work;

(d) the date of commencement of the employment contract or relationship;

(e) in the case of a temporary employment contract or relationship, the expected duration thereof;

(f) the amount of paid leave to which the employee is entitled or, where this cannot be indicated when the information is given, the procedures for allocating and determining such leave;

(g) the length of the periods of notice to be observed by the employer and the employee should their employment contract or relationship be terminated or, where this cannot be indicated when the information is given, the method for determining such periods of notice;

(h) the initial basic amount, the other component elements and the frequency of payment of the remuneration to which the employee is entitled;

(i) the length of the employee's normal working day or week;

(j) where appropriate: (i) the collective agreements governing the employee's conditions of work; or (ii) in the case of collective agreements concluded outside the business by special joint bodies or institutions, the name of the competent body or joint institution within which the agreements were concluded”.

Permitting an employee to commence work is equivalent to entering into an employment contract, regardless of whether the employment contract has been formalized.

The deadline for the information to be sent to the employee is no later than two months after the beginning of the employment relationship, in the form of: (a) a written contract of employment; and/or (b) a letter of engagement; and/or (c) one or more other written documents, where one of these documents contains at least all the information. Setting a maximum of 2 months after the start of employment by the Directive 91/533/EEC denotes the intention of the European legislator to ensure that workers have a written record of the conditions under which the employment contract is concluded and is being carried aut (Panainte, 2017: 173-174).

The minimum content of the employment contract required by the labor laws of the Member States coincides, and even goes beyond, the requirements of the Directive 91/533/EEC – this is the case for Romania, the Labor Code requiring that, in addition to the aspects mentioned in the Directive, the person selected for employment or the employee, as the case may be, be informed also about the following elements: the criteria for assessing the professional activity of the employee applicable to the employer's level, the job-specific risks and, if applicable, the duration of the probationary period (Radu, 2015: 217). However, there are some cases in which the content required by the national labor law does not cover the list of issues contained in the EU regulation; this is the case of the Bulgarian and Slovakian labour laws. For example, the Bulgarian national law does not oblige to inform on employment

conditions relative to the title, grade, nature or category of the work, and, where appropriate, the collective agreements of application (Sashov, 2018: 104-106).

In a dispute before the Court of Justice, it was decided that the references listed in the Directive do not constitute an exhaustive list of the essential elements of the prior information / employment contract so that any element which, in the light of its importance, should be considered as an essential element of the contract or of the employment relationship to which he belongs, must be notified to the employee, including also any clause requiring the employee to work additionally whenever the employer so requests (CJEU, Case C-350/99, Wolfgang Lange and Georg Schünemann GmbH, par. 21-23).

Form of the individual employment contract

The signatory states of the European Social Charter have committed themselves to ensure that workers are informed in written form, as soon as possible, and in any event not later than two months after the date of begining their work, of the essential aspects of the contract or employment relationship. The labor legislation in most EU countries is stricter in this regard: as a rule, an employee cannot start work for an employer without an employment contract being signed. The Polish Labor Code requires that, if an individual employment contract is not made in writing form, the employer shall, not later than on the day after the start of the work, provide the employee with the written confirmation of the identities of the contract parties, the type and the terms of the contract. The rest of the information provided by Directive 91/533/EEC should be communicated to the employee in a separate document, also in writing, within seven days from the date of starting the work (Kuddo, 2009: 10).

Non-compliance with the written form

Member states are required to implement in their internal legal order the necessary measures to approve any worker who considers himself injured by non-compliance with the obligations regulated by Directive 91/533 / EEC to assert his rights before the courts of law. The Directive also provides for the possibility for member states to regulate the worker's right to make a possible preliminary complaint to other competent authorities (Dima, 2012:78).

Regulations for non-compliance with the written form of the employment contract varies throughout the European Union space. On the one hand, in some countries, labor inspectors can fine the employer on the spot if they find out that somebody is engaged in the firm without a written employment contract, for example, in Romania. The individual employment contract is a consensual agreement, the simple agreement of the parties willing to conclude the contract being sufficient, the written form being required by law as compulsory only for a short period: 2011-2017 (Țiclea, 2011: 30-31; Ciochină-Barbu, 2012: 122). Therefore, the written form is not mandatory, which means that proof of the agreement of the parties, contractual provisions and benefits can be done by any other means of proof. The obligation to conclude the individual labor contract in written form is the responsibility of the employer; as a result, only he will be sanctioned for non-observance of the written form.

On the other hand, there are certain EU member states (Estonia) in which the national legislation formalizes the employment process by creating two copies of the individual contract (one held by the employer and the other by the employee), but does not state any legal consequences for cases of non-compliance with the written form of

the contract (Kuddo, 2009: 11).

Probationary period

In EU countries, according to the national labor law, an employment contract may prescribe a probationary period in order to confirm that the employee has the necessary professional skills and abilities, suitable social/ organisational skills and an adequate health condition to perform the work agreed on in the individual employment contract. It can be set in favor of the employer with the goal of assessing the suitability of an employee for the envisaged work (position), or in favor/ at the request of the employee in order to define his/ her suitability for the offered job (position) or in favor of both parties. In Bulgarian law it is expressly stipulated that if the contract has not been specified in favor of whom the trial period has been agreed, it is assumed that it has been agreed in favor of both parties (Sashov, 2018: 106). The Romanian Labor Code does not contain any express provision in this respect, but form the interpretation of the legal text results that the probationary period, if included in the contract, is in favor of both parties.

A probationary period condition must be stated in the employment cotract and/or in the preliminary information. If no probationary period clause is included in the employment agreement, the candidate must be employed without a probationary period.

As a general rule, during the duration or at the end of the probationary period, the individual employment contract may be terminated solely by a written document (usually named notification), without prior notice, at the initiative of either party. If the probation period is set in favor of the employer, he evaluates the results of the employee's work and may dismiss him/her if the results are unsatisfactory. If dismissal is due to the unsatisfactory results, as a rule, the employer is not obliged to give prior notice or pay any compensation to the employee.

In many EU member states, the probationary period does not applied to minors (Lithuania, Estonia); disabled persons (Estonia) or some other categories of employed persons. On the contrary, in Romania, people with disabilities can be employed exclusively on the basis of a trial period of up to 30 calendar days without passing an examination, competition, interview or other practical test (Radu, 2015: 175).

Duration of the probationary period

The length of the probation period differs from the legislation of one EU Member State to another. During the trial period employees do not benefit from protection against illegal dismissals. Notification is a "simplified dismissal decision on the employer's initiative" (Timişoara Court of Appeal, Labor and Social Security Conflict Section, 2008) which must comply only with the written form, without prior notice and without motivation.The possibility of unilateral termination of the employment contract makes the complaints against unlawful dismissals impossible.

In terms of duration, in EU member states, the probation period varies according to the duration of the employment contract (contract for a fixed or indefinite period, temporary work contract), the position occupied by the employee or other particular aspects. The probation period ranges from a few weeks (no more than one month in Hungary) to a few months (6 months in Bulgaria) or even exceed six months (Germany) (Kuddo, 2009: 17).

The main criterion for differentiating the length of the probation period is the duration of the employment contract. In Romania, the parties to the employment contract

of indefinite duration may, by their agreement, determine the length of the probationary period, which must not exceed the maximum period laid down by law. Thus, the duration of the probationary period shall be no more than 90 calendar days for the execution functions, no more than 120 calendar days for the management positions and maximum 30 calendar days for the persons with disabilities; for graduates of higher education institutions, the first 6 months after the professional debut is regarded as a probationary period or an internship (except for those professions where the internship is regulated by special laws). Romanian employees under an individual fixed-term employment contract may be subject to a probationary period not exceeding: a) 5 working days - for a duration of the individual employment contract of less than 3 months; b) 15 working days - for a contract's length ranging from 3 months to 6 months; c) 30 working days - for a duration of the individual contract longer than 6 months; d) 45 working days - in the case of employees in management positions, for a contract longer than 6 months (Codul muncii, 2018: Article 85).

In the Netherlands, for an indefinite employment contract or for an employment contract fixed for more than two years, the trial period is of maximum two months. In fixed-term employment contracts of more than 6 months, but less than two years, the parties can settle a probationary period of maximum one month. Unlike Romania, it is not possible to stipulate a probationary period in a fixed-term employment contract of six months or less (OECD EPL Database, 2013).

In some countries, the length of the probation period may be stipulated in the collective agreement or agreed upon by the parties because the legislator has not set a limit for this duration (Hungary).

After the expiration of the probation period, the employer is obliged to put into practice the individual employment contract until the expiration of the term stipulated in the contract (whether it is a fixed-term contract) or until another legal situation of termination of the employment contract occurs. In turn, the employee is obliged to respect the conditions of the contract, but without being limited his/her right to resign.

If the term of a probation period expires but the employee continues to perform the work and the employer does not prevent him from doing so, it is considered that he or she has the necessary professional skills and abilities and become a stable employee, meaning that he/she will be protected against unfair dismissals.

Working age

EU Member states shall ensure, under the conditions laid down by Directive 94/33/CE on the protection of young people at work, that the minimum working or employment age is not lower than the minimum age at which compulsory full-time schooling as imposed by national law ends or 15 years in any event.

The EU norms, as well as the ones of the International Labor Organization, protect people younger than 18 years against economic exploitation and against any work/ activity likely to harm their safety, health or physical, mental, moral or social development or to jeopardize their education.

Directive 94/33/CE gives legal definitions for the terms "child", "adolescent" and "young person". Acoording to the EU Directive, the meaning of the word "child" is "any young person of less than 15 years of age or who is still subject to compulsory full-time schooling under national law". On the other hand, the term "adolescent" signifies "any young person of at least 15 years of age but less than 18 years of age who is no longer subject to compulsory full-time schooling under national law". Last but not least,

“young person” is “any person under 18 years of age having an employment contract or an employment relationship defined by the law in force in a Member State and/or governed by the law in force in a Member State”.

The person seeking employment must have a special legal capacity to designate “the ability to enter into an individual employment contract and to exercise the rights and actions resulting therefrom” (D’Agostino and Loiacono, 2009: 43). In labor law, dissociation of legal capacity in the capacity of use (as the ability of a person to have rights and obligations) and exercise capacity (as a person's ability to conclude civil legal acts) is of no interest (Ghimpu and Mohanu, 1988: 20; Ghimpu and Țiclea, 2000: 165; Athanasiu and Dima, 2003: 254; Athanasiu and Dima, 2005: 33) since the right to work, as a general aptitude and to perform a particular activity on the basis and under the conditions of an individual employment contract, can not be effectively detained and exercised until the age of employment stipulated by law (Radu, 2015: 154).

Article 4 par. 1 of Directive 94/33 / EC on the protection of young people at work prohibits, as a general principle, the work of children who have not reached the age of 15, with some exceptions referring to certain specific activities. These exceptions to the general ban on young people’s work are represented by children performing cultural or similar activities (artistic, sports or advertising activities); of children of at least 14 years of age who work under an alternative or internship training scheme in the enterprise, to the extent that such work is done in accordance with the conditions prescribed by the competent authority and the children of at least 14 years of age performing light, non-cultural or similar work. Member States which recognize the possibility of child labor in these exceptional situations should lay down the working conditions specific to these light works, in compliance with the provisions of the EU Directive.

The employment of children for cultural, artistic, sporting or advertising purposes is subject to obtaining a prior authorization issued by the competent authority on a case-by-case basis (Article 5 par. 1). In this case, work must be light and can be performed by children from the age of 13 for a limited number of hours per week and for types of activities determined by national legislation. The term “light work” means work which, due to the tasks it entails and the specific conditions in which it is carried out, fulfills two cumulative conditions: it can not harm the safety, health or development of children; is not likely to prejudice the attendance of schools, participation in guidance or training programs approved by the competent authority or the ability of children to benefit from the instruction received. By way of derogation from the authorization procedure, Member States may, by legislative or regulatory means, lay down the possibility for children aged 13 or over to perform activities of a cultural, artistic, sporting or advertising nature.

Light work other than cultural, artistic, sports or advertising activities may, however, be performed by children of 13 years of age for a limited number of hours per week in the case of categories of work determined by national legislation.

In Romania, as in other EU member states, the individual acquires full employment capacity at the age of 16, assuming that from this age he has the physical and mental maturity necessary to enter into a work relationship. Minors aged between 15 and 16 have a limited capacity to engage in work and their employment is only possible with the consent of parents (both parents) or legal representatives, and only if “health, development and professional training of the minor are not jeopardized” (Codul muncii, 2018: Article 13 paragraph 2). Minors who have not reached the age of 15 years and

people who are under a judge's ban due to alienation or mental debility are lacking the ability to conclude employment contracts (Codul muncii, 2018: Article 13 paragraph 3 and 4). The prohibition to be employed concerns all minors under the age of 15, the Romanian legislation (as opposed to the one of certain European states) does not contain any provision regarding the situation of young people aged between 14-15 or even 13-15 years who can provide very light work, for example in artistic, cultural, sports, advertising. In the absence of an express provision in the Romanian legislation on the performance of certain work by children under the age of 15, the only legal solution is to resort to the rules of civil law and the conclusion of a civil convention (Ștefănescu, 2002: 7-11; Popescu, 2003: 60).

The minimum age for employment in Bulgaria is 16 (Labor Code, Bulgaria, 2018: art. 301 par. 1), the individual having a limited employment capacity between 15 and 16 years, under the same conditions as in Romania. As an exception, girls who reached 14 years and boys who reached 13 can be employed for filming, preparation and staging theatrical or other performances.

Labor legislation in Cyprus allows young people to work from the age of 15 and beyond, unless they are employed in a family business. Foreign young people may start working from 14 years old. The law prohibits work for children under 13 (Law No. 91(I) of 2014 on Preventing and Combating the Sexual Abuse and Sexual Exploitation of Children and Child Pornography).

In Estonia young people under the age of 18 may receive permission to be employed depending on their age, the activity which is to be performed and whether they are subject to compulsory school attendance (until they acquire basic education or they reach the age of 17). Children aged 16 years who do not go to school and those aged 17 years may perform any remunerated activity that does not put into danger their health. Young people between the ages of 13 and 14 and pupils aged 15–16 may perform work that involves simple tasks and does not require great physical or mental effort. Of all EU Member States, Estonian legislation proves to be the most permissive in the field of child labor because it allows children aged 7-12 to provide light work only in the fields of arts, culture, sports or advertising (Eesti.ee, 2017). One possibility of children's employment in Estonia are the so-called "work and recreation camps" (Katteler and Warmerdam, 2008: 27). Work is usually provided by local governments, who are the organizers of these camps, in co-operation with nonprofit associations or businesses. Organized during school vacations (especially summer) and having a duration of between 2 and 4 weeks, these camps combine light work (such as cleaning, working activities in hiking trails, parks and other public spaces) with varied social and cultural activities. Child enrollment is voluntary and is based on the "first-come, first-served" principle. These camps are also an attempt to socially integrate children who are in disadvantaged social categories such as children from poverty-stricken families and young delinquents (Katteler and Warmerdam, 2008: 27).

The most restrictive legislation is the one of Spain where the employment law norms does not allow children under 16 to be legally employed, even if they are foreigners. Children over 16 and younger than 18, living independently, are allowed to work but only with the consent of their parents or legal guardians, or with the authorization of the person or institution they have been entrusted to (articles 6 and 7 of the Royal Decree no. 1/1995 of 24 March which approves the revised text of the Law on the statute of workers). However, the appearance of children under the age of 16 in public performances may be authorized by the labour authorities on an exceptional basis.

In many EU Member States, a high number of young people have temporary employment contracts and, despite the principle of equal treatment, have difficulties in transitioning to permanent jobs. A high prevalence of temporary contracts for young may be the result of youth participation in education and training, or of their lack of experience (Caliendo and Schmidl, 2015: 15). These shortcomings can, however, be counterbalanced either by establishing a probationary period or by concluding a contract of qualification or professional training as an annex to the employment contract.

Protection of young people at work

Member States shall ensure that young people are protected from any specific risks to their safety, health and development which are a consequence of their lack of experience, of absence of awareness of existing or potential risks or of the fact that young people have not yet fully matured.

The employer's general obligations regarding the protection of young people are provided by art. 6 of Directive 94/33 / EC:

a) ensuring safety and health, taking into account specific risks;

b) assessing the risks related to the work that young people perform, taking into account: the equipment and the arrangement of the workplace and the job it occupies; nature, degree and duration of exposure to physical, biological and chemical agents; designing, choosing and using work equipment and their interaction; the stage of training and informing young people;

c) informing young people about the potential risks and the measures taken regarding their safety and health; the employer must also inform the child's legal representative of any risks of work and the measures taken;

d) the obligation to associate the protection and prevention services provided by the Directive no. 89/391 on the safety and health of workers, with the planning, application and control of health and safety conditions applicable to young people during work.

According to art. 7 par. 2 of the Directive no. 94/33, it is forbidden to provide the following work by young people:

a) those objectively exceeding their physical or mental capabilities;

b) those involving harmful exposure to carcinogenic agents, agents causing hereditary genetic alterations, which have adverse effects on the fetus during pregnancy or which have any other chronic negative effect on the human being;

c) those that involve radiation exposure;

d) those that pose risks of injury that can not be identified or prevented by young people;

e) those that endanger their health by exposure to cold or heat, or due to noise or vibration.

Member States may allow derogations from the provisions of Art. 7 par. 2 where adolescents perform essential work for their vocational training, provided that the protection of their safety and health is ensured by the supervision of work by a competent person within the meaning of Art. 7 of the Directive no. 89/391 on the safety and health of workers.

References:

Alexandrov Sashov, A. (2018). Legislația muncii și securitate socială transfrontalieră: Bulgaria. In Radu, R.C. and Alexandrov Sashov, A., *Cross-border labor legislation and social security*, Craiova: Editura Sitech Publishing, pp. 100-205.

Athanasiu, Al. and Dima, L. (2003). Regimul juridic al raporturilor de muncă în reglementarea noului Cod al muncii. *Pandectele Române*, (2), 240-254.

Athanasiu, Al. and Dima, L. (2005). *Dreptul muncii*, Bucharest: All Beck Publishing.

Caliendo M. and Schmidl R. (2015), *Youth Unemployment and Active Labor Market Policies in Europe*, Institute for the Study of Labor. Retrieved from http://ftp.iza.org/dp9488.pdf.

Ciochină-Barbu, I. (2012). *Dreptul muncii. Curs universitar,* Bucharest: Hamangiu Publishing.

CJEU, Case C-350/99, Wolfgang Lange and Georg Schünemann GmbH, par. 21-23.

D'Agostino, C. and Loiacono, D. (2009). *Compendio di Diritto del Lavoro e della Previdenza Sociale*, II Edizione, Napoli: Gruppo Editoriale Esselibri Simone.

Dima, L. (2012). *Relaţii de muncă şi industriale în Uniunea Europeană*, Bucharest: C.H. Beck Publishing.

Ghimpu, S. and Mohanu, Gh. (1988). *Condiţiile încheierii contractului individual de muncă*, Bucharest: Editura Ştiinţifică și Enciclopedică Publishing.

Ghimpu, S. and Ţiclea, Al. (2000). *Dreptul muncii*, Bucharest: All Beck Publishing.

Katteler, H. and Warmerdam, J. (2008), Contributions about work health and safety protection of young workers in the Netherlands. In Rodriguez, R. et al, *Study on child labour and protection of young workers in the European Union. Final report for EC/DG Employment*, Madrid: Labour Asociados.

Kuddo, A. (2009). *Labor Laws in Eastern European and Central Asian Countries: Minimum Norms and Practices*, World Bank, Human Development Network, Social Protection & Labor Team. Retrieved from http://siteresources.worldbank.org/SOCIALPROTECTION/Resources/SP-Discussion-papers/Labor-Market-DP/0920.pdf.

Labor Code (Bulgaria), 2018. Retrieved from https://www.mlsp.government.bg/ckfinder/userfiles/files/TPOOUT/EN_TPOOUT%3DNORMATIVE%20DOCUMENTS/Labour_Code.doc.

Codul muncii. Legea dialogului social și 14 legi uzuale, 2018, Bucharest: Hamangiu Publishing.

Law No. 91(I) of 2014 on Preventing and Combating the Sexual Abuse and Sexual Exploitation of Children and Child Pornography (Cyprus).

Panainte, S. (2007). *Drept European al muncii. Principalele directive. Jurisprudența CJUE. Conformitatea dreptului național*, Bucharest: Hamangiu Publishing.

Popescu, R. (2003). Protecţia tinerilor în procesul muncii. *Raporturi de muncă*, (6), 59-63.

Radu, R. C. (2015). *Dreptul muncii. Aspecte teoretice și practice*, Craiova: Aius Publishing.

Royal Decree no. 1/1995 of 24 March which approves the revised text of the Law on the statute of workers (Spain).

Ştefănescu, I. Tr. (2002), O gravă eroare cuprinsă în proiectul Codului Muncii, *Revista Română de Dreptul Muncii*, (4), 7-11.

Timişoara Court of Appeal, Labor and Social Security Conflict Section (2008), Civil Decision no. 1034. In Bejan, P. and Schmutzer, G. G. (2010). *Dreptul muncii: Practică judiciară (2008-2009)*, Bucharest: Edit Moroşan Publishing, p. 85.

Ţiclea, Al. (2011). *Codul muncii comentat, republicat, 18 mai 2011*, Bucharest: Universul Juridic Publishing.

OECD EPL Database (2013). *Netherlands.* Retrieved from: https://www.oecd.org/els/emp/Netherlands.pdf.

Eesti,ee (2017). Minors and working. Retrieved from: https://www.eesti.ee/en/work-and-labor-relations/working-bases/minors-and-working/.

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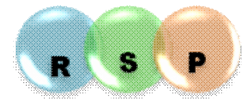

ORIGINAL PAPER

Advertising and Health in Romania

Valentina Marinescu[*]

Abstract

"Direct-to-consumer advertising" (DTC advertising) was first identifyed in relation to pharmaceuticals, and now it is used for a variety of other products. In the '80s the American pharmaceutical industry had proposed to change the marketing approach in order to include consumers (until then the dominant marketing strategy in pharmaceutical industry was geared only to physicians) and this change in approach had lead to Federal Trade Commission (FTC) and FDA regulations of advertising in this sector (Mintzes et al., 2002). As many studies had proven (Gilbody, Wilson & Watt, 2005) DTC advertising can cultivate false faiths among public related to the existence of medication for any disease, leading to medicalisation of all aspects of people's lives (Bonaccorso and Sturchio, 2002). This paper aims to test the impact of exposure to advertising for pharmaceutical products on Romanian consumers and to identify the way in which DTC is functioning in Romania. The methodology of the paper is based on triangulation of two main methods of research: thematic analysis of advertisings at two pharmaceutical products, on the one hand, and semi-directive interviews with twenty patients who had followed those advertisings. The results showed the existence of DTC's impact on Romanian public. The respondents had declared that they could listen to the PG's recommendations related to pharmaceutical products in "normal" circumstances but in a crisis case (accident, sudden illness) they would go to the pharmacy and ask for the pharmaceutical products they saw in the media. Only in the case of a lack of improvement for their situation they had declared that they would turn to the doctors and medical specialists.

Keywords: *Direct to Consumer advertising; pharmaceutical industry; audience; Romania; influence of advertising.*

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Introduction

The topic approached in this paper is a new one in Romania, namely the analysis of so-called “Direct to Consumer Advertising”. “Direct-to-consumer advertising” (also called “DTC advertising”) referred in the beginning at the marketing of pharmaceuticals (Mintzes et al., 2002), but now it is used also related to other products (Frosch, Krueger, Hornik, Cronholm, Barg, 2007). The existing literature (Huh et al., 2010) had pointed out that the beginning of this type of advertising was around the 1800s. In the last two hundred years the media and pharmaceutical industry have developed a rather strong symbiotic relationship (Adeoye, Bozic, 2007). Nowadays, newspapers, radio and TV stations and internet based their daily operation on advertising revenues (Conrad & Leiter, 2008) and pharmaceutical companies’ spending are higher than those from other industries group (Wilkes, Bell, Kravitz, 2000)

The present study had started from some common-sense questions, such as: What people think about the health system in Romania? How do they choose between two similar pharmaceutical products? Are there differences between pharmaceutical products for the same illness / disease or not? Do these ads at pharmaceutical products affect consumer behavior in any way? How the people choose the pharmaceutical products- e.g. by asking the doctors or as a result of TV viewing? Are people paying attention to the information about certain phrmaceutical products or not? What is the moment when they could ask a doctor’s or a pharmacist’s opinion about a particular pharmaceutical product?

In order to offer some answers at the above-mentioned questions a research project was made in Romania on the topic of “Direct to Consumer” (DTC) advertsing in 2018-2019.

Theoretical framework

In 1981, for the first time in advertising history, the pharmaceutical industry aimed to change the marketing approach in order to include consumers of its products. Until then the marketing strategy of the pharmaceutical industry was focused only to physicians and medical-related facilityes (clinics and hospitals) (Pines, 1999). But in 1985, Arthur Hull Hayes, a member of the Food and Drug Aadministration, had delivered a very clear message towards this (e.g. thee pharmaceutical) industry: they could promote products to the public, but they had to fit the FDA’s existing standards (Wilkes, Bell, Kravitz, 2000: 114). These standards concerned the fact that all pharmaceutical products had to prove that they were safe and effective (Wilkes et al., 2000). Much more, the main authority regulating this activity was, at the beginning the Federal Trade Commission (FTC) and, after some years, the US Food and Drug Administration (Wilkes et al., 2000: 114).

The “Direct to Consumer” advertising’s main trait refers to the fact that this type of messages can convince the people (the public) that there is a pill for any disease (Huh et al., 2004). In this way, this type of media messages contributes to medicalization of the ordinary illnesses. In other words, after a patient watches a direct to consumer advertising to a medicine, she or he can think that this pharmaceutical product will make him or her healthy again and will communicate that assessment or opinion to other people (including medical staff). Under those circumstances, the pharmaceutical company which is the producer of the pharmaceutical product and, also, has

commisionated the advertising of it, has the explicit obligation to openly and honest communicate all details related to this products (Gahart, Duhamel, Dievler, Price, 2003).

But what was the situation with this type of advertsing in Romania? There are few data available but one could start from the study made in 2011 by IRES about the Romanian National Council of Audiovisual. The data showed that 94% of the respondents knew that the Romanian TV stations had been sanctioned for misconduct and brascasting wrong information (IRES, 2011). At the same time, from 35% people who could indicate a clear sanction given by the National Council of Audiovisual only 2% had declared that this was made in order "to stop advertising at harmful products for the human health"(IRES, 2011). The same study showed that the people were not aware of TV ads' viewing consequesnces: at the question "How frequently did your children ask you to buy certain foods after they have seen the commercials at them at TV?" only 5% of the respondents declared that this was "often" and "very often" (IRES, 2011).

In the last years there had been few situations when the National Council of the Audiovisual had taken direct action and intervene to stop the broadcasting of some ads at pharmaceutical products. One such case was related to "Supramax Mobil Gel", when the National Council of Audiovisual had decided to apply a decision which banned the broadcast of the ad on the grounds that it infringed the "Audiovisual Law" and the regulations related to correct information of the public (Mediafax, 2013).

At the same time Romanians are somehow "prisoners" of the health system. A study from 2012 about public and private medical systems in Romania (MedLife & IMAS, 2012) showed that 70% of the Romanians did not intend to have a private health insurance (MedLife & IMAS, 2012). According to this study (MedLife & IMAS, 2012), in the last years, Romanians have changed their attitude regarding going to the doctor. There was an increase from 58% (in 2011) to 75% (in 2012) of the number of persons who did not go to routine medical checkups (MedLife & IMAS, 2012).

The research project

The present article uses a mixed methodology. The first method of research was the sociological interview, while the second one was the qualitative analysis of ads at two pharmaceutical products.

According to its canonical definition, the interview "is based on verbal communication and involves questions and answers [….]" (Chelcea, 2001: 267). Its main trait is conversation, that is, the dialogue between two persons (Chelcea, 2001: 267). The sample of respondents that had been intervieweed had a volume of ten (10) people, all living in Bucharest.

As regards the second research method, the qualitative content analysis was applied on a sample of seven ads from Romanian media at two pharmaceutical products: three (3) ads for "Tantum Verde" and four (4) ads for "Faringosept" - both being pharmaceutical products recommended by pharmacists and doctors and used during flu and/or cold.

The period of time in which all data were collected was January 2018-January 2019.

Hypothesis of the research

Giving the fact we used two diferent methods we also have two different the hypothesis which were put in a qualitative shape:

H1 (The creative analysis hypothesis): The ads for pharmaceutical products (either “Tantum Green” or “Faringosept”) will clearly highlight the strengths of them.

H2: (The interview hypothesis): People will choose their pharmaceutical product taking into account the qualities of it as seen on TV ads (and only subsequently they will ask the doctors about this product).

The analysis of results

The qualitative analysis of advertising to pharmaceutical products

“Faringosept” advertising campaign

The commercial campaign for “Faringosept” was made by FrameBreed animation studio (Pantus, 2011). The drug manufacturer – “Terapia S.A.” – is one of the largest advertising clients of the television pharmaceutical market in Romania (Forbes, 2014). Other campaign for “Terapia S.A.” pharmaceuticals that have been broadcasted by the Romanian television stations were for “Artrocalcium”, “Aspacardin”, “Aspenter”, “Faringo Hot Drink”, “Fiobilin” and “Paduden” (Forbes, 2014).

The concept behind TV ads for “Faringosept” is a very simple and clear one, as Pantus (2011) had stressed: “Right in the middle of the music class our giraffe gets one of the classic cold symptoms: hoarseness. And because no one is so cruel that he or she wants to see disappointed giraffes, sommeone quickly gives a “Faringosept” to our giraffe-teachers to help her to get out from the difficult situation. And her’s trills begin to be heard again.”

According to the official statistics, between 2013 and 2014, the “Faringosept” brand had cummulated 2.031 GRP’30 at the level of the commercial target, an increase of up 44.1% in one year (Mediafactbook, 2014). The campaign for this pharmaceutical product was broadcasted by 14 television stations (Mediafactbook, 2016).

“Tantum Verde” advertising campaign

In this case the marketing strategy was different. Until 2011, “Tantum Green” was promoted through direct actionswhich were organised at the Bucharest underground stations. People who promoted it had weared hadfur caps, scarves and gloves in colors of the brand, and they had displayed boards with messages related to the pharmaceutical products: “Every sipper causes pains in my muscles”, “My throat is swollen like a balloon”, and “My head hurts as a result of the pain in my throat”. They also had distributed leaflets and flyers about “Tantrum Verde” to people passing through subway’s stations. The messages from the flyers and leaflets were simlar with those from the boards: “Do you feel your throat burning or with thorns?” and “How strong is the burn in your throat?” Another campaign of this product was made between July and August 20, 2013 at the Black Sea seaside in a 30-seconds radio spot and its slogan was: “When your throat hurts take ‘Tantrum Verde’ and you get healhy again”.

Qualitative analysis of advertising at pharmaceutical products

The analysis of the creative stories for “Faringosept”

Creative Story 1 (“Faringosept”):

The story: During music class, the teacher (a giraffe) loses her voice. Her voice became hoarse as she sings. Pupils started to laugh in the class but she has a solution: she took a brown pill. And then…surprise! Her voice came back and he can go on with the teaching. The voice-over states: “When your throat hurts, take ‘Faringosept’! With an antibacterial role, it treats the causes, not just the effects. This medicine is given

without a prescription. Read the prospect carefully!" The ad ends with the image of the pill (which is positioned at the center of the image, right at the center of the visual focus) and above it is written: "An ankylosing effect". From the perspective of colours used, it can be stated that the animals are very colorful and very real. At the same time, they are funny and similar to the cartoons seen during our childhood.

Creative Story 2 ("Faringosept"):

The story: In an appartment's room, the members of a family are gathered together to listen a radio program. After the actors' clothing and the radio set's model, the viewers understand that the action takes place some years ago, around the 1980s. The narrative went on and presents an image taken from the Olympics with a gymnast who had taken a high mark and it was followed by a group of happy cheering Romanians citizens. The voice-over states: "Always someone made us shout until we lost our voice!" The next sequence presents an image from a rock concert, the image being focused on the attendands at this event. Finally, the closing sequence is from a football game where people were presented as enjoyng the result. One of the football's supporters showed clar that he has problems with his throat which is hurting. Again, the voice-over states: "From the beginning of the sore throat, take 'Faringosept'." The background text complements the image and the voice-over: "It stops the development of bacteria and can stop the worsening of the infection, and it speeds the healing." The ad ends with the image of the pharmaceutical product (which is positioned at the center of the image, right at the center of the visual focus) and above it is written: "Faringosept. It gives voice to Romanians since 1963". Around half of the images used in this ad are taken from the archive and mixed with new ones. Both color movie and black and white one were used in the ad.

Creative Story 3 ("Faringosept"):

The story: The first image is taken from the classical "Frankenstein" movie (1931), followed by a sequence from "King Kong" movie (1933), "The Shining" (1980) and "Psycho". All sequences contain images of women who were screaming and in the end a voice-over said: "For over 50 years, 'Faringosept' is together with those who make themseves heard. Now this product is stronger than ever." This time, the advertising presents only black and white images.

Creative Story 4 ("Faringosept"):

The story: The ad starts with a man in the foreground who puts his hand at his neck, a sign that something goes wrong. Then her goes and takes a box of "Faringosept" from a table. The "Faringosept" box was placed on an old book. The man took the book and started to read it. But what seemed to be a book turns out to be a photo album, with picture of him since he was a child. The next sequence presents a child who receives a pill of "Faringosept" from his mother. The final sequence of the ad presents the men, sitting on a couch with his wife and a child and they all look at the photo-album. The family is somewhat in the background, and their image is blurred, unclear, while at the front is the "Faringosept" box.

The analysis of the creeative stories for "Tantrum Verde"

Creative Story 1 ("Tantrum Verde"):

The story: The opening image presents a lot of pills, very similar one to another. The voice-over states: "There are a lot of pills for throat's pain, some calm it, others fight against bacteria but the problems are not solved if you do not treat the inflammation of the throat." In the next sequence a green pill appears in the image, and, as colour and shape, it is different from other pills. The voice-over states: "With the anti-inflammatory effect of banzidamine 'Tantrum Verde' calms pain, removes bacteria and much more, treats inflammation". In the next sequence all other pills move in a circle around "Tantum Verde" pill. The voice-over states: "Fast and efficient. When your throat hurts 'Tantum Verde' will make tou healthy again". The image is now a graphic representation of the pharynx with three words written on it: pain, bacteria and inflammation. The voice-over continues: "'Tantum verde' contains benzidine and can be released without a prescription. Please read careful the leaflet. If you experience any unpleasant symptoms, ask your doctor or pharmacist". The ending sequence presents the image of the pharmaceutical product with a voice-over stating: "Do you have 'Tantum Verde' at your fingertips?" As regards the clours used, one could notice that, while other pills are pale red, pale yellow, only "Tantrum Verde" pill is a vivid green. And at the end of the ad is an image of all "Tantum verde" products.

Creative Story 2 ("Tantrum Verde"):

The story: It begins with a man dressed in green, a magician, who presents to the public the problem he faces and at which he has a solution. The voice-over presents the problem of our neck as:"Inflammation, difficulty in swallowing, harshness. Fortunately, for all of this there exists 'Tantum Verde'". The mise-en scene of this ad is more complex than in the first one. Here we have the magician who is dressed in green, as an allusion to the "Tantum Verde" pill. In the background an imageof the throat of a person, surrounded by flames, a direct connection with discomfort, inflammation is presented. Then, only by using a stick (which is also branded in green) the magician manages to extinguish the flames. Once again, in the last image of the ad all the products from "Tantrum Verde" brand are presented, this time they are on a scene, under the lights of a reflector, like celebrities.

Creative Story 3 ("Tantrum Verde"):

The story: The opening sequence presents a family (husband and wife) in a room. The woman stands in a chair, having a scarf around her throat and her mimic shows pain. The husbanditakes care of his wife by giving her a traditional remedy again cold. In the second sequence a mother and her daughter are presented in the kitchen. The girl is crying and she also put her hands around her throat. In the next sequence a mother with her children are sit at the table. One of the cildren swallows the food with difficulty. In the last sequence a family (the parents and their two children) are presnted in their living room. They are playing, and the father wears a scarf around his throat, a sign that something is not right. Mother turns around it gives to him a "Tantrum Verde" pill. The man shows instant recovery. The last image of the ad presents a balance. On its right plate there are honey and lemons (as symbols of natural remedies for flu or sore throat). On the second plate of the balance the "Tantum Verde" box is placed. The balance is not in equilibrum, the weight of "Tantrum Verde" being higher. All products from "Tantrum

Verde" brand are presented in the closing sequence. As regards the mise-en-scene, one could notice that the first three sequences were filmed using blurred images and different types of grey, while in the last sequence the vivid colors are used.

The analysis of interviews

In the case of the interviews we aimed to see if people buy pharmaceutical products (e.g. "Faringosept"and "Tantrum Verde") and if they use them before they ask the doctor's advice. Also, we attempted to understand the relevance of pharmaceutical products' ads for the respondents and if those ads as they have been seen on media had an influence on the people's decision to use a certain pharmaceutical product in case of a disease.

Our data showed that at the first question: "Can you tell us if you assess yourselves as a healthy person? When did you make the last analyzes? When was last time when you get ill?" almost all (eight from ten) respondents had declared that, in average, they made their last set of general health-related analysis six months ago and they assess their health condition as being good.

When asked: "Let's talk a bit more about our national health system. What could you tell me about it? What do your dislikes about the Romanian medical / healthcare system at present?" all ten respondents complained about Romanian medical system. Some answers were extremely detailed: "You enter there [at the hospital or clinic] for a thing and you get out with a lot of other problems"; "The doctors are not interested to see the patients' interests"; "(The physicians) behave as patients are simple objects"; "There is a poor organization of hospitals and old equipments which lasted for years and decades". A respondent synthetically expresses the present situation of the medical system in Romania: "When you go at the doctor, first you wait he or she to finish drinking his or her coffee and after that you are treated as an object. When you go at the pharmacy, you are looking for certain products but they are missing and you discover that only after your spent a lot of time".

At the question related to the ways of improving the Romanian medical system the answers were in the same line: it is difficult to figure out what could be done to stop the migration of medical staff, the hospitals' buildings should be renovated and the new medical equipment should be used, there has to be a change in the doctors' mentality as they have to respect the patient.

The next two questions were in direct connection with the information about "Tantum Verde" and "Faringosept". All ten responents knew those pharmaceutical products and use them when they have flu or they got a cold.

As regards the source of information about the pharmaceutical products our data showed that six respondents had obtained this information from TV ads, two people knew about them from their relatives and friends and other two people knew about "Tantrum Verde" and "Faringosept" only from their friends. The respondents had declared that they used them when they have viral infections or flu and they bought them from the pharmacy (and they did not borrow from others).

All the respondents agreed that when they have a flu or a cold first they did not go to the doctor and, instead, they use self-medication: "I use what I have in the house (we have a drawer with a lots of pills in a special compartment)"; "First I try all kinds of curative remedies: honey and lemon for sore throats"; "In the first days of a cold I drink tea and rarely take a pill"; "I think doctors tend to give you too many pills, some even expensive, which also affect your immune system". All respondents had declared that

they have read the prospects for “Faringosept” and “Tantrum Verde” before using them and they were able to present the therapeutic effects of each product.

As regards the frequency of using the pharmaceutical products of interest, our data showed that six people used frequently “Faringosept” and only four used “Tantum Verde” in the same situation.

When asked about self-medication, more exactly, what are the reasons for which they take the pills without a medical prescription, the respondents had delcared that they did that because they have already consumed the pills, so they know what are the effects in case of a cold or flu. In addition, all had said that only if the illness persists they went to their General Practitioner.

All ten respondents have seen and have remembered the TV ad with the giraffe for “Faringosept”, but when asked about the other pharmaceutical product they mixed up the creative stories 2 and 3 for “Tantrum Verde” in a completely different plot.

The last three questions of the interview guide aimed to identify the situation in which respondents have asked their General Practitioner for a specific pharmaceutical product after they had seen an ad of it at TV. In this case seven respondents said that it depends very much when they went at their General Practitioners. At the same time, all respondents had declared that they will took into account the General Practitioner’s recommendations and, much more, they add, if the doctor will clearly explain the benefits of the products, they will follow his or her’s advice.

When asked what they will do in a pharmacy, all respondents said that they did not need any advice from the pharmacist: “I remember that I went at the pharmacy to buy a certain product but I spent ten minutes there just listening a poem about a competitor with the same active substances but which has higher price”; “Frequently the pharmacist recommends something different from what I want to buy and they even insist on selling their products. I think that they probably have a sales target for certain products and that is the reason for which they are doing that”.

Conclusions

In his analysis of the relation between media and society Bernays (2011) pointed out the fact that mass media can influence people’s perception of certain issues and, at the same time, it has the role to reconstruct these issues in the public space. If the newspapers publish fewer articles on a certain topic or a TV station covers some issues in a smaller number of programs one could concluse that the respective topic or problem is not as important as others (Frangi, Fletcher, 2002: 27). In the case of advertising this understanding of media-society relations has asked for different approaches in order to sell the same products for different segments of the public.

The present paper aimed to identify if we can speak about “Direct to Consumer” advertising at pharmaceutical products in Romania.

The data analysis pointed out similarities among the answers of the respondents included in the sample. At the beginning of the interviews the people were complaining about the Romanian medical system and the ways in which patients are treated by the medical staff. As a result of the general distrust towards (and even fear in) medical system people frequently use self-medication. Only if the situation does not improve they ask the opinion of a specialist (in general he or she was a General Practioner). But even in this case they will follow her’s or his recommendation with caution, and only if they will understand the explanations related to the pharmaceutical product.

In the case of the two pharmaceutcal products used in our analysis ("Faringosept" and "Tantrum Verde") it was obvious that the advertising using a light and friendly approach was better understood and remembered by the audience. This was the case with the creative story 1 for "Faringosept". The use of metaphors, of longer scripts and hidden symbols (as was case of creative stories 2 and 3 for "Tantrum Verde") did not grant a better remembering of the ad or a better understanding of the message.

The present paper has certain limitation. First, it is based on a limited sample of respondents and the methods of research –both qualitative – did not allow the generalisation of the results at the level of the society. Secondly, the research project did not indclude a third segment – the medical staff, the doctors – who can offer their own opinions and assessments about the influence of TV ads on partients' behaviour.

A possible way of improving the present study is change the apprach to a quantitative one. More exactly it is possible to make a survey on the basis of two representative samples – a sample of patients and a sample of doctors. Also, the qualitative analysis of the ads at pharmaceutical products has to be made on a larger sample, which would include ads and commercials for different illnesses and not only those related to flu and cold.

Despite the above-mentioned limitations it is obvious that the topic of "Direct to Consumer" advertisings' influence on Romanian audience deserves an increased attention in the future.

References:

Adeoye, S., Bozic, K. J. (2007). Direct to consumer advertising in healthcare: history, benefits, and concerns. *Clinical Orthopaedics and Related Research®*, 457, 96-104. doi: 10.1097/BLO.0b013e31803427e6. doi: 10.1136/bmj.324.7342.910.

Bernays, E. L. (2011). *Crystallizing public opinion*. Granite Hill Publishers.

Bonaccorso, S. N., Sturchio, J. L. (2002). Direct to consumer advertising is medicalising normal human experienceAgainst. Bmj, 324(7342), 910.

Chelcea, S. (2001). *Metodologia cercetării sociologice. Metode cantitative şi calitative*. Editura Economica, Bucuresti.

Conrad, P., Leiter, V. (2008). From Lydia Pinkham to Queen Levitra: direct-to-consumer advertising and medicalisation. *Sociology of health & illness*, 30(6), 825-838. doi: 10.1111/j.1467-9566.2008.01092.x.

Forbes (2014). *Campionii publicității TV din piața farma: Terapia S.A.* Retrieved from: https://www.forbes.ro/campionii-publicitatii-tv-din-piata-farma-terapia-s-2013.

Frangi, A., Fletcher, M. (2002). *So you want media coverage*, Queensland: University of Queensland Press.

Frosch, D. L., Krueger, P. M., Hornik, R. C., Cronholm, P. F., Barg, F. K. (2007). Creating demand for prescription drugs: a content analysis of television direct-to-consumer advertising. *The Annals of Family Medicine*, *5*(1), 6-13. doi: 10.1370/afm.611

Gahart, M. T., Duhamel, L. M., Dievler, A., Price, R. (2003). Examining The FDA's Oversight of Direct-To-Consumer Advertising: The FDA's role as consumer protector has been adversely affected by recent changes in the way it notifies companies of their violations of rules governing DTC advertising of prescription drugs. *Health Affairs*, 22(Suppl1), W3-120. doi:10.1377/hlthaff.W3.120.

Gilbody, S., Wilson, P., Watt, I. (2005). Benefits and harms of direct to consumer advertising: a systematic review. *BMJ Quality & Safety*, 14(4), 246-250. doi: 10.1136/qshc.2004.012781.

Huh, J., DeLorme, D. E., Reid, L. N. (2004). Media credibility and informativeness of direct-to-consumer prescription drug advertising. *Health Marketing Quarterly*, 21(3), 27-61. doi: 10.1300/J026v21n03_03.

Huh, J., DeLorme, D. E., Reid, L. N., An, S. (2010). Direct-to-consumer prescription drug advertising: history, regulation, and issues. *Minnesota medicine*, 93(3), 50-52. PubMed ID: 20429178.

IRES (2011). *Atitudini şi obiceiuri de consum media. Perceptii privind CNA-2011*. IRES, Bucuresti. Retrieved from: http://www.ires.com.ro/uploads/articole/ires_atitudini-si-obiceiuri-de-consum-media.-perceptii-privind-cna_2011.pdf.

Mediafactbook (2016). *Media Fact Book Report 2014*. Retrieved from: http://www.mediafactbook.ro/.

Mediafax (2013). *Spotul publicitar Supramax Mobil Gel, interzis de CNA de la difuzarea pe posturile de radio*. Retrieved from: https://www.mediafax.ro/cultura-media/spotul-publicitar-supramax-mobil-gel-interzis-de-cna-de-la-difuzarea-pe-posturile-de-radio-11670146.

Medlife & IMAS. (2011). *Studiu MedLife-IMAS: Un roman din cinci foloseste serviciile private de sanatate.* Retrieved from: https://www.medlife.ro/comunicat-de-presa/studiu-medlife-imas-un-roman-din-cinci-foloseste-serviciile-private-de-sanatate.

Mintzes, B., Barer, M. L., Kravitz, R. L., Kazanjian, A., Bassett, K., Lexchin, J., Marion, S. A. (2002). Influence of direct to consumer pharmaceutical advertising and patients' requests on prescribing decisions: two site cross sectional survey. *British Medical Journal*, 324(7332), 278-279. doi: 10.1136/bmj.324.7332.278.

Pantus, A. (2011). *Reclame pentru sezonul de raceala incapatanata si stomac burdusit.* Retrieved from: https://www.iqads.ro/articol/20193/reclame-pentru-sezonul-de-raceala-incapatanata-si-stomac-burdusit.

Pines, W. L. (1999). A history and perspective on direct-to-consumer promotion. *Food & Drug LJ*, 54, 489.

Wilkes, M. S., Bell, R. A., Kravitz, R. L. (2000). Direct-To-Consumer Prescription Drug Advertising: Trends, impact, and implications: Aiming drug ads at consumers means big business for drug companies, but its effect on clinical care is not yet known. *Health affairs*, 19(2), 110-128. doi:10.1377/hlthaff.19.2.110.

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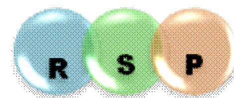

ORIGINAL PAPER

New Developments in the Evolution of the Bucharest Stock Exchange

Cristian Valeriu Stanciu*

Abstract

The Romanian stock market plays an important role in a capital allocation process and has a fundamental role in the growth of the industry and commerce of the country. The Bucharest Stock Exchange (BSE) was founded on June, 21, 1995 as a public non-profit institution based on the Decision of the National Securities Commission (CNVM) no. 20/1995. In July 2005, BVB became a stock company. Starting June 8, 2010, the Bucharest Stock Exchange SA is listed on its own regulated spot market, with the BSE symbol and is included in the Premium Category. BSE is the main market operator in Romania and manages the regulated market and the AeRO market. In the last few years Bucharest Stock Exchange (BSE) started to build a competitive capital markets in the Central-Eastern Europe, trying to compete, on the national level, with other segments of the financial market (such as the banking market, the foreign exchange market) and, on the international level, with other stock exchanges from countries located in the region (Czech Republic-Prague Stock Exchange, Croatia-Zagreb Stock Exchange, Hungary-Budapest Stock Exchange and Poland-Warsaw Stock Exchange). In this paper, we try to present the recent developments in the evolution of the Bucharest Stock Exchange, it's objectives and strategic initiatives.

Keywords: *stock exchange; developments; objectives; strategic initiatives.*

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Introduction

The Bucharest Stock Exchange (BSE) was founded on June, 21, 1995 as a public non-profit institution based on the Decision of the National Securities Commission (CNVM) no. 20/1995. In July 2005, BVB became a stock company. Starting June 8, 2010, the Bucharest Stock Exchange SA is listed on its own regulated spot market, with the BSE symbol and is included in the Premium Category. The company's capital is divided in 8,049,246 shares. BSE shares are included in stock indices which follow the evolution of listed stock prices (FTSE Mondo Visione Exchanges and Dow Jones Global Exchanges) as well as in local indices: BET and its total yield: BET-TR, BET-XT and BET-XT- TR, BET-BK, BET Plus.

BSE is the main market operator in Romania and manages the regulated market and the AeRO market. The regulated market is the place where transactions are made with shares and bonds, shares in collective investment companies, structured products. The AeRO market is designed for start-ups and IMMs and the role of this market is to support the development projects of these companies.

The list of financial instruments traded on the BSE includes shares (87 listed companies), bonds (number of bonds: 77), fund units (number of instruments: 3) and certificates (number of instruments: 125). The shares category includes both premium and standard shares. The bond category includes municipal, corporate bonds, and debt securities. Certificates are issued in turbo, index, and certified capital certificates. The total number of investors at the end of 2018 was 53,981 and this has decreased with 9.23% compared to the previous year (Investor Compensation Fund, Annual Report 2018: 10). Also, a very important aspect is that in 2018 the number of active accounts was 16,600.

As of June 8, 2010, BSE is a listed company on its own regulated spot market and is included in the Premium Category. The company's capital is divided into 8,049,246 shares with a nominal value of 10 lei. Romanian institutional investors own 70% of the shares, followed by Romanian private individuals (17%), foreign institutional investors (10%), foreign private individuals (2%) and BSE (1%).

In accordance with the provisions of Article 129(1) of Capital Market Law 297/2004, no shareholder of a market operator can hold more than 20% of the total voting rights directly or jointly with the persons with whom he acts in concert. Consequently, at the end of December 2018, no BSE shareholder had any stock packages that exceeded this threshold. The total number of shareholders as of 31 December 2018 was 1,805.

Bucharest Stock Exchange activity description

BSE's operating income are obtained principally from the trading activity of all listed instruments, from rates required to issuers for admission and keeping to trading, and the sale of stock data to different users, while BSE's net financial income is mainly obtained from interest on financial assets placed in bonds and bank deposits (Bucharest Stock Exchange, Annual Report 2018: 5-6).

The operating revenues in 2018 increased by 5% compared to 2017 (from 38.06 millions lei to 39.82 millions lei), but also the operating expenses registered increases of 7% (from 28.82 millions lei to 30.94 millions lei), which, finally, led to a net profit of 10.19 million lei in 2018, lower than in 2017 (14.69 millions lei).

The Bucharest Stock Exchange is the parent company of BSE Group, which includes the following subsidiaries (Bucharest Stock Exchange, Annual Report 2018: 8-9):

a) Central Depository - its object of activity is clearing / settlement of transactions with financial instruments performed at BSE and also keeping the shareholder register; it is held in proportion of 69.04% by BSE;

b) Investors' Compensation Fund - its object of activity is providing compensation in the case of the members' failure to return the money or the financial instruments owed; it is held 62.45% by BSE;

c) Bucharest Clearing House - the object of the activity is to study the market and realize public opinion sounding; it is held 52.53% by BSE;

d) Corporate Governance Institute- its object of activity is preparing listed companies and also the market participants, about corporate governance and long-term development; this is owned by BSE 100%;

In addition to the existing companies that are currently part of the BSE group, it is intended to create a new company, named Central Counterparty (CCP), in the future. The most important role of the CCP will be to manage the credit risk, a significant risk that appears on exchange traded derivatives markets. Also, CCP will provide trading anonymity and will reduce the counterparty risk.

The new entity will offer a diversify range of derivatives and will be able to increase the average daily trading value. The total investment needed to finance this project will amount to 16 million euros, to which BSE will contribute up to 10 million euro, so it will be owned by BSE in proportion of 62.5%.

The existence of a derivatives market at BSE has a real potential to increase the liquidity of our capital market, and this is possible by establishing a CCP in Romania. CCPRO implementation has various advantages. The most important advantage is a potential increase of liquidity by adding to the current liquidity on the BSE, the liquidity resulting from trading with derivatives. It is known that in countries with CCP, such as Poland and Hungary, derivatives revenues have a significant weight in the total transactions value (in 2018: 52% in Poland and 44% in Hungary).

The companies in the Group have been organized by segments and which generate distinct revenues as follows: BSE represents the "trading services" segment, the activity of the Central Depository is divided between the "post-trading services" segment and the "registry services" segment according to the share of the related revenues, while the Investors Compensation Fund (FCI) and Bucharest Clearing House (CCB) are part of the services segment "FCI and other services".

Most of the group's revenues come from trading services that at the same time generate the highest net profit. These are followed by the two segments of the Central Depositary and on the last position are found FCI services and other services. Regarding the compliance of the Bucharest Stock Exchange with the principles defined by the BSE Code of Corporate Governance, it fully complies with the BSE Declaration on Compliance with the Corporate Governance Code.

The Corporate Governance Code of the Bucharest Stock Exchange is ”a set of principles and recommendations for companies whose shares are admitted to trading on the regulated market” and “aims at building an international attractive capital market in Romania, based on best practices, transparency and trust“ (Bucharest Stock Exchange, Code of Corporate Governance, 2015: 2). Corporate Governance BVB is based on building a strong relationship with its shareholders and other stakeholders

(stakeholders), communicates effectively and transparently, and manifests openness to all potential investors.

The Management of the Company is carried out in a unitary system and is entrusted to a Board of Governors, elected by the General Meeting of the Shareholders, consisting of 9 members for a four-year mandate (President, 2 Vice Presidents, Secretary, 5 members).

By decision of the Board of BSE, the BSE Special Commissions (Listing Commission, Appeal Commission, Index Commission, Arbitration Chamber) - entities without legal personality, with consultative role for the activity of the Board of BSE, as well as advisory committees (Nomination, Remuneration, Audit) were set up. The Board of Governors adopts decisions, based on the opinions issued by the respective commissions, in relation to requests, appeals, actions / in actions or other acts or facts whose analysis, investigation, resolution and / or determination are their responsibility.

The executive structure is coordinated by the CEO and by the two deputies, having the role of organizing, managing and running the Company, including those of employment and salaries of the personnel, stipulated in the incumbent normative acts, including the authorization of the financial investment services agents as stock exchange agents, having several departments subordinated.

In recent years, the efforts of the Bucharest Stock Exchange towards corporate social responsibility have focused on complex educational projects that provide young people, but not only, with access to basic financial information: Fluent in Finance is a complex educational program consisting of 2 components: free of charge seminars offered by the BSE to employees within the Romanian companies and the eponymous online educational platform. 7/24 Capital is the online video production of the Bucharest Stock Exchange aiming to make the capital markets easy to understand, and attractive to a broad audience.

The Bucharest Stock Exchange organizes periodically free of charge Forums aimed at entrepreneurs and investors with the purpose of bringing closer to them speakers, as well as business people, investors with the purpose of facilitating the exchange of ideas. Made in Romania is a unique, ambitious program launched with the goal to contribute to the increase of the Romanian economy by identifying and promoting the Romania's top companies.

The Corporate Governance Code, introduced by BSE, aims to promote higher governance and transparency standards for listed companies. The implementation of the rules is based on the "apply and explain" principle that would provide the market with clear, accurate and up-to-date information about how listed companies apply corporate governance rules.

The introduction of the new Corporate Governance Code was one of the objectives undertaken by the Bucharest Stock Exchange when joining the UN Sustainable Stock Exchanges Initiative in March 2015. BVB was the 19th member to join the global initiative and the fourth European Stock Exchange alongside Deutsche Borse, the London Stock Exchange and the Warsaw Stock Exchange.

Companies must include a corporate governance statement, in a separate section in the annual report, which contains a self-assessment of how the provisions are met and the measures taken to comply with the provisions that are not fully met. Also, the White Book is the result of an analysis conducted by the Bucharest Stock Exchange in order to evaluate the quality, completeness and accuracy of the information provided to investors

by the issuers listed on the Main Market of the BVB through their own Internet pages and emails.

The analysis aims to improve the communication of listed companies with investors in the online environment by evaluating and identifying aspects that can be improved (The Whitebook, 2017: 5). Furthermore, the Corporate Governance Institute of the BSE was created to promote, among the directors of the companies listed on the Stock Exchange, a managerial culture that complies with the European standards and the OECD principles of corporate governance. CGI-BVB is organizing training programs as well as projects, seminars and conferences to increase the awareness of participants in the capital market, in corporate governance and sustainable development.

Current developments in the evolution of Bucharest Stock Exchange

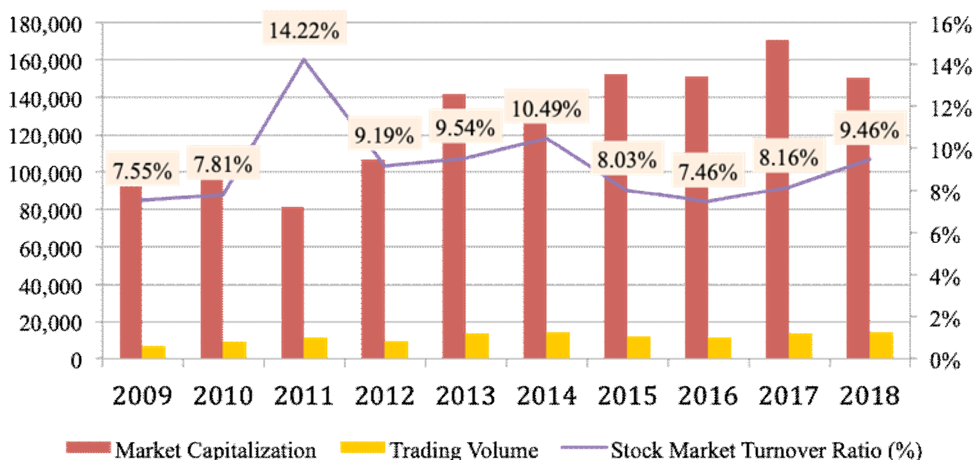
The stock market plays a pivotal role in the growth of the industry and commerce of the country that eventually affects the economy of the country to a great extent. The Bucharest Stock Exchange is the only exchange on the capital market in Romania and the following metrics are useful to characterize the development of the local market (Bucharest Stock Exchange, General Statistics, 2019):

a) Market Capitalization. The Bucharest Stock Exchange market capitalization, at the end of 2018, was 150.37 billion lei, recording a decrease of 12 percent compared to 2017; the most important factor for this decrease was the issue of the new fiscal measures, by the Government, especially the ones regarding the bank assets taxation and the gas prices capping. Overall, in the last 10 years, the evolution of the market capitalization had a fluctuating trend, with a significant decrease in 2011 (80 billion lei), because the epicenter of the global financial crisis moved to Europe. The problems related to the public debts of certain countries, such as Greece, Ireland, Spain, Portugal or Italy, but also the European governments and common institutions failure to provide quick solutions heavily affected the investors trust.

b) Trading Volume. An increasing trend in the values of this indicator can be observed in the last 10 years, with small variations in some years. 2012 is one of those years and from the analysis on the BVB annual reports the decrease is generated by the dramatic drop in the traded value with shares, unit funds, rights and traded value with futures contracts. In 2015 the total trading volume went down 15 percent caused by the variations of the traded value with shares, unit funds and rights similar to 2012 (-32%). The decreased by 8 percentage points in 2016 was due to the trading value of the fixed-income, which registered at that point a 52% reduction. The highest value was recorded in 2014 of 14,417.18 million lei and Bucharest Stock Exchange has yet to reach that value, in 2018 the Trading volume is 14,225.18 million lei.

c) Stock Market Turnover Ratio (%). This indicator was determined as total value of shares traded during one year divided by the market capitalization for the same period as a percentage rate. In the last 10 years, the highest value was recorded in 2011 (14.22%), as a result of a drastic decrease with 30% of the market capitalization. The lowest point occurred in 2016 (7.46%), generated by a significant value of the market capitalization, one of the highest in the analyzed timeframe. In 2018, this indicator shows a higher value than the one in 2017 (9.46%, compared to 8.16%), due to the fact that market capitalization decreased.

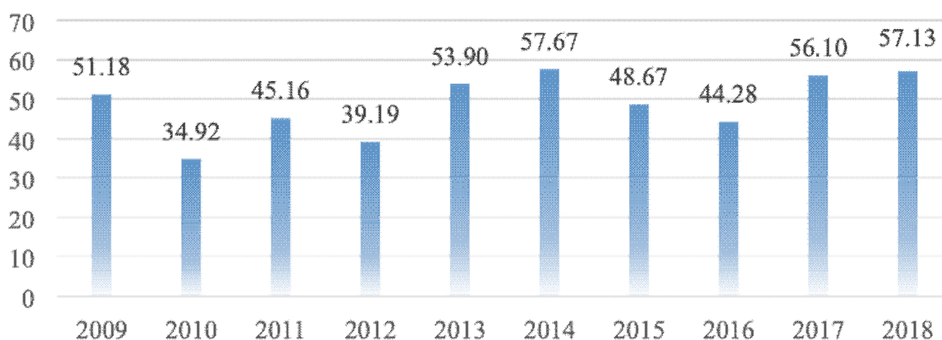
Figure 1. BSE metrics (2009-2018)



Source: Own calculations

d) Average Daily Turnover. This indicator does not have a constant evolution but rather a fluctuating one. The average daily turnover went down approximate 32% in 2010 (from 51.18 million lei to 34.92 million lei), 13% in 2012 (from 45.16 million lei to 39.19 million lei), 16% in 2015 (from 57.67 million lei to 48.67 million lei) and 9% in 2016 (from 48.67 million lei to 44.28 million lei). The highest value occurred in 2014 (57.67 million lei), but the highest growth happened in 2013 by 37 percent. The value of 57.13 million lei, from 2018, is very close to the one in 2014, the Bucharest Stock Exchange needing at least 0.54 million lei to exceed that value.

Figure 2. BSE Average Daily Turnover (2009-2018)

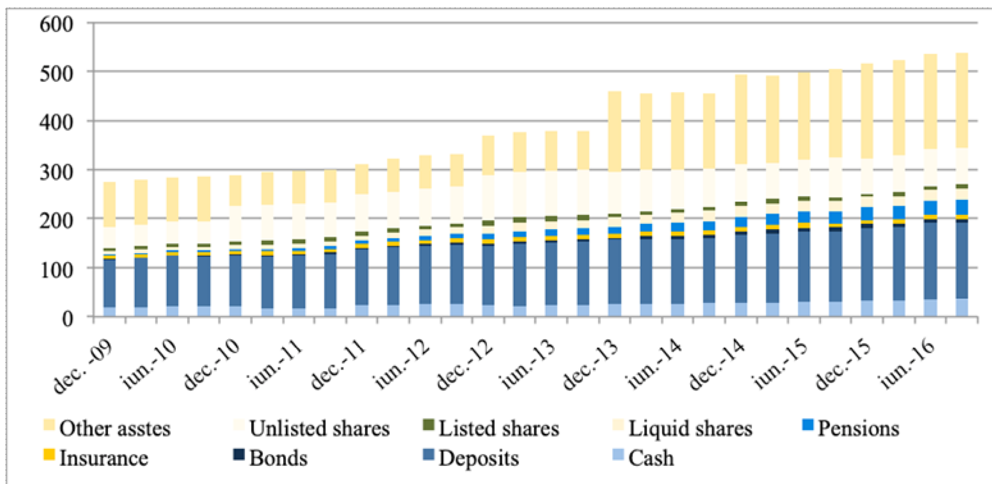


Source: Own calculations

In the last few years Bucharest Stock Exchange (BSE) started to build a competitive capital markets in the Central-Eastern Europe, trying to compete, on the national level, with other segments of the financial market and, on the international level, with other stock exchanges from countries located in the region (Czech Republic-Prague Stock Exchange, Croatia-Zagreb Stock Exchange, Hungary-Budapest Stock Exchange and Poland-Warsaw Stock Exchange).

The Bucharest Stock Exchange holds the monopoly over the market in which it operates, especially as a result of the merger by absorption with SIBEX. Even if it does not have direct competition on the market nationally, to attract savings, it competes with other segments of the financial market such as the banking market, the foreign exchange market. This aspect can be seen in the following chart, which targets the households' financial assets. (National Bank of Romania, Financial Stability Report May 2017: 49).

Figure 3. Household's financial assets (2009-2016)

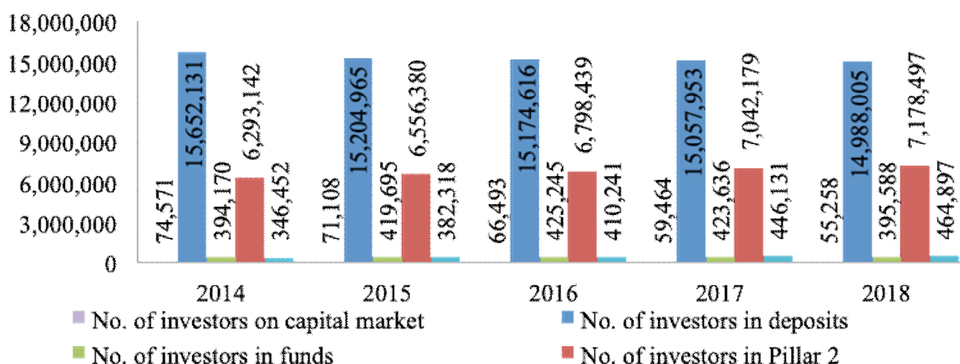


Source: NBR, billions of lei

One of the two components of the household's net wealth, according to National Bank of Romania, is the net financial assets (the other one is real estate assets which has the most significant weight). It can be noticed that the financial assets followed an upward trend, posting a marginal diversification. Thus, households continued to make bank deposits (up by 9.1 percent in September 2015 – September 2016) and to invest in assets such as pensions and listed shares, which rose by 29.3 percent and 20.1 percent respectively. On the other hand, bonds saw a growth in their share in households' financial assets approximately throughout the analyzed period from 0.9 million lei in December 2009 to 8.4 billion lei in March 2014, but then they started to fall. Listed shares had a fluctuating evolution with higher values in December 2012 of 12.2 billion lei and in March 2015 of 10.8 billion lei and in the last part of the analyzed timeframe they resumed the upward trend. Probably the population tends to invest their money in bank deposits as they are much safer, less risky than listed shares, for example, but the gain they generate is very low. The interest rate on bank deposits offered by banks is below 2.5%, which means a very small amount compared to the earnings that the shares could generate. This depends on investor aversion to risk but also on their financial

education. Figure 4 and 5 come to strengthen the information on the financial assets held by the population. The number of investors in deposits records the highest values, but yet it shows a decreasing trend. The total number of investors to the private pension system, at the end of September 2018, was 7.64 million. Of them all 7.18 million invest in the Pillar 2 pension system showing an increase of 1.98% compared to 2017 and the other 464,897 participants invest in the Pillar 3 pension system which actually increased by 4 percent over the first nine months of 2018. On capital market, the number of participants is ranked last, after investors in funds, with a decreasing evolution.

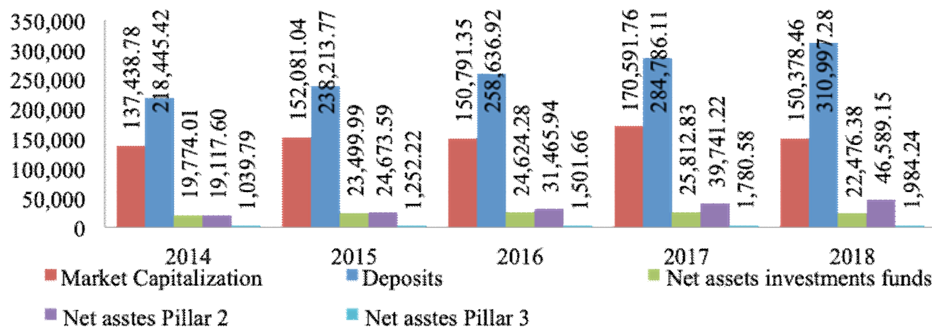
Figure 4. Number of investors on different segments of financial market (2014-2018)



Source: Own calculations

Regarding the assets on different segments of financial market (Figure 5), once again total value of deposits occupies the first place in the raking, is followed by the market capitalization on the BSE, which expresses the level of shares on capital market. Net assets investments in funds had an upward trend until 2017 and next they went down 13 percent. As far as the pension system goes, net assets are rising from year to year and according to ASF the average contribution to the Pillar 2 pension system is of 158.75 lei and to the Pillar 3 pension system is of 52.11 lei.

Figure 5. Market size (different segments of financial market, 2014-2018)



Source: Own calculations, millions of lei

Regarding the analysis on international level, a comparison between BSE and some countries located in the region near Romania (that can represent competition for our market), based on a few indicators that characterize a stock market, is necessary. The choices are stock exchanges of the following countries: Czech Republic-Prague Stock Exchange, Croatia-Zagreb Stock Exchange, Hungary-Budapest Stock Exchange and Poland-Warsaw Stock Exchange. In our analysis we have used the following indicators (calculated for 2018):

a) Size indicators:

- Market Capitalization. These values include the market capitalization for domestic companies only, for each stock, and it is a measure of the size of the stock market in those countries. Our stock market is in the penultimate position (18.23 billion euro), but at a fabulous difference to the first position, Warsaw Stock Exchange (143.14 billion euro). The second and third positions are occupied by Budapest Stock Exchange (25.20 billion euro) and Prague Stock Exchange (23.57 billion euro). The last position is occupied by Zagreb Stock Exchange (17.79 billion euro). Only Romania and Croatia are still frontier markets, the other 3 have advanced to the status of emerging countries but Poland had a considerably larger investable market capitalization than the Czech Republic and Hungary.

- Number of listed shares. The number of listed companies on the stock exchange is an indicator of the development of the stock market. A higher number means that more companies use equity financing in their business, as it is clear the case of the Warsaw Stock Exchange in Poland. From this point of view the Bucharest Stock Exchange ranks third, after Warsaw (465) and Zagreb (132), with a number of listed shares of 87. The last two positions are occupied by Prague (54) and Budapest (40).

b) Liquidity indicators:

- Trading Volume. Stock liquidity is an important issue in trading volume that tells to investors about the market's activity and liquidity. The total traded value for the Bucharest Stock Exchange is 2.50 billion euro, with a 2% growth compared to 2017, despite the news provided from the government at the end of 2018. Zagreb Stock Exchange is the one with the lowest value (0.21 billion euro), at a significant difference from BSE. Low trading volume means that a stock is bought and sold infrequently, and that it may be difficult to purchase shares if investors desire them, or to sell them if they own them. The WSE owns the highest trading volume in 2018 (49.73 billion euro), which indicates that the stock has high liquidity and may be bought or sold easily. The second and third positions are occupied by Budapest Stock Exchange (8.77 billion euro) and Prague Stock Exchange (5.56 billion euro).

- Trading Volume to GDP %.In the estimation of this indicator, the GDP for 2018 is used at the values predicted to be recorded by the European Commission. As before, the leaderboard remains unchanged: first place is owned by Poland (10.16%), followed by Hungary (6.78%), Czech Republic (2.82%), Romania (1.29%) and the last is the Croatian stock (0.42%). It should be noted, however, that if we are talking strictly of GDP level, Romania has a high GDP of about 194 billion euro, being overcome only by Poland.

- Stock Market Turnover Ratio %. This time Budapest Stock Exchange and Warsaw Stock Exchange record very close values (34.81% and 34.76%) and that's because both of them established Central Counterparty and have derivatives as financial instruments. The third position is occupied by Prague Stock Exchange (23.59%). The

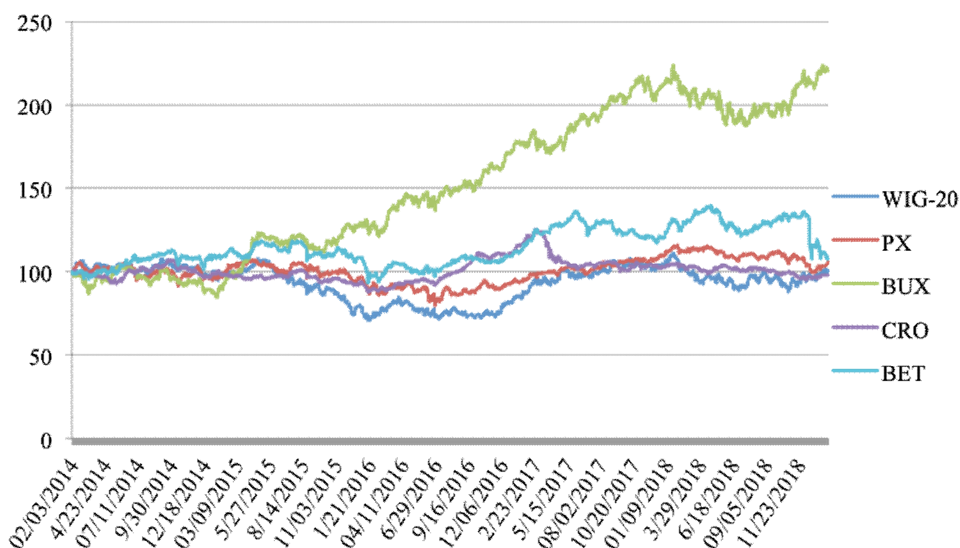
Bucharest Stock Exchange occupies again the penultimate place (13.75%), followed by Croatia (1.19%).

- Average Daily Turnover**.** Bucharest Stock Exchange is in fourth place in the ranking (10.07 million euro) after Warsaw (198.92 million euro), Budapest (35.95 million euro) and Prague Stock Exchanges (22.32 million euro). The stock with the lowest value of this indicator is the Croatian stock (0.82 million euro).

c) Return indicators:

- Stock Exchange Indexes Growth (Figure 6). The Bucharest Stock Exchange index, BET, up until 4/17/2015, had the highest growth from all five indexes, when it was exceeded by Budapest Stock Exchange index, BUX. Take in consideration that this index is total return compared to the other ones. In 2017 the BET index manages to overcome PX, CRO and WIG20 for the rest of the time period analyzed, even though in December 2018 suffers a significant decrease. The downward trend was triggered by the public information regarding additional taxation in banking, energy and telecom sectors, as well as changes in the Pillar II pension system. On that day, the BET index plummeted by 11.21 percent, wiping out in a single day the entire increase the capital market had seen in the entire year. Prior to this day, namely from December 18th, to the last trading session of 2018, namely December 31st, the main index of the Romanian capital market dropped by over 12 percent. The Bucharest Stock Exchange ended last year in the red following a nearly 5 percent drop.

Figure 6. Stock Exchange Indexes Growth (2014-2018)



Source: Own calculations

Investing on BSE carries some degree of risk. Identifying the categories of risk of the Romanian financial market is an important step in order to understand, assess and manage the investing risk. We have divided the risks in two categories:

1) Business, operational and market risks:

a) Risk of decrease in the transactions value (and, implicitly, a liquidity risk for instruments listed on the BSE) may be due to supply and demand factors.

Factors related to supply are:

- the inability to attract important companies to the listing (through the IPO); for example, the Hidroelectrica listing project was postponed (just as with other companies, like Electrogrup Infrastructure, Doripesco), and the possible emergence of the Sovereign Development and Investment Fund may constitute a new barrier due to a high degree of non-transparency in SDIF future activity and strategy; the fact that 33 companies in which the Romanian state is a shareholder will make a contribution in nature with a series of shares could lead to the delisting of these companies from the BSE;

- delay in the implementation and operationalization of CCPRO (central counterparty) will lead to delays in launching new products and trading mechanisms (derivatives, short-selling, trading on margin, lending and borrowing); establishment of CCPRO as a joint stock company, with a share capital of € 16 million, BSE bringing a maximum contribution of € 10 million can become, also, a problem (finding eligible investors, in an optimal timeframe, to bring a minimum contribution of € 6 million, will not be an easy job); furthermore, regulatory risks in the case of CCPRO may appear (delays in approvals of possible improvements / modifications needed in the legislative and / or local regulations; at European level, in view of the current state of discussions at the level of the European legislative institutions on the change of the EMIR regime, the updating of the applicable CCPRO rules is envisaged in the coming years); also, there are two elements that may lead to difficulties in implementing the project: the degree of market difficulty in the speed of assimilation / technological implementation; the lack of local expertise in providing compensation services to potential clearing members (GCM) and individual clearing members (ICMs).

Demand factors are:

- a decrease in the amounts invested by Pillar II pension funds in BSE-traded instruments (or even portfolio restructuring, including the withdrawal of pension funds from the market) as a result of recent legislation changes, implicitly lowering the value of commissions;

- the same legislation changes (OUG 114/2018 and the ANRE Order on Capping Electricity Prices to Households), establishing over-taxation regimes for banking, energy and telecommunications companies, have a major impact on the activity, investment projects and the financial situation of the targeted companies, and leads to a significant reduction of the investors' interest and implicitly the decrease of the transaction volume; the impact of this legislation changes on the medium and long-term horizon for the capital market is, according to CEO statements, that the market will be marked by a restriction of the existing activity, or the existence of additional "discount" transactions that are to pay the uncertainty, being obvious an undervalued listing of listed companies compared to their fair value.

b) Failure to obtain emerging market status, with effect on the level of external capital flows and, implicitly, on the level of transaction values and operational revenues. The recent legislation changes manages to keep Romania in transition status, delaying the transition to emerging market status, due to the uncertainty regarding the pension pillar II and the over-taxation of the banking, energy and telecommunications companies, thus reducing the number of transactions on the market and, implicitly, the liquidity of the market.

c) Political instability, low regulatory quality, weak rule of law, and poor corruption control can have a negative short and medium-term impact on transaction values. The emergence of the Sovereign Development and Investment Fund may lead to

a serious upsurge in the present situation, there may be significant problems such as: total disappearance of transparency and management accountability in state-owned companies; an arbitrary level, derisory regarding the appointment of the leadership of these companies, which will lead to their complete politicization; lack of control and public monitoring of company spending.

d) Worsening of the economic climate and of the main macroeconomic indicators (decrease in GDP growth rate, changes in GDP level and structure, an increase of inflation rates, budget deficit rates and current account deficit rates) can lead to portfolio restructurings from the market investors. Moreover, declining in GDP growth rates, unsustainable public wage increase (9,1% from GDP in 2018 and an 10% from GDP in 2019), the evolution of unemployment rates and the twin deficits are important signs that lead to the idea that Romania is at the end of an economic cycle.

2) Financial risks:

a) Cash risk, which may lead to the occurrence of losses from exchange rate differences, in case of foreign currency investments.

b) Interest rate risk (decrease in interest rates), which may affect interest income obtained by BSE.

c) Liquidity risk and the price risk, which may affect the level of the sale prices of the financial assets held by the BSE.

3) Regulatory risks: possible changes (in the medium term) of fiscal legislation on the corporate tax, the dividend tax (if in the period 2010-2015 the tax rate on dividends was 16%, from 2016 the tax rate is 5%) and the tax on capital gains, in the sense of increasing tax rates, have an effect of portfolio restructuring from the part of investors; the probability for these changes to happen is significant, given the evolution of the budget deficit and the risk of exceeding the 3% GDP deficit level.

Objectives and strategic initiatives

Given the size of Romanian economy, the population number, the free float of the listed companies and the number of private or state owned companies which have the potential to get listed, the Romanian capital market is considered to be under potential (Bucharest Stock Exchange, CCPRO Business Case – December 2018: 4).

In this light, the most important objective of the Bucharest Stock Exchange, on medium and long term, is increasing liquidity. This can be achieved through strategic initiatives engaged by BSE (Bucharest Stock Exchange, CCPRO Business Case – December 2018: 5), as follows:

a) Attracting new listings. In the last 3 years, 6 new companies were listed on BSE, with a positive influence on the market capitalization and daily trading volume.

b) Upgrading to emerging market status. FTSE upgraded BSE from ‘Not Met’ to ‘Restricted’ the single outstanding criterion, liquidity criterion, following an improvement in broad market liquidity. Thus, in September 2018, Romania was maintained by the FTSE Russell rating agency on the list of countries monitored for a possible reclassification from Frontier Market to Secondary Emerging Market next year.

c) OTC liberalization. This became effective on September 2018. The expected effect will be the growth of volumes traded on the stock market.

d) Development of financial education programs. These will lead to an increase in retail investors base and their trading activities.

e) Investors’ forums participation (internationally and locally) to promote Romanian capital market.

f) Alignment to the new EU standards (MIFID II and MIFIR requirements) and re-authorization of the post-trading activity according to CSDR requirements.

g) Removal of Systemic Barriers. This program is offering solutions to issues referring to account opening, investors' corporate rights, dividend payment procedures and primary market offerings. It aims to remove investing obstacles, which served directly or indirectly the interests of local and international institutional investors.

The key driver that will determine a significant increase in market liquidity is the launch of the financial derivatives market, which will provide a new range of products and market mechanisms, such as stock futures, power derivatives, FX futures, index futures, stock options and derivatives based on other asset classes (repo, interest rate, natural gas, agricultural etc.). Having a more diversified pool of instruments will generate more trades, thus increasing liquidity.

Conclusions

Given the size of Romanian economy, the population number, the free float of the listed companies and the number of private or state owned companies which have the potential to get listed, the Romanian capital market is considered to be under potential

In the last few years Bucharest Stock Exchange (BSE) started to build a competitive capital markets in the Central-Eastern Europe, trying to compete, on the national level, with other segments of the financial market (such as the banking market, the foreign exchange market) and, on the international level, with other stock exchanges from countries located in the region (Czech Republic-Prague Stock Exchange, Croatia-Zagreb Stock Exchange, Hungary-Budapest Stock Exchange and Poland-Warsaw Stock Exchange).

In this light, the most important objective of the Bucharest Stock Exchange, on medium and long term, is increasing the market liquidity.

References:

Bucharest Stock Exchange. (2018). *Annual Report 2018*. Retrieved from: http://www.bvb.ro/InvestorRelations/FinancialFigures/FinancialReports.

Bucharest Stock Exchange. (2018). *CCPRO Business Case – December 2018*. Retrieved from: http://www.bvb.ro/InvestorRelations/GeneralShareholdersMeetings.

Bucharest Stock Exchange. (2015). *Code of Corporate Governance.* Retrieved from: http://www.bvb.ro/info/Rapoarte/Diverse/ENG_Corporate_Governance_Code_WEB_single.pdf.

Bucharest Stock Exchange. (2019). *General statistics*. Retrieved from: http://www.bvb.ro/TradingAndStatistics/Statistics/GeneralStatistics#.

Bucharest Stock Exchange. (2017). *The Whitebook on Communication of Listed Companies, 3rd Edition.* Retrieved from: http://www.bvb.ro/info/Whitebook3_EN.pdf.

Budapest Stock Exchange. (2019). General statistics. Retrieved from: https://bse.hu/Prices-and-Markets/Data-download.

Investor Compensation Fund. (2018). *Annual Report 2018.* Retrieved from: http://www.fond-fci.ro/en/docs/Summary%20of%20the%20Annual%20Report%202018.pdf.

National Bank of Romania. (2017). Financial Stability Report May 2017. Retrieved from: https://www.bnr.ro/DocumentInformation.aspx?idDocument=25182&idInfoClass=19968.

Prague Stock Exchange. (2019). General statistics. Retrieved from: https://www.pse.cz/en/market-data/.
Zagreb Stock Exchange. (2019). General statistics Retrieved from: https://www.zse.hr/default.aspx?id=26497.
Warsaw Stock Exchange. (2019). General statistics. Retrieved from: https://www.gpw.pl/gpw-statistics.

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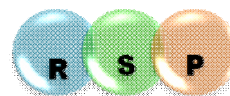

ORIGINAL PAPER

Media Coverage of Visual arts from 1990 until 1995 – on the Example of the City of Zadar in the Republic of Croatia

Vesna Kalajžić*

Abstract
The last decade of the 20 century is characterized by political changes, the transition from a socialist to a democratic political system and the reflection of these changes to almost all areas of human life and action. The hardest years during this period were brought by the Homeland War, which has left a particular mark on the first half of the nineties of the last century. With the fight for survival and existence, and other social issues in that very hard time, it was also important to preserve spiritual life. Therefore, culture and cultural activity have a special meaning in the period of war and the post-war period. Visual arts is an important segment of the culture, which is also implemented in the programme of the Cultural Policy of the Republic of Croatia, together with literature and publishing, music, performing arts, movies, media and cultural heritage. Visual arts creation and visual arts events present a contribution to the culture and cultural life which has a special value during war times. The goal of this paper is to analyse the media coverage of visual arts on the basis of articles published in the local newspapers in Zadar, Narodni list and Zadarski list. Special attention is given to the analysis of the themes of articles on visual arts. The paper applies methods of qualitative and quantitative content analysis. Corpus of the research consists of 316 articles published in Fokus, Zadarski list and Narodni list.

Keywords: *Homeland War; visual arts; culture; local newspapers; content analysis.*

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Introduction

The beginning of the last decade of the last century is characterized by major political turmoil, the transition from the socialist to a democratic political system. The Socialist Federal Republic of Yugoslavia (SFRY) consisted of "six respectively eight federal subjects (six republics and two autonomous provinces), six constituent nations, and dozens of national minorities, of which the Albanian minority had almost two million people alone. The population belonged to Orthodox, Catholic and Islamic religious confession" (Žunec, 1998: 58).

During the session of the Croatian Parliament on 25 July 1990 Croatia obtained the name Republic of Croatia. The change of the political system has reflected, among other areas of human life and work, also on the field of the media. With the beginning of December 1990 the Croatian Parliament brought conclusions on acceptance of the acts of the Council of Europe on the freedom of expression and informing: Resolution 428 (1970) containing a declaration on mass communication media and human rights, Recommendation 834 (1978) on threats to the freedom of the press and television, Recommendation No. R(81) 19. of the Committee of Ministers to member states on access to information held by public authorities with the Annex to the Recommendation, Declaration on the freedom of expression and information. Zaključci o prihvaćanju akata Savjeta Europe o slobodi izražavanja i informiranja, 1991).

The Constitution from 22 December 1990 in its Article 38 guaranteed "the freedom of opinion, expression and journalism" (Novak, 2011: 992). Considering the accepted acts Novak (2011: 992) finds that: "…the highest standards of democratic Europe on the freedom of expression, the media and journalism as fundamental human rights have become an essential determinant in the creation of a democratic Croatia, of free and independent journalism." Other relevant acts and directives which were concerned with the media in the nineties, among others, were: Croatian News Agency Act "HINA" (1990), Act on the Transformation of Socially-owned Enterprises (1991), Public Information Act (1992), Telecommunications Act (1994), Public Communication Act (1996).

The city of Zadar was also affected by the war during which, along with human casualties, difficult years of poverty and social issues, the cultural heritage was heavily damaged. On 25 June 1991 the Parliament adopted the "Constitutional Decision on the Sovereignty and Independence of the Republic of Croatia, the Declaration on the Proclamation of the Sovereign and Independent Republic of Croatia and the Charter on the Rights of Serbs and Other Nationalities in the Republic of Croatia" (Bing, 2006: 305) The country gained full independence on October 8 (Bing, 2006: 305).

The historic core of Zadar is rich in valuable architectural heritage dating back to the classical era, and in the early years of the war, valuable collections of movable monumental inventory were hit by "more than three hundred different projectiles from mortars, howitzers, cannons and missiles, fired from land and sea" (Domijan, 1998, 1999: 151) Miljenko Domijan in his paper entitled "Restoration of the architectural heritage in the field of activity of the Zadar Conservation Department", provided an overview of all the activities that have been performed in terms of protection and renovation of the monumental heritage in the Zadar area. He emphasizes out that already during the war some activities for the primary protection of the buildings had been undertaken. The restoration of religious buildings that were severely damaged and

destroyed begun after the liberation of the area of the Zadar hinterland (Domijan, 1998, 1999: 151).

Reberski (1994: 189) in her paper "Art and war in Croatia 1991/92. Violence against art-art against violence" emphasizes that the relation of violence in art has manifested in two ways. On the one hand, artistic heritage was destroyed, and on the other, that negativity and violence stimulated the artists to creative activities. However, this was not the first time that artists have reacted to difficult armed conflicts through creative activities. Reberski (1994: 190) emphasizes, among other things, Croatian painting expressionism during the First World War, as well as drawings, graphics and painting during the Second World War. Difficult years of the Homeland War remained recorded also in the form of applied fine arts, photography. Reberski (1994: 192) states the names of well-known photographers "Bavoljak, Brautova, Božićević and Ibrišević, Fabijanić and Filipović, Horvat, Kalođera, Kerner, Kovač, Urban."

The Croatian history museum has collected photographs and video recordings created during the Homeland War from the beginning of the War. Mataušić (1995: 68) Photographs were taken by professional photographers and photographers-amateurs. They recorded: "first barricades, departure of the Yugo-army, casualties of war, refugees and displaced persons, destroyed homes, churches and museums, hospitals, schools, kindergartens, destroyed industrial and agricultural plants, roads, encampments, humanitarian activities, Croatian Army units in action and during moments of resting, arrival and setting of UNPROFOR units, reconstruction of devastated homes and churches…" (Mataušić, 1995: 68) Owing to collected photographs, many exhibitions were realized in Croatia, as well as abroad. (Mataušić, 1995: 69).

One of the most commonly used definitions of culture defines culture as "the totality of material and spiritual goods, ethical and social values created by mankind "(Hrvatski jezični portal, 2019a). Art can be defined as a "creative activity based on perceptibility and expressed by speech or written words, voice, line, colour, movement, plastic shape, structure and other" (Hrvatski jezični portal, 2019b) while applied arts can be defined as "artistic creation and processing of utility items" (Hrvatski jezični portal, 2019c). When talking about culture in the Republic of Croatia it is necessary to mention that in 1998 the document Cultural Policy of the Republic of Croatia was adopted, which deals with the culture industry and cultural activities (Literature and publishing, Visual arts, Music, Performing arts, Film) and Cultural Heritage (Cvjetičanin, Katunarić, 1998: 117-202).

A more detailed insight into the activities of Visual arts in the Republic of Croatia can be seen in the Ordinance on the manner and conditions of granting the right to independent artists to have the compulsory contributions for retirement and health insurance paid from the budget of the Republic of Croatia, that can be exercised by a painter, multimedia artist, sculptor, and applied to works in the field of applied arts (Photographer, Sculptor, Ceramics / Porcelain / Glass Artist, Precious Metal and/or Jewellery Designer, Model Maker, Toymaker and/or Puppet Designer, Textile and/or Leather Goods Maker, Fashion Designer, Audio Restorer/preserver and/or Sound Designer, Comic Book Artist, Illustrator, Caricaturist; works in the field of applied arts such as theatre, film and television art (Scenic Designer, Costume Designer, Lighting Designer, Designer of Theatrical Masks, Props Designer). If different artworks are exhibited, these exhibitions are recognised. Exhibitions are also recognised if they are "exposed in prominent institutions or display areas in the territory of the Republic of Croatia" and if "the artworks that are exposed outside of prominent institutions and

display areas represent a contribution to Croatian culture and art" (Pravilnik o načinu i uvjetima za priznavanje prava samostalnih umjetnika na uplatu obveznih doprinosa za mirovinsko i zdravstveno osiguranje iz sredstava proračuna Republike Hrvatske, 2015) From a scientific point of view, according to the Ordinance on the scientific and artistic areas, fields and branches, the scientific branch of visual arts includes graphics, sculpture, painting, animated film and new media, visual technology, visual pedagogy, architecture (the art component of architecture) and landscape architecture (the art component of landscape architecture - landscape design) (Pravilnik o znanstvenim i umjetničkim područjima, poljima i granama, 2009). In 2012 the scientific branch of visual arts was complemented by the branch conservation-restoration (Pravilnik o izmjenama i dopunama Pravilnika o znanstvenim i umjetničkim područjima, poljima i granama, 2012).

A valuable contribution to the research of culture and cultural events in Zadar during the war was given by Radomir Jurić in the book, *The annals of cultural events in Zadar (1986-1996)*. In fact, Jurić had previously started to write down notes, for the needs of the journal Zadarska revija, later Zadarska smotra, regarding the cultural events in Zadar in particular regarding the "various performances of Zadar's visual, theatre and music artists, scientists, writers and other cultural workers" (Jurić, 2014: 6). In his book he wrote about cultural events namely theatrical events, music events, exhibitions, scientific conferences, symposia, seminars, congresses, anniversaries and lectures, new books and journals, activities of the Independent squad of culture professionals at the Command of the Zadar's sector the Croatian Army in Zadar from 1991 to 1992, as well as other events, manifestations, rewards (Jurić, 2014).

Zadar has a rich media history. Namely, first papers in Croatian Kraljski Dalmatin were published in Zadar in 1806. They were issued bilingually, in Croatian and Italian (Maštrović (1964: 742-743). The nineteenth century was very fruitful regarding papers publishing in Zadar. Maštrović (1964: 742) states that until 1911 in Zadar were published 68 papers in Croatian and that Zadar was an important cultural centre.

During the research period, three newspapers were published in Zadar. Narodni list is the oldest living newspaper in Zadar dating back to 1862 when it was published under the name Il Nazionale, and since 1869 under the name Narodni list (Vidaković, 2001:160). On the occasion of the 130th anniversary of Narodni list an article was published in Narodni list under the title "The Oldest Living Croatian Newspaper", in which the author quoted the words of a famous academic on the occasion of the 130th anniversary of the existence of Narodni list on its significance, "The existence of Narodni list is not only important for Zadar or Dalmatia, even not only for Croatia as a whole. Voices from the pages of that newspaper have echoed in Vienna and in Pest, between which cities Croatia was crucified at that time, but they were also attentively monitored in Belgrade and Rome, where the events in Croatia were closely watched. Maybe no newspaper before nor after had that kind of international significance as Narodni list from Zadar" (Stupin, T, 1992: 11). The Narodni list as a weekly newspaper that is still publishing today. Youth magazine Fokus was published in Zadar in 1989 and 1990. Ražnjević Zdrilić (2005) emphasizes that this magazine was special in its many characteristics. Analysing the role of Fokus in the democratization of journalistic space she pointed out, among other things, that the editing policy of the newspaper was, "targeted at more liberal and critical analyzing and commenting of current socio-

political events, not only in Croatia but also in other Yugoslav republics and provinces, which was at the time forbidden, until the Public Communication Act hasn't been amended in February 1990" (Ražnjević Zdrilić, 2015: 73). At the end of 1994, another weekly local newspaper Zadarski list started to publish in Zadar, and in 1998 started to be published daily, and is still published today.

Methodology

The aim of the paper is to present the media coverage of visual arts in the city of Zadar on the basis of newspaper articles published in the local newspapers Narodni list, Zadarski list and Fokus in the period from 1990 to 1995.

The method of qualitative and quantitative analysis of content was applied in this paper.

A total of 318 articles published in the above-mentioned newspapers were analysed. By analysing the research corpus the articles were sorted by topic on the basis of similar characteristics.

A minimum of five articles was a precondition for forming a topic. Topics that were less in number than the specified number were classified under the Other topic, as well as articles featuring two or more topics/events and articles that were generally about visual arts.

Given that we classified the largest part of the corpus by topics, in the qualitative analysis of articles we included the other topic category of articles i.e. we only selected those that were written in the form of journalistic interview and were related to the visual arts culture of Zadar, so to gain insight into part of the content of the research corpus.

Research results

In the examined period the newspapers Zadarski list, Narodni list and Fokus were published in Zadar. Fokus had the smallest share of the articles in the researched corpus, which can be explained by the fact that in the said period it was only published in 1990. Zadar had also a smaller share in the corpus which can be explained by the fact that it was launched in late 1994. The Narodni list was the only newspaper to be published during all the researched years.

Table 1. Articles on visual arts in the Zadar newspapers from 1990 to 1995

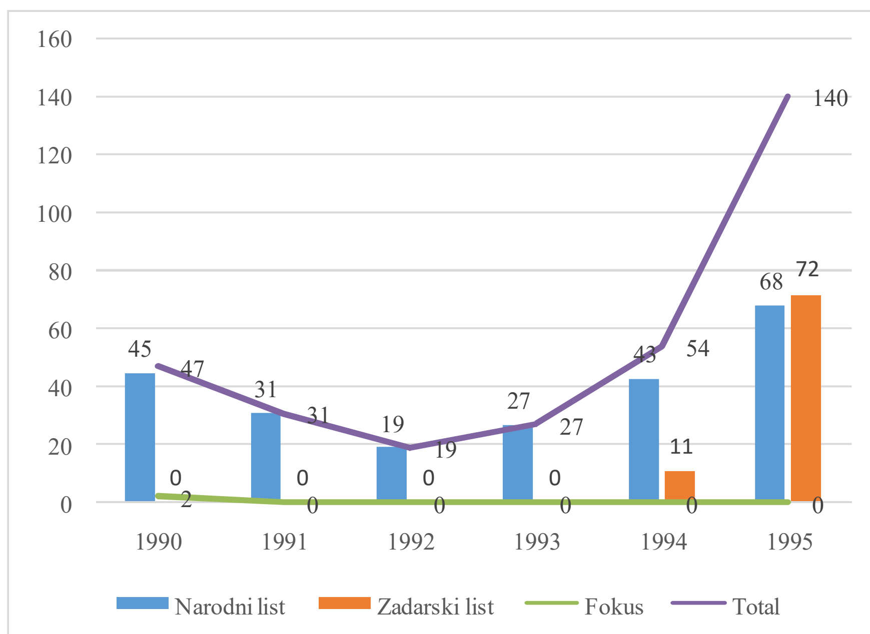
	Narodni list	%	Zadarski list	%	Fokus	%	Total	%
1990	45	95.74	0	0.00	2	4.26	47	14.78
1991	31	100.00	0	0.00	0	0.00	31	9.75
1992	19	100.00	0	0.00	0	0.00	19	5.97
1993	27	100.00	0	0.00	0	0.00	27	8.49
1994	43	79.63	11	20.37	0	0.00	54	16.98
1995	68	48.57	72	51.43	0	0.00	140	44.03
Total	233	73.27	83	26.10	2	0.63	318	100.00

Source: Created and adapted from: Kalajžić, 2011: 94, 110, 120

A total of 318 articles on visual arts were written in the above-mentioned newspapers from 1990 to 1995. The Narodni list published 233 articles on the research topic in the mentioned period; the share in the research corpus is 73.27%. The Zadarski list published 83 articles, with a share of 26% in the research corpus. Fokus has published 2 articles, namely a 0.63% share in the corpus.

If analysing by the years, Narodni list had a 95.74% share of the articles in 1990, while Fokus had a share of 4.26%. In 1991, 1992 and 1993, the Narodni list had a 100% share of the articles. In 1994, the share of articles that the Narodni list had in the corpus was 79.63%, followed by Zadarski list with a 20.37% share. In the final year of research, the Zadarski list was published throughout the year and its share in the corpus for the year 1995 was 51.43%, followed by the Narodni list with a 48.57% share.

Chart 1. Total number of articles on visual arts in the Zadar newspapers from 1990 to 1995



Source: Created by the autor

From the graphical overview of the total number of articles we can see a noticeable decrease in the number of articles in 1991 and 1992 compared to the initial research year.

After 1993, the number of articles is on the rise, which continues up to the last research year.

In the year 1995 Zadarski list and Narodni list have published 140 articles in accordance with the paper criteria. In relation to the initial research year, the total number of articles has increased for more than three times.

Table 2. Thematic analysis of articles on visual arts in the Zadar newspapers from 1990 to 1995

	1990	%	1991	%	1992	%	1993	%	1994	%	1995	%	total	%
Painting	17	36.17	9	29.03	5	26.32	14	51.85	22	40.74	62	44.29	129	40.57
Glass working	1	2.13	1	3.23	0	0.00	0	0.00	2	3.70	2	1.43	6	1.89
Sculpture	3	6.38	6	19.35	0	0.00	1	3.70	5	9.26	15	10.71	30	9.43
Graphics	1	2.13	0	0.00	0	0.00	0	0.00	1	1.85	4	2.86	6	1.89
Photography	3	6.38	9	29.03	7	36.84	7	25.93	9	16.67	24	17.14	59	18.55
Textile processing	0	0.00	0	0.00	0	0.00	0	0.00	3	5.56	3	2.14	6	1.89
Caricature	2	4.26	0	0.00	0	0.00	0	0.00	2	3.70	1	0.71	5	1.57
Ceramics	2	4.26	0	0.00	0	0.00	0	0.00	2	3.70	5	3.57	9	2.83
Goldsmithing	6	12.77	0	0.00	0	0.00	1	3.70	0	0.00	2	1.43	9	2.83
Other topics	12	25.53	6	19.35	7	36.84	4	14.81	8	14.81	22	15.71	59	18.55
Total	47	100.00	31	100.00	19	100.00	27	100.00	54	100.00	140	100.00	318	100.00

Source: Created by the author

With regards to the default criteria ten basic topics were formed: painting, glass working, sculpture, graphics, photography, textile processing, caricature, goldsmithing, and so on. By analysing the topics by year, it is evident that in 1990 the most written topic was painting (36,17) followed by other topics (25.53%), goldsmithing (12.77%), sculpture and photography with 6.38% each, caricature and ceramics with 4.26%, graphics and glass working with 2.13%, and there were no articles on textile processing. By analysing the topics by year, it is evident that in 1991 the most written topics were painting (29.03%) and photography (29.03%) followed by sculpture with 19.35%, and glass working with 3.23%. No articles were written on the other mentioned topics.

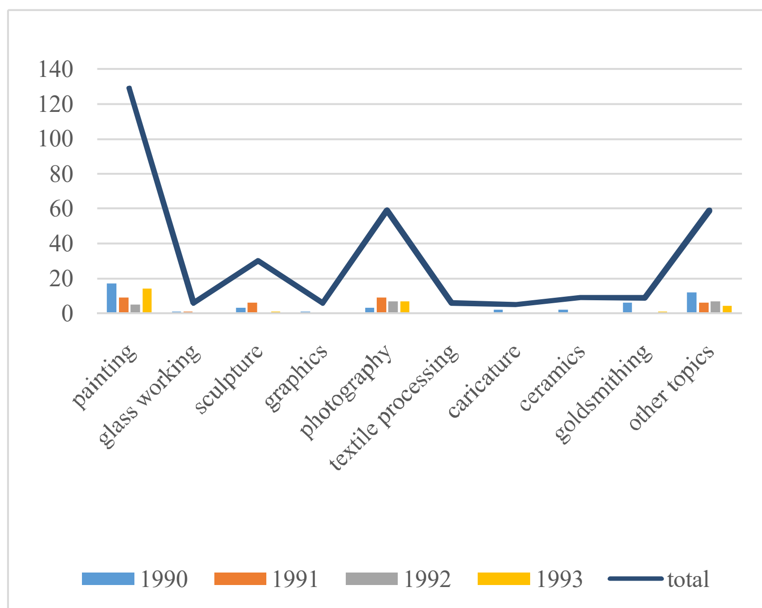
In 1992, three themes were represented. Most of the articles were written on the topic of photography (36.84%) and other topics (36.84%). The topic of painting was covered by 26.32% of the articles. In 1993 more than half of the articles were written about painting (51.85%) followed by photography with 25.93%, other topics with 14.81% and sculpture and goldsmithing with 3.70% each. No articles were written on the other mentioned topics.

In 1994, most of the articles were written on the topic of painting (40.74%), followed by photography with 16.67%, other topics with 14.81%, sculpture with 9.26%, textile processing and general with 5.56% each, glass working, caricature and ceramics with 3.70% each and graphics with 1.85 %. No articles were written on the topic of goldsmithing.

All the above-mentioned topics were present in 1995. Most of the articles were written on the topic of painting (44.29%), followed by photography with 17.14%, other topics with 15.71%, sculpture with 10.71%, ceramics with 3.57%, graphics with 2.86%,

textile processing with 2,14%, goldsmithing and glass working with 1.43% and caricature with 0.71%.

Chart 2. Total number of articles per topic in the Zadar newspapers from 1990 to 1995



Source: Created by the author according to the data in the Table 2

The largest number of articles were published on the topic of painting (40.57%) followed by the topic of photography with 18,55% and other topics with 18,55%. In the other topics category, we also included, besides the articles that contained different topics, those articles that did not have the minimum number of articles to form a specific topic. However, they also tell us about how the spread of representation of a specific activity in visual arts. The next topic most written-about topic is sculpture with a share of 9.43% in the corpus followed by ceramics and goldsmithing with 2.83% each, glass working, textile processing and graphics with 1.89% each and caricatures with 1.57%. Among other topics, we can, for example, include topics such as comics, restoration, religious art, numismatics, multimedia, drawing and scenography.

Qualitative content analysis

Interviews were held on topics of visual arts with a winner of an award for architectural work, a gallery director, a university professor and art historian, a gallery director and lecturer at the Faculty of humanities and social sciences, art historian and archaeologist, a horticultural expert, a visual artist, an exhibition space manager and some costume designers as well. At the beginning of the year 1990, an interview with the winner of the award for architectural work was published, discussing the importance of awards, creativity, the relevance of the visual component, the connection between architecture and art together with visual arts (Stupin, 1990a: 11). In the second half of

1990 another interview was published with the director of an art gallery in Dubrovnik, who was on the Editorial Board of the of an art event in Zadar. The reason for this interview was his conception”... of the phenomenon of spatiality in modern visual arts and of the increasingly unenviable status of museums in our universal cultural and material deprivation of the present day…” (Stupin, 1990b: 8). In the interview it was also discussed about issues of spatiality in contemporary visual arts, about a ”new image” about image durability, archetypal signs. When talking about the little interest of the public, he emphasized the importance of education in schools and, among other things, pointed out that the “galleries and museums should be the cornerstones of our overall living, and the final step of education. Therefore, the transformation of the museums is an imperative these days” (Stupin, 1990b: 8).

At the beginning of 1993, an interview was published with a university professor at the Faculty of humanities and social sciences in Zadar, a Croatian art historian, was also accepted in the membership of the Croatian Academy of Sciences and Arts (HAZU). In the interview it was talked about Zadar's paintings and sculptures, wood artworks, Zadar's goldsmithing, the valuable Zadar's goldsmith artwork - The Chest of Saint Simeon (Škrinja sv. Šimuna), Zadar's urbanism. When asked about Zadar as an inspiration in terms of scientific research, the academician particularly emphasized his love for Zadar and the value of Zadar's monuments, and also pointed out that “they belong to an elite cultural inventory, not only in a Croatian but also in the wider European context” (Stupin, 1993: 9).

At the end of 1994 an interview was published with the director of an art gallery and lecturer at the Faculty of humanities and social sciences. The occasion was the pause from art events in Zadar due to the war years. One of the topics of discussion was the international triennial exhibition of photography “Man and the Sea” that, as he pointed put, gathered photographers from all over the world and was also important for the presentation of Croatian photographers. He also talked about the impact of the war on the concept of the international exhibition, which he noted was still preserved, photography, restoration of gallery spaces, the Zadar school of photography, Zadar’s visual arts and the study programme of art history at the Faculty of humanities and social sciences in Zadar, plans for the gallery and the future of fine visual arts in Zadar (Srhoj, 1994: 14-15).

In the first half of 1995 an interview with an art historian and archaeologist about archaeological finds in the area of Vukovar, difficult war days and the preparation of the exhibition in Zadar was published. He pointed out that among the most valuable archaeological finds zoomorphic figures and Roman sculptures will be displayed along with interesting old Croatian coin (Savičević, 1995: 25). On the occasion of the opening of the new exhibition space “Gema”, a discussion was held with its manager on the topic of working in an exhibition space, its contents, the way it is run and its future (Meštrović, 1995: 25). In March, an interview with a horticultural expert and head of maintenance of green areas was held on the topics of the importance of trees in an urban centre and Zadar parks. During a conversation with a journalist of Narodni list the she emphasized that Zadar was urbanized even in the Roman period and that the culture of parks in Zadar has been preserved. He also states that the gardens of Zadar are getting older and that they need renewal, but due to the war circumstances investments in gardens are lower (Stupin, 1995: 17).

In the article titled ”Absurdity is the axis of human existence” a visual artist who received three awards on the 26th Revija hrvatskog filmskog i video stvaralaštva,

talked about the visibility of new media, and exhibitions held in Dubrovnik, Ljubljana, his awarded work and other works, about video and installation art, and his plans for the future (Srhoj, 1995: 17).

In the second half of 1995, an interview with costume designers of the Zadar Summer Theater Festival was published in which the designers talked about the fabrication of the necessary props, plans for the future, costume design. It was pointed out that they received compliments for costumes and that “lack of infrastructure proved to be a very creative challenge” (Bujić, 1995: 25).

Discussion and conclusion

The beginning of the last decade of the last century in the Republic of Croatia, apart from political changes, the transition from the socialist to a democratic political system was marked by the Homeland War. The Republic of Croatia achieved its independence in October of 1991. The war years brought to the Croatian people difficult years of poverty, social problems and suffering. Cultural heritage has also been damaged in the war. Although the cultural and artistic heritage was being destroyed during the Homeland War, it has not prevented numerous cultural workers to turn to creative activities in the difficult times of war, as a sort of resistance towards aggression, violence. For instance, photography, as one of the forms of visual arts enabled the recording of events which represent valuable material to us in terms of present time.

The results of the research showed that in the period from 1990 to 1995, the Narodni list, Zadarski list and Fokus published 318 articles on visual arts. In terms of research of the topics of the articles, with respect to the default criteria the following topics were found: painting, glass working, sculpture, graphics, photography, textile processing, caricature, ceramics, goldsmithing and the like. By analysing the themes of visual arts in the examined years, it can be seen that in 1990 the majority of the articles were written about painting namely 36,17%, in 1991 the majority of the articles were written about painting (29.04%) and photography (29.04%), in 1992 the majority of the articles were written about photography (26.32%), in 1993 the majority of the articles were written again about painting (51.85%) and in 1994 the articles about painting were again the majority (40.74%) as well as in 1995 when the articles about painting had a share of 44.29%. The topic of painting was the most represented as well, with 40.57%, followed by photography with 18,55%, other topics with 12,58%, sculpture with 9,43%, general topics with 5,97%, ceramics with 2,83% and goldsmithing with 2,83%, glass working with 1,89%, graphics with 1,89%, textile processing with 1.89%, and cartoons with 1.57%. By analysing interviews about other topics we gained insight into a part of the research corpus; on topics of discussion with persons from the cultural life on topics related to art.

The results of the research have shown that the local newspapers in Zadar were interested in covering a broad spectrum of topics and events in the field of visual arts. The results of the research also tell us about culture professionals in the field of visual arts who, in the war years, had the will and the desire to create in the field of visual arts.

References:

Bing, A. (2006). Hrvatska u međunarodnoj zajednici. In: Radelić, Marijan, D., Bing, A., Živić, D. *Stvaranje hrvatske države i Domovinski rat*. Zagreb: Školska knjiga, Hrvatski institut za povijest.

Bujić, G. (1995). Sve je počelo Evinim listom. *Zadarski list*. 10.08.1995.

Cvjetičanin, B., Katunarić, V. (Ed.). (1998). *Cultural Policies in Croatia National Report*, Council for Cultural Co-operation, Council of Europe, Zagreb: Ministry of Culture of the Republic of Croatia, Institute for International Relations, Zagreb.

Domijan, M. (1998,1999). Obnova graditeljske baštine na području djelovanja Konzervatorskog odjela u Zadru. In: Miljenko Domijan (ed.) *Godišnjak zaštite spomenika kulture Hrvatske*, 24/1998, 25/1999, Republika Hrvatska, Ministarstvo kulture, Uprava za zaštitu kulturne baštine, p. 151-170.

Jurić, R. (2014). *Ljetopis kulturnih događanja u Zadru: 1986.-1996.* Zadar: Ogranak Matice hrvatska, Odjel za turizam i komunikacijske znanosti Sveučilišta, Arheološki muzej.

Kalajžić, V. (2011) *Zadar newspapers and the cultural life of Zadar from 1990 to 2000*, Doctoral thesis, Defended at the University of Zagreb, Zagreb, 2011.

Hrvatski jezični portal (2019a). Kultura. Retrieved from http://hjp.znanje.hr/index.php?show=search (5. 03. 2019).

Hrvatsko jezični portal (2019b). Umjetnost. Retrieved from http://hjp.znanje.hr/index.php?show=search (5. 03.2019).

Hrvatsko jezični portal (2019c). Primijenjena umjetnost. Retrieved from http://hjp.znanje.hr/index.php?show=search (5.03.2019).

Maštrović, V. (1964). Izdavačka djelatnost na hrvatskom jeziku 1880-1960. *Zadar: geografija, ekonomija, saobraćaj, povijest, kultura, zbornik*. Zagreb: Matica hrvatska.

Mataušić, N. (1995). Fond fotografija domovinskog rata u Hrvatskome povijesnomu muzeju. *Informatica museologica, 26* (1-4), 68-69. Retrieved from https://hrcak.srce.hr/144368 (28.05.2019).

Meštrović, I. (1995). Gema s mega planovima. *Zadarski list*. No. 29, 23. 03.1995.

Novak, B. (2011). *Hrvatsko novinarstva u 20. Stoljeću*. Zagreb: Golden marketing-Tehnička knjiga.

Pravilnik o izmjenama i dopunama Pravilnika o znanstvenim i umjetničkim područjima, poljima i granama (2012). *Narodne novine*, No. 82, 2012. Retrieved from https://narodne-novine.nn.hr/clanci/sluzbeni/2012_07_82_1917.html (5.03.2019).

Pravilnik o načinu i uvjetima za priznavanje prava samostalnih umjetnika na uplatu obveznih doprinosa za mirovinsko i zdravstveno osiguranje iz sredstava proračuna Republike Hrvatske (2015). Narodne novine, br. 91, 2015. Retrieved from https://narodnenovine.nn.hr/clanci/sluzbeni/2015_08_91_1770.html (5.03.2019).

Pravilnik o znanstvenim i umjetničkim područjima, poljima i granama (2009). Narodne novine, No. 118., 2009, Retrieved from https://narodne-novine.nn.hr/clanci/sluzbeni/2009_09_118_2929.html (05.03.2019).

Ražnjević Zdrilić, M. (2015). Demokratizacija novinske komunikacije u Hrvatskoj 1989/1990. na primjeru omladinskog lista Fokus u Zadru. *Medijska istraživanja*, 21 (1), 57-79. Preuzeto s https://hrcak.srce.hr/142063 (31.5.2019).

Reberski, I. (1994) Umjetnost i rat u Hrvatskoj 1991./1992. Nasilje protiv umjetnosti – umjetnost *protiv nasilja* Art and War in Croatia 1991/1992.: Agression Against Art – Art Against Agression. *Radovi Instituta za povijest umjetnosti* 18 (1994),189-203. https://www.ipu.hr/content/radovi-ipu/RIPU-18-1994_189-203-Reberski.pdf (28.05.2019).

Savičević, O. (1995). Izložba posvećena Zadru. *Zadarski list*, 02.02.1995.

Srhoj, V. (1994). Likovni je Zadar u ratu osiromašio. *Narodni list*, 25.11.1994.

Srhoj, V. (1995). Apsurd je osovina ljudske egzistencije. *Narodni list*, 17.02.1995.

Stupin, T. (1995). Perivoji stariji od stoljeća. *Narodni list*, 31.03.1995.

Stupin, T. (1990b). Imperativ transformacije muzeja. *Narodni list*, 15.09.1990.

Stupin, T. (1990a). Arhitektura u funkciji života. *Narodni list*, 17.02.1990.

Stupin, T. (1993). Život posvećen Zadru. *Narodni list*, 16.01.1993.
T.S. (1991). Istina o ratu u Zadru. *Narodni list*, 7783, 14.12.1991.
Vidaković, J. (2001). *Povijest hrvatskog novinstva, Zadar u XIX. st.*, Zagreb: Hrvatsko komunikološko društvo iI Nonacom d.o.o.
Croatian News Agency Act "HINA" (1990) (Zakon o Hrvatskoj izvještajnoj novinskoj agenciji "HINA"). *Narodne novine*, No. 31. Retrieved from https://narodne-novine.nn.hr/clanci/sluzbeni/1990_07_31_614.html (28.05.2019).
Act on the Transformation of Socially-owned Enterprises (1991) (Zakon o pretvorbi društvenih poduzeća). *Narodne novine*, No. 19. Retrieved from https://narodne-novine.nn.hr/clanci/sluzbeni/1991_04_19_590.html (28.05.2019).
Public Information Act (1992). (Zakon o javnom informiranju). *Narodne novine*, No. 22, Retrieved from https://narodne-novine.nn.hr/clanci/sluzbeni/1992_04_22_490.html (28.05.1992).
Telecommunications Act (1994). (Zakon o telekomunikacijama). *Narodne novine*, No. 53. Retrieved from https://narodne-novine.nn.hr/clanci/sluzbeni/1994_07_53_951.html (28.05.2019).
Public Communication Act (1996). (Zakon o javnom priopćavanju). *Narodne novine*, No. 83. Retrieved from https://narodne-novine.nn.hr/clanci/sluzbeni/1996_10_83_1473.html (28.05.2019).
Zaključci o prihvaćanju akata Savjeta Europe o slobodi izražavanja i informiranja (1991) Narodne novine, br. 107, 1991. Retrieved from https://narodne-novine.nn.hr/clanci/sluzbeni/1991_02_7_167.html (27.05.2019).
Žunec, O. (1998). Rat u Hrvatskoj 1991.-1995. 1. Dio: uzroci I operacije do sarajevskog primirja. *Polemos* 1(1998)1, 1-224.

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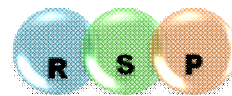

ORIGINAL PAPER

Władyslaw Gomułka: One of the most influential of the East European Communist Party leaders

Tudor Urea*

Abstract

Władyslaw Gomułka, was a first secretary of the Central Committee of the Polish United Workers' Party. He born in Białobrzegi, near Krosno in former Austro-Hungarian Kingdom (actual in Poland) on February 6, 1905 and he died in Warsaw on September 1, 1982. From 1956 to 1970 he ruled the communist party of Poland. He was the creator of the concept – the Polish road to socialism. Władyslaw Gomułka is appreciated to be one of the remarkable men in Polish politics after the second war. Władysław Gomulka has been one of the most important men in Polish politics of the 20th century. In a same time he performed an important act in his quality of the leader of the East European Communist Party. In 1926, Gomulka became a member of the Polish Communist Party (Communistyczna Partia Polski, KPP), so during World War II he played a crucial role in the resistance struggle. By the other hand Gomulka played in post-war Polish politics and the "de-Stalinization" process. Although he will be the artisan of Poland's de-Stalinization process, Gomulka will not give up the Soviet bloc. Gomułka represented a very distinct kind of communism and his slogan the "Polska Droga" (the Polish Road, or Polish Way was understood by the other communist countries in the Eastern bloc that everyone must choose their own path to socialism. An undoubted achievement of Gomulka's politics was the negotiation of a treaty with West Germany, signed in December 1970. The crisis at the end of Gomułka's tenure coincided with great success in foreign policy. The economic difficulties facing Poland in the late 1970s will lead to prices hikes. In these circumstances, in December 1970, violent clashes will take place between law enforcement and workers at the shipyards on the Baltic Sea coast. Several dozen workers will lose their lives, Gomułka being forced to resign.

Keywords: *Gomulka; leader; policies; reforms; persecution.*

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Władyslaw Gomułka, was a first secretary of the Central Committee of the Polish United Workers' Party. He born in Bialobrzegi, near Krosno in former Austro-Hungarian Kingdom (actual in Poland) on February 6, 1905 and he died in Warsaw on September 1, 1982. From 1956 to 1970 he ruled the communist party of Poland. He was the creator of the concept – the Polish road to socialism. Władyslaw Gomułkais appreciated to be one of the remarkable men in Polish politics after the second war.

Władysław Gomułka has been one of the most important men in Polish politics of the 20th century. In a same time he performed an important act in his quality of the leader of the East European Communist Party. In 1926, Gomulka became a member of the Polish Communist Party (Communistyczna Partia Polski, KPP), so during World War II he played a crucial role in the resistance struggle. By the other hand Gomułka played in post-war Polish politics and the "de-Stalinization" process. Although he will be the artisan of Poland's de-Stalinization process, Gomulka will not give up the Soviet bloc. Gomułka represented a very distinct kind of communism and his slogan the "Polska Droga" (the Polish Road, or Polish Way), was understood by the other communist countries in the Eastern bloc that everyone must choose their own path to socialism. An undoubted achievement of Gomułka 's politics was the negotiation of a treaty with West Germany, signed in December 1970.

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In 1926, Gomułka became a member of the Polish Communist Party (Communistyczna Partia Polski, KPP), so during World War II he played a crucial role in the resistance struggle. In 1930s the situation of KPP became critical. In order to divide the communist movement, the spies and Trotsky's followers tried to form "factions" amongst some communist parties, to provoke infighting. The Communist Party of Poland was contaminated by hostile elements. The extremist groups in Poland are not able to get leadership positions in the KPP. KPP disappears from the list of parties affiliated to the Comintern. About 5,000 Polish communists were shot or sent to the Gulag. In those moments survive persons found in Polish prisons or recruited by Service Security of Soviet. In 1941, after Hitler's attack on Russia, Stalin changed his attitude about Poland. Stalin put the problem of reintegration of Polish communist movement in general strategy of Soviet Union. In January 1942 the nucleus of the new party was met in clandestinely. The new party will be called Polish Workers' Party (Polska Partia Robotnicza, PPR). After Marcel Nowotko's murder mysterious circumstances and Pawel Finder's arrest by the Gestapo, Wladyslaw Gomułka became the Party's secretary general in November 1943. The personality of Gomułka reflected many of the fundamental characteristics of Polish communism revived. At the base of his political actions were the constant commitment of communist ideals, and the repulsion of Soviet practices. In 1934 Gomulka went to Moscow, where he lived and studied at the International Lenin School for a year. He was witness to the campaign of collectivization in Ukraine. Gomułka decided that such inhuman methods will never be applied in Poland. After his return to Poland he worked as a regional KPP secretary in Silesia. He was arrested in 1936, sentenced to seven years in prison and remained jailed until the beginning of World War II**.** In 1943, in occupied Warsaw Gomułka established

a national quasi-parliament (the communist version) named the State National Council (Krajowa Rada Narodowa, KRN) and was a deputy in that body. In 1942, in the peak of Nazi Germany terror, Gomułka participated in the reformation of a Polish communist party. He organized the party structures in the Subcarpathian region, but soon was brought to the capital to lead the PPR Warsaw division. His appointment to the position of the Party's secretary general coincided with the publication of the full text of the party manifesto under the title "What do we fight for?" (O co walczymy?). Manifesto given equal importance to objectives of national independence and to social revolution. From many points of view Gomułka remained a communist traditional, disciplined and realistic. His stubborn nature was an obstacle for soviet project to manipulation Poland's interests. Gomułka led a group of people convinced that the only guarantee of Poland against Soviet imperialism is a kind of radical polish communism. In 1945 to Yalta Conference the Soviet Union agreed to form a coalition government composed of the Communist Polish Workers' Party, members of the pro-Western Polish government in exile, and members of the Home Army (Armia Krajowa, AK) resistance movement, as well as to allow for free elections to be held. In 1944 it was beginning the liberation of Polish territory. The control's Polish territories were assumed by the Red Army in a short time. In Lublin the Polish communists created A Provisional Government (Rząd Tymczasowy Rzeczypospolitej Polskiej, RTRP) and Gomułka became a deputy prime minister in this Government for a half year on 1945. The Polish Committee of National Liberation (Polski Komitet Wyzwolenia Narodowego, PKWN) and a Provisional Government (Rząd Tymczasowy Rzeczypospolitej Polskiej, RTRP) were subordinate the State National Council (Krajowa Rada Narodowa, KRN). The Red Army transferred the control over Polish territories to the Provisional Government (Rząd Tymczasowy Rzeczypospolitej Polskiej, RTRP).

By the other hand Gomułka played in post-war Polish politics and the "de-Stalinization" process. Although he will be the artisan of Poland's de-Stalinization process, Gomułka will not give up the Soviet bloc. He impose an "own model of economic and political development" (Prazmowska, 2015: 123). Gomułka represented a very distinct kind of communism and his slogan the "Polska Droga" (the Polish Road, or Polish Way), was often understood that the communists of each particularly country should adopt the path to socialism most suited to their context. From 1945 to 1947 he was a deputy prime minister in the Provisional Government of National Unity (Tymczasowy Rząd Jedności Narodowej). From his position as Minister of the Recovered Territories, Gomułka played an important role in the management of the lands acquired from Germany after the Second World War. Between 1945 and 1948 Gomułka supervised the reconstruction and integration of the new lands in the new borders of Poland.

During this period enjoying a privileged position both in the party and in the government Gomułka overwhelmingly influenced the social changes of leftists in Poland. In 1948 the communists will receive the help of Gomulka and they will win the referendum.

A year later, he played a key role in the 1947 parliamentary elections. After the elections, all remaining legal opposition in Poland was effectively destroyed. However, a rivalry between Polish communist factions (Gomulka was the leader of a home national group vs. Bolesław Bierut of Stalin's group reared during the war in the Soviet Union) led to Gomułka's removal from power in 1948 and imprisonment (from August 1951 to December 1954). He was accused of "right wing-reactionary deviation" and expelled

from the Polish United Workers' Party (PZPR) (as the Polish Workers' Party was renamed following a merger with the Polish Socialist Party). In his memoirs, Nikita Khrushchev remembered that he was not a witness to how Gomulka's fate was decided when the question of him, arrest was raised. Nikita Khrushchev said that for him it was incomprehensible, and he regretted that happened, because he respected Gomułka and he always regarded Gomułka as one of the worthiest leaders of Poland, an influential and useful man (Khrushchev, 2007: 617).Of course, Khrushchev's words have to be appreciated with much discernment. It seems that one of the charges against him was that he supported the Yugoslaves and never expressed sharp criticism of Tito.

Jerzy Lukowski and Hubert Zawadzki in a "Concise History of Poland" noted that: "Despite its totalitarian features, Stalinist rule in Poland never became a clone of its Soviet model and avoided some of the excesses witnessed in other satellite states, such as the purge trials of communist leaders in Czechoslovakia and Hungary between 1949 and 1952. But the post-Stalinist political thaw was a slow process, limited at first to the PZPR. It started with discreet purge in 1953 within the Polish security apparatus" (Lukowski and Zawadzki, 2006: 294).

The Soviet system after Stalin's death affected the satellite states of East Europe in different ways. Nikita S. Khrushchev, the new soviet leader, followed and attempted to influence the pace and nature of the changes throughout the region with varying degrees of success. By October 1956, the "de-Stalinization" debate in Poland focused on the potential return of Wladyslaw Gomułka to the leadership of the Polish United Workers' Party (Polska Zjednoczona Partia Robotnicza, PZPR).

The situation in Poland in 1956 was resumed this:"Under Soviet domination since World War II, the industrial, trading, and financial sectors of the economy were socialized, but in agriculture, although large estates were expropriated, only about one-fifth of the arable land has been socialized – less than in any other European Satellite. Nevertheless, pressure to collectivize has dampened incentive in private agriculture and has had a deleterious effect on output" (Central Intelligence Agency, 1999: I).

Gomułka returned to power in October 1956 due by the occurrence the "National Communist" regime in Poland which was a result of circumstances. After the death of Stalin at the 20th Soviet party congress in February 1956 Khrushchev denigrated Stalin, in Yugoslavia Tito was implicated in a new political orientation "separate roads to socialism" and in June 1956 Poland was shaken by the Poznan riots. In these circumstances the struggle between different factions of the party discredited the Stalinist leaders of the Polish United Workers' Party (Polska Zjednoczona Partia Robotnicza, PZPR). In the process of "de-Stalinization" Polish intellectuals are beginning toseeking new socialist principles and dogmas. Inside change, promoted by Khrushchev's speech in Moscow, on the condemnation of Stalin's cult, becomes the priority requirement of the party's liberals. In these conditions the party's liberal leaders make possible the return of Gomulka into the party leadership. Gomułka was return in the party in his own conditions, "which included the elimination of the Stalinists" (Central Intelligence Agency, 1956: I).

On March 1956 the Stalinist General Secretary of the Polish United Workers' Party (Polska Zjednoczona Partia Robotnicza, PZPR) Bierut died thus opening a strong conflict at the top of the Party for the power. The fight is fought between the Natolin group (small town near Warsaw) and Pulawska (after the name of the street in Warsaw). The first group was composed by the pro-Soviet activists with conservative and orthodox views. They tried to clean the responsibility for the crimes of the Stalinist era

and to demonstrate "anti-Stalin" through nationalist, anti-Semitic phrases and anti-intellectualist. They are demanding, for tactical reasons, readmission Gomulka's party leadership. They were adherents of moderate reforms, but at the same time they advocate for strengthening state control over society. They are obviously enjoying the support of the Soviet Embassy in Warsaw. The second group was composed of followers of democrat reforms. It was made up of Jews which in the years of the war were in the USSR, former internationalist, benefiting from good ties with the press, but with an imprecise political program. They were looking providential and charismatic caretaker leader to meet aspirations popular. They didn't accept the return of Gomulka. The low salaries and increased production norms in aim to recovery the economy caused the discontent among the workers at the end of 1955. On June 1956, violent worker protests broke out in Poznan. The worker riots were harshly suppressed and dozens of workers were killed. In his memoirs, Nikita Khrushchev remembered that the tensions were increasing in Poland and that this turbulence had an anti-Soviet tone and the demonstrators were demanding withdrawal of Soviet troops from Poland (Khrushchev, 2007: 625). Under these circumstances, the gap between reforming members and the most dogmatic of the Polish Communist Party is getting deeper much, Gomulka's return to power being a necessary condition to ensure the survival of the system itself. “The Poznan riots caused an important change in the attitude of the party leaders toward Gomułka. Prior to the time, in response to popular tensions and pressure within the party, “representatives” of the politburo met with Gomułka to ascertain the conditions under which he might return to public life” (Central Intelligence Agency, 1956: 69-70).Because the talks were conducted by Stalinist leaders the situation was intolerable for Gomułka and he refused the offer.

The reformers in the Party wanted a political rehabilitation of Gomułka and his return to the Party leadership but Gomułka wanted a replacement of some of the Party leaders, including the pro-Soviet Minister of Defense Konstantin Rokossovsky. Konstantin Rokossovsky was de facto soviet Marshal. In these circumstances took place on October 15 a meeting of the reformers which "definitely decided that Gomułka would be chosen first secretary of the party at the forth coming plenum"(Central Intelligence Agency, 1956: 76). The soviet Marshal Rokossovsky went to Moscow in a failed attempt to convince Nikita Khrushchev to use force against the Polish state. In short time a plane landed at Warsaw airport carrying CPSU First secretary Khrushchev, who was accompanied Presidium members Molotov, Kaganovich, Mikoyan, Marshal Konev and a many array of Soviet officers. Their arrival, "coincided with reports of the movement of Soviet troops from their bases in western Poland toward Warsaw, and the alert of Soviet forces in East Germany and the western USSR” (Central Intelligence Agency, 1956: 77). In his memoirs, Nikita Khrushchev notes: “I trust Gomułka as a Communist. Things are difficult for him. He can't do everything at once, but if we express confidence in him, return our troops to where they are stationed, and give him time, he will gally be able to cope with the force that are now taking incorrect positions” (Khrushchev, 2007: 630).The discussions between the Soviets and the Polish lasted until the day of the Eighth Polish Plenum on October 20, 1956. During this time, workers and students in Warsaw were in alert. The Soviet leaders understand that their efforts to intimidate the Polish liberal leaders were not possible and in the morning on 20 October they departed. Ochab and Gomułka made it clear that Polish forces would resist if Soviet troops advanced, but reassured the Soviets that the reforms were internal matters and that Poland had no intention of abandoning the communist bloc or its treaties with the Soviet

Union. The Soviets yielded.

Gomulka was elected general secretary of the PZPR on 20 October 1956. In his speech to the Eighth Polish Plenum on 20 October he charged that the "expand industry on a broad scale" in a short time lead the Polish economy to "insolvent" of country. He accused the former leaders of the party that Poland became dependent by USSR.

Władysław Gomułka's re-entry into the political Polish scene produced in a radically changed atmosphere, with the revival of public interest in politics and in the future of the state. The return of Władysław Gomułka was now demanded by the party's ordinary members and by the pressure groups outside. It is realizing, thus, a coagulation of public opinion in favor of Gomułka. He was conditioning the return in the Party by the "Polish Way" program towards socialism, which he was still proposing from 1948. He was considering in particular the replacement of officers and Soviet advisors from the Polish army, especially a marshal Konstanty Rokossowski (Minister of Defense).

With this occasion he declared that he will return the true Leninist principles in the life of the party and of the state. Gomułka's Poland was generally described as one of the more "liberal" Communist regimes, and Poland was certainly more open than East Germany, Czechoslovakia and Romania during this period.

At the Eighth Polish Plenum on 20 October Gomułka proclaimed his the attachment to Communist doctrine and "confined his criticisms to the manner in which his predecessors sought to build a road to socialism" (Central Intelligence Agency, 1999: 2). With this occasion he proposed economic reforms. The economic reforms proposed by Gomułka were watching for the financial domain the tighter control over state funds, the production control and pricing. Not in the last the workers can be represented "in factory management on a limited experimental basis" (Central Intelligence Agency, 1999: 2). In the agriculture he proposed replaced the forced collectivization of private farms with "a long-run program to persuade private farmers to join collectives voluntarily" (Central Intelligence Agency, 1999: 2). The new elected general secretary of the Polish United Workers' Party (Polska Zjednoczona Partia Robotnicza, PZPR) Władysław Gomułka held a victory speech on October 24. "Over 300,000 people gathered to hear the First Secretary, the largest meeting of its kind in Poland until the visit of Pope John Paul II in 1979" (Gluchowski, 1995: 46). Gomulka was in the apogee of his popularity, so he traied to end to demonstrations and determined the workers to return to work. In his speech said: "united with the working class and the nation (...) the Party will lead Poland along a new way of socialism".

Gomułka triumph didn't nevertheless mean a triumph of the Polish nation against Moscow, because the new leader was an old communist, supporter of the doctrine Marxist-Leninist.

The political crisis of 1956 had the effect of some liberalization of the political Polish regime. Soviet presence has become more discreet, and the power of secret services was diminished. Even the anti-Soviet sentiments in Poland continued Gomułka never asked the Soviet leaders to withdraw the Soviet troops by Poland territory. Gomułka considered that the Soviet troops stationed in Poland it was necessary and useful for the country. Gomułka has said: "Our intelligentsia fears the Germans most of all. They are a threat to Poland, especially if there's a breakdown in our friendly relations with USSR" (Khrushchev, 2007: 631).

Gomułka was initially very popular for his reforms. His seeking a "Polish way to socialism", and it is giving rise to the period known as "Gomułka's thaw". Gomułka devise a new electoral law to allow people to choose not just to vote. Important laws

were imposed in administrative, civil and criminal fields. The liberalization after 1956 created the premises of a process of reconstruction of civil Polish society. An essential role they had the church which has managed to retain some independence. The most oppressive Stalinist features were eliminated: the rule of terror was curbed, the persecution of the Roman Catholic Church was ended, and the collectivization of agriculture was abandoned. Several objectionable features of the older system were, however preserved. The "de-Stalinization" process started in 1957 by Gomułka meant a new electoral law, as well as the emergence of a new legislative framework in the administrative, civil and criminal field. Although Gomułka's regime is much more humane than its predecessor's regime, soon Gomułka will lose respect for the disappointed Poles who were waiting for the liberalization of the Republic of Poland following the model of the Western democracies.

During the 1960s, however, he became more conservative. Afraid of destabilizing the system, he was not inclined to introduce or permit changes. In the 1960s he supported the persecution of the Catholic Church and intellectuals. The Conflict between the Church and the Government know a new escalade around the celebration of the Polish Millennium of Christianity in 1966. During the celebration, the Communist authorities refused to allow Pope Paul VI to visit Poland.

The 1968 crisis was the result of cumulative failures: agricultural policy failures, low level of living, party bureaucracy, censorship. Following the mishaps of March 1968, the Jewish community of the country will be forced to emigrate massively. In 1968Gomułka allowed outbursts of "anti-Zionist" political propaganda (Judt, 2005: 434-435). The result was that the majority of the remaining Polish citizens of Jewish origin left the country. At that time he was also responsible for persecuting protesting students. In Poland, the official ideology of the state glorified ethno-national homogeneity, and kindled hatred towards foreigners, particularly Germans and Jews.

Gomułka was one of the key leaders of the Warsaw Pact and supported Poland's consequent participation in intervention in Czechoslovakia in August 1968 (Davies, 2005: 475). Gomułka supported that the Soviet Union had prepared a plan for intervention in Czechoslovakia to prevent German occupation and it was in Poland's interest to take part.

In the late 1970s, Poland faced a series of economic problems caused by poor, numerous social movements, lack of consumer goods, outdated technology, rising inflation, and extremely high external debt. The economic difficulties facing Poland in the late 1970s will lead to price hikes. In these circumstances, in December 1970, violent clashes will take place between law enforcement and workers at the shipyards on the Baltic Sea coast. Several dozen workers will lose their lives, Gomulka being forced to resign.

Third time an undeniable achievement of Gomułka's politics was the negotiation of a treaty with West Germany, signed in December 1970. The crisis at the end of Gomulka's tenure coincided with great success in foreign policy. "When Gomułka finally decided to open up to Bonn in 1969, he entered into a running conflict with the Soviet Union and the GDR over whose interests were to take priority in negotiations with the West Germans. Second, the traditional narrative suggests that the only factor affecting Poland's decision to enter into negotiations with Bonn was Brandt's offer. Available sources, however, suggest that it was not Brandt's offer, but changes within the Warsaw Pact—specifically, the openness of Moscow and East Berlin to negotiations with West Germany— that led Gomułka to break down and respond to Brandt's offer"

(Selvage, 2003: 67).Gomulka's opening to Bonn was determined by the inner dynamics of the Warsaw Pact. Norman Davies explained that Gomułka knew that the revisionism of Germany perpetuated humiliating dependence of Poland from the Soviet Union. "In Gomułka's eyes the major threat to Poland was posed by Germany and he was a strong proponent of an alliance with the Soviet Union" (Bromke, 1971: 480). On December 7, 1970 was signed a treaty signed between Polish People's Republic and West Germany in Warsaw. The German side recognized the post-World War II borders, - the west border of Poland with Germany by Oder and Neisse Line - formed by the rivers known in Poland as the Odra and Nysa Łużycka. "The establishment of the border along the Oder-Neisse line actually had serious geo - political consequences for Central and Eastern Europe as a whole. Poland's regaining of a Baltic shore running between Krynica Morska/Neukrug and Świnoujście/Swinemünde changed the country's position vis-à-vis Germany, at a stroke reconfiguring the geostrategic system of the southern Baltic basin" (Eberhardt, 2015: 101). Gomułka managed to defuse the grip of direct guardianship of Soviet Union by international and internal fields. This major achievement compensates Gomułka's failures. "The limits of the Polish autonomy were thus also defined by Western policies and attitudes" (Brzezinski, 1961: 366).

"To summarize, the danger of a future unification of Germany, caused by the German Democratic Republic's economic policies, along with the threat of diminished sovereignty for Poland, resulting from Soviet-West German negotiations, led Gomułka to make his opening to Bonn. If the Soviet Union had not been so open to Brandt's overtures, or if the German Democratic Republic had agreed to economic integration with Poland, Gomułka would have likely vetoed or postponed any negotiations with West Germany. The Council for Mutual Economic Assistance summit in April 1969 had made clear, however, that the economic future of the Soviet bloc would not be based on economic integration, but on an economic opening to the West. For Gomulka, this meant the "economic reunification" of Germany and the potential collapse of the Soviet bloc. He had to rescue what he could, while he could, for a communist Poland" (Selvage, 2003: 74-75).

"The potential unification of Germany and Moscow's perceived willingness to compromise Poland's security interests compelled Gomułka to obtain an independent West German guarantee for Poland's western border. Gomułka achieved his goal with the Treaty of Warsaw of December 1970. He obtained de facto recognition of the border in a bilateral treaty with the Federal Republic of Germany at a time when the future of the border was threatened—in his opinion—through the policies of the Soviet Union and the German Democratic Republic. If the Warsaw treaty was a victory for Brandt, then it was even more so for Gomułka; it was his crowning achievement, attained less than two weeks before his fall from power on December 20, 1970" (Selvage, 2003: 75). On 14 November, 1990 German and Poland signed The German-Polish Border Treaty finalizing the Oder–Neisse line as the Polish-German border. In conclusion, Władyslaw Gomułka had a pivotal role in building a communist-led resistance in occupied Poland during World War II, he played in post-war Polish politics and the "de-Stalinization" process and an undeniable achievement of he's politics was the negotiation of a treaty with West Germany. These arguments support that Władyslaw Gomułka was a key player within Polish politics for over two decades and one of the most influential of the East European Communist Party leaders. As a symbol, Gomulka offered something to everyone, explained Zbigniev Brzezinski. "He was a former victim of Stalinism and its recognized opponent…. To the anti-Communists, he was the leader of a movement

toward independence, to the revisionists, toward a democratic socialism. To the concerned Communists, he was the savoir of the crumbling Communist rule" (Brzezinski, 1961: 334).

Gierek replaced Władysław Gomułka as first secretary of the ruling Polish United Workers' Party (PZPR) in the Polish People's Republic in 1970.

Władysław Gomułka died on September 2, 1982. The official Polish press agency P.A.P. announced: "He was an outstanding patriot and internationalist'".

Władysław Gomułka will remain one of the most interesting personality of the 20th century Poland. Gomułka's negative image in communist propaganda after his removal in 1970 was gradually modified and some of his constructive contributions were recognized. The early years of Gomułka leadership seem to be the most liberal regime known in Poland. He is committed to introducing a significant number of reforms in Poland in various fields: agriculture, industry. The communist system of Poland led by Gomulka was subject to a regime of liberalization. Only a tenth of the agricultural land was subject to the collectivization process, while foreign trade with capitalist countries in Western Europe was in full swing.

He tried to improve the relationship with the Church and pursued a pragmatic cultural policy. Unfortunately, the last years of Gomułka's leadership were unquestionably the years of his policy failure. He becomes more conservative, fearing that the changes will lead to political destabilization of the system. He is seen as an honest and austere believer in the socialist system, unable to resolve Poland's formidable difficulties and meet mutually contradictory demands grew more rigid and despotic later in his career.

Communist propaganda in the 1970s seriously attacked Władysław Gomułka. He has entered a shadow over a long period of time. After 1990 the subject Gomułka raised the interest of public opinion as well as of specialists in history and political scene. As far as foreign policy, Władysław Gomułka will succeed in creating his own partnership model with the Soviet Union and will secure Poland's international recognition in Western European countries.

References:

Brzezinski, Z. K. (1961). *The soviet bloc. Unity and conflict.* Harvard University Press.

Bromke, A. (1971). Beyond the Gomulka era. *Foreign Affairs,* 49 (3). Retrieved from: https://www.foreignaffairs.com/articles/poland/1971-04-01/beyond-gomulka-era.

Central Intelligence Agency. (1956). Soviet Staff Study. Gomulka and Polish Communism, 50X1 – HUM, 28 February, Declassified in Part – Sanitized Copy Approved for Release 2013/04/25: CIA – RDP81 – 01043 R001900120003 - 1, from:https://www.cia.gov/library/readingroom/docs/CIA-RDP81-01043R001900120003-1.pdf.

Central Intelligence Agency. (1999). Intelligence Memorandum. Gomulka and the Polish Economy, CIA/RR IM – 439, approved for Release 1999.09/21, from:https://www.cia.gov/library/readingroom/docs/CIA-RDP79T00935A000400160002-2.pdf.

Davies, N. (2005). *God's playground. A history of Poland. 1795 to the present.* New York: Oxford University Press.

Eberhardt, P. (2015). The Oder-Neisse Line as Poland's Western Border: As Postulated and Made a Reality. *Geographia Polonica,* 88 (1), 77-105, from: http://rcin.org.pl/igipz/Content/53298/WA51_72321_r2015-t88-no1_G-Polonica-

Eberhardt.pdf.

Gluchowski, L. (1995). Poland 1956: Khrushchev, Gomulka, and the "Polish October". *Cold War International History project Bulletin,* Issue 5, Washington D.C.: Woodrow Wilson International Center for Scholars. Retrieved from: https://www.academia.edu/27247761/Poland_1956_Khrushchev_Gomulka_and_the_Polish_October.

Judt, T. (2005). *Postwar: A history of Europe since 1945*. New York: The Penguin Press.

Khrushchev, S. (editor) (2007). *Memoirs of Nikita Khrushchev. Statesman 1953-1964.* Pennsylvania: The Pennsylvania State University.

Lukowski, J. & Zawadzki, H. (2006). *A concise history of Poland*, Cambridge: University Press.

Prazmowska, A. (2015). *Wladyslaw Gomulka: A biography*, IB Tauris&Co.Ltd.

Selvage, D. (2003). The Treaty of Warsaw: The Warsaw Pact Context. *German Historical Institute Bulletin,* Supplement 1, from:https://www.ghi-dc.org/fileadmin/user_upload/GHI_Washington/Publications/Supplements/Supplement_1/supp-01_067.pdf.

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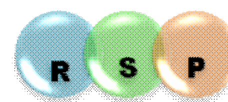

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More than three decades after, an event is both history and present. The annual conference organized by CEPOS involves both the perspectives of the researches in the field of Communism and Post-Communism: research experiences and scientific knowledge.

Like a "pointing puzzle", 30 years after the fall of communism, the conference panels explore with emotional detachment, but with a peculiar professional involvement creating and exploiting the inter-disciplinary developments of the East-West relations before and after the crucial year 1989 in the fields of political sciences, history, economics and law.

The conference will be hosted by the University House and during two intense and exciting days, participants all over the world (professors, professionals, doctoral and post-doctoral researchers and students) are invited to raise the issue of the study of recent history of the former communist space in connection with the Western world. We are confident that all of us will focus during these two days on what is important to move the research in the field forward.

We dear to state that we even bear the moral obligation to do that.

Best regards,

The Board of Directors of CEPOS 2020 Conferences and Events Series

PROPOSED PANELS for CEPOS CONFERENCE 2020

Center of Post-Communist Political Studies (CEPOS) proposes the following panels:

- Political culture, civil society and citizen participation

-History, politics and ideologies in modern and contemporary Europe;

-Communism, transition, democracy;

-Post-communism and colective memory;

-Social changes, political history and collective memory

-Politics, ideologies and social action in transition;

-Revolution and political history;

-Political culture and citizen participation

-Law, legal studies and justice reform;

-Law, transitional justice, democratization;

-Constitution(s), legality & political reforms;

-Political parties, electoral systems and electoral campaigns;

-Security and diplomacy in national and Euro-Atlantic environment;

-Security, social movements and citizenship;

-Rights, identities, policies & participation;

-Education, media & social communication;

-Education, social inclusion and regional policies;

-Administrative history and governance within South-Eastern Europe during transition;

-Political leadership, democratization and regional security;

-Comparative policies, sustainable growth and urban planning;

-Knowledge transfer and competitiveness in regional economies;

-Global environment and cultural heritage;

-Integration, identity, and human rights in European systems;

-Religion, cultural history and education;

-Media, online communication and politics;

-Discourse, language and social encounters;

-Bioethics and transition challenges.

ABSTRACT SUBMITTING (SEE CEPOS CONFERENCE 2020 REGISTRATION FORM-on http://cepos.eu/)

The proposals must be sent in English and must contain the title of the paper, the abstract (no more than 300 words) and a short presentation of the author(s) (statute,

institutional affiliation, short list of relevant scientific contributions).

DEAD-LINE FOR SUBMITTING A PROPOSAL: 15 MARCH 2020

Proposals must be submitted until 15 MARCH 2020 at the following address: cepos2013@gmail.com

CONFERENCE VENUE

Casa Universitarilor/University House (57 Unirii Street, Craiova, Romania). You can view the Conference location and a map at the following address: http://www.casa-universitarilor.ro/

- More information about the Conference venue can be found at the following address: http://www.ucv.ro/campus/puncte_de_atractie/casa_universitarilor/prezentare.php'
- More photos of the conference room can be viewed at http://www.ucv.ro/campus/puncte_de_atractie/casa_universitarilor/galerie_foto.php

CEPOS CONFERENCE PAST EDITIONS

More information, photos and other details about the previous editions of the Conference and CEPOS Workshops, Internships, and other official events organized in 2012-2019 are available on:

- CEPOS official website sections

CEPOS Previous Events

Photo gallery CEPOS Events

- CEPOS FACEBOOK ACCOUNT:
https://www.facebook.com/pages/Center-of-Post-Communist-Political-Studies-CEPOS/485957361454074

TRANSPORT

The 10th International Conference "After communism. East and West under Scrutiny" (2020) will be held in Craiova, a city located in the South-Western part of Romania, at about 250 km from Bucharest, the national capital.
The airport of Craiova (http://en.aeroportcraiova.ro/) has flights to Timisoara, Dusseldorf, Munchen, Ancone, Rome, Venezia, London, Bergamo etc.
Other airports, such as Bucharest (Romania) (http://www.aeroportul-otopeni.info/) is located at distances less than 240 km from Craiova and accommodate international flights.
Train schedule to Craiova can be consulted at InterRegio CFR (http://www.infofer.ro/) and SOFTRANS (http://softrans.ro/mersul-trenurilor.html).

CEPOS CONFERENCE 2020 FEES AND REGISTRATION DESK

The Conference Registration Desk will be opened from Friday, 27th of March 2020 (from 08.00 a.m. to 18.00 p.m.) until Saturday 28th of March 2020 (from 08.00 a.m. until 14.00 p.m.), for registration and delivery of conference bag with documents to participants. The Conference Registration Desk is located in the lobby of the University House Club, 1st Floor.

REGISTRATION FEES

70 euros / first paper and 20 euros/ second paper (same author(s)) can be paid directly via bank transfer on CEPOS Bank account as follows:
Details for online payment
Banca Romana pentru Dezvoltare (BRD)
Owner: ASOCIATIA CENTRUL DE STUDII POLITICE POSTCOMUNISTE
Reference to be mentioned: CV taxa participare si publicare CEPOS
Account Number: RO64BRDE170SV96030911700 (RON)

MEALS AND OTHER ORGANIZING DETAILS

The registration fee covers:
* Conference attendance to all common sessions, individual and special panels
* Conference materials (including a printed version of the Book of Abstracts of the Conference)
* Conference special bag - 1 for every single fee paid, no matter the number of authors/paper
* Coffee Breaks-March 27, 2020 – March 28, 2020. During the two days conference, 3 coffee breaks are offered.
* Welcoming reception (March 27, 2020)
* Lunch (March 27, 2020) offered in the University House Gala Room
* A Festive Gala Dinner and Cocktail (March 27, 2020) offered in the University House Gala Room
* A Free Cocktail Buffet will be served from 19:00 p.m. to 21.00 p.m.
* Lunch (March 28, 2020)
* Certificate of attendance (offered at the end of the conference March 28, 2020)
* Publication of the Conference Papers in the International Indexed Journal Revista de Stiinte Politice. Revue des Sciences Politiques (previous publication of the 2012-2019 Conference papers is available at http://cis01.central.ucv.ro/revistadestiintepolitice/acces.php
* One original volume of the International Indexed Journal Revista de Stiinte Politice. Revue des Sciences Politiques (where the personal conference paper was published) will be delivered to the authors (an additional fee of 10 euros is required for the mailing facilities)
* Computer & Internet Facilities. There is available videoprojector and connection to Internet services.
* Language. The official language of the Conference will be English. The Organizing Committee does not provide simultaneous translation.

NEW! FREE SOCIAL AND CULTURAL PROGRAMME OF THE CEPOS CONFERENCE 2020

* Participants in CEPOS CONFERENCE 2020 have free acces to the Social and Cultural Program of the Tenth Edition of the International Conference After Communism. East and West under Scrutiny, Craiova, 27-28 March 2020: including free guided tours of the:
Craiova Old City Tour and CEPOS Headquarters
Museum of Arts Craiova, http://www.muzeuldeartacraiova.ro/
Oltenia Museum (all sections included):
http://www.muzeulolteniei.ro/index.php?view=content&c=26

Casa Baniei http://www.muzeulolteniei.ro/index.php?view=content&c=26

CERTIFICATES OF ATTENDANCE

Certificates of attendance will be offered at the end of the conference on Saturday, March 28, 2020

INTERNATIONAL INDEXING OF REVISTA DE STIINTE POLITICE. REVUE DES SCIENCES POLITIQUES

Revista de Stiinte Politice. Revue des Sciences Politiques is an International Indexed Journal by:
ERIH PLUS
ProQuest Political Sciences
EBSCO
CEEOL
KVK
Gale Cengage Learning
Index Copernicus
Georgetown University Library
Elektronische Zeitschriftenbibliothek EZB
Journal Seek

Latest international indexing updates 2019 (April 2019) of the *Revista de Științe Politice. Revue des Sciences Politiques* (selective list)

Stanford University Libraries, Stanford, United States
https://searchworks.stanford.edu/?q=469823489

Cornell University Library, Ithaca, United States
https://newcatalog.library.cornell.edu/catalog?search_field=publisher+number%2Fother+identifier&q=469823489

University of Michigan Library,
https://search.lib.umich.edu/catalog?&library=All+libraries&query=isn%3A469823489

Pepperdine Libraries, Malibu, United States
https://pepperdine.worldcat.org/search?qt=wc_org_pepperdine&q=no:469823489

University of Victoria Libraries , Victoria, Canada
http://uvic.summon.serialssolutions.com/#!/search?ho=t&fvf=ContentType,Journal%20Article,f&l=en&q=1584-224X

Academic Journals database
http://journaldatabase.info/journal/issn1584-224X

University of Zurich Database
https://www.jdb.uzh.ch/id/eprint/21535/

California Institute of Techonology - Caltech Library
https://www.library.caltech.edu/eds/detail?db=poh&an=98646324&isbn=1584224X

Staatsbibliothek zu Berlin
http://kvk.bibliothek.kit.edu/view-title/index.php?katalog=STABI_BERLIN&url=http%3A%2F%2Fstabikat.de%2FDB%3D1%2FCHARSET%3DISO-8859-1%2FIMPLAND%3DY%2FLNG%3DDU%2FSRT%3DYOP%2FTTL%3D1%2FSID%3D8dda05f3-1%2FSET%3D1%2FSHW%3FFRST%3D1&signature=eBtSKEx2BuW-HASpUsCT39FB3vQpIm6cGAajCH-kz44&showCoverImg=1

Union Catalogue of Belgian Libraries
http://kvk.bibliothek.kit.edu/view-title/index.php?katalog=VERBUND_BELGIEN&url=http%3A%2F%2Fwww.unicat.be%2FuniCat%3Ffunc%3Dsearch%26query%3Dsysid%3A7330250&signature=Dxe-cVFWjMO1W4HpEAWW_ERyKR4oiGWXLGFinWk8fNU&showCoverImg=1

The National Library of Israel
http://merhav.nli.org.il/primo-explore/fulldisplay?vid=ULI&docid=NNL-Journals003477656&context=L&lang=en_US

Verbundkatalog GBV
http://kvk.bibliothek.kit.edu/view-title/index.php?katalog=GBV&url=http%3A%2F%2Fgso.gbv.de%2FDB%3D2.1%2FCHARSET%3DUTF-8%2FIMPLAND%3DY%2FLNG%3DDU%2FSRT%3DYOP%2FTTL%3D1%2FCOOKIE%3DD2.1%2CE900d94f2-d%2CI0%2CB9000%2B%2B%2B%2B%2B%2B%2CSY%2CA%2CH6-11%2C%2C16-17%2C%2C21%2C%2C30%2C%2C50%2C%2C60-61%2C%2C73-75%2C%2C77%2C%2C88-90%2CNKVK%2BWEBZUGANG%2CR129.13.130.211%2CFN%2FSET%3D1%2FPPNSET%3FPPN%3D590280090&signature=OmwA_NLtwvdaOmmyeo7SUOCEYuDRGtoZqGXIK-vTY1o&showCoverImg=1

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https://copac.jisc.ac.uk/search?&isn=1584-224x

ACPN Catalogo Italiano dei Periodici, Universita di Bologna
https://acnpsearch.unibo.it/journal/2601620

Bibliothèque Nationale de Luxembourg
https://a-z.lu/primo-explore/fulldisplay?vid=BIBNET&docid=SFX_LOCAL1000000000726583&context=L

National Library of Sweden
http://libris.kb.se/bib/11702473

Harold B. Lee Library, Brigham Young University
http://sfx.lib.byu.edu/sfxlcl3?url_ver=Z39.88-2004&url_ctx_fmt=info:ofi/fmt:kev:mtx:ctx&ctx_enc=info:ofi/enc:UTF-8&ctx_ver=Z39.88-2004&rfr_id=info:sid/sfxit.com:azlist&sfx.ignore_date_threshold=1&rft.object_id=1000000000726583&rft.object_portfolio_id=&svc.holdings=yes&svc.fulltext=yes

Catalogue of Hamburg Libraries
https://beluga.sub.uni-hamburg.de/vufind/Search/Results?submit=Suchen&library=GBV_ILN_22&lookfor=1584-224x

Edith Cowan Australia
https://ecu.on.worldcat.org/search?databaseList=&queryString=1584-224X

University College Cork, Ireland
https://ucc.summon.serialssolutions.com/?q=1584-224X#!/search?ho=t&jt=Revista%20de%20Stiinte%20Politice&l=en-UK&q=

York University Library, Toronto, Ontario, Canada
https://www.library.yorku.ca/find/Record/muler82857

The University of Chicago, USA
https://catalog.lib.uchicago.edu/vufind/Record/sfx_1000000000726583

The University of Kansas KUMC Libraries Catalogue
http://voyagercatalog.kumc.edu/Search/Results?lookfor=1584-224X&type=AllFields

Journal Seek
http://journalseek.net/cgi-bin/journalseek/journalsearch.cgi?field=issn&query=1584-224X

State Library New South Wales, Sidney, Australia,
http://library.sl.nsw.gov.au/search~S1/?searchtype=i&searcharg=1584-224X&searchscope=1&SORT=D&extended=0&SUBMIT=Search&searchlimits=&searchorigarg=i1583-9583

Electronic Journal Library
https://opac.giga-hamburg.de/ezb/detail.phtml?bibid=GIGA&colors=7&lang=en&flavour=classic&jour_id=111736

Open University Malaysia
http://library.oum.edu.my/oumlib/content/catalog/778733

Wayne State University Libraries
http://elibrary.wayne.edu/record=4203588

Kun Shan University Library
http://muse.lib.ksu.edu.tw:8080/1cate/?rft_val_fmt=publisher&pubid=ucvpress

Western Theological Seminar
https://col-
westernsem.primo.exlibrisgroup.com/discovery/fulldisplay?docid=alma991001225541104770&context=L&vid=01COL_WTS:WTS&lang=en&search_scope=MyInst_and_CI&adaptor=Local%20Search%20Engine&tab=Everything&query=any,contains,1584-224X&facet=rtype,include,journals&mode=Basic&offset=0

Swansea University Prifysgol Abertawe
http://whel-
primo.hosted.exlibrisgroup.com/primo_library/libweb/action/search.do?vid=44WHELF_SWA_VU1&reset_config=true#.VSU9SPmsVSk

Vanderbilt Library
https://catalog.library.vanderbilt.edu/discovery/fulldisplay?docid=alma991043322926803276&context=L&vid=01VAN_INST:vanui&lang=en&search_scope=MyInst_and_CI&adaptor=Local%20Search%20Engine&tab=Everything&query=any,contains,1584-224X&offset=0

Wissenschftszentrum Berlin fur Sozial
https://www.wzb.eu/en/literature-data/search-find/e-
journals?page=searchres.phtml&bibid=WZB&lang=en&jq_type1=IS&jq_term1=1584-224X&jq_bool2=AND&jq_type2=KS&jq_term2=&jq_bool3=AND&jq_type3=PU&jq_term3=&offset=-
1&hits_per_page=50&Notations%5B%5D=all&selected_colors%5B%5D=1&selected_colors%5B%5D=2

Radboud University Nijmegen
https://zaandam.hosting.ru.nl/oamarket-
acc/score?OpenAccess=&InstitutionalDiscounts=&Title=&Issn=1584-224&Publisher=

Elektronische Zeitschriftenbibliothek EZB (Electronic Journals Library)
http://rzblx1.uni-
regensburg.de/ezeit/detail.phtml?bibid=AAAAA&colors=7&lang=de&jour_id=111736

The University of Hong Kong Libraries
https://julac.hosted.exlibrisgroup.com/primo-explore/search?query=any,contains,1584-224x&search_scope=My%20Institution&vid=HKU&facet=rtype,include,journals&mode=Basic&offset=0

Metropolitan University Prague, Czech Republic
https://s-
knihovna.mup.cz/katalog/eng/l.dll?h~=&DD=1&H1=&V1=o&P1=2&H2=&V2=o&P2=3&H3=&V3=z&P3=4&H4=1584-224x&V4=o&P4=33&H5=&V5=z&P5=25

University of the West Library
https://uwest.on.worldcat.org/search?queryString=1584-224x&clusterResults=off&stickyFacetsChecked=on#/oclc/875039367

Elektron ische Zeitschriften der Universität zu Köln
https://www.ub.uni-koeln.de/IPS?SERVICE=METASEARCH&SUBSERVICE=INITSEARCH&VIEW=USB:Simple&LOCATION=USB&SID=IPS3:2d1c5acebc65a3cdc057a9d6c64ce76e&SETCOOKIE=TRUE&COUNT=15&GWTIMEOUT=30&HIGHLIGHTING=on&HISTORY=SESSION&START=1&STREAMING=on&URLENCODING=TRUE&QUERY_alAL=1584-224x&SERVICEGROUP1.SERVICE.SEARCH_EDS=on&SERVICEGROUP1.SERVICE.SEARCH_KUGJSON=on&SERVICEGROUP1.SERVICE.SEARCH_KUGUSBWEB=on&SERVICEGROUP1.SERVICEGROUP.USB:Default=on

EKP Pulications
https://ekp-invenio.physik.uni-karlsruhe.de/search?ln=en&sc=1&p=1584-224X&f=&action_search=Search&c=Experiments&c=Authorities

Valley City State University
https://odin-primo.hosted.exlibrisgroup.com/primo-explore/search?query=any,contains,1584-224X&tab=tab1&search_scope=ndv_everything&sortby=rank&vid=ndv&lang=en_US&mode=advanced&offset=0displayMode%3Dfull&displayField=all&pcAvailabiltyMode=true

Impact Factor Poland
http://impactfactor.pl/czasopisma/21722-revista-de-stiinte-politice-revue-des-sciences-politiques

Universite Laval
http://sfx.bibl.ulaval.ca:9003/sfx_local?url_ver=Z39.88-2004&url_ctx_fmt=info:ofi/fmt:kev:mtx:ctx&ctx_enc=info:ofi/enc:UTF-8&ctx_ver=Z39.88-2004&rfr_id=info:sid/sfxit.com:azlist&sfx.ignore_date_threshold=1&rft.object_id=1000000000726583&rft.object_portfolio_id=&svc.fulltext=yes

Universität Passau
https://infoguide.ub.uni-passau.de/InfoGuideClient.upasis/start.do?Query=10%3d%22BV035261002%22

BSB Bayerische StaatBibliothek
https://opacplus.bsb-muenchen.de/metaopac/search?View=default&oclcno=502495838

Deutsches Museum
https://opac.deutsches-museum.de/TouchPoint/start.do?Query=1035%3d%22BV035261002%22IN%5b2%5d&View=dmm&Language=de

Technische Hochschule Ingolstadt
https://opac.ku.de/TouchPoint/start.do?Branch=3&Language=de&View=thi&Query=35=%22502495838%22+IN+[2]

Hochschule Augsburg, Bibliothek
https://infoguide.hs-augsburg.de/InfoGuideClient.fhasis/start.do?Query=10%3d%22BV035261002%22

Hochschule Weihenstephan-Triesdorf, Zentralbibliothek
Freising, Germany
https://ffwtp20.bib-bvb.de/TouchPoint/start.do?Query=1035%3d%22BV035261002%22IN%5b2%5d&View=ffw&Language=de

OTH- Ostbayerische Technische Hochschule Regensburg, Hochschulbibliothek OTHBR, Regensburg, Germany
https://www.regensburger-katalog.de/TouchPoint/start.do?Query=1035%3d%22BV035261002%22IN%5b2%5d&View=ubr&Language=de

Staatliche Bibliothek Neuburg/Donau , SBND,
Neuburg/Donau, Germany
https://opac.sbnd.de/InfoGuideClient.sndsis/start.do?Query=10%3d%22BV035261002%22

Universitätsbibliothek Eichstätt-Ingolstadt, Eichstätt, Germany
https://opac.ku.de/TouchPoint/start.do?Branch=0&Language=de&View=uei&Query=35=%22502495838%22+IN+[2]

Bibliothek der Humboldt-Universität Berlin, Universitätsbibliothek der Humboldt-Universität zu Berlin
Berlin, Germany
https://hu-berlin.hosted.exlibrisgroup.com/primo-explore/search?institution=HUB_UB&vid=hub_ub&search_scope=default_scope&tab=default_tab&query=issn,exact,1584-224X

Hochschulbibliothek Ansbach, Ansbach, Germany
https://fanoz3.bib-bvb.de/InfoGuideClient.fansis/start.do?Query=10%3d%22BV035261002%22

Bibliothek der Europa-Universität Viadrina, Frankfurt (Oder)
Frankfurt/Oder, Germany
https://opac.europa-uni.de/InfoGuideClient.euvsis/start.do?Query=10%3d%22BV035261002%22

University of California Library Catalog
https://catalog.library.ucla.edu/vwebv/search?searchCode1=GKEY&searchType=2&searchArg1=ucoclc469823489

For more details about the past issues and international abstracting and indexing, please visit the journal website at the following address:

http://cis01.central.ucv.ro/revistadestiintepolitice/acces.php.

CONFERENCE INTERNATIONAL INDEXING OF THE PAST EDITIONS (2014-2019)

CEPOS Conference 2019

The Ninth International Conference After Communism. East and West under Scrutiny (Craiova, House of the University, 29-30 March 2019) was evaluated and accepted for indexing in 6 international databases, catalogues and NGO's databases:

Oxford Academic Journal of Church & State https://academic.oup.com/jcs/article-abstract/60/4/784/5106417?redirectedFrom=PDF
10 Times
https://10times.com/after-communism-east-and-west-under-scrutiny
Conference Alerts
https://conferencealerts.com/show-event?id=205682
Researchgate
https://www.researchgate.net/publication/327905733_CEPOS_9TH_INTERNATIONAL_CONFERENCE_AFTER_COMMUNISM_EAST_AND_WEST_UNDER_SCRUTINY_2019?_iepl%5BviewId%5D=sjcOJrVCO8PTLapcfVciZQsb&_iepl%5Bcontexts%5D%5B0%5D=publicationCreationEOT&_iepl%5BtargetEntityId%5D=PB%3A327905733&_iepl%5BinteractionType%5D=publicationCTA
The Free Library
https://www.thefreelibrary.com/9th+INTERNATIONAL+CONFERENCE+AFTER+COMMUNISM.+EAST+AND+WEST+UNDER...-a0542803701
Science Dz.net
https://www.sciencedz.net/conference/42812-9th-international-conference-after-communism-east-and-west-under-scrutiny

CEPOS Conference 2018

The Eighth International Conference After Communism. East and West under Scrutiny (Craiova, House of the University, 23-24 March 2018) was evaluated and accepted for indexing in 15 international databases, catalogues and NGO's databases:

Conference Alerts, https://conferencealerts.com/show-event?id=186626
Sciencesdz, http://www.sciencedz.net/conference/29484-8th-international-conference-after-communism-east-and-west-under-scrutiny
ManuscriptLink,
https://manuscriptlink.com/cfp/detail?cfpId=AYAXKVAR46277063&type=event

Maspolitiques,http://www.maspolitiques.com/ar/index.php/en/1154-8th-international-conference-after-communism-east-and-west-under-scrutiny
Aconf, https://www.aconf.org/conf_112399.html
Call4paper,https://call4paper.com/listByCity?type=event&city=3025&count=count
Eventegg, https://eventegg.com/cepos/
10 times, https://10times.com/after-communism-east-and-west-under-scrutiny
Biblioteca de Sociologie, http://bibliotecadesociologie.ro/cfp-cepos-after-communism-east-and-west-under-scrutiny-craiova-2018/
Science Research Association http://www.scirea.org/topiclisting?conferenceTopicId=5
ResearcherBook http://researcherbook.com/country/Romania
Conference Search Net, http://conferencesearch.net/en/29484-8th-international-conference-after-communism-east-and-west-under-scrutiny
SchoolandCollegeListings, https://www.schoolandcollegelistings.com/RO/Craiova/485957361454074/Center-of-Post-Communist-Political-Studies-CEPOS
Vepub conference, http://www.vepub.com/conferences-view/8th-International-Conference-After-Communism.-East-and-West-under-Scrutiny/bC9aUE5rcHN0ZmpkYU9nTHJzUkRmdz09/
Geopolitika Hungary, http://www.geopolitika.hu/event/8th-international-conference-after-communism-east-and-west-under-scrutiny/

CEPOS Conference 2017

The Seventh International Conference After Communism. East and West under Scrutiny (Craiova, House of the University, 24-25March 2017) was evaluated and accepted for indexing in 10 international databases, catalogues and NGO's databases:
Ethic & International Affairs (Carnegie Council), Cambridge University Press-https://www.ethicsandinternationalaffairs.org/2016/upcoming-conferences-interest-2016-2017/

ELSEVIER GLOBAL EVENTS LIST http://www.globaleventslist.elsevier.com/events/2017/03/7th-international-conference-after-communism-east-and-west-under-scrutiny
CONFERENCE ALERTS-http://www.conferencealerts.com/show-event?id=171792
10TIMES.COM-http://10times.com/after-communism-east-and-west-under-scrutiny
Hiway Conference Discovery System-http://www.hicds.cn/meeting/detail/45826124
Geopolitika (Hungary)-http://www.geopolitika.hu/event/7th-international-conference-after-communism-east-and-west-under-scrutiny/
Academic.net-http://www.academic.net/show-24-4103-1.html
World University Directory-http://www.worlduniversitydirectory.com/conferencedetail.php?AgentID=2001769
Science Research Association-http://www.scirea.org/conferenceinfo?conferenceId=35290
Science Social Community-https://www.science-community.org/ru/node/174892

CEPOS Conference 2016

The Sixth International Conference After Communism. East and West under Scrutiny (Craiova, House of the University, 8-9 April 2016) was evaluated and accepted for indexing in the following international databases, catalogues and NGO's databases:

ELSEVIER GLOBAL EVENTS-http://www.globaleventslist.elsevier.com/events/2016/04/6th-international-conference-after-communism-east-and-west-under-scrutiny/
Oxford Journals – Oxford Journal of Church & State-http://jcs.oxfordjournals.org/content/early/2016/02/06/jcs.csv121.extract
Conference Alerts-http://www.conferencealerts.com/country-listing?country=Romania
Conferences-In - http://conferences-in.com/conference/romania/2016/economics/6th-international-conference-after-communism-east-and-west-under-scrutiny/
Socmag.net - http://www.socmag.net/?p=1562
African Journal of Political Sciences-http://www.maspolitiques.com/mas/index.php?option=com_content&view=article&id=450:-securiteee-&catid=2:2010-12-09-22-47-00&Itemid=4#.VjUI5PnhCUk
Researchgate-https://www.researchgate.net/publication/283151988_Call_for_Papers_6TH_International_Conference_After_Communism._East_and_West_under_Scrutiny_8-9_April_2016_Craiova_Romania
World Conference Alerts-http://www.worldconferencealerts.com/ConferenceDetail.php?EVENT=WLD1442
Edu events-http://eduevents.eu/listings/6th-international-conference-after-communism-east-and-west-under-scrutiny/
Esocsci.org-http://www.esocsci.org.nz/events/list/
Sciencedz.net-http://www.sciencedz.net/index.php?topic=events&page=53
Science-community.org-http://www.science-community.org/ru/node/164404/?did=070216

CEPOS Conference 2015

The Fifth International Conference After Communism. East and West under Scrutiny (Craiova, House of the University, 24-25 April 2015) was evaluated and accepted for indexing in 15 international databases, catalogues and NGO's databases:

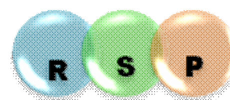
THE ATLANTIC COUNCIL OF CANADA, CANADA-http://natocouncil.ca/events/international-conferences/
ELSEVIER GLOBAL EVENTS LIST-http://www.globaleventslist.elsevier.com/events/2015/04/fifth-international-conf
GCONFERENCE.NET-http://www.gconference.net/eng/conference_view.html?no=47485&catalog=1&cata=018&co_kind=&co_type=&pageno=1&conf_cata=01
CONFERENCE BIOXBIO-http://conference.bioxbio.com/location/romania
10 TIMES-http://10times.com/romania

CONFERENCE ALERTS-http://www.conferencealerts.com/country-listing?country=Romania
http://www.iem.ro/orizont2020/wp-content/uploads/2014/12/lista-3-conferinte-internationale.pdf
http://sdil.ac.ir/index.aspx?pid=99&articleid=62893
NATIONAL SYMPOSIUM-http://www.nationalsymposium.com/communism.php
SCIENCE DZ-http://www.sciencedz.net/conference/6443-fifth-international-conference-after-communism-east-and-west-under-scrutiny
ARCHIVE COM-http://archive-com.com/com/c/conferencealerts.com/2014-12-01_5014609_70/Rome_15th_International_Academic_Conference_The_IISES/
CONFERENCE WORLD-http://conferencesworld.com/higher-education/
KNOW A CONFERENCE KNOW A CONFERENCE-http://knowaconference.com/social-work/
International Journal on New Trends in Education and Their Implications (IJONTE) Turkey http://www.ijonte.org/?pnum=15&
Journal of Research in Education and Teaching Turkey-http://www.jret.org/?pnum=13&pt=Kongre+ve+Sempozyum
CEPOS CONFERENCE 2015 is part of a "consolidated list of all international and Canadian conferences taking place pertaining to international relations, politics, trade, energy and sustainable development". For more details see http://natocouncil.ca/events/international-conferences/

CEPOS Conference 2014

The Fourth International Conference After Communism. East and West under Scrutiny, Craiova, 4-5 April 2014 was very well received by the national media and successfully indexed in more than 9 international databases, catalogues and NGO's databases such as:

American Political Science Association, USA-http://www.apsanet.org/conferences.cfm;
Journal of Church and State, Oxford-http://jcs.oxfordjournals.org/content/early/2014/01/23/jcs.cst141.full.pdf+html;
NATO Council of Canada (section events/ international conferences), Canada, http://atlantic-council.ca/events/international-conferences/
International Society of Political Psychology, Columbus, USA-http://www.ispp.org/uploads/attachments/April_2014.pdf
Academic Biographical Sketch, http://academicprofile.org/SeminarConference.aspx;
Conference alerts, http://www.conferencealerts.com/show-event?id=121380; Gesis Sowiport, Koln, Germany, http://sowiport.gesis.org/; Osteuropa-Netzwerk, Universität Kassel, Germany, http://its-vm508.its.uni-kassel.de/mediawiki/index.php/After_communism_:_East_and_West_under_scrutiny_:_Fourth_International_Conference
Ilustre Colegio Nacional de Doctores y Licenciados en Ciencias Politicas y Sociologia, futuro Consejo Nacional de Colegios Profesionales, Madrid, http://colpolsocmadrid.org/agenda/.



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For books
Olimid, A. P. (2009a). *Viaţa politică şi spirituală în România modernă. Un model românesc al relaţiilor dintre Stat şi Biserică*, Craiova: Aius Publishing.
Olimid, A. P. (2009b). Politica românească după 1989, Craiova: Aius Publishing.
For chapters in edited books
Goodin, R. E. (2011). The State of the Discipline, the Discipline of the State. In Goodin, R. E. (editor), *The Oxford Handbook of Political Science*, Oxford: Oxford University Press, pp. 19-39.

For journal Articles
Georgescu, C. M. (2013a). Qualitative Analysis on the Institutionalisation of the Ethics and Integrity Standard within the Romanian Public Administration. *Revista de Ştiinţe Politice. Revue des Sciences Politiques*, 37, 320-326.

Georgescu, C. M. (2013b). Patterns of Local Self-Government and Governance: A Comparative Analysis Regarding the Democratic Organization of Thirteen Central and Eastern European Administrations (I). *Revista de Ştiinţe Politice. Revue des Ştiinţe Politice*, 39, 49-58.

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