STRATEGIC IMPACT

No. 2 [47]/2013

Authors are fully responsible for their articles' content, according to the provisions of Law no. 206/2004 regarding good conduct in scientific research, technological development and innovation.
Opinions expressed within published materials belong strictly to authors and do not represent the position of CDSSS/NDU.

CONTENTS

EDITOR'S NOTE

According to tradition, the second number of our publication is dedicated every year to the theme of the scientific seminar with international participation which the Centre for Defence and Security Strategic Studies (CDSSS) organizes in May. This year, the subject addressed was *The Impact of European Union Member States' Status and Roles upon European Security Evolution*.

This edition brings together, for the most part, the papers presented at the seminar by individuals with expertise in the aforementioned subject matter, practicing in the field of scientific research, military and civilian higher education, defence, foreign policy and fight against drugs. The scientific contribution of the two academics from Bulgaria was a benefit, since, in this way, there could be revealed the point of view of another Member State with the same length in time in the European Union as Romania. In the journal, you will find as well a number of conclusions from the presentations and debates at the activity.

For those who discover STRATEGIC IMPACT publication now, the journal is published by the Centre for Defence and Security Strategic Studies from "Carol I" National Defence University and is a *prestigious scientific journal in the field of military science, information and public order*, according to the National Council for the Recognition of University Degrees, Diplomas and Certificates (CNATDCU).

The journal is published in Romanian for twelve years and in English for eight years and addresses a complex topic area – political-military topicality; geopolitics and geostrategy; NATO and EU policies, strategies and actions; security and military strategy; analyses, synthesis, evaluations and points of view. Readers will also find in the pages of the publication the traditional column depicting the activities of the CDSSS for the second trimester of this year and a review of the book "WORLD 2013" Political and Military Encyclopedia (Strategic and Security Studies), coordinated by Lieutenant General Teodor Frunzeti, PhD professor and Vladimir Zodian, PhD.

Regarding international visibility – primary objective of the journal –, the recognition of the publication's scientific quality is confirmed by international indexing databases CEEOL (Central and Eastern European Online Library, Germany), EBSCO (USA), ProQuest (USA) and Index Copernicus International (Poland), but also by the presence in virtual catalogues of libraries in prestigious institutions abroad, such as NATO and universities with military profile in Bulgaria, Poland, Czech Republic, Hungary, Estonia and so on.

STRATEGIC IMPACT journal is issued quarterly in March, June, September and December, in two separate editions: one in Romanian and one in English. The journal is distributed free of charge in the main institutions involved in security and defence, scientific and academic environment in the country and abroad – in Europe, Asia, America.

Finally, I express my confidence that our readers will find extremely useful and relevant the articles included in this edition.

Colonel Stan ANTON, PhD
Editor in Chief
Director of Centre for Defence and Security Strategic Studies

ROMANIAN CONTRIBUTION TO CSDP. FROM THE LISBON TREATY TO THE EUROPEAN COUNCIL OF DECEMBER 2013

Bogdan Lucian AURESCU, PhD*

The process of creating a European common policy in the field of security and defence is an enduring one, and the devolution of responsibilities and decisions in this domain has been accomplished progressively, by a policy of small steps. The adoption of the Lisbon Treaty represents a turning point for the development of an EU Common Security and Defence Policy, both at the level of principles, as well as the instruments. Romania took an active part in the debate concerning the reform of EU's institutions and policies, even during the candidature years. As a EU member state, our country confirmed its capacity to move from vision to action, by contributing with significant personnel to the EU's missions deployed in the vicinity and beyond. In preparation for the December 2013 European Council, dedicated to the Common Security and Defence Policy, Romania put forward a series of concrete proposals to revise the European Security Strategy.

Key-words: ESDP; CSDP; security strategy; EU missions; Supreme Council of National Defence (CSAT).

1. The evolution of the European integration process regarding security and defence

The creation of a European Common Policy in the realm of security and defence was and still is a difficult process. It was driven by obvious requirements of coordination and synchronisation, yet it was also met with objective difficulties, resulting from the *sui generis* nature of the European project, which combines the supra-national with the intergovernmental characteristics.

The defence policy remains one of the central attributes of the national state and a symbol of its independence and sovereignty. The devolution of responsibilities and decisions in this field is a slow process, progressively accomplished within the European Union through a small steps policy.

The initiative of creating a European-wide defence policy came as an obvious necessity after World War II, when the former opposing sides reached the conclusion that the history of conflicts of the first 20th century must not repeat, and that the future must be fostered on institutional bases

* Bogdan Lucian AURESCU, PhD. is Senior Lecturer (International Law) at the Faculty of Law – University of Bucharest, Secretary of State in the Ministry of Foreign Affairs. E-mail: bogdan.aurescu@mae.ro

meant to guarantee that the tragic experiences should not recur.

In the 1950's, alongside the adoption of the *Treaty of Paris* (*the European Community of Coal and Steel*, 1951) and the *Treaty of Rome* (*European Economic Community*, 1957) there was a first attempt to create a European defence community, the so-called Pléven Plan. It failed as the document was not ratified by France's National Assembly. Nevertheless, the project was not abandoned entirely, as it led to the amendment of the *Treaty of Brussels* (1948) and the consequent creation of the *Western European Union* (1954).

The initiatives towards harmonisation of member states' policies continued, finally reaching shape as European Political Cooperation (the Davignon Report, 1970), which was employed as the basis for the creation of the European Security and Defence Policy (ESDP), a defining element of the *Treaty of Maastricht* (1992).

The bitter experience of the conflicts that surrounded the disintegration of Yugoslavia accelerated the process of devising common security and defence structures at the European level. Furthermore, and with a deeper significance, the Balkan conflicts and the public perception regarding the inability of the member states to coordinate and forestall the violence in their vicinity created the conditions to appreciate the importance of the common security and defence policy for the security of each member state and of the European citizens in general.

The subsequent initiatives to correct the situation – the Franco-British Declaration of St. Malo (1998), the European Councils at Kőln (1999), Helsinki (1999) and Santa Maria da Feira (2000) and the adoption of the *European Security Strategy* (2003)[2] – culminated with the signing and the ratification of the *Lisbon Treaty* (2009)[3], when the pillar structure of the EU is abandoned and the European Security and Defence Policy (ESDP) transforms into the *Common* Security and Defence Policy (CSDP).

Therefore, the *Lisbon Treaty* represents a milestone separating the past – represented by different national policies searching for *ad hoc* for similarities and coordination, and the future – characterised by a common definition of the level of ambition and objectives, as well as early planning and comprehensive approach.

The *Lisbon Treaty* endows the Union with a re-

markable set of instruments for an efficient foreign action. In the first instance, it consolidates the role of the High Representative for Foreign Affairs and Security Policy (created by the *Treaty of Amsterdam*, 1993), who becomes vice-president of the European Commission, is assisted by a European External Action Service (EEAS), and coordinates the activity of EU's delegations in third countries.

Other innovations promoted by the *Lisbon Treaty* include the introduction of solidarity and mutual assistance clauses, the expansion of the range of CSDP missions and operations, and the creation of a new type of cooperation among member states – the Permanent Structured Cooperation (PESCO) – intended to offer to the members states that are willing and able to advance military cooperation the opportunity to associate in order to accelerate the process.

The history of the European integration process in the realm of security and defence reveals the image of an enduring process, at times taking large strides, but nevertheless inevitable, by which the member states became gradually aware by the necessity of deeper defence integration and the imperative to embrace the institutional framework meant to allow them to project security interests beyond the capacity of each individual one.

2. Romania's contribution to the European debate

Even as a candidate for accession, Romania took an active part to the debate concerning the reform of EU's institutions and policies by participating, as observer, to the drafting process of the *Treaty for the establishment of a Constitution for Europe*, commonly known as the Constitutional Treaty[4]. Although a failure, because of the Dutch and French rebuff, the 2004 attempt to offer a European Constitution partially materialised in the *Lisbon Treaty*, which assumed a large part of the ideas promoted in the Constitutional Treaty. In the field of CSDP, the most important initiatives were maintained, with only the interpretation and terminology aspects being eliminated.

If the *Lisbon Treaty* establishes the legal framework for EU's external action, the conceptual framework is defined by the European Security Strategy, drafted by a team coordinated by the High Representative (HR) for ESDP, Javier Solana, and adopted by the European Council from December

2003. The document highlights EU's strategic objectives, identifies the main risks and threats and establishes the political implications to combat them. The *European Security Strategy* was updated in 2008[5], by the Report on its implementation presented by HR Solana.

Romania expressed its constant support for the initiatives meant to implement the Strategy, especially when it comes to combating the main threats: terrorism, proliferation of weapons of mass destruction and regional conflicts. In Romania's perspective, consolidating security in EU's vicinity remains one of CSDP's priorities. Alongside it, a special attention is invested in: the creation of a ring of good governance around Europe, by promoting cooperation with the states from the Eastern and Southern neighbourhood; increasing EU's credibility in the Western Balkans; consolidating economic and political cooperation with neighbouring states through the use of commercial policy and cooperation for development programmes.

In preparation for the European Council from December 2013, dedicated to the Common Security and Defence Policy, a process has been initiated that would span along the entire year, seeking to identify the most adequate ways to increase the level of ambition concerning EU's foreign policy. In this context, starting with last, year Romania expressed its interest to contribute to the debate by submitting its own proposals to the European partners.

Starting from the premises that the ten years since the adoption of the Strategy brought about significant geopolitical changes both regionally and globally, which add to the institutional evolutions at the level of the Union – the expansion with 12 new members (13 if we also count Croatia's accession) – Romania promoted the need to update the strategic documents on which EU's international conduct is based.

Based on references, both temporal and conceptual, such as *NATO's New Strategic Concept* (2010)[6] and the new National Military Strategy of the US (2011)[7], on the one hand, and the *National Defence Strategy of Romania* (2010)[8], on the other hand, we have a series of proposal to update the *European Security Strategy*:

• The adoption, by the EU, of a set of measures in support of the member states' Governments in their *fight against cyber-crime*, in addition to NATO's operational capabilities. As a sign of awareness of the raising threat, the *Cybersecurity Strategy of the European Union* was recently published, a document drafted by the High Representative Catherine Ashton, in partnership with relevant services of the European Commission.

• The comprehensive approach of *energy security*, a subject that ceased to be entirely economic in nature and which acquired a political and a security dimension, given the wide implications of shortcuts in energy flows.

• The review and consolidation of *crisis management mechanisms* along with an increase in the level of ambition in setting the objectives. These evolutions will provide the member states with optimum channels to cluster political will.

• The vast majority of challenges and threats to EU security originate in the immediate vicinity. Assuring peace and stability in the region is a test for EU, and it should prove its efficiency in *consolidating security at its borders*. The Wider Black Sea Region requires constant attention from the EU, as it constitutes the gateway towards Europe for drugs and human trafficking, and has the potential to become a strategically relevant region for the access to energy resources.

• The promotion of a *balanced approach between the Southern and the Eastern neighbourhood dimensions* by supporting the reform and reconstruction processes in these regions. This, in turn, will decrease the migratory pressure, will promote democratic values and the rule of law, and will secure energy infrastructure.

Once it joined the EU, Romania took active part in both the conceptualisation of the Common Security and Defence Policy and its effectual implementation, bringing a substantial contribution to the EU-led missions and operations.

Romania's commitment to civilian missions reveals the importance and the scale they acquired in time, as a showcase of EU's ability to project its values and interests beyond its borders. The rule of law, human rights and good governance represent, along with a welfare society, objectives we have assumed as a member state and whose promotion we have pledged to contribute.

In order to increase its capacity to participate to these missions, Romania adopted, in June 2011, the *National Strategy for Civilian Capabilities*. It endeavours to increase coherence in foreign action, identify the regions of major interest for national

security (the Wider Black Sea Region, including the Southern Caucasus, western Balkans, Middle East and Afghanistan). The national objective of the Strategy is to develop efficient mechanisms of coordination for Romanian experts' participation to EU missions by consolidating the legal framework, introducing common procedures in the institutions that deploy experts to the missions, assuring efficient human resources management and accelerating financial and logistic procedures.

The Ministry of Foreign Affairs is charged with the coordination of Romania's participation to the CSDP missions, it issues an official consent regarding the participation to the missions, on an individual basis, and it hosts the regular meetings of the inter-institutional working group charged with the administration of routine procedures.

3. Romania's participation to the Common Security and Defence Policy

The visionary documents, plans for action and the declarations of intent remain useless as long as they are not followed by actions. Along the years, Romania revealed its ability to move from vision to action, from strategic outlook to involvement in the field, contributing with significant personnel to EU missions in its vicinity and beyond.

So far, our contribution to missions and operations materialised by the participation in theatres of operation in Europe, Africa and the Middle East: EUPM Bosnia and Herzegovina (civilian policing mission), EUFOR Althea (military mission in Bosnia and Herzegovina), EUJUST LEX Iraq (integrated mission in the field of rule of law), EULEX Kosovo (mission in the field of rule of law), EUPOL Afghanistan (civilian policing mission), EUMM Georgia (monitoring mission of the armistice concluded between Russia and Georgia), EUNAVFOR Atalanta (naval mission for combating piracy in the Gulf of Aden), EUPOL COPPS (policing mission in the Palestinian Territories) and EUBAM Rafah (border assistance mission in the Palestinian Territories), together with the participation to the EUBAM mission in the Republic of Moldova and Ukraine (border assistance mission), which is deployed under the supervision of the European Commission and is not a CSDP mission as such.

With respect to national contribution, the highest ranking among member states was in 2012, when Romania was the *first* contributor with personnel deployed in the field – 227 experts. With the full withdrawal of the national contingent from the mission EULEX Kosovo, which was terminated at the end of 2012, the Romanian participation to CSDP missions numbered, on 1 January 2013, 50 experts.

EU Police Mission in Afghanistan (EUPOL Afghanistan) was launched on 15 June 2007, with an initial mandate for three years, aiming to train Afghan police forces and support the reform process of the judiciary. To achieve its objectives, the mission offers mentoring and training in the following strategic domains: criminal investigation; developing intelligence police activities; command, control and communications; combating corruption; police-judiciary cooperation; human rights and female representation.

Romania is participating to EUPOL Afghanistan since its launch. Initially, based on a Supreme Council of National Defence (CSAT) Decision from July 2007, 5 police officers were deployed. The contribution of the Romanian policemen to the achievement of the mission's objectives and mandate was highly appreciated at EU level, as Romania was being asked to supplement its personnel and further deploy magistrates and civilian experts to pursue the mission's specific tasks. As such, through CSAT Decision of June 2010, 10 police officers would be deployed by Romania, annually, until the end of the mission. At the same time, steps have been taken to facilitate the deployment of Romanian diplomats, magistrates, personnel with judicial training similar to magistrates and representatives of civil society. A further increase in the number of police officers that can be deployed annually to EUPOL Afghanistan was approved by a CSAT Decision in April 2012, the maximum ceiling reaching 20.

Presently, Romania participates to EUPOL Afghanistan with 28 experts: 19 seconded (15 police officers, 3 representatives from the Ministry of Justice and one representative from the Ministry of Foreign Affairs) and 9 contracted. At the same time, the selection procedures are under way for 6 more positions (5 police officers and one civil society representative).

The Government in Kabul requested the EU to extend the support to its police forces. Based on the latest evaluations, according to which the international community's support for the

consolidation of Afghan police and judiciary systems would be needed for at least 2-3 years after the transition process ends, EU member states decided to endorse the extension of EUPOL Afghanistan mandate.

The mission EUPOL Afghanistan had positive results in initiating the reform process of the Afghan Interior Ministry, training decision making personnel from the police and judiciary systems and supplying necessary equipment to these institutions.

The Romanian experts directly contributed to the achievement of three main objectives: the institutional reform of the Ministry of Interior, a professional Afghan national police (ANP) and connecting the police to the judicial system reform.

EUPOL contribution to the consolidation and professionalism of Afghan police and judiciary system was internationally acknowledged, being constantly mentioned in UN and NATO reports.

Romania's participation to the mission **EUMM Georgia** was approved by a CSAT Decision of October 2008 and represents the most important national participation to CSDP missions.

On 7 April 2013, there were 34 Romanian experts deployed and operating in three regional offices – Mtskheta, Gori and Zugdidi. At the General Headquarters in Tbilisi, there are 3 Romanians posted: an expert in mission conduct and planning, the executive assistant to the deputy head of mission and an IT expert. In 2012, Romania fulfilled the position of deputy in Gori Regional Office.

Among the immediate benefits following Romania's participation to the mission EUMM Georgia are: a better promotion of our country's interests of a consolidated security environment in immediate vicinity and attaining the profile of first rank contributor to CSDP missions. At the same time, the experience attained during this monitoring mission is a valuable asset for the participation to future missions of this type.

Romania's participation to **EU missions in the Western Balkans** coincided with the pursuit of our major foreign policy objectives, among which a special place is devoted to the immediate vicinity and its transformation into a safe, stable and predictable region.

Romania's presence in **EULEX Kosovo**, with a maximum number of 115 gendarmes and 60 police officers, was part of our assumed responsibilities of

active involvement in EU's efforts of institutional reconstruction in the Western Balkans. The decision to participate to the EULEX mission did not contradict the national position of disavowing Kosovo's unilateral declaration of independence. The EU mission has a *status neutral* character, in support of stability and the rule of law. EU has no legal competence to recognize the independence of a state, only the member states could issue such recognition. Based on our national position, Romanian personnel engaged in activities such as escort and protection, crowd control and patrolling duties.

The withdrawal of the Romanian personnel, according to CSAT Decision from September 2011, did not mean a renunciation of Romania's political support for the EULEX mission, considering the positive role it played in the reconstruction and stabilisation in the region, the support extended to Belgrade-Pristina dialogue and the efforts to implement the agreements reached in this framework.

Romania's participation, with 53 military personnel, to the operation **EUFOR Althea** in Bosnia and Herzegovina represents another component of our country's efforts towards reaching stability and security in Western Balkans. This mission is a concrete form of cooperation between NATO and EU, based on *Berlin Plus Agreements* (EU leadership and NATO's capabilities). Ensuring a safe and stable environment, preventing the re-emergence of violence, managing al pending measures from the Dayton Agreement, all constitute major objectives of the EU mission and once they will be fulfilled will result in an efficient functioning of the Bosnian state.

Romania's contributions to EU missions in the Western Balkans, along with the commitment to **NATO operation in Kosovo** (KFOR) resulted in a consistent profile for Romania as a member of these organisations, promoted Romanian expertise in the Western Balkans and consolidated the national selection pool for military personnel, gendarmes and police officers, capable of meeting the requirements for a leadership position with any multi-national force.

In December 2011, CSAT authorised Romanian participation to the **naval mission for combating piracy in the Gulf of Aden, EUNAVFOR Atalanta**. The mission of the frigate *King Ferdinand* during 1 October and 30 November, 2012 represent the

first Romanian military naval participation for combating piracy and also the first presence of the Romanian Navy in a mission in the Southern hemisphere. The frigate had 236 sailors and a PUMA naval helicopter. The mission revealed the Romanian Navy's capacity to adapt in response to various security challenges and contributed to an intensified maritime cooperation with the EU member states and partners, third countries and international organisations (NATO, UN, African Union).

On 5 February, 2013 Romania adopted the decision to participate with a contingent of 10 military personnel to the *mission EUTM Mali*, whose objectives are the training and mentoring of the Malian army. Among the main benefits of this participation is a consolidated Romanian profile within EU and in the relations with France, the main actor in the region and the most significant contributor to the mission.

Launched on 1 July, 2005, *EUJUST LEX Iraq* was the first EU integrated mission in the field of rule of law. The actual mandate of the mission was extended until 31 December, 2013.

The mission is staffed with 59 experts, two of them being Romanian. Along the years, Romania helped organise numerous activities of the mission both on Iraqi territory and in our country. Romania's support for EUJUST LEX Iraq also brought benefits in the bilateral dialogue and cooperation with Iraq.

Given our interest to maintain a continued presence in an area with a high influence on regional and global security, Romania participated to both EU missions in the Palestinian Territories – the policing and rule of law mission, EUPOL COPPS and the assistance mission at the border between Egypt and Gaza Strip, EUBAM Rafah.

The *EU policing mission in the Palestinian Territories (EUPOL COPPS)* was launched in November 2005 and became operational on 1 January 2006. Among its objectives are: helping the Palestinian Authority create a normative framework for an efficient police force; assisting and mentoring the Palestinian Civilian Police (PCP) in implementing the Police Development Program; coordinating and facilitating EU and member states' assistance towards PCP.

The actual mandate of the mission EUPOL COPPS was extended for the period 1 July, 2012 – 30 June, 2013. In June 2012, Romania's

contribution to EUPOL COPPS was authorised and up to 10 police officers can be deployed based on requirements in the field.

On December 2005, the EU Council authorised the launch of a *Border Assistance Mission (EUBAM Rafah)*. According to its mandate, the mission endeavours to: help keep the border crossing open; increase the level of trust between Israel and the Palestinian Authority; monitor, verify and evaluate the level of implementation, at Rafah terminal, of the Transit Agreement, concluded in 2005; consolidate Palestinian capacity to manage the border crossing in Rafah. Romania participated in 2012 with one expert in EUBAM Rafah.

4. The projection of Romania's future contribution to the Common Security and Defence Policy

The European Council from the end of this year will mark the decisive moment for relaunching the cooperation in the field of security and defence. Its objective is to encourage a shared resolve to advance the security and defence policy and to attain a more efficient external action by re-evaluating the instruments and identifying mechanisms for cooperation that would reduce the impact of the economic crisis over defence capabilities.

In order to increase efficiency, visibility and impact of CSDP, Romania will continue to promote initiatives meant to adapt the strategic vision to the new institutional and geopolitical realities. We will continue to raise awareness among our partners concerning the security risks originated in the immediate vicinity. Likewise, we will support the efforts of member states aimed at defining sectorial security strategies, and their integration into a harmonious, global EU strategy that will promote a multi-sectorial approach to risks.

According to the evaluation of the Ministry of Foreign Affairs, *energy and cyber-insecurity* have the potential to generate ever-more present threats on the European and international agendas. At the national level, Romania adopted, in February this year, a *National Strategy for Cybersecurity*. Such evolutions demonstrate that Romania is at the forefront in this domain both at the European and international levels. We are ready to share this experience with other member states and to coordinate in order to diminish cyber risks in the European information space.

Another topic frequently alluded to in the debate on European security and defence concerns the development of capabilities, with the subsequent discussions over the consolidation of European defence industry. In preparation for the debates from the European Council, Romania will continue to promote a coherent and integrated approach in this field. Coordination must be accomplished both among member states and at the superior level, within NATO and EU.

The economic and financial crisis made an impact on all sectors of activity, but the defence domain has to suffer to a higher degree than the others. In most states, the political decision to reduce defence budgets is taken under direct pressure of citizens' concrete interests, who concentrate their attention on their welfare au have an increasingly pragmatic perception of real or potential threats.

A good example is the joint development and use of defence capabilities. At present, member states suffer as a result of an unnecessary duplication and intra-European competition, which generates a waste of resources. Projects such as *Pooling & Sharing*, at EU level, and *Smart Defence*, at NATO level are valuable in eliminating redundancy and contribute to the development of defence capabilities with economic efficiency. In this sense, Romania has actively participated, and will continue to do so, in projects, programmes and initiatives of the European Defence Agency (EDA), and in the efforts of the EU's Military Committee on developing coherent and complementary capacities to those of NATO.

Fully aware that one of the central features of EU external action is the capacity for immediate response to crisis, Romania assumed responsibilities with the *Battlegroups*. Romania contributed to EUBG HELBROC, with lead-nation Greece, and to ITROT, with lead-nation Italy. During the coordination Conference on battle groups (Brussels, 9-10 April, 2013) Romania assumed formal obligations for participation until 2014 and expressed its commitment until 2018. In preparation for the European Council from December 2013, our country will support a more profound debate on the concept of *battlegroups*, which could generate flexibility and a better access to capabilities.

With respect to financing, Romania continues to support equitable burden sharing, through *Athena* mechanism. It assumes military spending for operations according to each member states' GDP, which generates equilibrium and a just distribution of efforts. In the context, Romania will continue to support the consolidation of European defence industry, which will generate efficiency and competition.

Conclusions

The European Security and Defence Policy is the EU domain where Romania's commitment produced some of the most visible effects and appreciation from our partners. The experience we have earned and the benefits in Romania's perception rely on a deep understanding of the evolutions in the strategic environment and a clear understanding of the hierarchy of national strategic priorities.

Based on these premises and considering our commitment for the promotion of Euro-Atlantic values – liberty, rule of law, human rights, stability, security, prosperity – in the areas of instability and risk, we will contribute both to Romania's security and prosperity, as well as that of those states striving for a predictable and adequate evolution.

NOTES:

1 *The author is former Romanian Agent in the case "Maritime Delimitation in the Black Sea (Romania v. Ukraine)", between 2004 and 2009, former Government Agent for the European Court of Human Rights (2003-2004). He is a member of the Permanent Court of Arbitration and substitute member (on behalf of Romania) of the European Commission for Democracy through Law (Venice Commission) of the Council of Europe.*

2 *European Security Strategy,* available at: http://www.consilium.europa.eu/uedocs/cms_data/librairie/PDF/QC7809568ROC.pdf (visited on 5 May, 2013).

3 *Lisbon Treaty*, available at: http://eur-lex.europa.eu/JOHtml.do?uri=OJ:C:2007:306:SOM:RO:HTML (visited on 5 May, 2013).

4 *Treaty for the establishment of a Constitution for Europe,* available at: http://www.clr.ro/menu1/tratat_constitutie.pdf (visited on 5 May, 2013).

5 *Report on the implementation of the European Security Strategy*, available at: http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressdata/EN/reports/104630.pdf (visited on 5 May, 2013).

6 *NATO's New strategic Concept*, available at: http://www.nato.int/strategic-concept/pdf/Strat_Concept_web_en.pdf (visited on 5 May, 2013).

7 *National Military Strategy of the US,* available at: http://www.jcs.mil/content/files/2011-02/020811084800_2011_NMS_-_08_FEB_2011.pdf (visited on 5 May, 2013).

8 *National Defence Strategy of Romania,* available at: http://www.presidency.ro/static/ordine/SNAp/SNAp.pdf (visited on 5 May, 2013).

BIBLIOGRAPHY:

1. Noul Concept Strategic al NATO, http://www.nato.int/strategic-concept/pdf/Strat _ Concept_web_en.pdf

2. Raportul de implementare al Strategiei Europene de Securitate, http://www.consilium. europa.eu/uedocs/cms_data/librairie/PDF/QC7809568ROC.pdf

3. Strategia europeană de securitate cibernetică, http://ec.europa.eu/digital-agenda/en/ news/eu-cybersecurity-plan-protect-open-internet-and-online-freedom-and-opportunity-cyber-security

4. Strategia Europeană de Securitate, http://www.consilium.europa.eu/uedocs /cms_data/librairie/PDF/QC7809568ROC.pdf

5. Strategia Militară a SUA, http://www.jcs.mil/content/files/2011-02/020811084800 _2011_NMS_-_08_FEB_2011.pdf

6. Strategia Națională de Apărare a României, http://www.presidency.ro /static/ordine/SNAp/SNAp.pdf

7. Tratatul de instituire a unei Constituții pentru Europa, http://www.clr.ro/menu1 /tratat_constitutie.pdf

8. Tratatul de la Lisabona, http://eur-lex.europa.eu/JOHtml.do?uri=OJ:C:2007:306: SOM:RO:HTML

PROVIDING SECURITY THROUGH EDUCATION AND TRAINING IN THE EUROPEAN UNION

Gheorghe CALOPĂREANU, PhD*

The launch of the Common Security and Defense Policy (CSDP) has coincided with the establishment of a series of European Union crisis management structures and, at the same time, with a presentation of its ability to develop, engage and deploy civilian and military capabilities able to successfully carry out crisis management missions under the of the EU umbrella.

It has become obvious that preparing military and civilian personnel for such missions, initially provided by the member states, would receive a new, complementary component – education and training within the EU and based upon EU procedures. Thus, there were created some internal organisms exclusively for promoting the UE security culture.

The current paper highlights the continuity and progression of the Common Security and Defense Policy as a process, its tangible evolutions mostly reflected by the creation of the EU crisis management structures.

Key-words: CSDP; crises management; security culture; training programme.

Introduction

The Common Security and Defence Policy development of the European Union supposes, among other things, education and training of the personnel and specialized structures in the crisis management domain both at national and at the European Union level. The latter means what in EU it is considered a process of creating a culture of security, beginning in 2003-2004, at the same time when the Council of Europe launched the policy on the preparation domain and the Union Education and training Concept within the Security and Defence Common Policy, with the declared aim of adopting a comprehensive and coordinated conception of the aspects regarding the instruction, training and education of the EU that will settle close links and will intensify synergies between the initiatives aimed to the preparing therein.

The new conception focuses on providing the interface between the civil and military sectors and also contributes to improving and perfecting their relations and achieving a better coordination between the civilians in the domain of Common Security and Defence Policy.

1. The education and training approach on the Common Security and Defence Policy

The education and training concept in the Common Security and Defence Policy reflects the EU policy regarding the development of some efficient capabilities for crisis management by carrying out some activities in an annual cycle of training.

* Colonel associate professor Gheorghe CALOPĂREANU, PhD in Military Sciences, is deputy commandant with "Carol I" National Defence University, Bucharest, Romania. E-mail: calopareanu. gheorghe@unap.ro

The first phase of this cycle requires identifying and analyzing the training needs within CSDP, on which the EU education and training program is prepared, including all the specific activities offered at the Union level. All these preparatory activities will be undertaken, after a careful planning, by specialists and specialized institutions within EU (*European Security and Defence College*) or at the level of the Union Member States, depending on the existing and available capabilities and specializations.

The annual training cycle ends with an assessment of all educational activities by specialized personnel designated in the EU and / or Member States which such an expertise, usually specialists in national institutions that are accredited for training in support of EU initiatives. As the conduct crisis management operations, in the Common Security and Defence Policy training, the principle of close cooperation remains the main factor of success.

The training externalization in the EU shows not only the transparency and opening of the Common Security and Defence Policy, but also the application of a comprehensive EU view on training in the domain, which, mainly, encourages the participation of the civilian personnel along with the military at all the stages and processes of annual preparation cycle.

The EU education and training program, since 2009, is conducted on the Internet, through the "Schoolmaster" application, owned by the EU. To achieve a close connection between the staff training and its development in theater, this application has been connected to the system of recruitment within EU and to the one of staff turnover in the Union states (both systems are "Goalkeeper software" environmental elements). This technical combination assures the Union preparation policy responsible persons that the existing training opportunities are available and they reach to those who need them.

All the courses in the "Schoolmaster" application are fully accessible to potential participants from EU Member States. The courses organizers – national, multinational or EU entities – establish the participation criteria for the staff from outside the EU and are available by posting them in the database of the application.

The "Schoolmaster" application is opened and allows all accredited national and multinational institutions to conduct the training programs in the support of the Common Security and Defence Policy to modify and update the "Schoolmaster" database, by a national coordinator designated by the respective country, whenever needed.

The access to the "Schoolmaster" application of other potential actors who are interested in the preparation in the Common Security and Defence Policy domain – international organizations, countries without EU membership, non-governmental organizations is decided at the political level for each situation, although, from the technical point of view, the application is equally opened to them too. Any new information, loaded in the system, is indicated by automatically sending of e-mail alerts to users.

2. Institutions and initiatives to support education and training in the Common Security and Defence Policy

Definitely, within EU, the primary role in conducting the annual training cycle is played by the ***European Security and Defence College***, established in 2005. The basic mission of the College is to provide the training of the EU Member States personnel or of the one of the European Union in the domain of Common Security and Defence Policy. The major contribution of the *European Security and Defence College* in this sense, is obviously to organize and conduct the training, however, the college contribution is not reduced to this. Through its Secretariate, the college also contributes to analyzing the requests regarding the staff training needs, to developing the study programs of the Common Security and Defence Policy and, not last, to assessing the training level at graduation.

The promoting of the common security culture and of the cooperation spirit are attributes that make the *European Security and Defence College* a real network of institutions. Numerous educational and research, national or multinational (including the famous *EU Institute for Security Studies* in Paris), civil or military institutions contribute to the success of the college.

The conception of the *European Security and Defence College* regarding the education and instruction provides training in the Common Security and Defence Policy of staff at all levels, including high level decision makers. The range of

training activities within the College is growing. These include specific activities undertaken by the EU Member States, in particular aspects of leadership, specialized areas and specific programs of the Union.

The curricula of the College study programmes is standardized, harmonized and recognized both in the Member States of the European Union and in the European Union as an organisation. The graduates of the *European Security and Defence College* courses receive a graduation certificate signed by the High Representative for Foreign Affairs and Security Policy.

Another relevant activity for the *European Security and Defence College* is the editing of materials which are necessary for the preparation in the domain of Common Security and Defence Policy, the most important training support produced by the College being the *Handbook of Common Security and Defence Policy* (CSDP Handbook). Also, the College owns and uses to conduct all their courses, a distance learning system based on the Internet, that contains a database with information specific to the *Common Security and Defence Policy* which can be accessed free of charge on the College website.

Since its establishment in 2005, the College has prepared by its study programs over 4000 diplomatic, military and civilian personnel, and since 2006, when the College policy allowed the access of staff from countries outside the European Union and international organizations, over 300 such participants graduated from it.

The academic expertise of the College instructors, along with the experience of the members of the education network created around the *European Security and Defence College* are the basis of the European Union outstanding results constantly obtained in the personnel training in the domain of *CSDP*, and in the last analysis, in achieving of some effective capabilities for the crisis management.

Most EU Member States, although they recognize the European Security and Defence College contribution in education and training area and use its facilities and courses, conduct nationally a number of activities in the domain of CSDP in its own interest or in support of other countries and international organizations interested in staff training.

Therefore, at the European Union level, there are also other institutions that, by the carried on activities, complement the educational and training efforts of the Union and that I will remind in a brief presentation below.

Established in 2000, the **European Police College** (**CEPOL**) provides police training in the European Union and has the mission to strengthen and expand the cooperation between the police forces within the Union in the fight against crime, public security, law and order by organizing and carrying on some specific education and training activities (more than 80 courses, seminars and conferences every year). The college consists of a network of national police colleagues which actually organizes courses and it is coordinated by a secretariate at Branshill in the UK.

The European Commission has a significant contribution to the personnel training in the civil crisis management. Since 2001, the European Commission started the development of *EC Project on Training for Civilian Aspects of Crisis Management* (European Group on Training / EGT), initiative materialized in 2009 by the project implementation. The most relevant realization of the project is the establishment and maintenance of a European training institutions network specialized in civil crisis management. Subsequently, the European Commission launched the *Europe's New Training Initiative for Civilian Crisis Management* (ENTRi), a training program designed to create the necessary skills of the trained staff to work in the crisis management missions outside the EU – mainly under the auspices of the EU, UN, OSCE, the African Union and other actors.

The European External Action Service (EEAS) provides to its personnel, in particular, training programs specific to the CSDP organized and carried out by national and international accredited institutions.

The European Diplomatic Programme (EDP) is a project initiated in 1999 between EU Member States and EU institutions in order to develop the idea of European identity and European culture among young diplomats. The curriculum of the program developed primarily through the national diplomatic academies of the Member States, includes topics regarding the Common Security and Defence Policy and aspects of the EU crisis management.

To all these, there are another of initiatives, among which the most representative are the EU Military Staff (EUMS) and the European Defence

Agency (EDA), whose specific (organization, missions) is mainly military.

EU Military Staff[1] is part of the European External Action Department and periodically organizes, whenever necessary, introductory courses for newly appointed staff in the department. It has also a key role in preparing the staff within military commands, mainly by organizing some courses conducted by mobile teams of specialists.

The European Defence Agency has initiated several training courses for EU Member States and EU institutions[2] of which the most representative being the Cooperation Course in field of EU armaments, a joint effort of the European College for Security and Defence of the EU Defence Agency.

3. Education and training network on CSDP

In the large community of universities, academies, colleges and other civilian and military training institutes which are dealing with international security and defense issues, there is a common understanding regarding to the quality and efficiency of their actions, that it is directly related to the level and intensity interaction they have with other relevant parts. From the practical point of view, interaction means to create the networking and cooperation which permit the experience exchange, good practices / standards, a better adaptation of the training programs and create capabilities for a better delivery: what can be difficult to do for a single institution can become more feasible for a group of trainers actors when they work together. These widely recognized findings were also key factors in defining *The EU training politics and concept in 2003/2004*. In this context, the networking creation, a close coordination and cooperation between relevant training institutes are considered to be a "sine qua non condition" in order to achieve the objective of creating a common European security culture.

Consequently, they were also the guiding principles in establishing the *European Security and Defence College*, as a national network between civilian and military institutions, including the EU Institute for Security Studies (EU ISS).

In order to create a common culture CSDP in the EU and also to ensure a common standard of education for all staff concerned, an extensive coordination between all the training factors in the Member States at EU level is necessary. The contacts, information exchange, cooperation and coordination between all actors, by developing a concept of "Networking taking into consideration the existing networks", should be encouraged.

A specific network can be established, bringing together all relevant civil and military actors involved in this type of training. This should help to define and harmonize the academic programs in the field of CSDP, avoid the unnecessary duplication in courses offered through the coordination between instructors, sharing academic resources and materials, and take account of relevant developments at EU level. Distance education could also be considered at a later stage.

As already mentioned, in 2005 the EU Council adopted a common training action of the European Security and Defence College (ESDC), as a network between civil and military institutes, colleges, academies, universities and institutions of the EU dealing with problems CSDP, including the EU Institute for Security Studies.

In practical terms, the network creation and the cooperation within ESDC basically is going on through the Academic Executive Board (EAB), which is composed of senior staff and experts from national civil and military institutes concerned, and which meets regularly. By EAB, the national military and civil institutes implement together the ESDC training concept and program.

The EAB may also meet in a format that is oriented in accordance with the specific requirements or based on specific expertise. This is currently happening in the three specific projects.

Firstly, an implementation group brings together representatives from respective military academies, including the decision makers of the Ministries of Defence supports the implementation of the European initiative to enhance the exchange of young officers inspired by Erasmus program.

Secondly, as a result of an initiative taken by Member States in order to establish a group of SSR experts in the EU, it was established a new configuration oriented to the task that brings together RSS experts in support of training EU security sector reform, and, lastly, a project group involves technicians and experts; the subject supports the development of Internet-based Distance Learning (IDL) system.

For the time being, there were about 50 different military and civilian institutes and other

instructors actively involved in ESDC activities. Thus, the networking and cooperation within the ESDC network, currently creates an EU capacity to train about 1,200 people[3], civilian and military, at 30 different courses each year. This obviously has mutual benefits. At EU level, they create the available training capabilities and opportunities, an advantage especially for smaller Member States which do not have all the training capabilities regarding the relevant CSDP capabilities.

The main tasks of the EAB include implementation of the ESDC training concept through the academic year program and the general coordination of all ESDC activities, certification of all ESDC training activities by developing, systematic assessment, periodic review and revision of the course curricula, certification of the course participants, supervision of IDL, and academic advice of the Director Board at their own disposal.

The Member States and their national institutes take advantage of connecting to the EU institutions to get the opportunity to develop the training related to CSDP for a clear European perspective. The latter is ensured in particular by the Council's annual work cycle, including assessment, review and revision of curricula and finally the scheduling:

In the autumn of each year, the Council focuses on the evaluation of previous academic year activities and on the recent developments in concepts and doctrines at the EU level. The evaluation is done in close cooperation with experts from the crisis management structures of the EU. Based on the result of this assessment, the Council then focuses on a review and revision of course curricula, which is also done in very close cooperation with experts working in crisis management structures. At the end of the academic year, the Council focuses on programming for the next academic year.

The Member States and their national civil and military institutes should feel especially encouraged to engage in as much ESDC activities as possible. As a guarantee and network of security and defense policy, it is also triggered the cooperation between civilian and military instructors, and thus has a significant contribution to the effective implementation of the EU's comprehensive approach to crisis management. All in all, the ESDC network works fine and is already a good example of sharing between Member States in this case, in the training field.

In the context of the ESDC, networking and cooperation go beyond the national institutes.

ESDC also cooperate and attract the expertise of the international organizations and other relevant actors, such as national training institutes of third countries.

A closer cooperation exists and continues to evolve especially with the Center for Political Security (GCSP) in Geneva, and the Centre for Democratic Control of Armed Forces (DCAF) in Geneva, in the context of the IDL system and in the deployment of specific courses. The cooperation also began with the NATO Defense College (NDC) in the context of the ESDC IDL system.

Finally, when it is about training and education in the field of security and defense, it is understood that the ESDC network does not work alone, but in the context of another network range, especially in the EU, including, among others, the Europe's New Training Initiative (ENTRi), which brings together civilian training institutes and the European Police College (CEPOL) as a network of national police colleges. In line with EU policy and concept, these networks are part of the whole system of education. The cooperation between existing EU networks is therefore important.

In the context of NATO and Partnership for Peace (PfP), there are also a number of networks, including in particular the Conference of Commandants, organized annually by the NATO Defense College and the PfP Consortium. The ESDC is regularly invited to participate and also to contribute actively to these conferences.

A specific task of ESDC is to provide support for exchange programs of national training institutes.

In the second half of 2008, the French Presidency has since initiated a discussion on ways to allow for greater integration of initial academic and professional training and vocational of young European officers through mobility. The initiative began in November 2008, based on a statement of the Council. The declaration proposed a series of measures which prepared the field for improving the interoperability, preparing this way for the appearance of a European security and defense culture among the future CSDP actors. Among them, the most important are as follows:

• measures to increase the number of exchanges, such as the generalization of the Bologna Process,

the mutual recognition of the exchanges results in the professional training, a greater use of Erasmus mobility for students and staff, opening to national training of young European officers, etc.;

• measures that aim the teaching / learning about Europe and its defense, such as creating a common mode of CSDP, promoting learning more languages, etc.

An Implementation Group was created in February 2009 as a project-oriented structure.

Based on contributions and support of Member States and their institutions, the Implementation Group has reached a steady progress in terms of different aspects of the initiative, including the development of a common mode of CSDP based on the standard curriculum developed by ESDC, which was organized for the first time in Portuguese academies in 2009. After a year of existence, these modules have enabled more than 400 young officers to become familiar with the role that they could be called upon to play in the future of European defense.

In 2010, it was completed a detailed inventory of initial training of officers of the European Union. The balance supports the concerned institutions in identifying the partners with which they can organize the exchange, and a forum was created to allow the institutions to communicate their requests and their exchanges offers.

Then, in 2011 a Compendium of Basic Education of European military officers was published by the Polish Presidency. This Compendium has been designed to compare the basic education system of branches / services equivalent in all Member States. This represents a conceptual step towards a better and more closely cooperation between the national academies and training centers.

In addition, a framework agreement was approved by all 27 member states, setting the conditions in which take place the changes between Member States which wish to participate. It also establishes the recognition procedures for the results of the exchanges in military professional training.

Meanwhile, the common curricula on issues of European armed forces are developing steadily and are now offered to young officers. The implementation of this initiative is driven by the key idea that working shifts and interpersonal qualifications at the level of initial training are the cornerstones for the development[4], on long term,

of the interoperability and common culture that is necessary for the European defense.

Conclusions

The size of education and training activity in the domain of Common Security and Defence Policy is given by the complexity and scale of the problems related to the crisis management in the EU interest.

Especially in crisis management area, the previous EU experience has revealed the need for employment of some more and more increasing resources in the successful management of their specific operations, but, above all, the successful resolution in the sense of minimizing losses from such events, can be given by staff with expertise, knowledge and skills that can be acquired only by creating and developing some professional programs. EU concern for the creation and implementation of some initiatives, programs and projects in support of the Common Security and Defence Policy becomes increasingly justified by the many current events that require interventions specific to the crisis management.

Maintaining and, if there are necessary resources, the extension of the education and training network at European Union level are essential to increase staff skills and their expertise for the planning and conducting the crisis or work management operations in areas related to the Common Security and Defence Policy.

NOTES:

1 CSDP structures and instruments, http://www.consilium.europa.eu/eeas/security-defence/csdp-structures-and-instruments

2 Capability Development Plan, http://www.eda.europa.eu/Aboutus/Whatwedo/eda-strategies/Capabilities

3 *Handbook on CSDP - The Common Security and Defence Policy of the European Union*, Second Edition, Edited by Jochen Rehrl and Hans-Bernhard Weisserth, p. 110..

4 Idem, p. 114.

BIBLIOGRAPHY:

1. ***, *Development of European Military Capabilities*, July 2009, http://consilium.europa.eu/uedocs/cmsUpload/

20Factsheet%20capacites%20militaires%20EN. pdf

2. ENTRi - Europe's New Training Initiative for Civilian Crisis Management, http:// www. entriforccm.eu/

3. Presentation of *ESDC – European Security and Defense College – Reihrl/Weiserth*, (documentary movie), www.youtube.com/ watch?v=gR0BXZzOIhM

4. European Security and Defense College, PowerPoint Presentation, Http://Esdc.Mil-Edu.Be

5. REHRL, Jochen; WEISSERTH, Hans-Bernhard (editors), *Handbook on CSDP – The Common Security and Defence Policy of the European Union*, Second Edition.

6. European Police College, http://www.cepol. europa.eu/

7. European Defence Agency, http://www.eda. europa.eu/

8. European Security and Defence College, *Promoting a European security culture*, http:// esdc.mil-edu.be/index.php/csdp-k-base

MILITARY EDUCATION AS A MEANS OF PROMOTING THE EUROPEAN SECURITY CULTURE

Alin BODESCU, PhD*

The "European security culture" is a syntagm mainly used in the context of Common Security and Defence Policy (CSDP) with the intent to emphasise the fact that Europeans have a distinct approach to crisis and crisis management, hence a distinct security culture. Cooperation at all levels and on all lines of development, political and diplomatic dialogue, CSDP missions and operations (comprehensive approach at work), all these practical activities are means through which the European security culture is built and spread. But it is primarily and mainly the education which can secure the bedrock of this culture. This paper presents the current framework of promoting the European security culture through military education and potential future means to enact it within the military audience.

Keywords: military education; European security culture; military Erasmus; ESDC.

Introduction

There are a few buzzwords in the European parlance which one cannot avoid making reference when discussing the European way of doing strategic security businesses. One of them is the "European security culture". This syntagm is mainly used in the context of Common Security and Defence Policy (CSDP) with the intent to emphasise that Europeans have a distinct approach to crisis and crisis management, hence a distinct security culture. Considering the "age" of CSDP[1] and its associated institutional architecture, this culture is still in the making and the community of practice at Brussels level is struggling to consolidate a specific attitude and at the same time to promote it Europe and world-wide. Cooperation at all levels and along all lines of development, political and diplomatic dialogue, CSDP missions and operations (comprehensive approach at work), all these practical activities are means through which the European security culture is built and spread. These tools have a significant potential but their breadth and audience are not broad enough to achieve relatively rapid, systematic and consistent implementation of this culture. It is through education, the life long endeavour, distributed constantly and at a large scale which can secure the imperatives of the European security culture.

Although the public frustration with the progress (or lack of) CSDP is understandable, a common security culture at a multicultural continental scale cannot be built in less than 15 years of existence. Hopefully, the wise people responsible for the CSDP think in terms of decades not in electoral mandates and, consequently, they have been preparing the future of the EU security and defence in the long run. Strategic patience should be stronger and sustainable against the hunger for immediate results specific to ephemeral mandate-based people.

How is this patience reflected in the European and national military education systems? As with the wise politicians, it takes strategic education

* Alin BODESCU, PhD. is Training Coordinator of the European Union Military Staff (EUMS). He holds a PhD in Military Science and has an extensive experience in multinational training and education. E-mail: Alin.BODESCU@eeas.europa.eu

thinking to project future products of the education compliant with European security standards. This paper presents the current framework of promoting the European security culture through military education and potential future means to enact it within the military audience.

1. The sources of the European Security Culture

The adjective "European", in the syntagm "European security culture", suggests a particular application relative to a generic security culture. This particularization implies the existence of other specific applications, or of a counterpart against which one intends to differentiate, like NATO. But if indeed it were a "NATO security culture" the problem would be even more complicated. It would be difficult to imagine a country, which is at the same time member of the EU and NATO, living on or switching between two distinct security cultures. Unless one imagines a spectrum of a generic security culture on which NATO and EU position themselves at an either end where they define their role in delivering security. In reality, each country has its own security culture derived form its national security strategy which dictates the predominant profile, either NATO or EU. Or a supranational security culture implies a transcendence of the national specific philosophies of approaching security

The European security culture has been formalized through the publication of the European Security Strategy (ESS)[2] in 2003. The ESS looks at the world's security thorough the lens of the Common Security and Defence Policy (European Security and Defence Policy at the time) – a new ambition of the EU. For example, when tackling the new threats[3], which are different to the conventional ones, ESS identifies conflict prevention and threat prevention as key elements of preparedness towards crisis. The strategy states that "none of the new threats is purely military; nor can any be tackled by purely military means. Each requires a mixture of instruments". Moreover, the ESS speaks about a "strategic culture that fosters early, rapid and when necessary, robust intervention"[4]. One could consider these ways and means of the European security strategy as the main traits of the European security culture: prevention stance and addressing the threat or challenge

with the appropriate instrument at the right time – comprehensive approach. They form the basis of the EU level of ambition for external security which requires a specific culture. It is actually notorious that EU is well equipped to implement its security strategy, have the instruments and procedures, although still immature. At the same time, it is difficult to measure to what extent EU is still in an "ambition mood". Some would say that recent test cases of Libya and Mali invalidate this capacity, but one should be rational in factoring also the external factors of economic crisis and US short pivot to Asia (although it is long time since US have vocally expressed their dissatisfaction with the EU's self-sufficiency and complacency in the current security deadlock).

The problem is that EU member states (MS) still have a different perception and interpretation of threats[5] or the use of force, hence the difficulty in reaching the necessary consensus to launch a CSDP military operation (not so difficult when it comes to civilian CSDP missions). The combination of these limitations with the MS's reluctance to spend national money[6] for "common" causes is a perfect setting for "no action".

To conclude, the European security culture could be defined as a specific philosophy of thinking and acting security in European terms. This philosophy pays particular attention to understanding the global security, to interpreting its constituents: risks, threats and challenges and to crafting the appropriate response, with the recognition of the multidimensional framework of security; individual or regional security. Military should understand its role and place within this specific philosophy. To this end, particular attention should be paid to the EU institutional framework, civil-military coordination and planning, the decision making process for the CSDP crisis management, the CSDP capabilities and spectrum of missions and operations.

2. The role of military education in promoting the European security culture

Crafting the background of the military professional through the acquisition of fundamental general and specialized knowledge and converting them into competences is the realm of the education. Military profession requires a distinct set of competences which cannot be delivered only
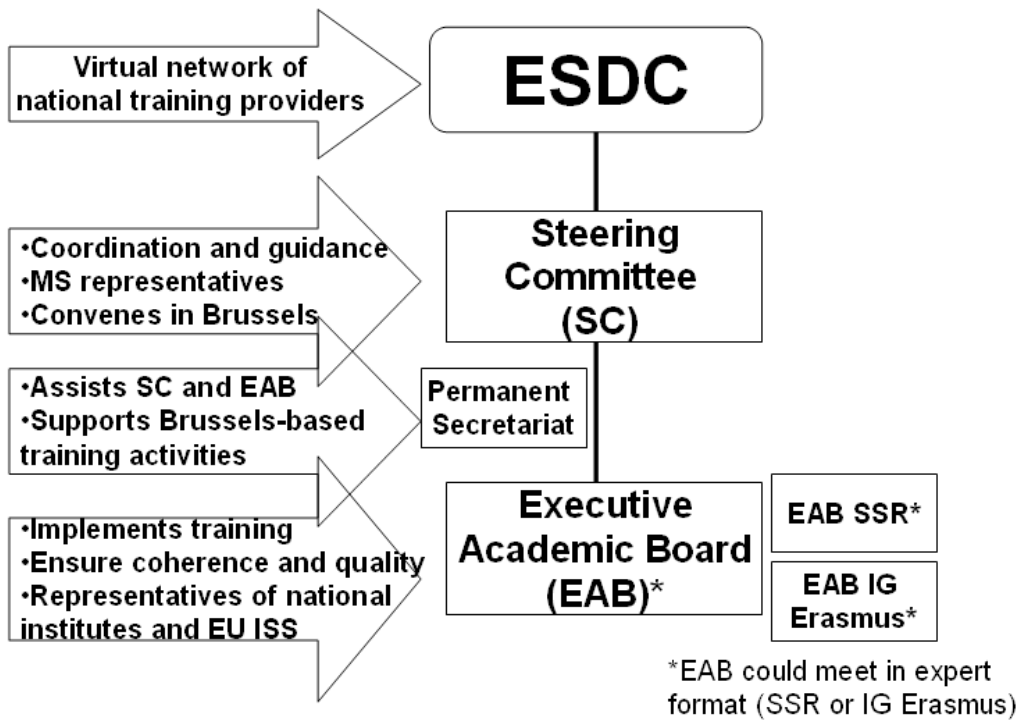
Figure no. 1 ESDC Decision Making and Executive Bodies

by the general education, although the latter is the prerequisite of the former. The life- long- military education commences with pre-commissioning phase for officers and initial formation for NCO. It continues throughout the life/ career with general and specialized forms of military education which build upon the previous developed competences (military professional/ vocational education).

The military education of the commissioned officers is, in most of the MS, integrated into general education as part of national curriculum of higher education. The different provisions of national educational legislation (including the constraint of graduating in the national language), the exigencies of the Bologna process and mobility requirements (ECTS) determine that the military education remain strongly connected to national system, even if a large part of the training requirements and contents are substantially the same[7].

At the same time, the graduates from the national military education systems participate in multinational settings (e.g. CSDP military operations or multinational headquarters) which require a higher degree of interoperability in operating common C2 systems and commonality in interpreting and applying specific concepts, and sharing the same common values and purposes.

2.1. Promoting the EU security culture at EU (supranational) level

At EU level, the European Security and Defence College (ESDC)[8] has been empowered to promote, through training and education, the European security culture. The ESDC has been a relatively young institution, but with important achievements for the CSDP construct. With its motto: *Promoting the EU security culture*, a few dedicated people, supported by the voluntary contribution of several MS, have been managing to spread the word of CSDP. This is all the more remarkable considering the adversarial conditions under which ESDC functions and tough competition for survival among well funded similar national institutions.

The ESDC[9] is not a standing education institution; it has neither a permanent faculty nor conference and class rooms, which are the minimum conditions for education to be delivered. The new legal act[10] will secure ESDC the legal capacity, a half a million euro budget and 4 more permanent staff, which is a step forward. In the current political context, ESDC could not be a standing training actor but an institutionalized network of education and training institutes (currently there are 57 contributors). They are security policy institutes, diplomatic academies

Training Audiences   **ESDC Training Activities**
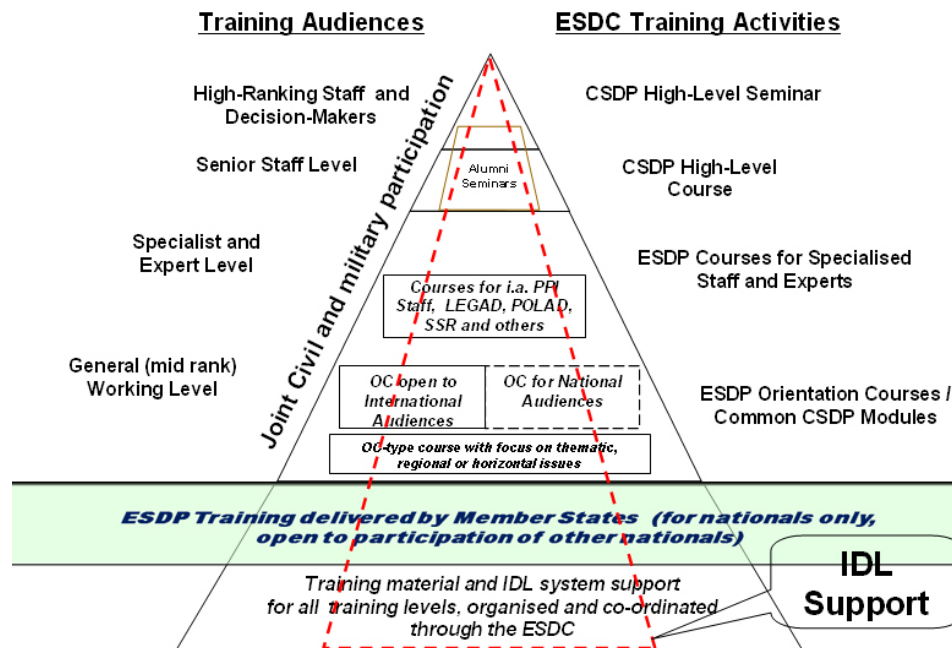
Figure no. 2 ESDC Training Concept[11]

and other civilian institutes, higher defence institutes and universities, defence academies and colleges and even different ministries or national delegations in Brussels. The problem is that the ESDC training program is almost entirely dependent on the capacity and willingness of the MS to contribute with training events which are identified as necessary to meet the specific level of the CSDP training requirements. Moreover, only a few of the 57 contributors commit on a permanent basis to accomplish the ESDC training program. The voluntary nature of their commitment affects the quality of educational act and security of supply for CSDP training and education which impacts seriously on the ESDC capacity to plan ahead.

The main characteristic of the ESDC activity is its civil-military approach. In fact there is no single course only for military audience. It is one of the ESDC's objectives to *promote a better understanding of CSDP as part of the CFSP among civilian and military personnel*. As far as military training and education requirements are concerned, ESDC operates at the superior end of the training audience: political-strategic and military strategic level, although individuals form the other levels could found themselves as an appropriate audience for some orientation or specialized courses.

The ESDC portfolio could be grouped in three categories: orientation, advanced and specialized

courses. All are supported by a set of Internet-based Distance Learning (IDL) Autonomous Knowledge Units (AKU) which can be configured in different packages to suit the needs of a specific course.

Orientation package consists of: CSDP Orientation Courses (3 to 5 courses/ year; 1 week); Common CSDP Module (one week/ "European Initiative inspired by Erasmus"); Civil Military Co-ordination in CSDP Missions and Operations (10 days) and Civilian Crisis Management Course. Advanced courses, which require a CSDP literate audience, consist of: CSDP High Level Course (annual/ 4 Modules), CSDP High Level Seminar (2 days), CSDP Train-the-trainer Seminar (2 days), CSDP Senior Mission Leader Course (2 weeks), Annual Networking Conference on Training in the field of CSDP and Alumni Events (former course participants). In the third category one could find individual courses dedicated to a specialized theme associated to CSDP which vary in duration from 3 to 15 days: media, Security Sector Reform, gender, capability development, international law, political issues, cyber defence or maritime security.

ESDC delivers both training and education, but it is mainly through education that the European security culture is mostly promoted. What differentiate education from individual training is that the former determine long-term, positive and stable changes in one's behaviour whereas

the latter focus on getting specific knowledge and skills necessary for a particular task or group of tasks. For example, although the two components cannot be separated, it is the education component of the CSDP Orientation Course or High Level Course that has the "power" to change the mindset of a student and make him/ her live the European security culture. During the same courses through training one can improve the planning abilities; in principle, if skills are practiced enough, the planning competence could be tested at the end of the course. The change in the mentality is hard to be captured in the course evaluation and could be manifest after years as a result of systematic imparting of knowledge and applying attitudes.

ESDC is also the main hub for promoting the military ERASMUS initiative. Within this framework, France initiated in 2008, and EU Council embraced it, a *military ERASMUS[12]* scheme through which the foundation of a future generation of European officers could be laid down. It is under its auspices that the Implementation Group of this initiative, composed of representatives of the military academies from the MS, meets to put into practice the decisions taken by the ESDC Steering Committee (the decision making body).

2.2. Promoting the EU security culture through military education at national level

Military education is a component of general education specific to each nation. However, the particular aspects of the profession of arms give specificity to a functional/ vocational type of education: professional military education which certifies professional military personnel to perform their jobs (e.g. platoon leader, tank commander, gunner etc.) in accordance with the principles of military science and military art. All military education systems in Europe require that their commissioned officers have also an academic background and thus a civilian degree (e.g. mechanical engineer, lawyer, nuclear physicist etc.). As far as academic education is concerned, the norm in Europe is the alignment with the provisions of the Bologna process.

In a Europe with an increasing urgent need of common defence, national military education systems will have to be fully integrated – the ultimate goal. Political issues but also important gaps in technology and military thinking or language barriers maintain this goal difficult to

reach. There are nevertheless some exceptions to this assumption, like BALTDEFCO[13] and a possible common higher military education institution of the BENELUX countries whose common traditions and language connections confirm the relevance of the limitations and at the same time the feasibility of appropriate forms of integration.

Military professional education could be divided in basic or initial and advanced education. According to definition given by the ESDC in the first stocktaking report of the military higher education, basic education covers the period after recruitment of the future officer and extends up to the traineeship in a unit immediately before the first active duty position (generally in the ranks of Lieutenant/young Captain)[14]. It remains that advanced education extend in the staff officer level career (Command and staff college or equivalent).

At the moment, at EU level, there are preoccupations to develop interoperability in the initial training of officers, under the initiative of military Erasmus[15], between the military institutions in charge of the academic and vocational training of the future officers. The main achievements of the Initiative, which are implemented though a specifically dedicated executive board (known as Implementation Group - IG) under the ESDC umbrella, are to "promote the mobility of students and teaching staff of military training colleges and facilitate shared approaches to the training of young European officers, in particular in the field of the ESDP"[16]. The main actions of the Implementation Group have been to create a standard legal framework arrangement to facilitate the exchanges, to work on implementing the European Credit Transfer and Accumulation System (ECTS) for the military vocational education, to develop a military vocational qualification framework and to develop common modules on CSDP and other topics of interest. As assessed in the last Progress report on the implementation of the initiative (2011), the financial crisis also impacted on the Initiative, which was manifested through a decrease of the rate of activities. This is more than obvious considering that most of the activities imply a high degree of mobility, exchange of students and staff with important associated costs[17].

Military Erasmus initiative advances at a slow pace and it is still to gain the necessary critical mass to address comprehensively the challenges faced by the institutions in the enhancement of the

mobility of their students and staff. Nevertheless, it has opened the long path towards an integrated – though elaborating on the national know-how - military education in Europe. At the same time, as anticipated, one should acknowledge that the military professional education does not stop at junior officer level; it is a life-long, continuous learning experience to include advanced education. The young generation of officers takes priority (covered by the military Erasmus), but there are several other generations of officers which are the bearers of the current burden in CSDP operations and whose knowledge and attitudes towards EU should be integral part of their professional competencies. Traditionally, there are far more exchanges of officers at the advanced officers training level but in the framework of NATO interoperability programmes. It is therefore necessary to complete these competencies with a "European security culture" as a conceptual basis for the specific CSDP training. In general, the exchanges at this level are easier, since there are less legal and educational boundaries for this education.

If relative rapid and massive results are intended, one should distribute the CSDP related knowledge, skills and attitudes simultaneously, at all levels. This could not be done without direct involvement of the MS. The Brussels-based activities (Orientation and High level courses) and some other disparate 1 week orientation type, national-based courses are excellent, but insufficient, particularly for the limited number of personnel that can be trained every year.

An initial step would be the development of a "CSDP reference curriculum", composed of programmes/ modules (based on the experience made with the ESDC common modules, with reference to the Training Requirements for CSDP and the ESDC Training Concept). Its constituent programmes would expand on the topics of the CSDP Orientation Course (OC)[18], considering that one week is not sufficient for a thorough understanding of the EU approach to crisis management. This reference curriculum would target the three main stages of an officer career: cadet level[19], junior officer and senior level. Cadet level is partially covered by the current common activities under the military Erasmus, in military academies. Nevertheless a more significant progress can be made by the IG through its current study on a "Common Sectoral Qualifi-

cation Framework"[20], aimed to clearly identify the common professional competencies of young officers and consequently offer an easier and more effective instrument for planning of exchanges. This study requires systematic information from the MS on their educational requirements for the young officers, currently not sufficient. The junior officer phase is addressed in specific career courses and senior officers in staff colleges and joint staff colleges. The generic curriculum will have to be adopted by the MS and integrated into their own curricula[21], preferably in English or French, with the associated EU-level quality check. Most of the national defence universities have civilian programmes and the CSDP related programmes could also be relevant for them, thus a certain level of EU comprehensiveness could be achieved even at national level.

There is already such an experience in NATO which, aiming at enhancing partners' interoperability with NATO nations, developed two reference curricula for generic officers[22] and NCOs (for the latter, the work is in progress and estimated to finish by the end of 2013). Although designed for PfP countries, the curricula also offer important information for the military training systems of some of the NATO nations. The next Conference of Commandants 2013 in Oslo is also focusing on Professional Military Education, building the knowledge, skills and competence base. The outcome of the Conference might offer additional elements to the subject.

Conclusions

Promoting the EU security culture at all levels of military career through education requires a common approach. One of the possible means to expand on the existing initiatives would be the development of a CSDP Reference Curriculum for Officers to target the three main stages of an officer career: cadet level, junior officer and senior level. This curriculum would be composed of programmes specific to CSDP themes which will have to be implemented in the national military training and education systems. Its subsidiary objectives would also achieve a higher degree of interoperability among the national military education systems of the EU MS.

One should be aware that the increasing number of CSDP missions and operations with

a pronounced comprehensive character narrows down the EU area of operations from a functional point of view. Development, humanitarian assistance or civilian police missions will be more and more intermingled with security and military capacity building missions. All of these components need a safe and secure environment both for constituted units or formations and for isolated teams or individuals, which is the norm for these missions.

This trend in turn requires a closer cooperation and understanding of conflict, in planning the response and monitoring the situation. Common techniques, procedures and terminology will have to be embedded in all organizational particular cultures including military one. Training and education are valuable tools to promote this goal and enhance the civil-military cooperation in the field, at Brussels or national level.

ESDC, but also national education entities and strategic studies institutes (like Centre for Defence and Security Strategic Studies of Romania) have a critical role in spreading the European security culture. A dedicated, standing conference/ seminar or section on "European security affairs" in the relevant publications would highly contribute to this endeavour.

NOTES:

The author would like to thank Mr Hand-Bernhard Weisserth, head of the ESDC, Commodore (IT N) (ret) Cesare Ciocca, former chairman of the ESDC Implementation Group of military Erasmus, LtCol Dirk Dubois (BE A), current chairman of the IG and Mr Sylvain Paile from the University of Liege for their valuable suggestions to this paper.

1 Cologne and Helsinki European Council Meetings of 1999 are considered the events which laid the foundation of the CSDP (ESDP at the time), CSDP Handbook, 2012, p. 15.

2 A Secure Europe in a Better World, European Security Strategy, Brussels, 12 December 2003 http://www.consilium.europa.eu/uedocs/cmsUpload/78367.pdf.

3 Terrorism, proliferation of weapons of mass destruction, regional conflicts, state failure, organized crime, ibidem, p. 7.

4 Ibidem, p. 11.

5 See for example Clara Marina O'Donnell "Can Europeans share a common security culture?", http://centreforeuropeanreform.blogspot.be/2009/07/can-europeans-share-common-security.html, accessed at 19.05.2013.

6 As opposed to CSDP civilian missions, in CSDP operations with defence implications "costs lie where they fall". This means that they are not funded from the EU (CFSP) budget, except a limited amount, for common costs (ATHENA mechanisms).

7 This is already a reality in the advanced education where a system of equivalencies is already adopted by a large part of Member States and exchanges are consolidated.

8 The creation of the ESDC was decided at the Thesaloniki European Council in June 2003 and founded by the Common action 2005/575/CFSP of 18 July 2005. Cf. Sylvain PAILE, "Transmission of Political-Military Information in Advanced Education: The Examples of the European Security and Defence College and the NATO Defence College", in *Studia Diplomatica*, 2013.

9 European Security and Defence College official website, http://esdc.mil-edu.be/

10 It is expected to be approved and implemented by the summer 2013.

11 Source: ESDC Secretariat.

12 The initiative is officially entitled "European Young Officers Exchange Scheme, modelled on Erasmus".

13 BALTDEFCO is a unique apparition in the European professional military education landscape. It is a multi-lateral co-operative military college which mainly educates officers from the three Baltic States (Estonia, Latvia and Lithuania).

14 This can be or not linked to the graduation with a master degree: in several cases the basic education includes 5 academic years and the initial specialized courses and/or practical stages; in others it can be limited to a shorter academic part delaying the graduation at master level in the following educational phases. For a complete overview of the existing systems, please refer to the 'Compendium of the European Military Officers Basic Education - Europe for the Future Officers, Officers for the Future Europe', edited by Silvayn Paile (European Studies Unit – University of Liège).

15 A detailed description of the Initiative and an overview of the national higher education systems could be found in the website: http://www.emilyo.eu/.

16 "Statement on the European Young Officers Exchange Scheme, Modelled on Erasmus" Council Conclusions on the ESDP - 2903rd External Relations Council meeting, Brussels, 10 and 11 November 2008.

17 Implying and including also limited human resources that can be dedicated in each Academy for the exchange planning and coordinating, as wells as the participation to the IG meetings.

18 For the content of an Orientation Course, please

see http://esdc.mil-edu.be/index.php/component/doc-man/cat_view/26-csdp-knowledge-base/90-esdc/92-course-descriptions?start=5.

19 During the last 4 years, in the framework of the Initiative, assessment reports have been issued, based on the experiences of the « CSDP module for cadets » which could be used as references. They include the objectives of these modules, the adaptation to a cadets' level, the outcomes, the curricula, etc.

20 A similar study is ongoing under a FRONTEX initiative, aimed to better prepare the personnel for border guarding.

21 There is already an example of common activity between European Senior Staff Colleges, the Combined Joint European Exercise (CJEX) with an EU operation scenario. This kind of activity has the double value in preparing Officers in CSDP operations and to increase their ability to implement a comprehensive approach to security in a multinational context.

22 Generic Officer Professional Military Education, http://www.nato.int/nato_static/assets/pdf/pdf_topics/20111202_Generic-Officer-PME-RC.pdf

BIBLIOGRAPHY:

1. *European Security Strategy*, 2013, http://www.consilium.europa.eu/uedocs/cmsUpload/78367.pdf

2. *Report on the Implementation of the European Security Strategy - Providing Security in a Changing World*, December 2008, http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressdata/EN/ reports/104630.pdf

3. *CSDP Handbook*, 2012, http://www.consilium.europa.eu/media/1823176/handbook_csdp-2nd-edition_web.pdf

4. PAILE, Sylvain, *Compendium of the European Military Officers Basic Education – Europe for the Future Officers, Officers for the Future Europe* (European Studies Unit – University of Liège), October 2011.

NATIONAL ANTI-DRUG POLICIES FOR EUROPE'S SECURITY

Sorin OPREA*

Characterized by major complexity and fluctuation, the drug phenomenon represents, like terrorism, an asymmetric threat that does not conform to the rules of equivalence and equality. Such threats are not clear nor one-dimensional, but multipolar and diffuse, being expressed at different levels and presenting different degrees of intensity.

Given the negative repercussions on public health, safety and entire mankind's welfare, the drug phenomenon is a threat to security, democracy, good governance and rule of law, weakening the fundaments of sustainable development, legal systems, political stability and economic and democratic institutions.

The drug policies developed both at regional and national level show a certain degree of similarity in key fields, sharing a comprehensive approach aiming to reduce both the drug offer and its demand. The constantly increasing number of regional strategies also reflects a better understanding of the facts that drugs are a problem that cannot be solved only at national level and that coordinated regional approaches may be developed to tackle the common problems.

Keywords: drugs; public policies; security; public health.

1. Preliminary considerations

Involving political, economical and social costs, the global drug problem shapes itself as a complex, dynamic and multi-casual phenomenon, being a challenge for all the world states and governments. Far for being a local or regional concern, this problem needs an integrated, balanced and multidisciplinary approach and requires, in this sense, the common responsibility of all states.

Given the negative repercussions on the public health, safety and entire mankind's welfare, the drug phenomenon represents a threat to the security, democracy, good governance and rule of law, weakening the fundaments of the sustainable development, legal systems, political stability and economic and democratic institutions.

As previously established, the problems caused by the illicit drugs transcend the territory of one country. Drug production, trafficking and use gained already a global dimension, exceeding the geographical areas having a tradition in this field. As an attribute of the explosive progress we experience, the globalisation process, characterised by the free movement of persons, goods and capitals, by the development of the information and communication technologies as well as by the organised crime globalisation determined new

* Police quaestor Sorin OPREA is the Director of National anti-Drug Agency and PhD candidate with "Alexandru Ioan Cuza" Police Academy, Bucharest, Romania. E-mail: sorin.oprea@ana.gov.ro

challenges related also to the propagation and development of the drug phenomenon worldwide.

With international dimensions and origins, the drug trafficking and use is strongly influenced by many of social and economical factors.

The drug phenomenon is, first of all, a social problem which implies on one side a conflict between the individual and collective liberties and, on the other side, a conflict between cultural traditions, public health, criminality, violence, state sovereignty and major financial interests. At the same time, the social problem caused by the drugs became a public one, the drug use and trafficking representing currently a multisectoral phenomenon that affects different areas, being a threat both to the local communities and to the national security. The risks the drug users are exposed to are also determined by numerous factors, such as: the used dose, administration route, simultaneous use of other substances, number and duration of drug use episode and individual vulnerability. There are reasons for concern with regard to the public health because of the high injecting levels, mental health problems and physical injury. Most frequently, the drug use is a risk factor for different infectious diseases, including, first of all, hepatitis B and C, HIV/AIDS virus, sexually transmitted infections, tuberculosis, tetanus and botulism.

Each year in Europe between 10 000 and 20 000 opiate users die, most of them men aged between 30 t0 40 years old.[1]. The drug use is one of the important causes of mortality among the young people in Europe, both directly through overdose (drug-induced deaths) and indirectly, through diseases, accidents, violence and suicide caused by the drug use (mortality related to the drug use). Most studies carried out on the cohorts of problematic drug users present rates of mortality ranging between 1 and 2 % rage per year, which represents an "excessive mortality" (death risk against the general population) for this group, which is 10 till 20 times higher than among their homologues that do not use drugs.

Among the problematic drug use in Europe, the main cause of death is the drug overdose, and the opiates, particularly heroin and its metabolites, are presented in most of the reported cases, often combined with other substances, such as alcohol or benzodiazepines. At the same time, about 1.2 million European receive treatment annually following the drug use, most of them being opiate users[2].

The situation is even more dramatic at global level, where annually, almost 200000 persons die of drug use. In 2010, at global level, UNODC estimates a number between 153 and 300 million illicit drug users, representing between 3.4 % and 6.6 % of the population aged between 15 and 64 years old, while the number of problematic drug users is estimated to range between 15.5 and 38.6 million persons[3].

The most frequently used drug, at global and European level, is cannabis: at global level – between 120 and 225 million adults and at European level – 77 million adults.

At global level, ranked second in terms of use, are amphetamines (between 14.3 and 52.5 millions users), followed by cocaine (between 13.2 and 19.5 million users) and opiates (heroin and opium) (between 13 and 21 million users).

At European level, cocaine is ranked second among the use preferences with 14.5 million Europeans that have tried cocaine at least once in their life and of this number 3.5 million tried cocaine during the last year; cocaine is followed by amphetamines (a term including amphetamine and methamphetamine) with 12.7 million Europeans (15 to 64 years old) that have tried amphetamines during their lifetime and of this number almost 2 million tried amphetamines during the previous year; ecstasy comes next with 11.4 million Europeans (15 to 64 years old) that have tried it (MDMA) during their lifetime and of this number, almost 2 million tried it during the previous year. With regard to the opiate use, a number of 1.4 million Europeans is estimated to exist.

In Romania, the dimension of drug use, as shown by the most recent studied carried out on different categories of population, is as follows: among the general population, the 15-64 age group, the prevalence of the use of any type of drug during lifetime is of 4.3 % (according to GPS study 2010)[4], of which among 16 year old pupils, the prevalence of the use of any type of drug during lifetime is of 19.2 % (according to the ESPAD study 2011)[5] while among students, the prevalence of the use of any type of drug during lifetime is of 22.5 % (according to the 2011 SPS study)[6].

2. Organised crime and drug trafficking

Contiguous to the drug phenomenon, the transnational organised crime is considered a

major threat to human security, which prevents the social, economic, political and cultural development of societies worldwide. Multifaceted phenomenon appearing in different activities such as drug trafficking, human trafficking, trafficking of arms, migrant smuggling, money laundering, the organised crime represents a concern for all the world states, but also for the international organisations in the field. The United Nations Convention against Transnational Organized Crime defines the concept as follows: "For the purpose of the this Convention, «organised crime» shall mean a structured group of three or more persons, existing for a period of time and acting in concert with the aim of committing one or more serious crimes or offences established in accordance with this Convention, in order to obtain, directly or indirectly, a financial or other material benefit."[7]

With regard to the drug related criminality, according to the specialists, there is not only one transnational crime organisation pattern whose main criminal activity is the drug trafficking, as main source of income. These vary in structure, specialisation, traditions, geographical area where they operate, seized markets, etc.[8]. Frequently they operate and use specific information and self-protection techniques and models. As a result, the organised crime in the drug field is not confused only with a certain type of organisation: Mafia, Yakuza, Triads. These are the basic ones, taken over from different states and areas under different names[9].

In this context, both at national and European Union level, the drug trafficking continues to be a temptation for those who want to rapidly gain economic welfare which determines the involvement in such activities of an increasing number of individuals. Thus, being attracted by the gain of fabulous incomes in a short time, the persons already having a history of breaking the law constantly improved their drug production, storage, transportation and sale system creating large networks that operate at interstate and even intercontinental level[10].

On the other side, due to the globalisation effects, the propagation of this easy enrichment model is even quicker, on all the world coordinates and among all the social environments. Thus, according to the analyses carried out, the drug growers, producers, shippers, suppliers, distributors and users come from all world regions and may be recruited from all social environments.

3. Measures to counter the drug phenomenon and the drug-related criminality

Despite the numerous measures adopted by each state, but also by the international organisations in the field, it was not possible to stop its expansion or to isolate it at a geographical area or state level. Moreover, the effects of globalisation started to be more and more obvious. Thus, on the context of the increasing border permeability, transnational threats, such as terrorism, organised crime, drug trafficking and use become more and more powerful, with more and more chances to spread at global scale[11].

Against this destructing phenomenon at social level and not only, the international bodies reacted, making efforts to improve their unitary fight system[12].

An efficient process aiming to develop an anti-drug policy must carefully analyse the different social, political, economical and health-related dimensions of the drug phenomenon.

As well, an optimal political formulation implies a multidisciplinary approach, focusing on a set of underlying strategic principles.

In time, the orientation of the response policies to the drug phenomenon has been influenced by its tendencies, by the study conclusions, by the outcomes of the specialists practice as well as by the civil society, which imposed the need of an immediate and efficient institutional reaction.

In terms of legislation, among the most important measures against illicit drug trafficking and use adopted at international level are:
- Single Convention of Narcotic Drugs, 1961;
- Convention on Psychotropic Substances, 1971;
- Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988.

At programmatic level, internationally, several documents have been drafted aiming to orient the fight against drugs, among which:
- Political Declaration, Vienna, March 2009;
- In 2010, the European Council adopts the Multi-annual programme (Stockholm programme) (2010-2014) and the European Commission Action Plan implementing the of the Stockholm programme;
- In 2010, the European Union Internal Security Strategy is adopted;
- Action Plan (of the Political Declaration from
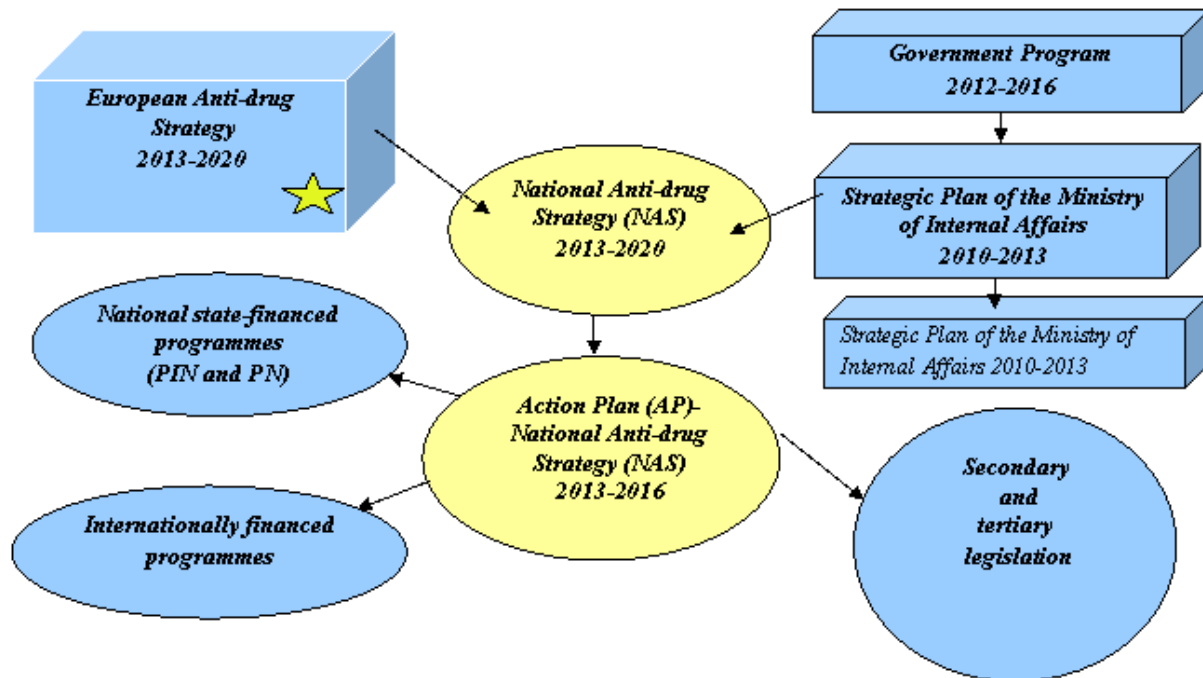
Figure No. 1 Programmatic documents in the field of drugs, at national level

Vienna) for an International Cooperation towards an Integrated and Balanced Strategy to Counter the World Drug Problem;

• European Union Drugs Strategy, 2013-2020;

• European Union Action Plan on Drugs for 2013-2016;

• Resolutions of the Commission on Narcotic Drugs (CND), Vienna;

• EC Regulation No 1.920/2006.

With regard to Romania, the legislation alignment process in the field of drug trafficking and use to the European requirements began during the years preceding the European ascension and continued up to present. During this period of time, policies to respond to the needs identified at legislative level have been drafted as well as a series of documents of high, secondary and tertiary level contributing to the completion of the national legal framework in the field of reduction of the drug offer and demand have been adopte.

4. Present threats related to drug trafficking and use for Romania

During the transition period crossed by Romania after the Revolution in December 1989, the national and international organised criminality appeared also in this country, the criminal groups acting in a structured manned in different fields of the social and economic life. A part of the Romanian citizens, forgetting the right to free movement, committed criminal offences outside the national territory and later, based on the experience gained, initiated on the Romanian territory organised forms of crime, already existing in other geographical areas[13].

Because of its particular geographical position Romania was considered by the drug trafficking networks as an important "bridgehead" connecting the East and the West. The favourable Romanian areal, which includes the entire range of transportation means, allowed the drug trafficking networks to use different means to transit the Romanian territory.

A series of determining factors, such as social-political-economic factors, the legal framework insufficiently regulated in the anti-drug field as well as the lack of legal bodies specialised in countering this kind of criminality endowed with the proper technical equipments influenced in time the evolution of Romania in terms of drug trafficking.

Being placed on the main gateway to heroin in Europe (as integrant part of the Nordic component of the Balkan traditional route), Romania turned into a constantly developing storage and marketing area.

At present, the authorities announced the configuration of a new transit route starting in

Afghanistan towards westerns countries, passing through Turkmenistan, Uzbekistan, Kazakhstan and the Russian Federation, the heroin being stored in Ukraine and subsequently trafficked to Europe through Romania, Hungary and Poland[14].

On the other side, Romania is situated on the main routes used by the traffickers also for other types of drugs, as follows: cannabis (coming from Spain), cocaine (coming from South America), synthetic drugs (coming from Western Europe countries, especially from the Netherlands) and new psychoactive substances (Asia).

Taking into account the position and the role of Romania on the Balkan route as well as the internal social, economic and political factors, the development of Nigerian and/or Lebanese organised crime networks on the national territory aiming to create an African route on the Nordic corridor (Guinea Bissau - Senegal - Mali - Algeria - Lebanon - South Europe) for the connection with Europe – with reference to the trafficking with heroin coming from Pakistan is very plausible.

At the same time, the globalisation of the cannabis production, followed by substantial increases of use at national level for several states, may determine also in Romania the development/ expansion of cannabis cultures, including in controlled conditions (greenhouses). In this sense, of great relevance are the cannabis captures made in 2012 when on the Romanian territory 48 illicit cannabis cultures have been found and 3125 cannabis plants have been seized, both the number of plants and the number of cultures being 3 times higher compared to 2011[15].

At the same time, Romania is subject to the threat of synthetic drugs that may come from the south or south-west region, in Serbia and Bulgaria being identified several specialised laboratories.

The increase of the world methamphetamine production and the rapid expansion of its use as a result of the easy dissimulation modalities and of the low price may equally affect Romania.

Moreover, the interest of the Nigerian and Pakistani groups in prospecting the territory of Republic of Moldova represents a threat to the Romanian east border and by default to the EU border, being likely to restore the traditional heroin transportation routes and not only.

Romania, along with the states bordering the Black Sea, represents a(n) alternative/secondary route for the introduction of cocaine in Europe,

though Constanța port, especially of the cocaine coming from Bolivia.

Moreover, the migration of the synthetic drug laboratories from Bulgaria to Serbia, Montenegro, Greece and Turkey, corroborated with the geographical position of Romania and its quality of EU border, places our country in a vulnerable position.

On the other side, starting with 2011, the risks associated with the drug use started to be more and more present on the Romanian territory.

Observed at the end of 2011, the HIV epidemics among the injecting drug users from Romania continues to represent a concern for the authorities. According to the data provided by the National Commission to Fight Against AIDS, the number of injecting drug users recently diagnosed with HIV increased on Romania from 1 to 6 cases yearly until in 2010, to 136 cases on 2011, respectively to 237 cases in 2012 which means that 31 % of the total number of newly identified HIV cases in 2012 for all the risk categories arise from the injecting drug users[16]. This situation may generate a public health problem as the HIV infection is likely to spread also to other categories of population in the risk areas. Significant increases are recorded also with regard to the prevalence of the liver infections, hepatitis B and C, as well as of the tuberculosis.

5. Regional and national anti-drug policies

The policies regarding the drug control worldwide function within the general context provided by the international control system created based on the three conventions of the United Nations Organization.

With regard to the regional anti-drug policies, during the last years, different international organisations developed regional drugs strategies as well as related Action Plans. At present, they cover 147 countries from four continents. Thus, in 2010, in America, the Organisation of American States (ASO) adopted the Hemispheric Drug Strategy and a year later, an Action Plan (2011-2015). Concurrently, the Andean Community adopted its own drug strategy for 2012-2019 and its Action Plan for 2012-2016. In Africa, the African Union (AU) adopted the Action Plan on Drug Control (2013-2017), while the Economic Community of the West African States (ECOWAS) adopted the Regional Action Plan to address the growing

Figure No. 2 Strategies and national action plans on drugs, availability and action field

problem of illicit drug trafficking, organised crime and drug abuse for 2008-2011. In Asia, the Association of Southeast Asian Nations (ASEAN) adopted the Work Plan on Combating Illicit Drug Production, Trafficking and Use (2009-2015), while the Shanghai Cooperation Organisation in (SCO) set itself for 2011-2016 to drastically reduce the level of drug trafficking and use and be precursors through the strategy on combating drugs on the SCO Member States.

The purpose and the content of these strategies reflect the differences in the drug problem and the resources available between the regions where they are to be implemented in. There is a certain degree of similarity between key political fields, as well as a common use of a comprehensive approach aiming to reduce both the drug offer and the demand. The constantly increasing number of regional strategies also reflects a better understanding of the fact that drugs are a problem that cannot be solved only at national level and that coordinated regional approaches may be developed to tackle the common problems.

At European level, the EU legislation on drugs, as well as the EU multi-annual strategies and action

plans provide a framework for the coordinated action.

In Europe, the responsibility of adopting legal, strategic, organisational and budgeting frameworks to solve the drug-related problem belongs to the national parliaments and governments.

Starting with the late 1990s, it became a common practice for the national governments across Europe to adopt strategies and action plans on drugs.

These documents include a series of general principles, objectives and priorities, specifying the measures and parties responsible for their implementation.

At present, all countries dispose of a national strategy or action plan on drugs, except for Austria which has such plans at provincial level.

Five countries have adopted national strategies and action plans covering legal and illicit drugs.

Apart from the development of national strategies on drugs, the countries created also coordination mechanisms for the implementation of their drug policies. At national level, most countries now have an interministerial committee for drugs, plus a national coordination body for drugs, re-
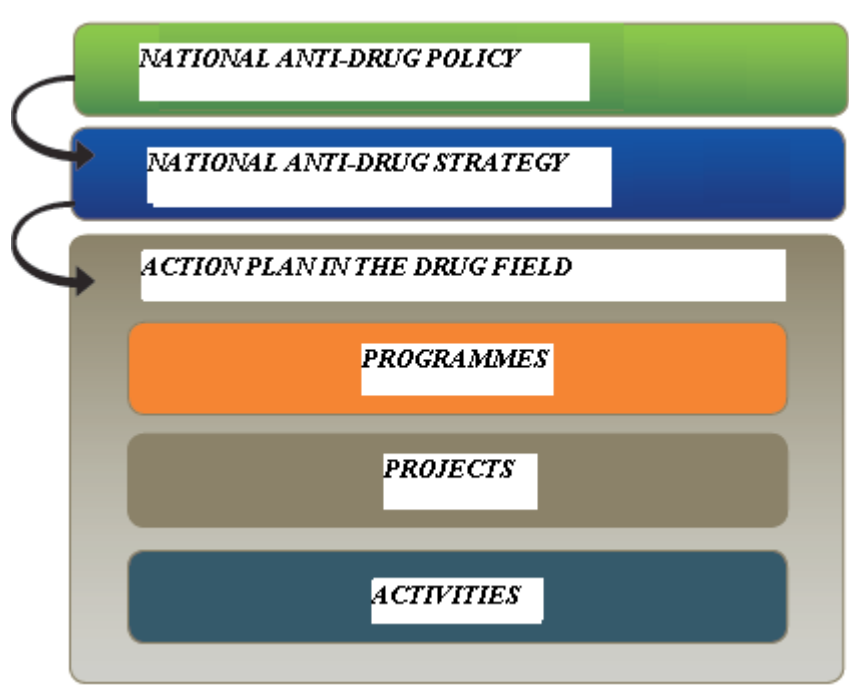
Figure No 3 The conceptual structure of the national anti-drug policies

sponsible for managing the daily activities. In 14 countries, these operate nearby the Ministry of Health, while in the other countries, they operate nearby the Government or the Prime Minister's Office, the Ministry of the Interior or other ministries. Twenty two countries also report to have a national coordinator in the drug field, officially appointed, who is, in many cases, the leader of the national coordination body. The national coordinators meet at EU level. At regional or local level, there are coordination agencies on drugs, coordinators on drugs or both, in most countries. Moreover, in some countries, particularly in those with a federal structure, the vertical coordination bodies promote the cooperation between the national and local levels. In other countries, the coordination at regional or local level is often supervised by national bodies. During the last years, the European Union and an increasing number of countries made a final evaluation of the drug strategy or drug action plan. Generally, the purpose is the evaluation of the implementation stage, as well as of the changes in the drug situation as a whole, aiming to provide the information necessary for the development of the future strategy. In Europe, the most part of the evaluations are internal, carried out by the agency or institution responsible for the plan; however, more and more countries ordered common or external evaluations. At present, most European countries have plans for a final evaluation of the existing strategy on drugs.

Also, at national level, the drug phenomenon requires a multidisciplinary institutional, pragmatic and efficient response based on a realistic evaluation of the needs, resources, action possibilities and objectives. This response may not be limited to a single institution or organisation, but it must be the result of a real inter-institutional constant and efficient cooperation. In this sense, the coordination mechanism previously built and consolidated through this strategy continues to represent the core element in ensuring the synergy, coherence and unity of the response to drug phenomenon, starting from the premises of the authentic cooperation, the avoidance of overlays and an efficient information and data exchange and the efficient use of resources.

The National Anti-drug Agency is part of the national legislation framework and complies with the fundamental principles of the European Union: respect for human dignity, freedom, democracy, equality and rule of law. The National Anti-drug Agency Strategy for 2013-2020 represents a programmatic document encompassing the general and specific objectives on the action directions undertaken by all the institutions involved in the reduction of the sale of drug phenomenon at national level.

Its approval by the Government of Romania, the National Anti-drug Strategy 2013-2020 will be assumed and a public policy document in the field, conferring to the response to the drug phenomenon a formal character and legitimacy.

The new strategy aims to bring added value in terms of Romanian state reaction to the drug problem, through the development of the coordination mechanisms, inter-institutional collaboration, decision-making transparency, research and strategic analysis.

The National Anti-drug Strategy 2013-2020 aims at certain aspects, such as:

• reduction of the drug use and addiction, as well as of the consequences generated by the drug use and addiction at the level of public health, order and safety;

• contribution to the reduction of drug availability on the market;

• promotion of awareness with regard to the phenomenon, through the systematic evaluation of the tendencies and challenges in the drug field, in order to sustain the respond of the institutions and civil society structures;

• provision of the framework necessary for the dialogue and cooperation between the institutions involved and the non-governmental sector.

Conclusions

Nowadays, the illicit drug trafficking and use can no longer be restrained to a certain geographical or cultural area. On the other side, the trafficking methods, the use methods and the production technologies can not longer be classified in certain patterns already known. Characterized by a major fluctuation and complexity, the drug phenomenon represents, like terrorism, an asymmetric threat that does not conform to the rules of equivalence and equality. Such threats are not clear nor one-dimensional, but multipolar and diffuse, being expressed at different levels and presenting different degrees of intensity.

In Romania, the drug phenomenon recorded new forms of manifestation, requiring more varied approaches. Unlike the 1990's, we must deal currently with an extremely innovating and dynamic drug market and the frequent appearance of new psychoactive substances whose risks for health are yet unknown represents a constant challenge for the Romanian society.

Given the geopolitical position of Romania, as well as its progresses in countering the drug trafficking and use, in developing the future anti-drug public policies, one must consider that our country should become in this field a pole of stability in the Black Sea basin. At the same time, when creating the response policies, the specific needs of each area must be taken into account by promoting the anti-drug local and regional strategy development with the involvement of all the local political and social actors. Within these strategies, priority will be given to the development of prevention programmes and assistance services whose efficiency can be seen in time, but which, by their effects on the drug demand, may determine a significant reduction of the drug offer, given the causality relation between the two variables.

The experience gained over time shows that, in the absence of a unitary coordination, the simple sum of efforts at local and sector level, even financed could not longer allow achieving the objectives established. This is why the reestablishment of the National Anti-drug Agency and the reconfirmation of its role as a coordinator of the anti-drug policies meant the return to a correct approach of the drug phenomenon in Romania and its placement of a normal track.

The purpose and the content of the anti-drug strategies reflect the differences in the drug problem and the resources available between the regions where they are to be implemented in.

There is a certain degree of similarity between key political fields, as well as a common use of a comprehensive approach aiming to reduce both the drug offer and the demand.

The increasing number of regional strategies also reflects a better understanding of the fact that drugs are a problem that cannot be solved only at national level and coordinated regional approaches may be developed to tackle the common security problems.

NOTES:

1 *European Drug Report 2013: Trends and developments*, European Monitoring Centre for Drugs and Drug Addiction (EMCDDA), Luxembourg, 2013.

2 *Ibidem*.

3 *World drug report 2012*, United Nations Office on Drugs and Crime (UNODC), Vienna, 2012.

4 *National Report on the Drug Situation in Romania*

2010, National Anti-drug Agency (NAA), 2011.

5 *National Report on the Drug Situation in Romania 2011*, National Anti-drug Agency (NAA), 2012.

6 *Ibidem.*

7 *The United Nations Convention against Transnational Organized Crime*, available on 28.05.2013 at http://www.onuinfo.ro/documente_ fundamentale/instrumente_internationale/conventia_ impotriva_crimei_organizate_transfrontaliere/

8 Cătălin ȚONE şi alţii, *Criminalitatea organizată-tratat de teorie şi practică judiciară*, Volume I, Sitech Publishing House, Craiova, 2009, p. 77.

9 Damian MICLEA, *Cunoaşterea crimei organizate*, Pygmalion Publishing House, Ploieşti, 2001, p. 22.

10 Cătălin ȚONE şi alţii, *"Etnobotanicele", vise care ucid*, Sitech Publishing House, Craiova, 2012, p. 10.

11 Grigore ALEXANDRESCU, *Ameninţări la adresa securităţii)*, National Defence University Publishing House, Bucharest, 2004.

12 Cătălin ȚONE, *Drogurile - tentaţii şi pasiuni ucigaşe (Drugs - temptations and murderous passions*, Craiova,Sitech Publishing House, 2009, p. 11.

13 Information included in the National Strategy to Counter the Organized Crime during 2004 and 2007, approved by the Government Decision No 2209/2004, published in the Official Gazette of Romania No 1256 of 27 December 2004.

14 *National Report on the Drug Situation in Romania 2011*, National Anti-drug Agency (NAA), 2012.

15 *National Synthesis on the Drug Situation in Romania, 2012*, National Ant-drug Agency (NAA), 2013.

16 *Ibidem.*

BIBLIOGRAPHY:

1. *** The United Nations Convention against Trans-national Organized Crime, http://www.onuinfo.ro/documente_fundamentale/ instrumente_internationale/conventia_impotriva_ crimei_organizate_transfrontaliere/

2. *** *European Drug Report 2013: Trends and developments*, European Monitoring Centre for Drugs and Drug Addiction (EMCDDA), Luxembourg, 2013.

3. *** *Precursors and chemicals frequently used in the illicit manufacture of narcotic drugs and psychotropic substances*, International Narcotic Control Board (INCB), United Nations Organization, New York, 2012.

4. *** *National Report on the Drug Situation in Romania 2010,* National Anti-drug Agency (NAA), 2011.

5. *** *National Report on the Drug Situation in Romania 2011*, National Anti-drug Agency (NAA), 2012.

6. *** *Report of the International Narcotics Control Board for 2011*, International Narcotic Control Board (INCB), United Nations Organization, New York, 2012.

7. *** *National Synthesis on the Drug Situation in Romania, 2012*, National Anti-drug Agency (NAA), 2013.

8. *** *World drug report 2011*, United Nations Office on Drugs and Crime (UNODC), Vienna, 2011.

9. *** *World drug report 2012*, United Nations Office on Drugs and Crime (UNODC), Vienna, 2012.

10. DASCĂLU, Ioan (coordinator); PRUNĂ, Ştefan; ȚUPULAN, Marin-Claudiu; ŞTEFAN, Cristian-Eduard; GIUREA, Laurenţiu, Sitech Publishing House, Craiova, 2008.

11. DRĂGAN, Jenică, *Aproape totul despre… droguri*, Bucharest, Military Publishing House, 1994.

12. DRĂGAN, Jenică, *Drogurile în viaţa românilor*, Bucharest, Magicart Design, 1995.

13. OPREA, Sorin, Drogurile – limite instabile" in *Academica*, magazine published by the Romanian Academy, No 1-2 (January-February) 2012, Year XXII.

14. SANDU, Florin, *Stop drogurilor (No more drugs)*, Bucharest: Sylvi, 2002.

15. ȚONE, Cătălin şi alţii, *Drogurile şi crima organizată,* Sitech Publishing House, Craiova, 2009.

16. ȚONE, Cătălin, *Influenţa traficului de droguri asupra siguranţei naţionale*, Doctoral dissertation held at "Carol I" National Defence University, Bucharest, 2011.

17. ȚURLEA, Stelian (selection of texts, translation, comments and notes), *Bomba drogurilor*, Bucharest, Humanitas, 1991.

BLACK SEA AREA – A NEW "GREY AREA"?

Marius-Cristian NEACŞU, PhD*
Silviu NEGUŢ, PhD**

This study represents the result of a thorough research regarding the dynamics of the geopolitical frontier between Russia and the Western world over the last two decades since the end of the Cold War. One of the effects of this dynamic is the emergence of the "grey area" concept (geopolitical indecision area), a concept that evolved from a simple phrase that used to classify the countries that "just broke free from the socialist camp" in the nineties, located in Central and mainly Eastern Europe, to an instrument of foreign policy for Moscow, used for braking the geostrategic expansion of the Euro-Atlantic structures towards its borders; especially in the context of the ever-growing geopolitical behaviour of Russia, beginning with the year 2000, in order to regain its status of Eurasian power. To this end, the revitalization of the two "anchors" – the presence at the Baltic and Black Seas –, was Moscow's main focus over the last few years. More significant for Romania is the South-Eastern European anchor, the Black Sea area respectively, taking into consideration that we are neighbouring a sea of great interest for Russia, in light of what was mentioned above. Thus, this study gains purpose by shaping the increased potential of the Black Sea to sustain or generate "grey areas", taking into consideration its complicated role of "hinge" between the different regional geopolitical systems. Stable geopolitical systems in the Black Sea area represent a greater guarantee for the security of small and medium sized countries, such as Romania.

Keywords: "grey area"; geopolitical frontier; Black Sea; Russia; Western World.

Introduction

The Black Sea was a privileged subject of the specialty literature, several sciences and domains meeting in the Black Sea area, emphasising through the scale of studies and research the significance of this subject. More than this, it became a keyword for individualising certain regions – *the Black Sea region, the Black Sea extended region* – or several international organisations, such as BSEC (Black Sea Economic Cooperation). How many pages will have been written since the lectures of our distinguished historian Gheorghe Brătianu who, twice a week, held in front of the students of the University of Bucharest, between 1941 and 1942, the course "The Black Sea question"[1]?

This study does not aim to contribute to the increase of the specialty literature, but attempts to shape the assumptions for offering an answer to the question "Has the Black Sea regain its place as a component in a new 'grey area'" two decades after the (formal) end of the Cold War? The answer to this question, which also emphasises the *purpose*

* PhD Marius-Cristian Neacşu is Assitant Professor in the Bucharest Academy of Economic Studies, Romania. E-mail: marius.neacsu@biblioteca.ase.ro
** PhD Silviu NEGUŢ is Professor in the Bucharest Academy of Economic Studies, Romania. E-mail: silviu.negut@gmail.com

of this study, is very important: regional stable geopolitical systems create a greater guarantee for the security of small and medium countries (such as Romania), while a grey indecision area creates not only the base, but also encourages the manifestation of the power games of the main international actors, in which we can easily become a "collateral victim".

Certain *terminological determinations* are necessary: what is the *"grey area"*? The context in which this phrase has taken roots was the implosion of the Soviet Empire, which marked the end of the Cold War, and resulted in a series of countries (that up until 1989 were part of the "Eastern Europe", an ideological Europe, which also included Romania) independent of Moscow's gravity, but without the necessary capacity and geopolitical maturity to find their own way, to fulfil their geopolitical destiny free of any power centre. Kremlin's recoil meant, at least in the last decade of the past century (up to the year 2000), the geostrategic expansion of the Euro-Atlantic structures (NATO and the EU) in what was Russia's *sphere of influence*. However, president Putin's mandates, on the one hand, and the internal issues of the Euro-Atlantic block (the effects of the rapid expansion of the EU, the international financial crisis that transformed into a true economic crisis and so on), on the other hand, have slowed this process. What remained of the previous "grey area"[2] or the "hinge area" as it was also named, represents today the *geopolitical frontier* between Russia and the Western world: the space between the Baltic and Black Seas, formed by Kaliningrad – Belarus – Ukraine – Republic of Moldova[3] in which the interest and strategies of the centres of power clash. Not even the Western world, least of all Russia, are willing to accept any other steps of the other party over this border. We restate the phrase "geopolitical frontier" because it is not about a "border", a simple line that can delineate territories, but a territorial expanse, with geopolitical burden at least important for the Western world, and vital for Russia. The Black Sea, through the nature of its geographical position and the geopolitical meaning it carries enlists on this frontier.

1. The Black Sea regional geopolitical system

The Black Sea region has always been and still is of great significance, forming today the main point of the Eurasian geopolitical macro system or, in other words, is the place where several regional geopolitical systems intersect. This "geopolitical constant" function of the Black Sea was very well expressed at the beginning of the previous century by the great Romanian historian Nicolae Iorga in the following paragraph: *"… peoples change, seats of government are reshaped, ideas that dominate humanity are not the same, but the important regional problems persist"[4]* (!), and by Brătianu: *"the historical interest awakened by a geographical region is an expensive privilege …"[5]*.

Reality has perfectly illustrated the words of the two illustrious scientists:

On the one hand, the Black Sea has always been an important link on the sea axis (Caspian Sea -Black Sea -Mediterranean Sea), always contributing to the configuration and reconfiguration of the regional geopolitical systems: sedentary vs. nomads in the prehistoric period and in the dawn of antiquity, Greek-Roman equation in the Antiquity, Byzantine-Turkish and after that Ottoman in the Middle Ages, Ottoman -Russian, Soviet -Western (NATO) in the Communist period and the current regional configuration is even more complicated; where is this geopolitical load of the Black Sea coming from? The answer is at hand: its geographical positioning at the edge of the European continent and also at the end of the "silk road" has transformed the Black Sea into a true *Eurasian geopolitical hinge*. In the context of the Sea axis, the Black Sea helps reduce the enclavation of the Caspian region (both presently and in the past) and also forms an outpost in the heart of the Eurasian barrens of the Mediterranean Sea.

On the other hand, Romania has fully felt the results of having a shore to the Black Sea and the interest this generated, in any historical context the political and geopolitical life of our country being utterly connected to the evolution of the regional geopolitical systems that intersected in the Black Sea region: from the placement in "the path of all evils" to use the words of the chronicler Miron Costin –and every time the Romanian space lost its direct connection with the sea it has lost its independence (Roman Dacia, Ottoman suzerainty), so for us the Black Sea represents a *security anchor* – , to more beneficial effects, such as the acceptance in NATO, due to the USA's interest in

the Middle Eastern issue, taking into consideration the proximity of the Black Sea to the operations theatre (Turkey not counting as an option at that time).

In addition, the quasi-permanent significance of the Black Sea, constantly emphasised through studies and research all across time, derives, as mentioned above, from its role as a Eurasian geopolitical hinge. If we look carefully at the three seas – the Caspian Sea, the Black Sea and the Mediterranean Sea – we can identify the following fact: the three seas represent three different stages in the geopolitical evolution of a geographical space.

More precisely, the Caspian Sea represents the *juvenile stage* in terms of international relations, being in a complete litigation[6] in terms of delineating exclusive economic areas and the distribution of the continental plateau amongst the neighbours (Russia, that assumes the role of legitimate heir of the USSR and thus manager of the Caspian region, Iran that still keeps alive the memory of the ancient and great Persian civilization and three smaller neighbours – Azerbaijan, Kazakhstan and Turkmenistan –, rather vulnerable and pretty close to Russia, also claiming on a lesser tone, the right to have a share of the Caspian lake. From this point of view, taking into consideration its geographical position in the interior Asian land mass, the Caspian Sea can only define *local geopolitical systems*.

The Black Sea is currently in the *intermediate, transitional stage* (of advanced youth, so to say), stabilised from the international relations point of view, not being any longer at the discretion of only one centre of power, but still maintaining regional litigations, out of which several have been recently settled (such as the one between Romania and Ukraine in regards to the distribution of the continental plateau near the Snake Island in which case the Hague International Court of Justice has expressed in 2009). Thus, taking also into consideration its position at the intersection of the European and Asian continents, to its role as commercial[7], cultural[8] and geopolitical intersections, the Black Sea defines more complex *regional geopolitical systems*: the Ukrainian, Caucasian, Turkish, Balkan systems, with a regional reach; and additionally two more with a global reach: the Western one (through the Euro-Atlantic structures) and the Russian one.

The Mediterranean Sea has reached its *maturity stage*, being at the end of a geopolitical cycle, wholly internationalised and well regulated[9]. Being the civilization epicentre of mankind, it configured the *global geopolitical system* over the course of history, the gravitational centre shifting towards the North Atlantic in the 20th centre and probably towards the North Pacific in the 21st century.

From all of the above results that, at least theoretically, the Black Sea has a high potential of being enrolled or to describe a geopolitical frontier between Russia and the Western world and also, as shown by the current geopolitical context, a new *grey area* with vulnerable states caught in the Western "mirage" and the all to recent, pragmatic and nearby Russian reality.

2. The Black Sea between the Western world and Russia. Power games

We mentioned above that the Black Sea is at least significant for the Western world and vital for Russia. It is necessary to explain this different geopolitical load for the two power centres, or this difference results from their different reporting to the Black Sea.

Thus, *for the Western world* the Black Sea represents, mainly, *a multiple function corridor: geoeconomical, geostrategic and geopolitical.*

The implosion of the Soviet empire that marked the end of the Cold War made possible the Eastern ideological "thawing" and what was several years previously only a utopia became desirable and more than that obtainable: the geopolitical integration of Eastern Europe (or to use a pun Eastern Europe's re-Europeanization), the democratization of the Caucasus region and access to the much wanted energy resources of the Caspian and Central-Asian areas. However, from calculation to the effective concretization of the project the road was much longer than what Europe was capable of bearing... The results are obvious: the Northern (the Baltic states) and the Central-European reintegration (Germany's unification, the integration of the Visegrád group[10] and Romania), small and hesitant steps in the Balkans (Bulgaria's integration), the greater distancing from Ukraine (the failure of the "orange revolution", practically through Ukraine almost the entire ideological "Eastern" Europe is recreated, in a smaller territorial dimension), the "loss" of the Republic of Moldova, the total failure in the Caucasus (see Russia's attack in Georgia,

august 2008, in the problem of South Ossetia) and the ever more restricted access to the Caspian and Central-Asian hydrocarbons basin due to Europe's helplessness, Russia's return to the force line from before 1989 and China's emergence.

Going back to the subject at hand, for the Western world, freeing the Black Sea from the Soviet shackles has been the premise for individualising an energy corridor towards the Caspian Sea hydrocarbons resources and to the adjacent area, an energy corridor that would become a diplomatic corridor for connecting the Caucasian and Central-Asian republics. Requirements: independence of the Caucasian and Central-Asian republics. Sufficient conditions: a "docile" Russia on the path to democratization, an "united" Europe, a still "East-Asian" China.

The USA (player that defines, together with Europe what we generically call the "Western world") have understood the idea perfectly and brought to fruition Moscow's regional recoil: since 1992 they were able to build a pipeline system for the transport of oil and natural gas – the BTC oil pipeline (Baku-Tbilisi-Ceyhan) and the BTE gas pipeline (Baku-Tbilisi-Erzurum) –, to interconnect the Trans-Caucasus space with Turkey (which is a model of stability and economic prosperity for all the Turkish-Islamic Republics[11] and at the same time, a Western outpost since the time of the USSR). Well educated in the "Cold War school" and taking advantage of the power vacuum created in the Caspian area, the United States launched in 1996 another project – the Trans-Caspian gas pipeline – with which they aimed to interconnect Turkmenistan and implicitly open a diplomatic corridor towards Central Asia.[12] However, indecision and Europe's delay in reaction, together with Russia's revitalization through the "Putin doctrine" into an energy superpower have thwarted this project and contributed to today's state of affairs: no successful European energy project (the agonising "Nabucco" project, launched in 2002 and reconfigured in 2012 into a smaller version, to lose in 2013 before Trans-Adriatic Project – TAP –, has better occupied the shelves of libraries than the reservoirs of European industries), while the Russian ones are 50% ready and fully functional (the "North Stream" gas pipeline, launched in 1997, is fully operational and transports Russian natural gas to Germany, as for "South Stream", launched in 2006, the construction of the part on

the bottom of the Black Sea has begun in 2012)[13].

Thus, for the Western world, the Black Sea had in the post-Soviet geopolitical context a double (geo)economical value: on the one hand, integration in the European Union of the ex-Communist Eastern Europe countries and through this access to considerable markets in proximity to the Black Sea; on the other hand, access to the huge essential resources and raw materials, especially energy, by interconnecting the Black Sea, Caspian and Central-Asian spaces (a more desirable alternative to the Russian energy resources and to the transport routes under its control).

The geoeconomical dimension of the Black Sea area previously shaped has been doubled by the geostrategic and military one (the expansion of NATO, implementation of the American missile shield in proximity to the Western shore of the Black Sea) and by the geopolitical one (expansion of the Euro-Atlantic structures in Moscow's previous sphere of influence).

For Russia, the Black Sea represents a "geopolitical clip" that ensures its presence in Europe.

The vitality of the Russian interest in the Black Sea results from Russia's geopolitical destiny (thus outlined by the Czar Peter I the Great) to be: not an European power (improbable and impossible, taking into consideration its location at the Eastern periphery of Europe and with most of its territory concentrated in Asia), not even an Asian power (where it would have to "face" giants such as China, India, Japan), but an *Eurasian power[14]*, which corresponds to its specific geographical location.

In our opinion Russia's Eurasian geopolitical dimension is achieved through two territorial anchors: its presence to the Baltic and Black Seas. To both of them, Russia lost a great deal with the implosion of the USSR.

The Euro-Atlantic integration of the Baltic republics and of Poland have transformed Kaliningrad – the only Baltic territorial anchor ("the Northern clip") –, in an enclave caught in a "sandwich" between the Baltic and the Western structures (NATO and the EU). The situation has slightly improved from a Russian perspective due to the completion of the gas pipeline "North Stream" that, on the one hand secured with energy the outpost province and on the other hand it represents a pretext for Russia's military resurgence in the Baltic Sea.

More significant in the current geopolitical context is the Black Sea presence: here Russia has lost the most, Ukraine inheriting an important part (the best part) of the ex-Soviet shoreline, the largest harbours (such as Sevastopol), the Crimean Peninsula and the proximity to the Danube's mouth. Russia has inherited a small shoreline, complicated both from a physical-geographical point of view (mountainous-Caucasian), and from a human perspective (Islamic Caucasian populations, Sunni and Shiite). This leads to the result that, without exerting control over Ukraine, now only a neighbour (however in the "near abroad" for which the Russians invented and applied a different concept, that of "limited sovereignty"), the Russian Federation would be "thrown" back towards Asia. Ukraine – or the "Southern clip" – is thus vital for Russia's European interests, due to its location North of the Black Sea.

In the two decades that have passed since the end of the Cold War, on the Black Sea - Baltic Sea alignment complicated power games between the Western world and Russia[15] have taken place, out of which we sequentially, further, highlight several nuances.

The strategic expansion of the Euro-Atlantic structures (NATO and the EU) in Kremlin's previous sphere of influence and closer to Russia's current borders has been balanced by Vladimir Putin's administration through the invention of the concept of "hard-energy": practically an expression of "hard power", but which no longer manifests through military invasion, but by use of the energy instrument as a political tap. Initially, rapid steps towards the expansion of the Western regional blocks have been countered by using preferential prices for Russian natural gas, way below the market price (50 dollars in comparison with 300 dollars per thousand cubic metre[16]) in the countries that formed a sort of a "security corridor" for Russia's borders, to use American analyst Zbigniew Brzezinski's phrase in his famous book "The Grand Chessboard" (2000), respectively Belarus, Ukraine, Republic of Moldova (to which we can add Georgia). "The orange revolution" in Ukraine (2004) and the incipient Westernization initiated by the opposition candidate Viktor Iuşcenko who won the presidential elections after a highly controversial poll that caused Russia's increasingly harsher reaction: cancellation of the preferential prices in practice and unleashing the "gas war"[17].

"The gas war"[18] between Russia and Ukraine (2006, 2008, 2009), in reply to Ukraine's tentative to reorient towards the West, has unleashed another dispute, with more ample effects, which was the "gas pipeline war" often compared with a "new Cold War": same actors, Russia on one side and the Western world on the other; the arms race was replaced with the route design race: a Ukraine which became undesirable from a transit perspective had to be bypassed, a status agreed upon both by the great and aiming to be sole supplier, Russia, and the European beneficiaries of the Russian gas affected by the dispute between the two; same losers: small and medium countries, at the discretion of the "large ones" revolving around the question "will the gas pipeline pass through our territory?" (there is no need to remember Romania's case, the most loyal partner and supporter of "Nabucco", but so far bypassed by all pipelines).

In the context of the dispute regarding the alternative routes that should bypass Ukraine Russia has used what in a recent study we dubbed "<pre-emptive> gas pipeline"[19]; it represents the launch of gas pipeline projects with the sole purpose of pre-empting the completion of the Western ones.

Thus, one by one, all the Western attempts were outplayed. For example, the launch of the American "Trans-Caspian" gas pipeline project in the middle of the 90s for fuelling the Turkish market, by interconnecting Turkmenistan to the BTE gas pipeline (Baku – Tbilisi – Erzurum) and through this opening a diplomatic channel to Central Asia was balanced by Russia through the launch of its own project, respectively an underwater gas pipeline below the Black Sea that would connect Turkey directly with Russia. It was symbolically named "Blue Stream" (launched in 1997, one year after the Western one). Its purpose was achieved: the Western pipeline was not completed and Moscow invaded the Turkish market with Russian gas.

The same "Trans-Caspian" gas pipeline has been reactivated in the context of searching for a supply source for Nabucco. Russia has reacted promptly: proposed a "Pre-Caspian" gas pipeline, meant to being supplied from Turkmenistan (Azerbaijan, together with Turkmenistan could have been a viable supply source for the European market) and transport them through Gazprom's infrastructure. The effects were similar: the

Western gas pipeline failed a second time (with similar effects on "Nabucco"), but the Russian one was never built, as long as it fulfilled its role: pre-empting (stopping) the Western one.

The last decade also recorded, with similar results – the failure of Western attempts against the much too pragmatic Russian reality – , the dispute between Nabucco, the Western world's "crown" gas pipeline and South Stream, Moscow's project. Until now Nabucco suffered several reconfigurations of the initially planned dimensions – the launch of "Nabucco West" in 2012 –, and, furthermore, the failure of the latter in 2013, while the construction of the South Stream gas pipeline has started at the end of 2012.

Not only the geoeconomical sphere was witness to the Black Sea power games, but also the geopolitical and geostrategic spheres. For example, one of the most obvious actions which confirmed that Russia is no longer willing to take any more steps back against the Western world in what was previously its sphere of influence, was the failure of the "orange revolution" in Ukraine (begun in 2004) and with it the elimination from Kiev's official agenda the objective to join NATO (2009). In addition, the uncertainties regarding the direction in which the Republic of Moldova was heading, using the Transnistrian "key" as a pressure instrument has shown that Russia knows how to "make the games" so that it continues to pursue its objective of being present in Europe's business and thus illustrate its Eurasian power status. All these "gains" of Moscow against the fragile economies and democracies from the previously ideological Eastern Europe illustrate more and more that the Black Sea area reforms, twenty years after the end of the Cold war, into a "grey area".

3. Different regional actors, different interests. The Black Sea area – a new "grey area"?

The dynamic of the equations of power around the Black Sea has been strongly reactivated through the modification of the historical and geopolitical context. From an equation in two – the USSR and the Western world (through its Turkish outpost) – for almost half a century, the Soviet empire's implosion and Moscow's temporary recoil made possible the individualisation of at least two regional actors which, besides the major interests of the two large power centres, further

complicate the region's geopolitical configuration. We are talking about Turkey (Southern Black Sea) and Ukraine (Northern Black Sea), both of them fulfilling the role of "hinge states" and both of them awakening to a tremendous opportunity in what regards Black Sea geopolitics, through the power vacuum created by Russia's recoil at the end of the previous century. However, the reactions were different: where Ukraine decided on a passive position of a "sphinx"[20], in regards to the Black Sea geopolitical behaviour, Turkey has shown hyper activeness, strategically expanding on three major axes (Balkans, Caucasus, Central Asia), which made Aleksandr Dughin (2005) quote: "Where Moscow's positions weakened, Ankara had to seek to strengthen these axes"[21].

Let's briefly look at them.

Ukraine

In the territorial and geopolitical equation of the Black Sea Ukraine has gained most from the dissolution of the "old world order", almost substituting Russia in the Black Sea, by controlling two vital points in the Black Sea geostrategy: the Crimean peninsula (a possible conflict source, currently "frozen", but one that can be thawed at any time)[22] and the Snake Island and proximity of the Danube mouth. It also remained in possession of the largest part of Black Sea shoreline from the ex Soviet Union and the largest harbours, to which we can add the largest part of the continental plateau. The issue of the Russian Black Sea fleet remains open (currently anchored in Sevastopol).

We already reiterated Ukraine's significance for the large Eastern neighbour, Ukraine that constitutes today a buffer zone between the Euro-Atlantic structures (NATO and the EU) and Russia, while also owning several essential Black Sea geostrategic points (some, such as the Crimean peninsula, gifted by the Russians). Here is what American politologist, Zbigniew Brzezinski said: "Without Ukraine Russia ceases to be an Eurasian empire. Russia without Ukraine can still aspire to the empire status, but then it would become a mostly Asian empire, with a possibility to be attracted into conflicts – which would weaken it ... But, if Moscow regains its control over Ukraine (...) with its access to the Black Sea, Russia automatically regains the means to become a strong imperial state, both in Europe and in Asia"[23].

More than that, taking into consideration that

the post-Soviet Ukraine "has removed Russia from the Danube's mouth, has reduced the enclavation of the Azov Sea and has parted the Cimmerian Bosporus – a straight with geoeconomical and geopolitical values that are still to be discovered"[24], seems thus natural and legitimate, from Russia's point of view, that Kiev will be a representative and promoter of its policies in South-East Europe and the Black Sea.

The unsuccessful tentative to look to the West – "the orange revolution" (2004), followed by its failure – have clearly shown Ukraine's limited options. Here is what George Friedman, the author of "The Next 100 Years" was saying in 2009: "As soon as NATO started to court Ukraine, the Russians changed their point of view both in regards to the American intentions and in regards to Ukraine. From their point of view, NATO's expansion in Ukraine represents a serious threat to Russian interest. When a pro-Western revolution – such as the Orange Revolution – showed signs to support Ukraine's access into NATO, the Russians accused the USA that they try to surround and destroy Russia. (...) The Russians did not raise their army. They preferred to raise their secret services which had connections in Ukraine more than the FBI did in Texas. The Russians undermined the Orange Revolution, staking on a rupture between Eastern Ukraine, pro-Russian, and Western Ukraine, pro-European"[25].

At least theoretically Ukraine has two scenarios: pro-Western orientation vs. pro-Russian orientation. A third scenario, the one of "sphinx" seems not to be viable, taking into consideration its function of "geopolitical hinge", while the fourth one of "bridge", "hinge", "play at both ends" does not yet have the necessary premises to form. But this is all theory... The events of the last decade have clearly shown that these options, with an active neighbouring Russia, positioned in the Cold War logic of a zero-sum game (the Western world's failure is my gain), do not resist on paper: the first option, the Western one does not even exist. Ukraine is much too fragile, too territorially and geopolitically fragmented – Samuel Huntington using the phrase of "torn country"[26], referencing the two distinct cultures: the Western, Ukrainian, nationalist, Greek-Catholic and the Eastern one, East of the Dnieper, Russophile, Orthodox and Oleg Serebrian showing that – "The Ukrainian state is a reality, the Ukrainian nation is for now only a

wish"[27] –, too young, too close to Moscow and the Black Sea, where Russia has major interests.

The only alternative for a non-unitary Ukraine, under the conditions of a non-homogenous Western world, that speaks too many languages and also has its own issues and an active Russia, well lead by Vladimir Putin, confirmed so far by reality, is ... that there are no other options but the Russian way. It is the unfortunate destiny of countries in the proximity of superpowers...

In order to keep Ukraine in its geopolitical logic Russia has used numerous pressure elements, both economical and geopolitical, to such an extent that a simple enumeration of them would reflect their value: the objective of joining NATO (and subsequently the EU) was blocked by Russia through political interference, through polarization of the Ukrainian electorate at the two extremes, through waving the spectrum of territorial fragmentation: "the gas war" and Ukraine's bypass as transit space (double economical hit) by creating the Russian "energy pincer"[28] (the gas pipelines "North Stream" under the Baltic Sea and "South Stream" under the Black Sea) have also been part of the arsenal; also the potential thawing of the Crimean peninsula and Transnistria are Moscow's aces.

At least for the last one even if there are authors not convinced that the separatist region of Transnistria was used especially against Ukraine, but more likely against the Republic of Moldova[29], understanding the importance Ukraine represents for Moscow at the Black Sea and through the Russian solutions in regards to the "Transnistrian issue" (see the Kozal and Belkovski plans) we consider that Tiraspol represents a real "detonator" for Moscow with even greater value: keeps Ukraine in check, and, at the same time, keeps the Republic of Moldova away from the Euro-Atlantic structures and Romania In the hypothetical situation in which Romania would have embraced the Belkovski solution (the union of the Republic of Moldova with Romania, Transnistria under Russian control) at the moment it was proposed, in 2004, it would have jeopardized Romania's access to the European Union. Practically "Transnistria" is the sort of favourite geopolitical instrument for Moscow (used both in North and South Caucasus), as Serebrian remarked, the small type of territory, outpost in which "Moscow maintains the state of 'neither war – nor peace', state which has the

effect of a freezer, keeping the area for a period in which Russia would overcome the crisis it is going through and could guarantee its presence through other means (...)"[30].

Caught between the Western world and Russia, modern day Ukraine seems to be a country that does not yet know or cannot do (is not allowed to) what it wants with its independence obtained after the USSR's dissolution. Oscillating between the two it creates the premises of a "grey area" at the Black Sea.

Turkey

"Geopolitical hinge" par excellence like Ukraine, Turkey did not settle for a passive behaviour at the Black Sea, due mostly to its extra degrees of liberty gained during its history. Former great empire, formidable adversary of imperialist Russia with which it actually shared supremacy at the Black Sea, Turkey owning the other key elements of the Black Sea area, respectively the straits (Bosporus and Dardanelles), advanced outpost of the Western world in USSR's side during the Bipolar World, Turkey had sufficient premises and thus a starting point in comparison with Ukraine in the regional post-Soviet Black Sea geopolitics.

Using Samuel Huntington's words (1997) from "The Clash of Civilizations", *"rejecting Mecca and being rejected by Brussels*[31], Turkey was put in the situation of taking destiny in its own hands, balancing and aligning with the Western world based on the geopolitical context of the historical moment. At least after USSR's implosion it shown signs of hyperactivity, becoming a pillar of expanding its influence on three regional axes: Balkan (strengthening the Islamic factor), Caucasian and Central-Asian (where it attempted and mostly succeeded in recreating a Turk phonic space of economical and cultural cooperation, using "soft power" elements), on all three regional axes mentioned it used to the maximum Moscow's deteriorating influence.

In the Black Sea issue and in the context of this study, several aspects are of particular interest:

Turkey was the first of the Black Sea neighbours that took initiative in the Black Sea area, based on the "void of power" that emerged at the end of the Cold War, organising the Istanbul Summit (25 June 1992) which marked the creation of the Black Sea Economic Cooperation (BSEC); it was the first that understood that Russia's return to its imperial ambitions can lead to it claiming control legitimacy over the Black Sea, such an organization offering chances for more active policies of the small and medium neighbours.

The second aspect is the stakes of Turkey joining the European Union, but its structural issues and the inside opposition of some important countries (Germany, France) have led Turkey to align, sometimes, and not in simple matters, with Russia. It is sufficient only to remember the delay in signing the partnership for the Western project of the gas pipeline "Nabucco", which would have cut Europe's much desired alternative to the Russian gases and would have brought forward the spectrum of transiting Ukraine.

The events in the early summer 2013 in Turkey are an effect of the "Arab spring" and can open a chapter in the *"Turkish spring"* which would put many signs of doubt on its stability and capability to Westernize (which, so far, it firmly expressed). If we take into consideration that in most cases the "Arab spring", a phenomenon still in progress, has the tendency to fail in an "Islamic winter", and Turkey presents another high potential of oscillation, increasing the basis of revitalizing a "grey area" at the Black Sea.

Conclusions

After analysing the hypothesis if the Black Sea, through its regional issues, can configure a new "grey area", several essential conclusions resulted which we will briefly present:

"Grey area" is an effect of the dynamic of the geopolitical frontier between Russia and the Western world. The collapse of the "world order" of the Bipolar World at the end of the Cold War and the multiplication of the international actors have created the historical context that increased the dynamic of the geopolitical frontier between the Western world (USA and Europe) and Russia (USSR's "heir"), respectively between the two former spheres of influence. Moscow's recoil provoked the Western world's geostrategic expansion towards the East of the continent, ideologically "thawed" and pushed the geopolitical frontier towards Russia's borders. This further generated Russia's reinstatement into the "Cold War logic" (zero sum game), the arms race being replaced by the race of braking the Euro-Atlantic structures' expansion towards

the East and regaining as many "beach heads" in the former sphere of influence. It thus became vital for Russia to control some former "unionist" republics such as Belarus, Ukraine, Republic of Moldova (to report only at the European side of the geopolitical frontier), considered by Russia to complete a "security barrier" outside its borders. As a result the main consequence of this was the reactivation, as many times as it is required, of this "grey area", buffer between the two power centres, which territorially is on the Black Sea -Baltic Sea alignment.

The Black Sea represents an important "point" on the geopolitical frontier between the Western world and Russia. Situated at the "confluence" between continents, or better said, a bottleneck point of the Eurasian land mass, the Black Sea has always been an intersection of Eurasian interests and roads. Here was the place of contact between historical empires, the spheres of influence during the Cold War, intersection of the regional geopolitical axes reactivated after 1990.

The Black Sea has the function of "Eurasian geopolitical hinge". Through its location between Europe and Asia, the Black Sea has the role of hinge, with a significant importance for Russia, which embraces its destiny of Eurasian power.

The Western world and Russia are in different reports with the Black Sea. While for the Western world the Black Sea especially has the value of an economical corridor towards the huge energy resources of the Caucasian-Caspian and Central-Asian spaces, while for Russia the Black Sea's geostrategic value is essential: presence in its proximity insures its presence in Europe's issues, in other words, the Black Sea represents the South-East European geostrategic anchor. Synchronised and resonating with the other North-East European "anchor" – presence to the Baltic Sea (Kaliningrad) – , the two of them insure Russia's "geopolitical clips" (can be also used as a "geopolitical pincer") with which Moscow defines its Eurasian geostrategy.

From a geopolitical evolution point of view, the Black Sea is in an intermediate stage, of transition on the road (not only geographic, but also evolutive as mentioned) between the Caspian Sea, which begins a geopolitical cycle (litigations and lack of international regulation) and the Mediterranean Sea which concludes a geopolitical cycle (fully internationalized). From the state of affairs it also results the type (scale) of the geopolitical systems each of the three seas define: local geopolitical systems at the Caspian Sea, *regional* (Eurasian) at the Black Sea, international (global) at the Mediterranean Sea.

The Black Sea represents the "geometrical place" of several regional geopolitical systems: Russian, Western (this having a global amplitude), Ukrainian, Balkan, Turkish, Caucasian. Interesting is the position of certain actors that have multiple allegiance. For example, Bulgaria, which is part of the Western system (together with Romania, member in the Euro-Atlantic structures, NATO and the EU) and in Balkan regional system. Similarly, Turkey which is also a Black Sea outpost of NATO, defines itself a regional geopolitical system through its role as a hinge between the Islamic world, Russia and the Western world, but cannot be isolated from the evolution of the Balkan geopolitical system.

Regional stable geopolitical systems in the Black Sea space represents an increased guarantee of security for the small and medium countries part of the (extended) Black Sea region. One of the important consequences of the stability of regional geopolitical systems that converge in the Black Sea region represent the security transferred to small and medium actors in the limited or extended Black Sea region. Practically this is the role of a "geopolitical hinge", through its property of "hinge", to transfer its properties – stability or instability – to the entire system it articulates.

The Black Sea is the expression of a very complicated geopolitical equation, which increases its potential to develop "grey areas". Taking into consideration this complex intersection of the different Black Sea regional geopolitical systems, especially Russia's immediate proximity that seeks its way, after the recoil suffered from USSR's implosion, towards fulfilling itself as an Eurasian power, the potential of generating "grey areas" in the proximity of the Black Sea remains high. Even though the Western, Euro-Atlantic structures have advanced towards the East, highly restricting Moscow's sphere of influence, the concept of "grey area" remains an instrument of foreign policy for Russia, as a temporary solution to keep the Western world's borders as far as possible from Russia's own, beyond the "security belt", until securing future positions for Moscow. A "Western type" Russia, as an idea of economical and political evolution, cannot come from the inside (there is the

example of another former empire that succeeded this spectaculous transformation, Turkey).

The main conclusion drawn from this study is still that the "grey area" is no longer a phrase as it was in the beginning of the 90s, used to categorize countries in Central and Eastern Europe that only just broke free of the "Socialist camp" and whose evolution was closely watched – do they orient towards the West or slip back into Kremlin's gravity –, but it began to be used by Russia as an instrument of foreign policy.

NOTES:

1 The course already materialized in a standalone work, which we consider extremely important in what regards the Black Sea region, through the accuracy with which geopolitical, geostrategic and geoeconomical values of the Black Sea are presented, Gheorghe BRĂTIANU, *Marea Neagră: de la origini până la cucerirea otomană*, ed. a II-a (trad. Michaela Spinei), Iași, Ed. Polirom, 1999.

2 See also Silviu NEGUȚ, *Geopolitica. Universul puterii,* București, Ed. Meteor Press, 2008, p. 382.

3 The alignment represents only the European part of the *geopolitical frontier*, continuing with the three Trans-Caucasian republics (Georgia, Armenia, Azerbaijan) that separate Russia from the Islamic world and the five Central-Asian republics (Kazakhstan, Uzbekistan, Turkmenistan, Kyrgyzstan, Tajikistan), where Russia's and China's (the Orient) interests clash.

4 *Apud* Gheorghe BRĂTIANU (1999), *op. cit.*, p. 26.

5 Gheorghe BRĂTIANU (1999), *op. cit.*, p. 37.

6 It is under discussion the status of "sea" or "lake" of the Caspian, the subject with its geopolitical implications being elaborated in other studies. See, for example, Marius-Cristian NEACȘU, Silviu NEGUȚ, "Gas pipelines war", in *Romanian Review on Political Geography*, year 12, no. 1/2010, pp. 31-33.

7 Played this part in all history, being a true turning point of continental trade, a road intersection: here the Northern European products met the Southern and Western European ones, together with being an outlet of the famed "silk road", a situation maintained in the present.

8 Around the Black Sea orbit several cultural systems, as follows: the intersection between the Slav, Turkish and Latin worlds; here enters into contact the Christian world (dominantly Orthodox) with the Islamic (Sunni) and the linguistic and religious Caucasian space mosaic.

9 With the exception of local disputes (such as the Greek-Turkish or Italian-Slovenian-Croatian), but which do not reach the intensity of those in the Caspian

space, in a sense that they are better monitored and answer to clear international regulations.

10 Poland, Czech Republic, Slovakia and Hungary.

11 Even though at the time this was written in Turkey are taking place large street rallies against the government (or better said, taking into consideration the aspect of the social movements, government authoritarianism) represented by prime minister Recep Tayyip Erdoğan, it cannot be contested Turkey's role as model of economical and geopolitical stability, both for the Turkish population countries in the Caucasus and Central Asia, as well as for the Islamic, non-Turkish population countries, at least until now. We remind the fact that during the economical crisis which begun in 2008 and whose effects are still felt, Turkey has registered annual economical growths of 10%.

12 We consider that if this project was completed, the "Nabucco" gas pipeline (overrated Western project) would have been built and functional there wouldn't have been the need for launching reconfigured versions (shorter and thinner pipelines to transport less gas to Europe) – for example, "Nabucco West" (launched in 2012, ten years after the initial version, exactly in the year when the original version was supposed to become a reality, to transport its first natural gas cubic metres to the European economies). A large amount of studies and researches have tackled this subject - the gas pipelines that would interconnect the Caspian and Central-Asian spaces with Europe –, can be followed below: Marius-Cristian NEACȘU, Silviu NEGUȚ, *op. cit.*, 2010, pp. 29-46; Marius-Cristian NEACȘU, Damian FLOREA, „Project Nabucco in the Power Games", in *International Scientific Conference Strategies XXI - The Complex and Dynamic Nature of the Security Environment*, organised by the Centre for Defence and Security Strategic Studies (CDSSS), November 22-23, 2012, Bucharest, „Carol I" National Defence University Publishinghouse, pp. 426-440; Marius-Cristian NEACȘU, Damian FLOREA, „Nabucco. Sfârșit?", in *Terra*, anul XLIV (LXIV), no. 1-2, 2013, pp. 90-95 a.s.o.

13 *Ibidem*.

14 It is sufficient to follow the writings in mid 90s of the Russian politologist and politician Alexandr Dughin regarding the *"Eurasian thesis"*, later translated in Romanian - see Alexandr DUGHIN, *Bazele geopoliticii*, vol. 1 „Viitorul geopolitic al Rusiei", București, Ed. Eurasiatica.ro, 2011.

15 Not only that. As mentioned, the Black Sea-Baltic Sea allignment as an axis of the geopolitical frontier between the Western world and Russia continued with the Caucasian and Central-Asian spaces. If regarding the European part of the geopolitical frontier, Russia made difficult concessions, in the Asian part (Caucasian) this was virulent: Georgia's attempt at Westernalization, started with the "roses revolution" in 2003, was firmly interrupted by Russia's military intervention in August

2008, sign that Russia was ready and no longer willing to tolerate losses in its former sphere of influence.

16 See also Silviu NEGUȚ, Marius-Cristian NEACŞU, "Gas war", in *Romanian Review on Political Geography*, year 11, no. 2/2009, pp. 176-189.

17 *Ibidem*.

18 An extensive analysis of the geopolitical realities that began in mid-2000 (2006, 2008, 2009), but with much deeper roots, can be traced in the work, otherwise very good, of a Bulgarian-born American journalist, namely Roumiana Ougartchinska. See Roumiana Ougartchinska, Jean-Michel Carré, *Războiul gazelor. Amenințarea rusă*, București, Ed. Antet, 2009.

19 Marius-Cristian NEACŞU, Silviu NEGUȚ, *op. cit.*, 2010, p. 39.

20 Oleg SEREBRIAN (2006), *Geopolitica spațiului pontic,* Ed. Cartier, Chişinău, p. 35.

21 Idem, p. 56.

22 Silviu NEGUȚ, "Marea Neagră – o mare a conflictelor?", in the conference proceedings of 'Societatea de Geografie din România', ediția a X-a, 24-26 mai 2013, Timişoara, p. 933.

23 Zbigniew BRZEZINSKI, *Marea tablă de şah. Geopolitica lumilor secolului XXI*, București, Ed. Univers Enciclopedic, 2000, p. 59.

24 Oleg SEREBRIAN, *op. cit.*, 2006, p. 29.

25 George FRIEDMAN, *Următorii 100 de ani. Previziuni pentru secolul XXI*, București, Ed. Litera, 2009, p. 103.

26 Samuel HUNTINGTON, *Ciocnirea civilizațiilor şi refacerea ordinii mondiale*, Filipeştii de Târg, Ed. Antet, 1997, p. 242.

27 Oleg SEREBRIAN, *op. cit.*, 2006, p. 42.

28 Marius-Cristian NEACŞU, Silviu NEGUȚ, *op. cit.*, 2010, p. 31.

29 As is the "internal" opinion of Chişinău politician and geopolitician, Oleg Serebrian – see Oleg SEREBRIAN, *Despre geopolitică*, Chişinău, Ed. Cartier, 2009, p. 139.

30 *Idem*, p. 131.

31 See also Marius-Cristian NEACŞU, Constantin DIACONESCU, "Geopolitical Stakes and Games on the North-West – South-East Axis (Western World – Turkey), in *Lucrările seminarului geografic 'Dimitrie Cantemir'*, no. 31, 2011, pp. 131-143.

BIBLIOGRAPHY:

1. BRĂTIANU, Gheorghe, *Marea Neagră: de la origini până la cucerirea romană*, ed. a II-a (trad. Michaela Spinei), Iaşi, Ed. Polirom, 1999.

2. BRZEZINSKI, Zbigniew, *Marea tablă de şah. Geopolitica lumilor secolului XXI*, Bucureşti, Ed. Univers Enciclopedic, 2000.

3. DUGHIN, Alexandr, *Bazele geopoliticii*, vol. 1 „Viitorul geopolitic al Rusiei", Bucureşti, Ed. Eurasiatica.ro, 2011.

4. FRIEDMAN, George, *Următorii 100 de ani. Previziuni pentru secolul XXI*, Bucureşti, Ed. Litera, 2009.

5. HUNTINGTON, Samuel, *Ciocnirea civilizațiilor şi refacerea ordinii mondiale*, Filipeştii de Târg, Ed. Antet, 1997.

6. NEACŞU, Marius-Cristian; FLOREA, Damian, „Nabucco. Sfârşit?", in *Terra*, anul XLIV (LXIV), no. 1-2, 2013, pp. 90-95.

7. NEACŞU, Marius-Cristian; FLOREA, Damian, „Project Nabucco in the Power Games", in *International Scientific Conference Strategies XXI - The Complex and Dynamic Nature of the Security Environment*, organised by the Centre for Defence and Security Strategic Studies (CDSSS), November 22-23, 2012, Bucharest, „Carol I" National Defence University Publishinghouse, pp. 426-440.

8. NEACŞU, Marius-Cristian; DIACONESCU, Constantin, „Geopolitical Stakes and Games on the North-West – South-East Axis (Western World – Turkey)", în *Lucrările seminarului geografic <Dimitrie Cantemir>*, no. 31, 2011, Iaşi.

9. NEACŞU, Marius-Cristian; NEGUȚ, Silviu, „Gas pipelines war", in Romanian Review on Political Geography, anul 12, 2010, no. 1.

10. NEGUȚ, Silviu, „Marea Neagră – o mare a conflictelor?", în volumul Conferinței naționale a Societății de Geografie din România, ediția a X-a, 24-26 mai, Timişoara, 2013.

11. NEGUȚ, Silviu, Geopolitica. Universul puterii, Bucureşti, Ed. Meteor Press, 2008.

12. NEGUȚ, Silviu; NEACŞU, Marius-Cristian, „Gas war"*,* în *Romanian Review on Political Geography*, anul 11, 2009, no. 2.

13. OUGARTCHINSKA, Roumiana; CARRÉ, Jean-Michel, *Războiul gazelor. Amenințarea rusă*, Bucureşti, Ed. Antet, 2009.

14. SEREBRIAN, Oleg, *Despre geopolitică*, Chişinău, Ed. Cartier, 2009.

15. SEREBRIAN, Oleg, *Geopolitica spațiului pontic,* Chişinău, Ed. Cartier, 2006.

EUROPEAN UNION STRATEGIC VISION. BETWEEN TRADITION AND THE IMPERATIVE NEED OF CHANGE

Stan ANTON, PhD*

Recent developments occurred in the field of security at international level, generated primarily by the phenomenon of global economic and financial crisis, have led to changes in the European security environment, which is not faced only with the challenges manifested even since before the crisis, but also with new ones, requiring a readjustment of the EU strategic vision in terms of new features of the strategic environment.

This paper includes an approach of the main challenges the EU is facing currently, an analysis of its strategic vision and an argument of the need for this strategic vision to be re-evaluated and adapted to the new international realities and security challenges identifiable in the European space.

Keywords: global economic and financial crisis; strategy; globalization; comprehensive security.

1. Security challenges in the Euro-Atlantic space

Globalization

Globalization has a number of effects of economic, political, cultural, religious, social, demographic, environmental, and military nature, generating not only numerous benefits but also risks. Understanding these aspects of globalization is important because, sometimes, the interaction between them can be destructive, with serious effects on the security of states and armed forces, called to intervene for their resolution.

Globalization creates a new context for the formal and informal exercise of national power. Regional and international institutions, governments and non-state actors, in particular, the large transnational corporations and some non-governmental organizations make use of the tools of globalization and reduce state monopoly on power.

Globalization does not eliminate the traditional problems of geopolitics. Some governments and non-state actors are motivated not only by the economic gains. There are still many political conflicts on the theme of territories, borders, military competition, natural resources and cultural and ethnic differences. These tensions continue to coexist and interact with the new global system as, sometimes, globalization favors their mitigation and, other times, it rather exacerbates them.

In the era of globalization, security threats have

* Colonel Stan ANTON, PhD, lecturer, is the Director of the Centre for Defence and Security Strategic Studies (CDSSS) within "Carol I" National Defence University, Bucharest, Romania. E-mail: anton.stan@unap.ro

transnational forms, making the issue of protecting the territory and citizens a priority. However, the economic dimension has become more predominant than in the past, so the security policy orientation of many states has been changing.

Although the risk of a conventional conflict is considered to be very low in the near future, one of the findings of the analyzes carried out at different levels and expressed in some planning documents[1] is related to increased risk of conventional military confrontation between states after 2020[2], due to the increased pressure that would have been accumulated on the background of the competition for resources, especially the competition for energy and food, along with population growth. Conflict and crisis in general, whose characteristics are difficult to express, will continue to take the form of irregular actions expressed through terrorism, insurgency, crime and large-scale instability, at least until around 2020[2].

Global financial and economic crisis

Since its very beginning, the EU was built on the European concept of social market economy, which has become increasingly widespread in Europe, this type of economy having a very important social and economic solidarity. On a global scale, however, the neo-liberal economic model becomes more and more ubiquitous, although the outcome of its application, expressed in current global financial crisis would lead to a review of the liberal economic mechanisms, leaving the states room for action and intervention (eventually, having US as a source of inspiration) and for adopting new rules of the game. Therefore the economic model promoted by the EU should be adjusted and adapted to the global neo-liberal offensive in order to become more competitive and sustainable, and the defining challenge for the European Commission is to use the EU exceptional economic power to influence and contribute to establishing the operating rules of the global market.

The European integration process promotes actively the social and economic cohesion, thereby contributing to removing the disparities at regional level, primarily the economic ones. The enlargement policy and the integration of new member states, together with the effects of the economic and financial crisis, the economic disparities with influence on the economic and social cohesion at Union's level will expand, determining the

decrease of this cohesion. When approaching the solutions for the current economic state, one could already note a gap between the countries in Northern Europe and the ones lying the Southern part of the continent, the latter being not only the most affected by the economic and financial crisis, but also the beneficiaries of assistance and support programs of the European Commission and of the great global financial players. This social and economic heterogeneity had and probably will have in the future major implications in the competitiveness and productivity field, representing major challenges for the efforts of restructuring the European internal market and for harmonizing the economic and fiscal policies necessary for the proper functioning of the European Monetary Union.

Political challenges

Like many other political systems, the EU strives to reconcile unity and diversity, the whole and the parties, center coordination with autonomy. Currently, we are witnessing the political reshaping of the continent, with common governance under development. One of the challenges of this process consists in assessing the influence of diversity and unity on this organization or, in other words, how much diversity and unity level can the EU support?

Although the political integration of Europe has come to a highest point at the same time with the entry into force of the Lisbon Treaty on 1st of December 2009, the fundamental issues in the debate on Europe's future, EU role and relevance at international level, its capacity of acting as a traditional geopolitical actor and not in the sense of practicing a multi-scale geopolitics generated by the particular national interests of its member states, power relations and European identity haven't reduced, but, on the contrary, they accentuated their topicality and urgency nature.

Energy challenges

The control on power resources and the access to these resources have become critical issues in world politics. Globalization, in its economic dimensions, has determined the increase of energy demand necessary for fueling the economic growth. Although resources seem to be sufficient for the current needs, the two largest worldwide consumers, USA and China, and their industrial

partners will remain dependent on the oil coming from the Persian Gulf, Africa or other politically unstable areas. This dynamic has the potential to create new forms of political and military conflict or to maintain the existing ones in the international arena. If we use the model of democratic participation in the free world market, conflicts could be resolved peacefully and their intensity will be low, but if we analyze the model of national interest, nationalism, strategic preservation, the behavior outside the international laws and state survival, then the conflicts could have a magnitude impossible to be predicted.

In terms of EU energy security, very important are the interdependency relations between Brussels and Moscow[3], and also the ones developed by the Union with other relevant actors in this regard, such as Ukraine and Turkey, transit countries, with a significant role in EU energy security equation[4]. Additionally, another relevant actor in this respect is Azerbaijan, which has the tendency to become an increasingly important actor on natural gas and oil resources market. The relation between Azerbaijan and EU in this area reveals this state's role in Brussels' efforts to diversify the sources of natural gas for the European market, acting as a counter-balancer for the Russian natural gas which has massively supplied the European economies. The increasingly clear tendency of Azerbaijan to play a significant strategic role in the relation with Europe and in the economic calculations of key actors on natural gas market is illustrated by the increasing important presence of SOCAR in Europe (Austria, Switzerland, Germany, UK, Romania, Turkey and Ukraine) and by the fact that SOCAR remained in the competition to take the majority stake in the Greek national operator of natural gas transportation – DESFA.

On the other hand, the recent decision of Şah Deniz consortium to opt for the gas transportation to Europe by using TAP Project (TRANS ADRIATIC PIPELINE) and not Nabucco Project, corroborated with Gazprom expansion to Romania and Bulgaria, leads to the conclusion that, from a geopolitical point of view, the northern corridor will remain the appanage of Gazprom, this way, Romania and Bulgaria being under the risk of keeping their dependence on imports from Russia, at least until the beginning of hydrocarbons exploitation in the Black Sea.

**2. Dimensions and evolution trends
of in Euro-Atlantic space security**

Since its establishment, the North Atlantic Treaty Organization (NATO) has undergone a continuous process of adaptation to a rapidly changing security environment. We consider that, while collective defense remains its main role, in order to remain a relevant organization for the European and global security, NATO will have to continue expanding its operational presence, even if there is not expected any direct conventional threat on the Euro-Atlantic area on short and medium term. By this operational presence, military action will be included within the efforts of stabilization and reconstruction, as well as within those of counter-insurgency operations. However, this organization is likely to become more focused from a political point of view, with operations initiated within a political and military framework similar to a "coalition", consisting in a limited number of NATO members, with niche capabilities and political will, on the one hand, due to political risks and the difficulty of achieving consensus within the alliance, and, on the other, because of the different internal political agenda and member states' national interests.

The pivot of US interests to Asia-Pacific will certainly have impact on NATO's role in the European sector, in the sense that Europeans are under the need to assume a greater responsibility for their security and for the security of their close proximity. The initiatives in the defense planning area like NATO "smart defence" and EU "pooling and sharing" confirm this trend.

"Smart defence" has been launched in the context of major imbalance regarding the financial contribution of NATO member states to the alliance's budget, imbalance whose importance has grown considerably in the conditions created by the economic and financial crisis. According to NATO official web page, the concept of "smart defence" is adopted at the Alliance level in the context of crisis, given that it is necessary to "rebalance" the defence spending between US and the European countries, a fair sharing of the defense "burden". Generally, this initiative envisages the defense capabilities involving considerable expenses – anti-ballistic defense, surveillance and reconnaissance, intelligence, maintenance and training, education and employment training, effective engagement and force protection[5]. By

"pooling and sharing", EU Member States can achieve capabilities collectively, capabilities that none of them could have afforded to purchase on an individual base. These capabilities are critical for conducting the operations under the aegis of Common Security and Defence Policy (CSDP) and will have a significant contribution to increase EU security independence from USA.

The purpose of this demarche is to maintain and improve the European defense capabilities while reducing national defence budgets. The ultimate goal is to create the prerequisites for the armed forces of Member States to be equipped and trained properly. It is also maintained the need to ensure the complementarity with NATO similar initiative –"smart defence", as these two initiatives are designed to support each other.

Another new coordinate of the cooperation between NATO and the EU, which is expected to gain importance, is represented by cyber-threats and the need to strengthen the cooperation in this regard. The European Commission recently published a cyber-security strategy[6], proposing, at the same time, a directive on network and information security (NIS)[7]. This strategic document is aimed to develop and fund a network of national centers of excellence to combat cyber crime. This directive proposes, among others, the establishment of a mechanism of cooperation between the Member States, on the one hand, and the Commission, on the other, so as to be able to issue warnings in due time in case of risks and incidents using a secured infrastructure. This directive is the key component of the overall strategy and its ratification would mean an obligation to ensure a secure cyber environment across the European Union, whether it is about the Member States, Internet service operators, operators of critical infrastructure, such as electronic trade platforms, social networks or services operators in the energy, healthcare, transportation, banking fields.

3. EU strategic vision – the European Security Strategy (2003)

At the beginning of the century and millennium, the united Europe intends to continue the process of completing the economic dimension with the one of foreign and defense policy. It is an ambitious goal and, for its attainment, it is necessary to overcome not only the reserves of the transatlantic ally

regarding the modalities to realize the European security, but also the internal reserves, especially the ones related to issues of national sovereignty and military spending.

Common Security and Defence Policy is a new challenge for the European Union, although the efforts to develop a common defense policy are not recent[8].

At EU level, several documents have been developed which may be considered revealing for its strategic vision. In Thessaloniki, in June 2003, the General Secretary of the Western European Union (WEU), Javier Solana, presented the document *A secure Europe in a better world*, which was the draft of EU *strategic concept*, which was approved on December, 12th the same year by the European Council. Subsequently, in 2008, was made public *The report on the implementation of the European Security Strategy. Providing Security in a Changing World.* This document is, however, an assessment of the implementation of the 2003 strategy, including the additions which were necessary after the changes in the strategic environment. In 2010, was elaborated *EU Internal Security Strategy. Towards a European security model*, a document centered on EU internal security. Therefore, the document which still works as security strategy at EU level is the one established in 2003.

Considered by some experts as a response to US National Security Strategy of September 2002[9], the document states that, in order to ensure an effective European security, in a world increasingly influenced by the globalization processes, it is imperiously necessary to have a close cooperation both within Europe and beyond it, because "no single country is able to tackle today's complex problems on its own"[10]. On the other hand, Christoph Heusgen[11] states that "it was very clear for us [in the EU Policy Unit] from the beginning that we wanted to write a document which compared with the 2002 US National Security Strategy (...), and decided to call it the European Security Strategy. Without any discussion, member states accepted this formulation"[12].

Another important aspect emerged from the so-called "Solana strategy" highlights the need to "*develop a European strategic culture[13]*", *which together with the concepts of preventive engagement and effective multilateralism* is the main framework of European actions in the security

and defense field. A European strategic culture, in contrast to that of NATO, which was set up in front of a clear external threat, will be difficult to build, especially because sometimes it is argued that without an European cultural identity that goal will be difficult to accomplish, being a long term process that can extend over several generations, mainly due to the different orientations in Europe as far as the objective, missions and geographic extent of the EU security and defense policy are concerned.

The analysis of the security environment and the stipulation of EU strategic objectives are meant to identify and describe the risks and threats to European security, on the one hand, and, on the other, the solutions for answering the challenges for global security. The characteristics and features of the prefigured security environment also include the "key threats", represented by international terrorism, proliferation of weapons of mass destruction, regional conflicts, state failure and organized crime which, combined and enhanced by the privatization of force, will create the prerequisites for some possible confrontations with a radical threat[14]. Additionally, the Strategy also mentions that, in contradistinction to the visible threat present during the Cold War, none of these new threats is purely military. Therefore we need a set of tools for prevention, which will include political, economic, legal, public, information, humanitarian, military means.

The European Security Strategy also states that EU will work actively to ensure security and promote its values, by setting three *strategic objectives*, as follows:

a. Appropriate responses to the anticipated threats

This response included the antiterrorism measures package adopted after 11th of September 2001, supporting the measures to non-proliferation of weapons of mass destruction and providing assistance to states with weak or unstable structures in the Balkans, Afghanistan, East Timor and Africa. The identification of some responses to new threats must depart from the fact that they often occur at great distances, are more dynamic and complex[15]. Therefore, sometimes, it is possible for the EU defensive actions to be outside the territoriality of its members. In relation to this aspect, the document points out that "the first line of defense will often be abroad"[16] and that the Europeans must be ready

to act before the production of a crisis by "conflict prevention and threat prevention"[17] – a statement which, at that time (2003), was consistent with the preventive approach set out in US National Security Strategy (2002). From this perspective, one can also find within the EU security strategy, military and non-military measures and solutions which, together, can influence the achievement of some strategic objectives such as exports' control, economic pressures, political, juridical, information or even military measures, the European Union having adequate tools for answering such complex situations[18].

b. Expanding the security zone in the European neighborhood

EU and its neighborhood on the European continent can also be considered a "security complex" as defined by Buzan: a group of states whose primary security concerns are linked closely enough for making impossible for the national security levels to be considered separated from each other[19]. This implies that the EU needs certainties regarding the good governance of Eastern states as well as of those from the Balkans and from the Mediterranean regions, as revealed in the Barcelona process, which represents the foundation for the cooperation between EU and 12. This goal also requires the continuation of Europe's engagement in solving not only the Arab-Israeli conflict, but also the conflicts in the Middle East, Africa or Asia.

c. The development of an international order based on effective multilateralism.

In a world characterized by globalization (global governance, global information resources, global terrorism, global threats, global markets etc.), security as well as states' development depend on the existence of an effective multilateral international system[20]. Therefore, one of the EU objectives is the development of a strong international society, characterized by the existence of effective international institutions and also by the existence of an international order based on the rule of law, first of all, on the principles inscribed in the UN Charter"[21].

In this context, the permanent NATO-EU arrangements, especially Berlin Plus (March 2003), will contribute to increasing EU operational capacity, providing the limits and the content of the strategic partnership between the two organizations, especially in the sphere of crisis management.

We must conclude that a reference point subsumed to the guiding precepts of the European security strategy also has to take into account the fact that EU's new responsibilities in the contemporary security environment are not confined only to ensuring security in Europe, but also in maintaining international peace and order, promoting the recognition of international standards in inter-state relations, of democratic institutions, of the respect for human rights and fundamental freedoms and also in the need to prevent the economic gaps to become a threat to the European continent.

In the European context, where the European method crystallized in international relations, the security strategy, which has founded Europe's own way to in this domain, also structures conflict prevention efforts, emphasizes the engagements assumed as partnerships, bringing together, in a coherent conceptual framework, different policies, including crisis management. This conceptual framework, which is rooted in the existing policies, may be called *comprehensive security*. From this perspective, we can say that the European Security Strategy is a practical application and an exponent of the comprehensive security concept.

This type of security or security strategy has as starting point the recognition of the various dimensions of the security in the international contemporary environment, and therefore, stresses that, from this point of view, the causes of potential threats to European security are diverse in terms of origin and nature. Given the multidimensionality of security, the achievement of the main objective of safeguarding EU interests and values, is equally dependent on the political-military dimension and global governance as an expression of external actions.

To achieve this goal, such a strategy will transcend the limitations of traditional security policy and of political-military instruments, as it is meant to integrate the whole range of foreign policies that offer broad sets of new instruments with global coverage and which refers to the different dimensions of security. Among the policies that are the subject of this effort of integration there are listed foreign trade, cooperation development, cooperation in justice and information policy, immigration policy, foreign policy, international policy of environmental protection and military-political measures. Some authors[22] consider that the main objective of this range of policies, which functions as an integrating mechanism, is promoting the "global public goods" directly contributing to the structural policy for conflict prevention and stabilization, and, by extrapolation, to EU security as well.

Among the basic features of this type of security strategy, *institutional multilateralism* is very important and it stands alongside cooperation, dialogue and partnership. In addition, the success of any strategy depends on the *necessary will to act*, the EU requiring not only the financial resources in achieving partnerships, cooperation and its policy instruments, but also the ability to implement these tools, if necessary, even by coercive military means.

4. The need to modernize the European Security Strategy

The recent EU achievements in security and defense field are impressive. From an organization characterized as being "purely civil", presently, the EU has managed to launch some crisis management operations, both in Europe and in areas of conflict or instability outbreaks outside Europe, which proves that EU has passed the "childhood" phase in the security and defense field, currently having a strong organizational structure, which deals exclusively with security issues.

The general approach of security, as it is shown in Solana strategy, is according with the new security conceptions: effective multilateralism as global objective, correlated, in particular, with EU neighborhood; the implementation of a set of policies in different areas corresponding to the concept of "global public goods" and regional cooperation also with international organizations, with a focus on preventing threats and use of force, if necessary.

However, because of the new obstacles EU faces, such as the economic and financial crisis situation, the need to develop and modernize a new security strategy becomes a topic discussed more and more often.

European Union foreign influence has grown over the past two decades, its model of economic integration, despite the present Euro zone crisis, being a success and serving as a model for other integration projects around the globe. In the light of recent events occurring internationally, we

believe that the EU needs as soon as possible a new strategic document to reflect the recent developments, adapted to the new international relations and with a strong proactive character.

The reasons for a new strategy are the following: the current security strategy is outdated, the EU needs a new strategy for the current objectives; it does not cover all the threats Europe has to cope with; the number of EU member states increased from 15, in 2003, to 27, at the beginning of 2013; the EU has acquired legal personality; and, last but not least, Europe is in the process of recovery from the global economic crisis, a fact which was not covered by the strategic document prepared in 2003. Following the economic crisis, US strategic interests were directed to the Asian region. One of the strategic reorientation's consequences at EU and NATO level was formed by the adoption and development of initiatives known as "smart defence" and "pooling and sharing". We believe that, in the medium and long term, the EU will play a more and more important role in European security affairs, but in the absence of clear and direct threats to European security, the EU will likely continue focusing more on domestic governance issues than the international security.

The EU of 2003 and the EU of 2012 look very different. The number of EU member states increased from 15 to 27, which means that almost half of the current EU Member States were not involved in the elaboration of the strategy in 2003. In December 2009, the Treaty of Lisbon entered into force, and the security and defense policies have changed. The EU has acquired its own legal personality, determining consequences for its member states and a whole new mechanism was created to improve the EU coherence in foreign and security policies, the European External Action Service. EU Delegations in 130 countries and the availability of its extended resources (in areas ranging from trade, development, crisis management, diplomacy, defence, economy) makes the EU to be well positioned in order to protect its interests internationally.

The strategy elaborated in 2003 already mentioned that fact that the "internal and external aspects of security are indissolubly linked". Since then, it has become increasingly clear that the security priorities identified in the EU Internal Security Strategy (2010), such as preventing illegal immigration, organized crime and terrorism

control, occupied an important position in the current debates and a coherent integrated security would address the Europe security concerns in all its aspects.

What makes the identification of strategic priorities to have an urgency sense is that the EU is in the process of setting the budget for 2014-2020. It also requires a new strategy, because it has become increasingly clear that the development impulse of CFSP has eroded, one of the reasons for this being the fact that CFSP instrument for crisis management is used more times than necessary, in a reactive ad hoc way.

Conclusions

The revision of the European Security Strategy is important, but what really matters is the result: a new European security strategy. The new European Security Strategy should provide more guidance on the necessary means and the European civil, military and institutional capacities, and the European Council is the only body at whose level there is concentrated sufficient power to provide a real impetus to the development of this project. The changing nature and the dynamic of the risks and threats to European security requires an improved reaction capacity, but, in order to achieve this goal, we need a clear strategic vision, assumed by the whole community of member states, an aspect which will contribute to the completion of EU's profile as a major actor in international relations.

It is necessary for the final result to be made of a strong, clear and precise security strategy for EU external actions, which will contribute to strengthening its opportunities and legitimacy, so that it would allow Brussels to assume the initiative. For this, it is necessary to know very well the characteristics and trends of the full international and European security environment and also to identify the feasible solutions in the current institutional, political, social, economic and security context of the EU. Moreover, this initiative of building a European strategic vision consistent with the current reality should not be exclusively limited to the development of a new European security strategy. This is, in our opinion, the first and most important step to take in order to reaffirm the EU as a relevant actor on the international security arena. However, this effort is a long-term one, as the development of sub-specific

strategies is also required in order to ensure a solid foundation for EU action in the field of security.

When evaluating the need to elaborate a new European security strategy, there are aspects worth mentioning as, in our opinion, they represent adaptations of transformational nature of CSDP both at conceptual and concrete levels.

Firstly, the EU has to recalibrate its European security relations in which the other actor, NATO, has the quality of preserving transatlantic connection in order for the principle of complementarity in security management and European interest to exist de facto.

Secondly, as far as the EU is concerned, the assumption of European defence responsibility is generated by the tendencies induced by its member states' economic and political crises, by the cut of military budgets, the perception of European security within the majority of EU's population being associated with social and economic aspects.

Thirdly, a new European strategic concept expressed by the European security strategy will have to acknowledge the impact already realized by the implementation of the Common Security and Defence Policy in the last ten years, by the operations already carried out under EU aegis, especially on the future of the relation with NATO.

Fourthly, the European security space comprises not only the territories of EU member states; by EU neighborhood policy, EU informally assumes an area with an ambivalent character both of influence and strategic interest. Based on this reasoning, a new European security strategy also has to include EU's intention to preserve its interests in this space, as well as the modalities by which this desideratum is to be accomplished.

NOTES:

1 ***, The Future Land Operational Concept 2008. The Development, Concepts and Doctrine Centre (DCDC), Ministry of Defence, UK, p. 8, www.dcdc.dii.r.mil.uk, accessed at February, 12th, 2013.

2 Ibidem, p. 9.

3 For details, see Cristian BĂHNĂREANU, *"Arma energetică" în contextul relaţiilor internaţionale ale începutului de secol XXI*, "Carol I" National Defence University Publishinghouse, Bucharest, 2007, pp. 39-44.

4 For details, see Cristina BOGZEANU, *Evoluţia mediului de securitate în Zona Extinsă a Mării Negre şi influenţa acesteia asupra configurării forţelor navale ale României pe termen mediu şi lung*, "Carol I" National Defence University Publishinghouse, Bucharest, 2012, pp. 20-55.

5 Teodor FRUNZETI, "The concept of 'smart defence' in the context of an efficient defence planning", in *Journal of Defence Resources Management*, no. 2 [5]/2012, p. 9.

6 European Commission, EU Cybersecurity plan to protect open internet and online freedom and opportunity, February, 2013, http://europa.eu/rapid/press-release_IP-13-94_en.htm, accessed at February, 13th, 2013.

7 European Commission, Proposed Directive on Network and Information Security – frequently asked questions, http://europa.eu/rapid/press-release_MEMO-13-71_en.htm accessed at February, 13th, 2013.

8 The Treaty of Bruxelles (March 1948)instituted the Western European Union, which represents one of the first European efforts to lay the basis of a collective security structure in Europe, being followed by the French proposition to create an European Defence Community, a plan which eventually failed.

9 Mihai-Ştefan DINU, Cristian BĂHNĂREANU, *Actualităţi şi perspective în politica europeană de securitate şi apărare*, Centre for Defence and Security Strategic Studies, "Carol I" National Defence University Publishinghouse, Bucharest, 2006, p. 17.

10 *European Security Strategy. A Secure Europe in a Better World*, Brussels, 12 December 2003.

11 Former counselor of Javier Solana and member of the General Secretariat of EU Council (director of the Policy Unit within the Secretariat).

12 Exchange with Christoper Heusgen, Director of the Policy Unit, EU Council Secretariat General, Brussels, 14 May 2004, Apud Asle TOJE, "The 2003 European Union Security Strategy: A Critical Appraisal", in *European Foreign Affaires Review* , no. 10, 117-133, Kluwer Law International, 2005.

13 *European Security Strategy, A Secure Europe in a Better World*, Brussels, 12 December 2003, p. 11.

14 Ibidem, pp. 3-5.

15 Ibidem, p. 6.

16 Ibidem, p. 7.

17 Ibidem, p. 7.

18 Ibidem, p. 7.

19 Barry BUZAN, *People, states and fear. Second Edition. An Agenda for International Security Studies in the Post Cold War Era*, Hemel Hempstead, Harvester Wheatsheaf, 1991, apud Sven BISCOP, "The European Security Strategy. Implementing a distinctive approach to security", in *Security & Strategy*, no. 82, March 2004, Royal Defence College, Brussels, p. 10.

20 *European Security Strategy, A Secure Europe in a Better World*, Brussels, 12 December 2003, p. 9.

21 Liviu MUREȘAN, *Politica europeană de securitate și apărare*, European Institute of Romania, RO-2002/000-586.03.01.04.02 Phare Project, 2005, p. 8.

22 Sven BISCOP, "The European Security Strategy. Implementing a distinctive approach to security", in *Security & Strategy,* no. 82, March 2004, Royal Defence College, Brussels, p. 32.

BIBLIOGRAPHY:

1. ***, *Report on the implementation of the European strategy. Providing security in a changing world*, Brussels, 2008, *The Future Land Operational Concept 2008. The Development*, Concepts and Doctrine Centre (DCDC), Ministry of Defence, UK, p. 8.

2. ***, *The Future Land Operational Concept 2008. The Development*, Concepts and Doctrine Centre (DCDC), Ministry of Defence, UK, p. 8, www.dcdc.dii.r.mil.uk.

3. BĂHNĂREANU, Cristian, *"Arma energetică" în contextul relațiilor internaționale ale începutului de secol XXI*, "Carol I" National Defence University Publishinghouse, Bucharest, 2007.

4. BISCOP, Sven, "The European Security Strategy. Implementing a distinctive approach to security", *Security & Strategy*, no. 82, March 2004, Royal Defence College, Brussels.

5. BISCOP, Sven, *Security policy brief: A new external action service needs a new European security strategy*, No. 29, November 2011.

6. BOGZEANU, Cristina, *Evoluția mediului de securitate în Zona Extinsă a Mării Negre și influența acesteia asupra configurării forțelor navale ale României pe termen mediu și lung*, "Carol I" National Defence University Publishinghouse, Bucharest, 2012.

7. BUZAN, Barry, *People, states and fear. An Agenda for International Security Studies in the Post Cold War Era*, Hemel Hempstead, Harvester Wheatsheaf, 1991.

8. DINU, Mihai-Ștefan; BĂHNĂREANU, Cristian, *Actualități și perspective în politica europeană de securitate și apărare, Centrul de Studii Strategice de Apărare și Securitate*, "Carol I" National Defence University Publishinghouse, Bucharest, 2006.

9. DRENT, Margriet; LANDMAN, Lennart, "Why Europe Needs a new European Security Strategy", *Clingendael policy brief*, The Clingendael Institute, No. 9, July 2012.

10. DUȚU, Petre; BOGZEANU, Cristina, *Provocări actuale pentru securitatea europeană*, "Carol I" National Defence University Publishinghouse, Bucharest, 2010.

11. European Commission, EU Cybersecurity plan to protect open internet and online freedom and opportunity, http://europa.eu/rapid/press-release_IP-13-94_en.htm.

12. European Commission, Proposed Directive on Network and Information Security – frequently asked questions, http://europa.eu/rapid/press-release_MEMO-13-71_en.htm.

13. *European Security Strategy, A Secure Europe in a Better World*, Brussels, 12 December 2003.

14. FRUNZETI, Teodor, "The concept of 'smart defence' in the context of an efficient defence planning", in *Journal of Defence Resources Management*, no. 2 [5]/2012.

15. FRUNZETI, Teodor, *Complementaritatea viziunilor de securitate ale NATO și UE, in Științe politice, relații internaționale și studii de securitate*, International Session of Scientific Communications, „Lucian Blaga" University, Sibiu, 28-30 May 2010.

16. MUREȘAN, Liviu, *Politica europeană de securitate și apărare*, European Institute of Romania, RO-2002/000-586.03.01.04.02 Phare Project, 2005.

17. TOJE, Asle, "The 2003 European Union Security Strategy: A Critical Appraisal"*,* in *European Foreign Affaires Review*, no. 10, Kluwer Law International, 2005.

TRENDS IN EU SECURITY AND DEFENSE POLICY

Ivaylo IVANOV*

The Common Security and Defense Policy is in deep crisis, but financial and economic problems are not primary driver for it. There is lack of political will and public support not only for increasing of defense spending, but even to sustain the current level. Presumably, this trend will not change in near future, so if EU member states want to have military capabilities for full range of operations, they should strengthen and intensify cooperation in security and defense policy.

Keywords: Common Security and Defense Policy (CSDP); defense spending; military capabilities; political will; level of ambition; defense cooperation.

Introduction

The security and defense policy of almost all EU member states is in deep crisis. At first glance, it seems that this is a result of financial and economic crisis. In contrast to social policy, security and defense rarely attract public attention in the EU member states. So, it is no surprise that when there is need to cut public spending, this is among the first areas that every government looks at. From a political point of view, there is a perfect logic for that – much harder and painful is to cut budgets for social programs that affect citizens' day-to-day life.

Bulgarian security and defense policy is not an exception from this trend. Despite highly public approval for the armed forces (which are always first or second of all public institution, in polls) and opinion that they have to be strong and well prepared in terms of training and equipment, there is lack of public support for more spending on defense. The defense budget always is criticized as too large and there is constant pressure for reduction of manpower and resources for the armed forces. The idea of expeditionary force to be deployed out of the country is totally unacceptable and public perception about participation in EU and NATO missions is negative and seen as a waste of money. For the Bulgarian society, the principal role of the armed force and overall of the security and defense policy is to defend territorial integrity from potential external enemies. This attitude is shared by most of the citizens in new EU member states, which is not strange, taking into account that these countries do not have historical experience as colonial powers. But there is a peculiar paradox. If we put aside political rhetoric, even in states that are most sensitive about hard security and their sovereignty, like the Baltic States or Poland, defense spending data do not look like as these countries face major threat[1]. Or, in other words, political rhetoric is not supported by relevant financing.

* Ivaylo IVANOV is chief assistant professor with "G.S. Rakovski" National Defence Academy and PhD candidate in Military Sciences with the same institution, Sofia, Bulgaria. E-mail: iv.ivanov2003@ yahoo.com

1. State of play of EU security and defense policy

In 21st century, such kind of policy, in addition to defense capability degradation within EU member states, will not bring back the EU where it was in the beginning of the 90`s. At that time, the foreign affairs minister of Belgium, Mark Eyskens, observing First Gulf War, described the EU as an ''economic giant, political dwarf and military worm''. Today, the EU does not enjoy even small fragment of advantages and resources that it had after the Cold War – it is not an economic giant, or at best, it is one of many, there is growing political split between member states, and it has ever more small and insufficient military capabilities. The trend of decreasing level of ambitions[2] in defense and increasing attempts of renationalization of some aspects of EU policy threaten to bring back the Union before the inception of European Security and Defense Policy (ESDP) in 1999 or, even worst, before launching Common Foreign and Security Policy (CFSP) in 1993 under the Maastricht treaty. That was the time when EU did not have any geopolitical ambitions or, in other words, willingness to exert influence on global political and military processes.

EU goal to have the capacity to launch autonomous operations[3] from NATO and United States of America (USA), ranging from humanitarian and peacekeeping to combat remains unfulfilled. Establishment of common institutions which need to give support for achieving that aim cannot compensate existing shortcomings in relevant equipment and, in some sense it only underlines the lack of real progress that the EU is experiencing. In addition, the EU has modest results in its efforts to demonstrate successively, a united and effective common foreign policy. Events in which the EU shows timely, united, bold and clear stance are exceptions and not the rule. Even establishment of the European External Action Service (EEAS), which should tackle most of these problems, does not bring real change of this situation. As in the case of the CSDP, despite declared ambitions and strong statement, the EEAS faces the same political and financial problems that hinder EU foreign policy from its inception. As a result of lack of real common foreign policy, even existing European military capabilities are very modest by comparison with US one and are rarely exploited in big operations, and when that happens, there are numerous conventionality and national restrictions whether, when and how these capabilities can be used in operations.

Changes in security environment and rapid shift of global power distribution toward the Asia-Pacific region demand EU member states to acquire new capabilities, or at least to invest in some of existing in order to keep their quantity and quality. But short and mid-term political trends make that policy unlikely. First reason for that is that EU member states societies do not feel threatened from big conventional enemy. Second reason is slow and unstable economic recovery and stricter EU rules for budget deficit and public debt[4]. These political trends can change only if EU member states face the challenge of emerging conventional threat. At the moment, such threat is not visible[5], which means political efforts both on national and European stage will be centered on economy and domestic issues. This will be and already is at the expense of security and defense policy. As defense spending data show, almost all EU member states have made a choice to reduce its level of ambitions in that area, and some of them did it even before financial and economic crisis. The current situation is just an opportunity for many EU member states to acknowledge it and take that decision formally.

Actually, defense data show that EU member states started decreasing their defense budgets even before financial-economic crisis struck. Between 2001 and 2008, European defense expenditures were cut with 15% on average[6]. And that happened at a time when EU was striving to build a common security and defense policy. Thus, out of this situation, there can be deduced, that financial and economic crisis is not primary driver for defense budget cuts. There is no doubt that the crisis put pressure on the military and security spending, but the truth is that most of the member states and EU accordingly does not have the political will to play great geopolitical role, despite numerous declarations and statements.

The Western and Central Europe is the only region in the world which decreased its defense spending for four years in a row[7]. According to International Institute for Strategic Studies, Asia – Pacific region outspent Europe in 2012 for the first time in history[8]. That fact is a result of a sustainable trend that will keep going for a period of time. All major EU member states will continue

to cut their defense budgets in the following years[9]. At the same time, China will double its defense budget to 238 billion dollars by 2015. Russia plans also to double its budget by 2015. The only EU member states that struggle to keep their level of ambitions and capabilities in defense are the UK and France.

In spite of financial and economic crisis and budget cuts, their military spending are still above 2% of GDP. For instance, Germany, the biggest economy in Europe, has been constantly decreasing its defense spending since the end of the Cold War[10]. More than decade it spends 1.5% on average which is also less in absolute amount of money in comparison to UK and France[11].

Germany defense spending for last decade hint that country has modest ambition in defense[12] and prefers to focus its efforts on economy and welfare. Two events in recent years underline that attitude. In 2010, German president Horst Köhler was forced to resign after stating that military capabilities and use of force are necessary to protect economic interest of the state in certain cases. It was quite out of the ordinary, because that approach is written in national security strategy of many countries. Public reaction to Köhler words reveals that for Germans military power is unacceptable tool in international relations and they are not ready to use it, even as a last resort, when there are no other options.

The other case that underscores different visions between European member states about the role and use of military force was the intervention in Libya. While France and UK were very active and ready to employ force to influence the outcome of the revolt against Muammar Gaddafi, Germany abstained from voting on the UN Security Council Resolution 1973 authorizing a no-fly zone over Libya and declined any involvement, although events in this North African country have long term consequences for European security in terms of illegal migration, spread of radical Islam, terrorism and illegal trafficking.

Lack of progress in deepening the defense cooperation using the mechanism of Permanent structured cooperation, an opportunity given by Lisbon treaty, is another evidence of the EU member states level of ambitions in security and defense. In addition, efforts to launch the EU military headquarters are ineffective for now[13].

2. EU level of ambitions in defense cooperation

All this demonstrates that cooperation in security and defense policy is extremely difficult and it needs constant effort even when it is backed by proper mechanisms and institutions. That is due to the fact that security and defense is a matter of the very essence of state sovereignty, and cooperation in that area ultimately means to share it.

At the moment, there are lots of examples of such cooperation. For instance, Eurofighter and A-400M transport airplane are most well-known. But these examples are based on bi- or multilateral agreements and are not part of overall common EU strategy. Hit by austerity measures, France and UK have taken steps in the effort to preserve their military capabilities. In 2010, they signed Lancaster treaty to intensify defense cooperation and to set up combined joint expeditionary force which has to achieve full operational capability in 2016. The answer to the question why France signed that treaty with UK, but not with its most trusted ally after World War Two – Germany – is simple. Taking into account that German level of ambition in defense is tempered, France was forced to seek cooperation with a country that shares its vision and readiness to work harder on developing new military capabilities, which are relevant to current and future security environment.

Since 2010, EU launched "Pooling and Sharing" initiative in an attempt to engage and coordinate efforts of all member states in one common direction. As the name indicates, the aim of the initiative is to encourage member states to pool and share military capabilities in order to keep and develop their ability to implement full range of operation in time of severe financial austerity.

Like NATO's "smart defense" initiative, for the time-being, "pooling and sharing" cannot demonstrate great and visible progress especially in essential combat military capabilities. All projects are related to so called "enablers" – capabilities that support and make combat action possible like air-to-air refueling, strategic air transport, surveillance, reconnaissance, training and medical evacuation and support.

In March 2012, taking into account lessons learned from Libya, member states of European defense agency[14] (EDA) agreed to acquire air-to-air refuelling capabilities by 2020, which are going to be used in future EU operations. But there is

little evidence that this will happen in that time framework, considering experience from similar projects in NATO, implementation of "Headline goal" 2003 and 2010, and ongoing economic and financial crisis. EU project for satellite navigation "Galileo", launched in 2003, is a relevant example in this sense. Although it is not a defense project and is funded from the EU budget (which is an advantage), it was on verge several times to be suspended, because of disagreements between member states.

The reality is that EU member states have, at best, modest ambitions in security and defense policy and limited and insufficient military capabilities. These ambitions are restricted to that member states to be able to launch small operations of low intensity, limited in time and close to the periphery of the European continent. But even this very limited requisition can hardly be met by available capabilities. Libya intervention has been clear evidence for that. The two most combat experienced and capable armed forces in Europe – British and French – have had enormous difficulties to carry it out without US support, although they could use European military infrastructure, while the opponent did not have modern equipment. In my opinion, this operation was a demonstration that EU member states are incapable to launch combat mission far away from Europe, not to speak against a well-armed adversary.

Despite that, EU member states are not ready to make necessary efforts to change their security and defense policy. There is neither political will, nor public support for such action. With a weakened economy, growing political division between member states and fragmented common foreign policy which cannot be supported by credible military power when is necessary, EU is losing position and influence on the world stage.

Thus, one may ask oneself what can be done to avoid deepening of the crisis. It is clear that EU member states are not going to increase, in the near future, defense spending, or to build large expeditionary force, while there is lack of political will and public support for that. In this context, it will be a success if the member states manage to keep their current level of spending for security and defense. However, that is not enough, given the specter of threats and rising cost of military hardware and equipment. In that situation, the first option is that each state and EU as a whole

to decrease even more its level of ambitions in security and defense, which is happening almost in all member states. The second option is for countries to seek more cooperation in security and defense. This is not something new, the novelty is the depth and scale in which it has to happen.

Conclusions

Cooperation needs both political will and public support. Political will is necessary because cooperation in security and defense cannot emerge by accident. It is conscious effort and product of purposeful policy, which takes time to achieve visible results. Hereby, expert community can help, not only by giving right advice to decision-makers, but also by shaping public opinion in the sense that is the only possible way ahead. This is important because every major change like this one demands to make unpopular decisions and break some taboos. There will be strong resistance from defense industry, whose interests will also be affected by changes of that magnitude and will certainly do anything to protect them. Its powerful influence over national government and wide range of instruments at its disposal to direct decision-making process is a problem even for one national state, not to speak for a Union of 27 states.

"Pooling and sharing" initiative will be successful if it is supported by the public opinion. Society of each member state should be fully aware that there are two alternatives. The first one is that each country alone should manage to keep full range of military capabilities, despite lack of proper funding. The result of that will be inefficient and suffering from deep deficits armed forces that cannot participate in real combat operations. But the society will have the illusion that its country retains full independence and sovereignty and is ready to face every threat, until a sudden crisis shall reveal that all that is just a myth.

The second alternative requires it to be admitted that with the current defense spending, no country can maintain the full range of military capabilities. Every country has to either retain only certain but fully prepared and usable capabilities, while assuming bigger risk to its security, or to cooperate with other countries to acquire the capabilities that it alone cannot sustain, while losing part of its independence and sovereignty. That is not an easy decision and will not be made soon, but it

cannot be postponed for too long, because that will have irreversible consequences for EU security and defense. Member states have missed one opportunity to start such process of cooperation in much better situation, when Europe was enjoying economic prosperity. If the opportunity is not taken, there will hardly be another chance.

In times of austerity, the question of maintaining and acquiring military capabilities is very sensitive, but there is another aspect of security and defense policy that is not related to defense spending, which does not make it much easier. On the contrary, from a specific point of view, it is even more controversial. The future success of CSDP also depends on member states to achieve common understanding (which is a must) of questions as what the security environment is like, what its trends are, what the EU role is and how and when to use military power. Without this, there will not be any progress, no matter how much money are going to be spent. And, most important of all, when member states make a decision to do something, it should be put in practice as soon as possible. Nothing erodes trust and solidarity between allies more than failed promises.

NOTES:

1 In 2012, except Estonia, all countries spent less than 2% of GDP – Lithuania 0.77, Latvia – 1%, Poland – 1.95%

2 In this text, "level of ambitions" is what each member states and EU as a whole want to be able to do, both in term of scale and options for reaction on security and defense matter.

3 Presidency Conclusions, Cologne European Council, June 1999

4 The budget deficit is allowed to be up to 3% and public debt to GDP ratio must not exceed 60%. While almost all EU member states succeeded to decrease their deficit to or under 3% in recent years, public debt in half of them is more than 60% and keep growing, including all EU major member states.

5 Despite rhetoric and some actions, Russia is not seen as a threat in that sense except in Poland and Baltic states. At the moment the other possible candidate is Iran with its nuclear program, but geographic distance and absence of ready for use nuclear device do not make it credible threat.

6 Joachim HOFBAUER, European Defense Trends: Budgets, Regulatory Frameworks, and the Industrial Base, Center for Strategic and International Studies, Washington 2010, p. X

7 Stockholm International Peace Research Institute (SIPRI), "Trends in world military expenditure, 2012", April 2013

8 The International Institute for Strategic Studies, "The military balance 2013", Press Statement, 14 March 2013.

9 UK and Germany is going to additionally cut theirs defense budgets over the next few years and France announced that will keep defense spending at the same level for the next six years. In real term that means, that defense budget will decrease, taking into account inflation.

10 For last time, Germany spends more than 2% of GDP for defense in 1992 – 2.03%.

11 For 2012 Germany defense budget is 1.4% of GDP which is 45.8 billion euro. UK and France spend accordingly 2.5% and 2.3% of GDP or 60.8 billion euro and respectively 58.9 for France.

12 In the same time Germany has outstripped UK and France and has become third largest arms exporter after US and Russia.

13 Henry SAMUEL, "EU military headquarters plans 'backed by Baroness Ashton'", The Telegraph, 11 November 2012.

14 EDA and EU member states are not identical, because Denmark is not a member of the agency.

BIBLIOGRAPHY:

1. ADAMOWSKI, Jaroslaw, "Poland's Spending Up as Most of E. Europe Cuts Back", DefenseNews, 24 October 2012, http://www.defensenews.com/article/20121024/DEFREG01/310240002/Poland-8217-s-Spending-Up-Most-E-Europe-Cuts-Back.

2. BAKKER, Eric; BEERES, Robert, "A Comparative Financial Analysis of Military Expenditures in the Baltic States, 2000-2010", Baltic Security and Defence Review, Vol. 14, Issue 1, 2012.

3. GOPALAKRISHNAN, Raju, "Asia shops for aircraft, arms under China's shadow" Reuters, 14 February 2012, http://www.reuters.com/article/2012/02/14/us-singapore-airshow-idUSTRE81D0FK20120214

4. HOFBAUER, Joachim, European Defense Trends: Budgets, Regulatory Frameworks, and the Industrial Base, Center for Strategic and International Studies, Washington 2010, http://csis.org/files/publication/101025_EuroDefenseTrends_web.pdf

5. http://www.official-documents.gov.uk/document/cm79/7976/7976.pdf

6. Presidency Conclusions, Cologne European Council, June 1999, http://www.consilium.europa.eu/uedocs/cmsUpload/Cologne%20European%20Council-Presidency%20conclusions.pdf

7. SAMUEL, Henry, "EU military headquarters plans 'backed by Baroness Ashton'", *The Telegraph*, 11 November 2012, http://www.telegraph.co.uk/news/worldnews/europe/eu/9670265/EU-military-headquarters-plans-backed-by-Baroness-Ashton.html

8. ***, "President promises that Lithuania's defence spending will rise", *The Lithuania Tribune*, 29 March 2013, http://www.lithuaniatribune.com/32741/president-promises-that-lithuanias-defence-spending-will-rise-201332741/

9. ***, Stockholm International Peace Research Institute (SIPRI), *Trends in world military expenditure, 2012*, April 2013, http://books.sipri.org/files/FS/SIPRIFS1304.pdf

10. ***, Stockholm International Peace Research Institute (SIPRI), *Trends in international arms transfers, 2011*, March 2012

11. ***, The International Institute for Strategic Studies, *The military balance 2013*, Press Statement, 14 March 2013, http://www.iiss.org/publications/military-balance/the-military-balance-2013/press-statement/

12. *******, *Treaty Between The United Kingdom Of Great Britain And Northern Ireland And The French Republic For Defence And Security Co-Operation*, The Foreign & Commonwealth Office, London, 2 November 2010, *******, *UK–France Summit 2010 Declaration on Defence and Security Co-operation*, The official site of the British Prime Minister's Office, 2 November 2010, http://www.number10.gov.uk/news/uk%E2%80%93france-summit-2010-declaration-on-defence-and-security-co-operation/

THE CHANGES IN EU MEMBER STATES ECONOMIC POLICY AS CATALYSTS TO THE EUROPEAN SECURITY EVOLUTION IN PRESENT-DAY GLOBAL CONDITIONS

Vyara ZHEKOVA, PhD*

The realization of the optimistic strategy of the European Commission Europe – 2020 involves a joint, single and simultaneous participation of all Member States over the next years, regardless of the different level of economic development in each of them. EU countries should work together in every direction in the Strategy Europe 2020: smart growth, sustainable growth, inclusive growth, but also economic security.

Keywords: European Union; sustainable development; Europe 2020 Strategy; integration; economic policy; European security; globalization; global crisis.

Preamble

The long-term perspective in the context of the Europe 2020 Strategy[1] of the European Commission is to transform the European market into a market of social and environmental growth. Accordingly, we should keep in mind the original cause for the active involvement in the implementation of this strategy – Europe's recovery from the crisis, adoption of preventive measures for timely response and avoidance of similar crises, which might occur in the future.

The realization of this optimistic strategy includes general, uniform and simultaneous participation of all member states in the coming years, despite the different level of economic development in each of them. For the successful implementation of these ambitious objectives, EU countries need to work together and simultaneously, not only in each direction on the strategy Europe 2020 – smart growth, sustainable growth, inclusive growth, but also in the direction of economic security. The inclusion of regions and cities for accelerated implementation of the strategy and the implementation of greater transparency in the use of structural funds is of key importance.

Regardless of the adequate and timely response of the European Union (EU) to the crisis, its effect did not bypass any of the member states. The economic and social crisis, ongoing even to this day in Europe, has a severe impact on all EU member states. They find themselves in a situation in which their future sustainable development depends largely on the advancement of the socio-economic reforms on the Old Continent. At the same time, the impact of the global tendencies on the countries from United Europe should not be underestimated. The harmonization and the

* Vyara ZHEKOVA, PhD is assistant professor with "G.S. Rakovski" National Defence Academy in Sofia, Bulgaria. E-mail: viarajekova@yahoo.com

reforms, which are in progress in Europe and their adaptation to the modern global processes in the global economy, remain an invariable condition for the stable ground of Europe's strategy concerning sustainable development for a period of ten years with horizon 2020.

In so far as all member states have committed to achieving the Europe 2020 targets and have translated them into national targets and growth enhancing policies, the European Commission introduced a new initiative for the Europe 2020 strategy implementation – the European Semester. The latter covers the areas of innovation and structural reforms in the economy, social and economic relations.

Europe 2020 Strategy consists of two main elements: the Political cycle strategy Europe 2020 to promote coordination between European and national reform and the Flagship initiatives, that combine specific policies aimed at achieving the objectives of the strategy. They are complemented by removing obstacles to growth in the internal market and infrastructure.

Europe has to restore its economic growth within the shortest possible terms by utilizing the opportunities and the initiatives laid down in the Europe 2020 strategy. Nevertheless, the possibility of changing the situation seems realistic only if the strategy is implemented in partnership between the member states and by all levels of government.

There are many regions and cities in Europe that have already announced the Europe 2020 strategy for an important part of their own development strategies. Regional and local authorities' responsible role is assigned to be the main players in the implementation of a number of priorities of the strategy, particularly with regard to the public investments and programs. Based on the Common Strategic Framework[2] and the European Code of Conduct on partnerships, the Strategy is expected to lead to greater transparency in regional development programs and implementation of the Structural Funds.

1. Innovations and structural reforms

In order to enhance the development of Europe with respect to socio-economic reforms, it became clear that the emphasis should be placed on financing scientific research. Provided that these intentions are carried through, a tendency is outlined to modernize those sectors of Europe's economy, which are not sufficiently competitive on the global market. Devoting more attention to the science-consuming productions and to closing down the economically unprofitable and environmentally dangerous productions, the EU has a high chance of increasing its competitiveness on the global market. On the basis of Europe's economic growth strategy – intelligent, sustainable, inclusive – Europe 2020, it becomes clear that Europe's obvious falling behind the US today on a lot of important indicators in the scientific and technical areas will be overcome partly through the common European policy in the field of education and lifelong learning[3].

The enhanced competition in the sphere of innovations urges Europe to bring out priority areas of research and development – building a knowledge-based society. The present Seventh Framework Programme (2007 - 2013) builds further development of the strategic objectives and priorities of the previous Sixth Framework Programme (2002 - 2006 years). It contains the main priority areas for the development of applied and basic research, building modern infrastructure and scientific career of researchers within the European Research and Education Area by targeting to the key priority sub-programs: cooperation, ideas, people, capacities[4].

Just as the Seventh Framework Programme[5], many other EU programs have as priorities the construction of a society based on knowledge. They provide specific funding opportunities for research, innovative training and educational activities. In applying the principle of complementarity, they achieved a significant synergistic effect on the development of research activities, the promotion of innovation activities of small and medium enterprises (SMEs) upgrading human resources and optimization of research infrastructures at European, national and regional level. By 2020, we are in for still higher progress associated with the latest trends in science.

The enhanced development of the EU member states in the scientific-research area is accompanied, by higher costs both of the governments and of the private sector as well. The European Union encourages member-states to invest 3% of their GDP in research & development activities by 2020 (1% public funding, 2% investments of the private sector), which according to estimates will create

3.7 million new jobs and will increase the annual GDP by almost 800 billion euro. Their common volume increased from 2% of the GDP in 2002 to 2.5% in 2012, with a forecast growth of up to 3% of the GDP towards 2020. It is important to emphasize that the substantial differences between the EU member states are still valid today. While Germany is oriented to go beyond the 3% barrier of costs in the scientific-research area and Finland – 4% of its GDP, some other member states find it difficult to speak even of 1% increase in costs. Relationship between the state and the private sector in terms of the interest rate − participation in the financing does not change significantly. The situation is similar in most of the new Member States. Part of the problem in these countries is their lack of large companies, which are active in the field of innovation. Nevertheless, all countries are provided with equal opportunities to participate in the EU framework programs for funding organizations working in the area of new technologies and innovations, aimed at creating a common European Research Area[6].

Objectives set in Lisbon empowered all countries, especially the new member states, which are in difficulty to allocate a larger percentage of their GDP for research, to extend and consolidate their positions in science areas of research and greatly improve access and opportunities to their private sector representatives to the latest technologies and to focus national financial resources to the most promising areas of science and economics. Specific was the case of Italy, on the implementation of the process of innovation in the economy. Thus, Italian small and medium enterprises (SMEs) have emerged as fast responsive and were able to fully renovate newly production in the country's traditional industries: textiles, shoes and food industry, household appliances, design. Italian SMEs fail to adapt these sectors to the ever changing tastes and preferences of the user and exhibit remarkable creativity in a cluster environment, thanks to which it ensures continuous diversification of production.

Innovations differ as to the extent and the manner in which they are implemented by the different EU countries. Innovations in Germany, on the one hand, cover practically all sectors of the national economy, while the North European countries on the other hand apply innovations only in some specific areas, and besides – very sparingly.

The main reason is the absence of free financial resources in those countries. This imposes on the countries in the region to confine to improvement of the already existing and developed branches and sectors of their economies, in which they aim to create a new production or technology. A logical result from the globalization process, going on particularly intensively in the last few decades in the world, the future of the small and medium enterprises (SMEs) seems very embarrassing. The main reason is the opening of the European market towards production from countries such as India and China.

2. Structural economic changes

All countries envisage a continued drop of material production. This will be felt more strongly by the new candidate countries for EU accession. A share in this will have the gradual decrease and stopping of the subsidies for agricultural producers and farmers, for metallurgy, manufacturing mass-produced goods such as clothing, shoes, etc. The forecast for the after-effect is an overall modernization and innovation of these industries[7].

The energy field expects a moderate growth, but in a qualitatively different way. With respect to energy, the EU member-states will try to reduce and limit their dependence on external sources. It is envisaged that these measures be introduced gradually and in stages. It is believed that a degree does this through commissioning of alternative energy sources (wind, solar, etc.). Specific is the issue of nuclear power and the maintenance and development of nuclear energy within the EU. In these countries there is a reasonable attitude in the future 10 years to properly address the safety of nuclear power and storage of nuclear waste.

The strategic reduction of the participation rate and, in some cases, also of the absolute production volume of the industrial sectors within the volume is justified by the global conditions and impacts, experienced by the Common European Market and the different countries, in particular on behalf of such economically strong competitors such as India, China, the countries of Southeast Asia and Latin America. In this respect, over the next decade, it is expected for the output of industrial production to have a tendency to be directed outside the EU. Simultaneously, it is planned to broaden and deepen the impact of European transnational

corporations (TNCs) in the countries of basing through the production of knowledge-intensive goods and services. This could provide a strategic advantage for European TNCs in the management of its overseas subsidiaries and divisions, and thus providing further global expansion.

The prospects for many sectors in the processing industry outline their intention of future decentralized production. Similarly, a reduction in the number of enterprises and companies is anticipated, including the services. Here, the processes are accompanied by a deepening specialization and an ever more extensive implementation of the flexible forms of work organization and employment (part-time work, hourly work, etc.).

In the course of time, one can draw the conclusion that economically, the large share of the current traditional economic sectors will cause increasingly greater disproportions in the future and consequently – long-term unemployment. This emerging problem is not only characteristic of the new EU countries, but also for some old member states. And they still saw a large share of traditional industries in the economy. For this reason, they are very dependent on changes in the market situation. And this is why they remain a structural weaknesses in comparison to other countries, thereby retain economic development. At the same time, the sectors which implement innovations and the latest new technologies, such as the pharmaceutical industry, electronics, etc., will support the development of the country in which they are based at faster rates. These sectors are notably in the process of being permanently deployed in the countries of the Central and Eastern European region (CEE).

Although the aforementioned positive trends, it is well to note the fact that the economy of the Eastern European countries, as well as in the recent past, is still largely based on agricultural development and production. As an example, we can mention such countries as Cyprus, Greece and Spain. For Cyprus up to date is still current ratio about 30% stakes in agricultural food products for export. For Greece, this share is 20%, and for Spain about 14%. Naturally, for these countries, this high level of agricultural commodities for the export is a major participation and, consequently, a consistent share of agricultural output in GDP.

Regardless of the smaller turnout of agricultural production, among the countries with active agricultural policy, one should mention both Romania and Bulgaria. At EU level, these countries should plan gradual renunciation of active agricultural policy. Regarding this aspect, EU has managed to build a system of self-provisioning, and every step in this direction is, practically, extremely uneconomical and inefficient, in my opinion. It is also possible to cause some difficulties in the development and adaptation of the CEE countries to the Strategy Europe – 2020. It is recommended that the share of agriculture in GDP for these countries does not exceed 3.5% and the EU-27 to reach levels of about 2%.

In terms of the construction sector, we can not formulate a clear conclusion. While in Germany and Finland this sector was in crisis, in the UK, Ireland, and Spain, there was a rise, in France and Italy – a moderate growth and doldrums in Portugal. In CEE countries, the sector grew. Within the EU, these processes, are expected to balance in the next 5 years, and to stabilize by 2020. For example, in Germany the share of construction fell for the last ten years by as 2% (from 6% to 4%) and is expected to remain stable at this level. In this regard, a stabilizing role will be played not as much by industry as by housing. In Germany, during the next ten years or so, – up to 2020, houses, built in '50-'70 of the last century, are planned to be reconstructed and replaced.

Increasing the investment share in GDP will differ considerably throughout individual countries, but as an average, weighted value will remain at a relatively low level. In respect to Germany, the estimates are that investment activity will be identified with some volatility to the middle of the forecast period, but then it is expected that there will be investment recovery in terms of housing. At the same time, forecasts for the UK and France are entirely different. In these countries, it is considered that the investments will be larger. It is expected that investment activity will remain high in Ireland and Spain, while Italy will mark lower rates. Today, we are experiencing the expected drop of investment activity in the CEE countries, after the boost in the period 2004-2005, although by the end of 2010, the investment growth in the residential construction was higher than the growth in the older EU member states. The drop in the construction sector, already marked in the CEE countries, will most probably continue in the next years with expectations to become stable

at reaching the annual average European rates of 3%.

Concerning the share participation of trade and services in GDP, we expect an increase from 71% up to 75%, mainly at the expense of the financial services and the trade relations. In respect of that market share, great importance may gain the tourism and hospitality industry, especially in the CEE countries. In many EU member states from the region, the share of services can reach 80%. In the new member states, the service sector tends to have steady growth. It is good to note that the rapid development of this sector in the economies of some of the EU countries is often due to the construction of its individual segments from scratch. Moreover, this construction is often associated with affiliates of large international corporations, banks, insurance companies and so on. The moment that free markets are filled and satisfied by the supply of a service, the rate of growth in that segment of the market will slow down and will fall, in my opinion.

The relatively slow development of the retail trade in most EU member states in the first half of the forecast period, as well as of hospitality and tourism, will be accompanied at the same time by an accelerated growth in transport and communications. After 2013-2015, growth is expected also in tourism and in the whole services area in the countries of "Old Europe".

3. Factors strengthening the EU positions in the context of globalization

In the context of globalization, the European Union is required to give adequate response to the following priorities and aspects:
• Strengthening of its economic, social and territorial cohesion and integration.
• Increasing its competitiveness on the global market.
• Reducing the disproportion between its economic and political power.
• Developing the European identity, preserving and enriching the cultural diversity, strengthening the sense of belonging to the European Union.
• Providing European policy co-ordination, maintaining a stable balance between the unity of decision-performance and political flexibility.
• Respect for the natural rhythm of evolution in the different communities.

• More active development policy.
• Promoting a better image of the EU in order to gain public support.

As result of integrating a lot of different countries, the EU experiences substantial difficulties today. In the presence of certain circumstances, they can become a risk, for instance if the common European currency is accepted prematurely in all CEE countries. Another contrast to be reduced is the difference in the competitiveness of the various countries, especially in the field of high technologies, which should not happen at the same time at the expense of environmental rates, employment and social protection.

The European Union has the status of a global actor, mainly thanks to its economic power. In terms of GDP by production, it occupies the first place in the world, producing nearly 30% of the global GDP and 20% of the trade flows worldwide. It is the largest trade partner in the world, ranking first in terms of import with 18.2% and second in terms of export with 19.1%. As comparison, the US import is 16.2%, and their export is 23.1%. The specific Euro integration consists in the recession in the power of the nation-states, also on local level. As result, the mechanisms of maintaining the internal balancing within the EU have become weaker. This may compromise also its political power on the global market. In order to remain strong on the global market, the EU should consolidate and intensify the significance of the public institutions at local level. The Eastern enlargement of the EU has enhanced this risk and more serious reforms are needed now in the local government system[8].

The political future of the EU depends chiefly on the extent to which it will be capable of improving its efficiency rate. It is by no means sufficient to refer to European citizenship in the official documents. The Europeans need the real sense of belonging to the United European space to the common space of objectives and values, which should be higher than the interests of the large corporations or of the national states. In order to advance further on the road to European unification, something more than a Constitution is necessary. It is necessary to implement serious changes in the cultural sphere, creating the new European identity. Only this identity is capable of providing real legitimacy for the EU. United Europe cannot be supported only by thy elite or by individual enthusiastic groups. It needs the strong

support of its citizens, based on a sense of belonging to the common European identity. This is the only version in which the common European solidarity can manifest. This is also a fundamental condition of integration. On this basis, common objectives can be found, contradictions can be settled and a common decision can be reached. In this respect, education in the context of the economics of knowledge is called to play an important role. Newer member states of the EU do not pay much optimism regarding these goals.

Sustainable development of European integration depends a lot on the balance in the relationship between the approach of decision-making and the old national-oriented approach and the use of appropriate resources and methods for democratization of economic policy. Effective use of subsidies and sustainable development principles applied on a national and local level could, thus, in my opinion, create a good balance even in today's difficult situation.

Political factors played a decisive role in the creation of the EU and its further evolution. The prospects for the type of such a federal political union is determined by the methods they adopt strategies in their development (the implementation of the single currency in all member states, enlargement, political unification). The EU should take into consideration the time required for each country to implement the changes required at the EU level. Separate short-term solutions for extension taken in the interest of a particular group of countries, have made European integration "multi-speed", which delayed the integration process.

Globalization creates opportunities, but also certain risks and asymmetries. The EU can not be successful in a world ravaged by political and military conflicts, issues related to food scarcity, environment/ecology and access to education.

Even if, in my opinion, the EU is perceived better from the outside than the inside, there is a necessity to pay attention to its image, as I reckon that its social market economy, the planning and the degree of state intervention is ambiguously perceived even in academic environment. From other points of view, the EU still has a bad image on the international stage, because of its dual and sometimes contradictory foreign policy. Ultimately, it is necessary to note that the EU's ability to define its role and place in the processes of globalization depends on whether it will be given

to balance centrifugal forces opposing integration. Reasons for the occurrence of these forces are: the disunity and lack of solidarity in the EU member states, a crisis of national identity, different speeds of integration processes throughout the countries, EU enlargement, poor coordination of the policies of individual member states, lack of a real sense of European identity[9].

Continuation of the process of European integration and regionalization of Europe will lead, in my opinion, to political unification and the recovery of political and economic center of the European continent.

Conclusions

Because of the projected investments in innovation, pledged innovation activity for the member states, and the estimated structural changes in these countries, there can be predicted before the end of the period 2020 a decrease in energy consumption for the production and, as a logical consequence of the exploitation of new technologies – the cost of labor.

There tends to be a slight trend of increasing private consumption. This reflects the percentage contribution to GDP – by 63 to 68%, which is possible due to the reduction in government consumption and government spending. Gradually and consistently, there is a tendency to limit the subsidies to both companies and private producers, especially in agriculture.

In the newer EU Member States, there is a notable trend towards larger share of the investment compared to exports. Up to the forecast period, the Western European countries are estimated to provide about 50% of investments in the new member states. At the same time, the share of FDI in Western Europe seems to be about 40% for the EU-27, and at the end of the forecast period – 2020 may be about 45% made by EU-wide global investments.

Lowering the unemployment rate would have a positive impact on the growth of private consumption, which in this case would increase its importance in terms of quality of goods, reflecting the demand for higher quality products.

Enhancement of the European potential needs not only the quoted reforms, but also sufficiently flexible economic policy. Special attention should be paid to the heterogeneity of the EU. The

solution is finding the balance between discipline and flexibility. The European market is expected to remain open-ended. For this reason, and based on those set out in the Framework Programmes and Strategy "Europe 2020" measures are embedded in the community and will tend to community development in the socio-economic and production-technological fields. At the same time, the community will retain its diversity and specificity. Despite the increasing integration between the EU countries, they will be able to preserve their national character and identity, and in parallel, will not prevent the convergence, harmonization and development of the necessary supranational bodies. Nevertheless, it has to be emphasized that even at the stage of Europe 2020 it is yet early to speak about complete convergence of the individual national state structures and economies within the EU.

The prospects before the economies in the region cannot be called brilliant, but on the other hand, they are not frankly alarming either. As a whole, the region will depend on the developing large economies and on the Euro-Zone countries, but this is hardly anything new. The news comes from the regions of Asia and Latin America, where China, India and Brazil place their request for becoming a determining factor on the global stage. We can summarize that if competitiveness continues to increase and the structural reform continues to be implemented, the EU member states stand all chances of exiting from the crisis and rising on the global stage.

NOTES:

1 European Commission, "Europe 2020 - A strategy for smart, sustainable and inclusive growth", p. 12, Brussels, 3.3.2010, http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2010:2020:FIN:EN:PDF

2 Country-specific Recommendations 2013

3 The Lifelong Learning Programme: education and training opportunities for all, http://ec.europa.eu/education/lifelong-learning-programme/doc78_en.htm

4 European Cooperation in Science and Technology, http://www.cost.eu/

5 Seventh Framework Programme (2007 to 2013), http://europa.eu/legislation_summaries/energy/european_energy_policy/i23022_en.htm

6 For more details on European Research Area, see http://ec.europa.eu/research/era/index_en.htm

7 Europe 2020, http://ec.europa.eu/europe2020/index_bg.htm

8 For more details, see http://www.unglobalcompact.org/NewsAndEvents/rio_2012.html

9 UNKTAD, World Investment Report 2012.

BIBLIOGRAPHY:

1. 2012 UN Conference on Sustainable Development (RIO+20), http://www.unglobalcompact.org/NewsAndEvents/rio_2012.html

2. Agenda for European Cooperation in Science and Technical Research – COST, http://www.cost.eu/

3. EUREKA, http://www.eurekanetwork.org/

4. European Commission, "Europe 2020 - A strategy for smart, sustainable and inclusive growth", Brussels, 3.3.2010.

5. Interoperable Delivery of European eGovernment Services to public Administrations, Business and Citizens, http://ec.europa.eu/idabc/

6. LIPSCHUTZ, Ronnie D.; ROWE, James K., *Globalization, governmentality and global politics: Regulation for the Rest of Us?*, Routledge, 2005.

7. Seventh Framework Programme (2007 to 2013), http://europa.eu/legislation_summaries/energy/european_energy_policy/i23022_en.htm

8. The European Commission's Lifelong Learning Programme, UNKTAD, World Investment Report 2012.

9. The Lifelong Learning Programme: education and training opportunities for all, http://ec.europa.eu/education/lifelong-learning-programme/doc78_en.htm

10. US National Intelligence Council (NIC), *Global trends 2015: a dialogue about the future with the nongovernment experts*, 2000.

TOWARDS A EUROPEAN UNION CIVIL CODE? (PART II)

Valentin-Stelian BĂDESCU, PhD*
George-Teodor RĂDUICĂ, PhD**

In recent decades, legal sciences know an increased affirmation in various fields of the society. Development and complexity of social relations, the unprecedented multiplication of intra-and inter-social contracts led to a correlative development of law and its ramification into new branches, such as broadening of its scope of action, certified at various levels. This increases the explanatory and standardizing role of law science whose researching and deciphering function of the real is diversifying and deepening, adding the prospecting side of given reality.

Keywords: Civil Code; European Union; private law, European law; contract law; European legal space; interdisciplinary research.

3. The legal system of the European Union

3.1. The concept of legal system

Legal rules of a state – European Union acquired legal personality, by the Treaty of Lisbon – as different are each other through their content and form, represent a particular unit as a whole, being connected among them and organized in a particular system. They aren't a cluster of spare parts, but rather are organically assembled. The causes that make the law of a particular state to be unitary in the assembly of its rules and between these rules, internally, must be sought in the economic structure of that society, which determines its core unit, as well as the law community of principles of respective State and, in generally, of each historical type of law.[1]

In this unit of the law, the legal standards are divided according to different criteria into certain distinct groups, known as legal institutions and fields of law. No legal rule can act detached from the rest of the rules, outside their assembly, isolated from certain institutions and fields, but also the legal institutions and the fields of law are not completely separate groups of rules. Having a common base, all of these represent a unity, and the principles that each of them reflects are consistent and also subordinated to the general principles that characterizes respective type of law.

Thus, legal rules of a state form a system which reflects both the unity between them and their different character on fields and legal institutions. This internal structure of law in the legal literature bears the name of law system or judiciary system. Therefore, the law system is the internal structure (organization) of the law in a state, based on the

---

* Valentin-Aurelian BĂDESCU, PhD is lawyer with the Bucharest Bar and lecturer at the Faculty of Law and Administration of the Romanian-German University, Sibiu, Romania. E-mail: valentinbadescu@ yahoo.com
** George-Teodor RĂDUICĂ, PhD is expert with the Center for Defence and Security Strategic Studies from "Carol I" National Defence University, Bucharest, Romania. E-mail: raduica.george@unap.ro

unity of legal rules and their division (grouping) in certain interdependent parts – fields and legal institutions. In other words, the legal system (or law) is the law's unit and its division into fields and legal institutions.

Studying the legal system has great theoretical and practical importance. Knowledge of the legal system helps state bodies in the development of legal norms to discover and fill some gaps in positive law, to remove outdated regulations and ensure harmony and consistency between the main rules, institutions and fields of law. It can be said without doubt that the law system is the basis of legislation's systematization. Knowledge of law also contributes to the improvement of law enforcement, drawing attention to what is essential in the various legal provisions and giving an overview of the linkages and interdependence between different legal rules and institutions. The law system has an outstanding importance and didactic, pedagogical and scientific puroposes regarding good organization of law teaching and legal research work.[2]

3.2. The legal system of the European Union

In general, the set of rules governing relations in the EU determines the Community legal order, in particular, this order is represented by the relations between the EU and the Member States, the relations between individuals and legal entities that may belong or not to Member States and the relations between the EU and other international organizations.

EU legal order is given by two main rules: those with fundamental law value, constitutional, institutive and modifying treaties; those with ordinary law value, developed by institutions, in their existence and functioning – derived sources and complementary sources.

In the academic literature[3] were made several classification criteria of the Community legal rules, but the criterion with the widest support is the legal force of Community rules. Thus, we find the following classification: primary sources of European Union law; derived sources, European secondary; the rules of law arising from the EU's external commitments; complementary sources; unwritten sources.

Primary Community European law consists of three constituent treaties of the Communities, permanently modified, supplemented and adapted to the new realities, which led to a large number of conventional tools, specific to a Union.

Derived law, secondary European Community consists of all unilateral acts of the institutions – regulation, directive, decision, recommendation and notice.

Regulation is analogous to the law from internal law, acting through generalization and abstraction, binding in its entirety, for all subjects of internal law in all Member States of the European Union, any incomplete application being prohibited. Binding character derives from the ultimate goal to be achieved and the forms and means by which is reaching its fulfillment.

Directive follows framework law technique, supplemented by Decree of application but, unlike regulation, only binding its ultimate goal, leaving Member States the forms and means by which it can reach its fulfillment. Usually, the Directive is addressed to only some Member States, except for specifying in its content the fact that they are addressed to all Member States.

Decision is important for the designated recipients and is binding only to national issues in certain Member States, both in terms of the proposed final goal and in terms of forms and means to achieve it.

Recommendation and notice have no binding force and therefore are not sources of law in the true sense of the word, having only a guiding role.

True sources of law for the legal order of the European Union consists of various categories of foreign commitments, which multiply and diversify by its growing participation in international relations. Thus there are: EU agreements with third countries or international organizations, unilateral acts adopted by the bodies set up by the Communities external agreements, some treaties concluded by the EU Member States with third countries.

Complementary sources result from agreements concluded between Member States in the areas of national competence. As far as their subject is in the area and in extension of the objectives defined by treaties, they are called "complementary law" and can be considered, in general, rules of European law. These are: Community Convention, decisions and agreements adopted by representatives of the governments of the Member States reunited within the Council, declarations, resolutions and positions of the European Union, adopted in agreement with

the Member States.[4]

Jurisprudence occupies an important place among the sources of EU law. The exercise by the Court of Justice of a normative activity is characterized, in particular, by using the methods of dynamic interpretation and a wide recourse to general principles of law.[5]

It should not be omitted the fact that, in the meantime, the Court of Justice of the European Union has also established, by its jurisprudence, a certain number of extensive constitutional principles, in order to ensure the primacy and effectiveness of EU law in the contexts of national legal that have been accepted by justice in the most important Member States. As a result of these principles, every single new initiative of the Union, whether it's related to the Internal Market or the new competencies of the Union, had to be immediately recognized and, where possible, to be adopted as effective law on EU territory.

In addition to the establishment of a strong federal structure, based on the supremacy, direct applicability and direct effect of Community law, the Court of Justice has passed a jurisprudence of interpretation and a jurisprudence of solutions that will strengthen the Community's position towards Member States. This jurisprudence could be summarized in a few ideas. One is the fact that the granting of Community legislative powers by treaties should not be downplayed. This result was achieved in part due to extensive interpretation of jurisdictional language of the Treaty, the generous use of the clause of implied powers, inattention to the concepts listed by powers and a legal doctrine, the federal legislative pre-emption.

The second idea is that the Court's jurisprudence approved, indirectly, that the Community's political institutions could adopt or not laws, but without exceeding the limits of the Community, provided that they take into account the procedural provisions imposed by the Treaty and certain general customary principles. These principles have played an essential role in the legal protection of the individual against Union institutions' injustices, not protecting directly the Member States of its unwanted interference in their sovereignty.[6]

Thirdly, the Court of Justice's jurisprudence has led to emphasizing the need for legal and administrative institutions of the Member States to come up with appropriate solutions to the conditions of each state. Essential procedural requirement of states to settle private claims under Community law is, undoubtedly, a reflection of the primacy and direct application, as it seeks to ensure effectiveness and primacy of Community law in the national legal context. But, the Court's jurisprudence on addressing problems reminds that the transfer of legislative power of the Member States towards the EU and the exercise of these powers by the institutions of the latter, is only the beginning.[7]

3.3. Which way the European legal order?

EU's legal order is relatively recent, having an incomplete legal system, so that in certain matters, in the interpretation of Community law is often necessary to resort to some general principles as legal sources. In situations where it is necessary to supplement the Community Treaties it resorts to general principles of Community law, principles which apply only subsidiary, in the absence of written Community rules. In this category are: the principle of precedence of Community law, the principle of direct effect, the accountability of states principle.

EU law does not contain a catalog of competences of Union institutions in developing secondary Community law, despite the fact that both the specialty literature and the Member States' politicians require such an anchor in primary law. However, although the laws of the Member States provide a hierarchy of legal norms, in Community law is not established such a hierarchy of Community acts.[8]

Unlike state organs that can issue legislation, in principle, in every area of **social life, in the** process of issuing secondary law, Union bodies have only the powers expressly granted to them by the Member States through the founding Treaties. In this matter applies the principle of express and limited empowerment. It lacks, therefore, which in German specialty literature is called competence-competence, meaning the power to decide on its own competence.[9]

Legal order has been defined as an organized assembly of legal rules with their own sources, equipped with bodies and procedures able to adopt them, to interpret them and to punish their violation.[10] European Community's Court of Justice emphasized three important features of it:

- it's a new legal order ("the Treaty is not limited

to create mutual obligations between different subjects which it applies, but also establishes a new legal order which governs the powers, rights and obligations of these topics as finding, as well as necessary procedures for ascertain and sanction any possible violations"[11]);

- it's an autonomous legal order from the international legal order, both in terms of its sources and on how to solve the disputes by the Court of Justice of the European Union (CJEU);

- it's integrated into the legal systems of Member States, which means that the constituent treaties have established a legal order in which subjects are not only the Member States but also individuals and legal persons that are part of the Union.[12]

If in the application of the Community rule occurr various malfunctions, contrariety elements, or even of conflict in relation to the national legal systems, EU rules have priority, because Community legal order was characterized as a new legal order of international law for which Member States have limited their sovereign rights, as "the law arose from community sources is not a foreign law, none external: it's the law of each Member State, applicable on its territory as a national right, which presents, however, an additional feature, namely that it crowns the hierarchy of normative acts of each Member State."[13]

Contrary to this opinion, some legal advisers argue that "Community law is one of those rights coming from nowhere, rights that have no history, no territory".[14] However, as is known, most specialists, in full consistency with the practice of the Court of Justice of the European Union, consider European law as a new legal order, autonomous to the international legal order, being integrated into Member States' legal systems. According to the doctrine and practice of the CJEU, European Union's law has three characteristics, namely: immediate applicability, direct applicability and priority of the EU's rules of law rules against the contrary internal rules of law.[15]

Compliance with EU law by applying it correctly and completely, in line with the three mentioned characteristics can be achieved only through the fulfillment by Member States of one of the most important, we can say, obligations undertaken since joining the European Union, namely the harmonization of laws. What is regulatory harmonization? There is no uniform definition of the concept, but according to EU's Glossary of Terms[16], harmonization "is considering the elimination of differences between the laws of the Member States in order to eliminate national barriers that may arise in the free movement of persons, goods, services, capital and payments. However, harmonization consists in ensuring", for the areas where legislative powers are exclusive to the Community, "that the rules set at Community level to impose similar obligations for all Member States" and minimum requirements for all recipients. The term harmonization also refers to "coordination of national technical rules in order to allow commercial exchanges and services to be made freely throughout the European Union."[17] In practice of institutions, at national level, involved in the harmonization of the laws, results that it (harmonization) comprises several stages, namely: first, there is the identification of legislation to be harmonized, since depending on the legal nature of each Community act, states are or not legally bound by that legal instrument; next there is the transposition of Union acts (only those acts that are susceptible to this operation) into national legal order, according to constitutional procedures in each Member State, and not the least, the implementation of transposed document. Legal harmonization is a continuous one, meaning that permanently, Member States should consider legislative interventions occurred at the EU level.

3.4. Immediate applicability of European Union law

As it's known, in terms of immediate applicability of the international law, there are two constitutional traditions, doctrines, namely: dualist theory and monistic theories.

Dualism (or pluralism[18]) represents all theories which admit the coexistence of the internal legal order and the international legal order, without the possibility of integration or aggregation in a common legal order. According to this theory, internal law and international law are two separate legal systems, "two circles with a common tangent: international responsibility."[19] Systems are different, firstly because their sources are different: the primary source of internal law is the will of the state itself, while the source of international law is the common will of many states. Then, they are distinct by their object, namely: internal

law regulates, within the state, the relationships between individuals, while international law governs the interstate relations.

Monistic theories assume, in opposition to dualism, unity of internal legal orders and international laws. Monistic doctrine is presented in two versions, namely monism with primacy of international law and monism with the primacy of internal law.[20]

Regarding the integration of EU law into national law of the Member States, the dominant thesis for devotees of so-called *Communitarian School* is that of the specificity of EU law in relation to international law. This thesis, supported by many theorists, the main one being Pierre Pescatore[21], is challenged by internationalists, whose chief representative is A. Pellet, who believes that between internal legal order and international legal order there is only a "difference of degree, and not of nature".[22] Subsequently, Denys Simon has shown that "although European Community law finds its sources in international law as well, so that the latter can not be ignored, the Community legal order, successively and gradually, become detached from the international legal order."[23]

Not being consecrated in the constitutive treaties of the European Union, the immediate application of Community law finds its foundation in the Court of Justice of the European Union's jurisprudence. Thus, after initially CJEU claimed "anchoring" of Community's law in international law, stating in its famous *Van Gend & Loos*[24] resolution, "the Community constitutes a new legal order of international law", the CJEU declared in another famous decision, *Costa/ENEL*[25], that "unlike international treaties, the EEC Treaty provides its own legal order, integrated to the legal system of the Member States".

This specificity results primarily from the autonomy of the Community legal order in relation to national laws, but, especially, in relation to international law. The premise of such autonomy, which doesn't means removal of independence or the existence of a bounded and closed legal space, is building a common economic space that can not depend on the constitutional status of international law in each Member State. "The equation is simple: a common market must be provided common rules and a uniform application."[26]

In time, European construction developed and consolidated its autonomy, jurisprudence initiating a process of constitutionalization of the Community system, in order to better mark its autonomy in relation to international law. This process of constitutionalization, opened by the European Court in Luxembourg and supported by the majority of doctrines, leads to the idea of emancipation or, at least, a distancing in relation to international law.

Another specificity of European Community law also emerges from the *Costa/ENEL* decision and consists in the fact that the finality of Community's legal order is its integration into the law of the Member States. This integration represents immediate application of EU law into national law of the Member States. Thus, there is no need for reception or neutralizing mechanism. In this regard, it should be noted that the constitutive treaties, treaties and modifying acts, derivative acts, (regulation, directive, decision) and international agreements to which the Union is a party, benefit from immediate applicability.[27] Institutive treaties were included in the legal order of each EU Member State, either through constitutional provisions or by other types of legislation. Moreover, the Community Treaties were formally admitted in traditional dualist states, with the effect of treaty's incorporation in the internal law. As a result of immediate applicability, admission of regulations into national law is prohibited, whether it emanates from the states or national organisms with regulatory powers.

An important aspect to remember is that, in the case of directive, its transposition does not eliminate the immediate applicability character of this Community act, of derivative law. Transposition of the directive, is nothing more than placing its provisions into national law, by determining the means of achieving the objectives set at EU level through the directive.

Regarding the decision addressed to the Member States, it requires national implementing measures, but the competence, otherwise reserved for national authorities, is one of execution, not admission. Both directive and decision benefit from immediate applicability and are integrated into the legal systems of the Member States, by the effect of their publication in the Official Journal of the European Union or by notification, as appropriate.

International agreements to which the Union is party gain immediate application only by publication in the Official Journal of the European

Union, being thus introduced into national law, without the need for ratification or national publication.

3.5. Direct applicability of European Union law

EU law not only fits immediately into Member States' law, but it has also the general ability to complete directly legal patrimony of individuals[28] with rights and/or obligations, both in their relations with others and in their relations with the state to which they belong. In other words, the immediate integration of the European legal order of the Member States in national policy has "corollary, the direct effect of Community law." [29]

Direct applicability or direct effect is "the right of everyone to ask the judge to apply to treaties, regulations, directives or decisions of the Community. The judge is required to use these texts, whatever the law of the country it belongs."[30]

EU law, by its nature and purpose, creates rights and obligations into the assets of litigants. Recognizing the direct effect means ensuring the legal status of a European citizen. Although the European Community Treaty only comprises an incidental provision from which it can be inferred that only the regulations may be likely to have direct effect, the Court held, at contrary, that in the treaty system there is a presumption in favor of direct effect.

According to Philippe Manin[31], "the direct effect of Community rules is theory constructed by the Court of Justice of the EU on Praetorian base, in which are set out conditions under which an individual or a legal person may invoke a provision of EU law in order to protect a right conferred by this and, if necessary, given that national judges dispense a contrary provision of law." In this regard, in *Van Gend & Loos* decision, the Court in Luxembourg marks the net traditional solution detachment of international law.[32]

In this case, the Court was asked to rule on the direct applicability of Article 12 of the EEC Treaty, which states that "Member States shall refrain from introducing between themselves any new customs duties and to increase those applied in their mutual trade relations" and that, in this redaction, there is no reference to individuals. The Court established that the solution is different from that required in an ordinary international treaty, due to the very special nature of the EC Treaty. It

was mentioned above that immediate applicability constitues the very specific of the Community legal order. The one that postulates, as principle, immediate applicability it's integration's purpose. To prove this, the Court appeals, first, the scope of the Treaty, stating that: "the objective of the EEC Treaty is to achieve a common market whose functioning are directly responsible the litigants of Community"; therefore, the Treaty "is more than an agreement that would only create mutual obligations between the contracting states and the Community constitutes a new legal order whose subjects are not only Member States but also their nationals." In addition, as features of the analyzed Treaty, the Court notes that its preamble is addressed, especially to the people, and then to national governments. It should also be noted that "citizens as well as the Member States" are affected by the community mechanisms, but also that, above all, individuals contribute to decision-making, participating in the work of community organizations such as the European Parliament or the European Economic and Social Committee.

The Court also invoked a legal argument, derived from Article 177, under which this provision "confirms the fact that states have acknowledged that Community law has an authority likely to be invoked" in front of the national courts. From the above, one can deduce a true general principle, namely: "independent of the laws of Member States, Community law as binding on individuals, so it is also intended to create rights that enrich their legal patrimony." [33]

The point where it's produced the most obvious difference between the Community system and internationalist system, is the fact that these rights "arise not only when an attribution is explicitly stated in the Treaty, but also as a result of the obligations clearly imposed by the treaty to individuals, Member States and Community institutions."[34] So, the decisive criterion of the effects of a Community provision is not the recipient. Individuals may become holders of rights, even if they are not specifically designated as recipients of a Community provision. Therefore, in relation to classic international treaties, the Community Treaties confer on individuals rights which the national courts must protect, not only when those provisions aimed at those people, as subjects of rights, but also when those provisions require Member States a well defined obligation.

For a correct application of Community law, for harmonization purposes, it must be considered the following issues: the regulation is, by its nature, is directly applicable (according to art. 249 TEC, which states expressly this feature), while the directive is not directly applicable, so, in principle, it should not have direct effect.

Addressing the Member States, directives must be transposed into national law between a certain period stated in the content of the community's act in question. Thus, only the transposition measures will have direct effect in national law. The rights and obligations for individuals are not arising from the directive itself, but of national measures transposing it. However, if the Directive requires Member States to adopt a certain behavior, the ECJ considered that a if State has not transposed the directive within the prescribed period may not rely on this culpable omission in relation to individuals. In order to be able to invoke provisions of a directive not transposed, it must be about unconditional provisions, in terms of content and accuracy. Only in this case, directive's not transposed provisions could be invoked both in the domestic courts and the national government. It can be concluded, regarding the directive, by stating that the direct effect intervenes in this hypothesis only in exceptional circumstances.[35]

The decision, as individual act, can produce direct effects. However, it must be distinguished between the decision addressed to the individuals and the one whose recipients are the Member States.

The first category undoubtedly produces direct effect, individuals may invoke such decisions in front of national courts. Regarding the decisions addressed to Member States it may apply the doctrine of the directive, meaning that decision must be unconditional and precise[36].

International agreements concluded by the Union can also produce direct effects and to give individuals the right to rely on them in court. In order to determine if they can be claimed, the ECJ considers that these agreements should be examined case by case and analyzed its provisions in the light of its object, purpose and context.[37]

Therefore, if a provision of European law is directly applicable, national courts are obliged to ensure that it creates rights for individuals. The protection thus offered to litigants requires the inapplicability of any conflicting national rule or, where appropriate, compensation for damage caused by such internal rules.

4. Influences of European Union law over national law

The public-private separation model of the French legal system, which Romania has taken, is not found in Community law and can not find an explanation than the particular history of French state-building, history that European Community law has no reason to uphold.[38] Interests and ideals that Europe serves nowadays are hardly compatible with that "royalty" of administrative law[39], from which the State took advantage in order to assert his own "royalty", subject to the principle of law, but keeping control of this law, turned it into an instrument. Ideals and interests whose protection will be provided by Europe, can not be served by a legal model which gives priority to public legal rules and rule out the State outside the norm of common law, relieving it from a number of responsibilities.

Unlike this model, European law has its source in an opposite way of sharing social roles, in which the promotion of private enterprise and market principles implies a significant reduction in administrative and public law functions behind them. Designed from the outset to allow the construction of a common market[40], European law systematizes a set of beliefs about economic liberalism, such as rules designed to ensure full freedom to conduct economic operations. That is why, with the advent of Community law, the question of the legal status of economic change, an area in which there is still no agreement between practice and beliefs preserved in the legal systems, characterized by public-private separation and ideas promoted by arrangements in the Community which encourages free competition between private enterprises.

This issue of the border between public law and private law, which is specific to our legal order as well, it is not only economical but is also political. Community liberalism did not quite fit with a social state whose social surface is systematically increased by using categories and legal institutions related to public law, specifically administrative law. With the introduction of the concepts of public interest, public order and public power, the State not only has some concepts, but also the

necessary means for administrative regulation of social relations.

However, between the two fields of law, the private one proved, over time, the most apt to be encoded, having adopted the Civil Code, Commercial Code, family, labor and procedural codes. Public law has been maintained outside codification, specialists in the interwar period claiming that any attempt may soon become useless due to frequent mutations occurred in the legislation.[41] During this period, there were in Romania, certain works known as codes, including Administrative Code, but in reality they represented collections of laws relating to public administration.[42] Although more difficult, codification of public law, unlike the private, has occured since the nineteenth century in terms of criminal, substantial and procedural law. One step closer to nowadays, also in terms of public law, was made in 2003 by the adoption of the Fiscal Code and Fiscal Procedure.

Between this type of coding of Romanian law and the EU law it can not also make an articulation. European legal concept gives less importance to the public sector and tends to impose measures such as those designed to limit the area which is traditionally included in the public administration or measures set to capture certain operating rules, specific to public services and the public sector, in general. In this way, it can produce a legal assimilation between public and private, which gradually are subject to the same rules and regulations. For example, legal rules governing access to public office established that they have a vocation for them only Romanian citizens, but this is contrary to the principle of free movement imposed by the Treaty of Rome. European Court of Justice has given the concept of public administration a restrictive content in order to allow the occupation of public offices by other citizens of EU Member States. To correlate the internal rules with the EU's spirit and rules it was necessary to amend the legal norm in the sense of allowing to public offices in the Romanian administration of foreign citizens, under the law.

It should be said that criticism of public administration, especially in the absence of efficient and effective management is based on arguments of private law up to denial of administrative law. In this regard it should be noted that not management has triggered criticism of public administration

and its legislation, but theorists of law and administrative sciences, who questioned whether administration reform can succeed only if denial of administrative law, considered as derived of the common law.[43]

Moreover, the doctrine is not new, but the transformations taking place in public activity bring it back into actuality. Criticism is very forceful, even denying the quality of administrative law to be a branch of law, and argument is older, from Mayek F.A.'s theses on the two models of social adjustment[44]: one that is based on proper law, *nomos*, the other on the law given by the legislature or state, *thesis*. Diachronic analysis allows us to see that nowadays has increased the contrast between these two experiences of legal element.

In the first case, which we found in the experience of Anglo-Saxon countries, the notion of law expresses a system of rules by which civil society provides its own control, outside the state and sometimes against it, so that, as is the set of rules that society self apply them to keep away the political power and, in case of dispute, the one's mission to be the last word is the judge. Normal mode of cooperation between civil society and state is conventional.

In the second case, the French conception, social regulation does not come from civil law, but is based mainly on the "law" which is State's policy. So, it sits improperly behind the same word "law", on one hand, rules that are actually derived expression of private law and, on the other hand, rules that express exclusively unilateral will of the State, in relation to civil society, invoking the general interest motivation. It is, in fact, administrative law. In terms of pure liberalism, the very idea of **the existence of a public law is** a symptom of corruption of the law, the sign that the legal element **is invaded by values are that are** foreign to it, if not opposed.[45]

In this way, practically, it operates a socialization or even nationalization of social relations. Coalesced around the concepts of public power, public service and general interest, it is estimated that on the administrative law relies, in fact, social dominance of the State thus depreciating the concept of civil society. So, instead of considering it as a place of natural expression of particular interests, administrative law suggests a place full of contradictions. Administrative legal doctrine considers that, given a crumbling society, unable

to secure its unity, administrative law offers the myth of general interest as a solution to litigation.[46] Subjecting administrative law organization and functioning of institutions, businesses and public services in order to make them out of the regulatory logic of the market, albeit through specific of activities should naturally belong to it, the State ends by calling into question its own existence. Because of this, it can be explained the profound disturbances occurred under the impact of industrial irreversible change and that of organization and the management sciences which are their corollary and also the emergence of doubts about the viability of some principles and fundamental concepts of public law, such as: public function, public service, public interest, etc., concepts turned into threatening levers of the state and its administration. It also sustained that this division suggests, in fact, two legal orders, as we should not see in both private and public law aspects of the same order, but a new logic of sharing, which opposes what should be a *false law*, which is public law, and would belong less to the legal elements and more to the political power, opposed to the *true law*, that would be the private law, uniquely that civil society accepts and uses to organize and defend itself.

Therefore, it is topical a public discourse that stigmatizes the public law up to denial. Is that really so? To try to answer we'll have to find out if, indeed, to blame for all is the existing legal order. Meanwhile, founded or not, the consequences of this criticism are particularly important. We need, first, to note that denial of administrative law starts, most often, from a distorted representation which thickens too much the shortcomings of the legal system that separates public and private law. We have to be more careful with these criticisms, not so much to defend administrative law, but rather to highlight the risks of excessive criticism of the function of law in institutions and administrative services, when based primarily on prejudice, rules and clichés that direct and correct observation of legal facts compel us to not consider.

Evaluating observations from empirical research, we found that in reality, the current denial, from the perspective of managers, of public law, reflects in the most part, incorrect and distorted perception of the legal order. We propose this hypothesis as well, supporting it with two additional categories of arguments, namely: if it is true that we should

avoid exaggerating the shortcomings shared between public and private law, it is necessary not to deceive ourselves regarding the capacity of public law to always meet the performance and efficiency requirements in the public sector.

Regarding exaggeration and dramatization of public and private law sharing is to note that this criticism is based on a double condition, namely, first, to do not leave out anything from the very relative character of the division of legal order and, then, to do not try to impose as indisputable the demarcation issue between the two domains, which in reality is questionable. The complaint made by managers at the administrative law is founded on an opposition (public-private), which is much too overrated. This exaggeration provides the law applicable to administrative transformations an autonomy to the common law, which is clearly overrated, as if it were a totally different universe, which would be composed of completely original notions and concepts with other reasons to be. We are thus witnessing to a mystification by distorted reconstruction of legal universe that is based, in fact, on the separation between the state and civil society, a scheme which in law finds its formalization in what already exists: two areas, two types of law, two judicial apparatus.[47]

Criticism of public law is therefore based on the principle adherence to the real or alleged values of private law, praising the features of civil law and that administrative law lacks due to its very nature, namely: flexibility (as opposed to rigidity); consensual contract became the law of parties (as opposed to unilateral legal norms and administrative act) and, consequently, legal self-regulation of civil society through contracts and not by bureaucratic regulation defined by center of power in the name of public interest. This type of argument that is based on pervasive notification and exaggeration of contrasts, is not just in line with realities, because, for a long time, there is no pure private or public law, they are influencing and overlapping each other.

Two decades ago, F. Edwald showed that civil law has been contaminated by public law, following the fate of the welfare state, when the original model of contract (in which free and equal individuals among themselves agree on an object) did not resisted to general trend of socialization of law (the emergence of social or ensurer law). Replacing the contract principle, this process has

generated, among other factors, the transformation from the inside of the property or responsibility categories.[48] The same type of argument could be made for administrative law as well, namely, the movement toward privatization, which contributes to its ongoing transformation, which must not make us forget that administrative law was established on the foundation of private law and, in fact, it did not emancipated totally, owing it a series of notions, concepts and principles. In this respect, C. Eisenmann emphasized that social relations in which administration was involved, have never been regulated by a "separate" special law and that, for a long time, these relations are subject, in part, to the common law rules – (ie that of trade and industry) – and partly subject of a part of a special law (that of public power). We can not pretend that one would be the rule and the other the exception. Regarding sharing criterion between the two types of law, C. Eisenmann proposes the idea, necessary and sufficient for him, of the "similarity": no application of a particular law and a special judge only as long as the administrative activities are departing from the model provided by the private relations.[49] We can say, therefore, that private law has always been preferred in the functioning of administration and the administrative law has features of a hybrid which mixes in different proportions (depending on the country and time) rules of public law with rules of private law. Public law, or policy, as it may be called, was never imposed only in one situation where it was absolutely necessary for the functions of government. René Champs showed that administrative law has a hybrid identity and thus it contributes to sustaining an open public space in order to serve the community.[50]

Since the obsessive invocation of performance risks becoming ideology, it is time to recall the administrative law public decision makers, be they community or national, the legitimate demands and profoundly human of some values other than those relied upon by management ideology: price, performance, efficiency. Given these considerations, national coding has a very important role in the integration of European law in the national legal system, but we can say that the experience of Member States with codification high traditions can influence a possible codification of European law. To accept only an unequivocal way would be dangerous and would lead to the

rejection of a project as the Civil Code of the EU, as a failed transplant of a vital organ to a patient in need.

5. Short reflections on the project of a European Code of Contracts

The process of European integration has influenced the laws of the Member States of the European Union. The specialty literature[51] stated that "European law meet two distinct situations: the first concerns the harmonization through directives of contractual areas, and the second refers to the possibility of a European code, that would achieve unprecedented unification in matters of private law, of contracts in particular."

A draft European Code of Contracts will be a punctual regulation that harmonises certain institutions as contract law, especially in obligations matter, in general. To this end, the European Parliament issued Resolution of 26 May 1989 on the harmonization effort of private law of the Member States[52] and the Resolution of 6 May 1994 on the harmonization of certain sectors of private law of the Member States.[53]

The idea of a European Contract Code has become a legislative proposal by Council decision taken at its meeting in Tampere in 1999. Commission reply was 2001 Communication to the Council and the European Parliament on European contract law[54], at which Parliament responded by Decision in late 2001 on the approximation of laws of the Member States in civil and commercial matters.[55]

On 12 February 2003 the Commission issued a Communication to the Council and the European Parliament on a more coherent European Contract Code – Action Plan[56], which has publicly debated many options, basically systematizing Community *acquis* and entering a general European Contracts Code that would replace national laws of the Member States of the European Union or just to supplement them (options 4a and 4b – an exclusive code or an optional code).

Finally, the Commission opted for a European Contract Code that keep intact the national laws, despite protests of specialists in comparative law – supporters of a European Civil Code, which takes the place of national laws. In this regard, some authors have analyzed on the advantages and disadvantages of a European Contract Code.[57]

The difficulty of adopting a European Contract Code has also been recognized by the provisions of art. III-209 of the Treaty establishing a Constitution for Europe, which stated that "the Union and its Member States shall act taking into account the diversity of national practices, in particular in contractual relations, and the need to maintain the competitiveness of the EU economy."

In light of these considerations, we notice that the evolution of national legal systems is subsumed from the last decade of the entire structure created by the laws' harmonization of the Member States of the European Union. The original Community law and subsequently, after entry into force of the Lisbon Treaty – European law constantly and undisguised promotes unity in diversity of European Union.[58] By consecration of the principles of primacy and direct applicability of European law in the national laws, ideological currents are more animated by a new perspective which aims to create a European Civil Code. Although the origins of this idea can be found in the '80's and only currently publicity and debate in public space shows the interest of european policy-makers for this major project.

European Civil Code is a courageous attempt and a risky bet of the European Union. Designed to harmonize civil laws of the Member States, the development of this new codex raises issues such as the huge amount of research and systematization, as well as practical applicability in civil ordinary of each Member State. It is no longer about a regulation with direct applicability in a well defined area or a directive that outlines the results to be obtained in a certain economic, social or legal segment.

A European Civil Code requires principles generally recognized, strictly interpretation exceptions and applicability, and many issues related to its updates related with novelties appearing on the European stage. If the adoption of such a code involves perfect coordination of political will, general interest and the legislative structure specific with each Member State, the same elements will be taken into account for each subsequent modification. Amendments, debates, voting procedure, any veto rights, are just some of the dilatory elements proving that this project may be an overcoming of capacity control and cohesion the European Union has.

However, it is noteworthy that the right of every nation is the result of a culture devoted by its own history and a common mentality that often excludes any foreign element. In the specific branches of family law and the succession law, these cultural traditions are the most obvious, being almost impossible for a European civil codification to incorporate these features related to the very being of a nation. Identity should be preserved and the law is a concrete way to devote issues that history has immortalized over hundreds of years. Consequently, as interesting this project seems to be, European Civil Code is far from materializing. The European Union has enough tools for harmonization and integration of national laws, a coding of such stretch is basically an interference in the legal privacy of each Member State. It should not be forget that the purpose of European architecture is unity in diversity, so construction thought over 60 years ago may not be complete only by accepting the incomplete that defines it.

But beyond specialists distrust, we must recognize that the population itself proves a huge attachment to the old civil law, which became part of its culture. Despite this stability, enhanced by a rich tradition with strong national accents, today the single market and harmonization efforts have generated a revolution in legislation, opening the way for a new legal era. The impact of EU intervention could lead to a new *jus gentium privatum* that could give EU the economic strength and civilizing role of a real Roman Empire. The idea exists, it's strongly contested and raises passionate disputes given the serious failure of a European Constitution.[59]

5.1. History of the approach of constructing a European Civil Code

Actions taken to closing and harmonization of private law of the Member States of the European Union comprise over time a European Parliament resolution in 1989 which was the origin of the idea of Eurocode and three private initiatives to conceive and draft the European Civil Code project:

- German initiative, belonging to Professor Christian von Bar, University of Osnabrück, along with experts from countries close the German legal system, such as the Netherlands and Austria, who proposed the predominant German-inspired model inspired from domains like persons, property, civil offence, businesses administration, and so on;

- The initiative of Professor Ole Lando (Denmark), which aims to codify European

contract law. Lando Commission formulated the "Principles of European Contract Law" containing a number of important items, with comments and notes of reference based on legal solutions in various legal systems of the EU, all having as approach the harmonization of common principles of Member States;

- Italian initiative, aiming at a complete Civil Code, which was launched by Professor Gandolfy, to adopt the Italian model as a European Civil Code, since, in his view, it successfully combines French and German influences.[60] The document, entitled "Draft Common Frame of Reference" and supported by the Community Executive, consisting of articles describing common core of European private law, particularly contract law, which is found in all 27 EU Member States' legal systems.

According to Professor Hugh Beale, from Warwick University, a member of the Study Group for a European Civil Code, the evolution of this project is divided into two parts, on the one hand *hard law*, established by European regulations and directives and *soft law*, emerged from the controversial efforts of the legal doctrine. Member States would tend to follow *soft law* that would mitigate the differences between their legal systems.

Alongside these initiatives of private law, have been developed and other academic projects focused on public law in order to try on possible harmonization of trenchant positions, that generating heated controversy. To this end, the European Commission, on 11 July 2001, sought to revive the debate at Union agencies level around two elements: are the current differences between the different law systems as real barriers to the creation of a single market and what would be the solution to continue the project? and the other element, based on the principles of international law model common to international legal order or the development of European standards for the contracts.

While the Council of Ministers reaction was moderate skeptical, Parliament reacted immediately in 2010 by proposing a detailed action plan. On the other hand, the Commission launched in 2003 the "Action Plan for a European contract law", more consistent, that would increase the coherence of the Community *acquis*, a document continued in 2004 with the „European Contract Law" project which expresses a clear option for development a

common frame of reference by establishing new legislation and simultaneous unification of existing regulations. This document is accompanied by a list of principles, definitions and rules that could be a starting point in the development of the code.

5.2. Positions for and against the possibility of existence of a European Civil Code

We first present arguments *against* unification of private law in the European Union and then the *benefits* of such a project.

In an article published in 2002, Gerard Cornu[61] said that "a European Civil Code to replace the national civil codes would be for the citizens of Europe as an act of robbery, an intrusion in every state, in civil society, a rupture in inherited historical traditions, European construction guaranteeing each community the preservation of its civil *Constitution*." A first argument against it would be, without doubt, a linguistic argument. Each country has certain traditions and institutions of its own. Language, the heart of every culture, leaves its mark in the legal field and even if it can be found similarities between institutions, they are not identical.

This leads to the following argument: each nation recognizes a legal system that is attached historically to it or, in other words, to the *legal permanencies*. The word was first used by a famous Belgian jurist, Edmond Picard[62], he expressing what is always persistent, in any legal relation.

At first glance, it might seem doubtful. Is it something that always and necessarily subsist in any legal relation? It might believe that legal requirements include among them some that are general to all times and places, that there are certain rules that apply everywhere and always. So many legal consultants thought, especially those of the natural law school, manifested especially in the principles proclaimed by the Great French Revolution.

Legal permanencies have informal nature only. The legal relation must have an object: the idea itself of the object of law is a legal permanence; which is the object of law, in every relation, however, is another matter: object of law ranges from legislation to legislation, varies in time and place. The laws are always different, but there is something that hangs over them and serve them as permanent frame, element that can be called *formal* and necessarily exists in any legal relation. Throu-

gh its formal and permanent elements the law phenomenon is distinguished from other phenomena.

We purposely use the word phenomenon in order to put law science along with the other sciences. Mathematics, physics, every science has its own phenomenon they are studying. Physical phenomenon differs from the chemical, mathematical phenomenon is not the same as the physical; also psychological phenomenon, the sociological or biological. Similarly, although the word used by some authors is not yet in the ordinary language of the law, the facts that the law studies can be called as a *phenomenon*.

These phenomena have something characteristic, just as the chemical, physical and biological phenomenon has its own characteristic. It must therefore be discovered which is the characteristic element. It can be found in the legal permanencies. This is the specific object to legal encyclopedia; thus legal encyclopedia is not confused with other matters that they law is studying. It includes, therefore, an overview, an introduction to the law, but with its own object and is meant to stand alone.

Taking the fundamental laws of chemistry, the law of conservation of mass discovered by M.V. Lomonosov in 1774, that states "All changes that occur in nature are produced in such a way that as long as it takes from the body, all that is added to another", law formulated, in other words, in 1774, by A.L. Lavoisier „In nature nothing is lost, nothing is created, but everything transforms"[63] or the law of constant proportions or well defined, discovered in 1799 by the French chemist Proust, we can tailor to a social reality, as it is law, the inexorable laws of matter and we can easily see that taking into account only the latter will be able to change and adapt legal rules only within permanencies.

Even if we try to invent new rules of European law, taking and adapting rules from different national legal systems through the phenomenon called isomorphism[64], we still have to consider legal permanencies. Also, the law is a living organism that must be adapted to the reality, which can not be subjected to abuse and unconventional changes. Returning to the idea of a European Civil Code, it seems that it would be in conflict with one of the founding principles of the EU: „Unity in Diversity". From this perspective, the idea of unification seems unfair due to increased risk of stiffness. In addition, this exacerbated tehnocratism

maybe is not just a challenge, but also a democratic deficit favoring the executive represented here by European Commission, which would condemn European Union law, in general, and private law, in particular, to a irreversible degradation.

5.3 *"European Legal System" - the pragmatic solution for unification the contract law*

Europeanization of private law, as a result of integration, will determine the transformation of Community law into an important source of private international law. In paragraph. 1 and 6 in the preamble to *EC Regulation no. 593/2008 on the law applicable to contractual obligations (Rome I)* states that the purpose of its elaboration is "to maintain and develop an area of freedom, security and justice". „For the proper functioning of the internal market (of European Union) the Member States' rules governing conflict of laws must designate the same national law, irrespective of the country of the court in which the action is brought in order, to improve predictability of litigation solutions, of certainty regarding the law applicable and the free movement of judgments." Only that, in this case, European private international law, set by the Rome Convention (1980) on the law applicable to contractual obligations, remain a mere palliative, not a solution to create the necessary rules determining the law applicable to a legal relation in the European judicial area.

Conclusions

Arguments in favor of a single Civil Code consist, essentially, in the simplification and effectiveness throughout the European Union, like it would be a single state. Also, the disappearance of national codes would be useful for the cause of the single market. Code would be a true unifier instrument with a comparable progressive role which meant the Civil Code of 1864 for Romania. Only a unique Code conducted in Romania, among other factors, to the birth of the modern Romanian nation, it was the forerunner of the Great Union of 1918, when, for Europe, going in the same direction with the reasoning, would be the European nation's common background, with the possible consequence of the loss of specificity of each nation.

Thus, Martijn Hesselink[65] identifies some political problems which impede the Europeanization

of private law of contract, such as ideology, culture and codification symbolism.

Ideology which oscillates between autonomy based on individualism is solidarity.

Culture. There are different national legal cultures, and a rich European legal culture we are heading, an optional civil code, under the influence of German law in which the power and decision-making levels should be separate, at vertical (European, national and regional) and at horizontal (laws, courts, doctrine and jurisprudence). Then, should be understood effects of such legislation on fundamental rights inscribed in national constitutions and the autonomy of regions.

Codification symbolism? An united Europe or a divided one? If a civil code is a unifying instrument, a failure of this project could be interpreted as an actual abandonment of the European Union. This is why the policy consistently avoids using the term *code*, remaining faithful to the art of small steps, projects that could reduce the psychological impact of the project.

The solution advocated by Hesselink is, essentially, a democratization of the legislative process that could legitimize this project would support the increased role of the European Parliament's adoption, without introducing the idea of a code created by specialists. The method chosen will be a public debate on economic and social dimensions of key issues that interests private law to define the direction of future regulatory policy. The open nature of the debate will allow for expression of public opinion, thereby reducing the difficulties encountered, especially after the failure of a credible EU Constitution and its crisis management and can save, in this way, the future project.

NOTES:

1 I. CETERCHI, I. DEMETER, Vl. HANGA, Gh. BOBOŞ, M. LUBURICI, D. MAZILU, C. ZOTTA, *Teoria Generală a Statului şi Dreptului*, Didactică şi Pedagogică Publishing House, Buchaest, 1967, pp. 419.

2 *Idem*, pp. 420.

3 Carmen Simona RICU, *Ordinea juridică europeană*, in *Caietul Ştiinţific* of Annual session of scientific papers of "Carol I" National Defence University, Bucharest, 2010 pp. 548.

4 *Idem*, pp. 549.

5 Augustin FUEREA, *Manualul Uniunii Europene,* 2ⁿᵈ edition, Universul juridic Publishing House, Buchaest, 2004, pp. 104-106.

6 Carmen Simona RICU, *op. cit.* pp. 550.

7 George A. BERMANN, *Law and Governance in an Enlarged European Union* (avec K.Pistor), Hart Pub., Oxford 2004.

8 Gilbert GORNIG, Ioana Eleonora RUSU, *Dreptul Uniunii Europene,* 2ⁿᵈ edition, CH Beck Publishing House, Buchaest, 2007, pp. 77-78.

9 Carmen Simona RICU, *op. cit.* p. 550.

10 Guy ISAAC, *Droit communautaire général*, Massou Publishing House, 1994, pp. 115.

11 Hotărârea din November 13 1964 Decision in Comission/Luxemburg and Belgium cause.

12 Ovidiu TINCA, *Drept comunitar general,* 3ʳᵈ edition, Lumina Lex Publishing House, Buchaest, 2005, pp. 269-270.

13 Guy ISAAC, *Droit communautaire général*, 5e édition Colin, 1996, pp. 160.

14 J. Carbonnier, *Droit et passion du droit sous la Ve République*, 1996, pp. 48.

15 Roxana-Mariana POPESCU, *Aplicarea imediată şi directă a dreptului comunitar european în dreptul intern al statelor membre, ca finalitate a armonizării*, in *Caietul Ştiinţific* no. 10/2008 of Annual session of scientific papers of „Paul Negulescu" Administrative Sciences Institute from Sibiu, pp. 3.

16 See, http://europa.eu/abc/eurojargon/index_fr.htm.

17 Roxana-Mariana POPESCU, *op. cit.*, pp. 3.

18 Abdelkhaleq BERRAMDANE, *La hiérarchie des droits. Droits internes et droits européen et international*, L'Harmattan, Paris, 2002, pp. 17.

19 Abdelkhaleq BERRAMDANE, *op. cit.*, pp. 18.

20 Roxana-Mariana POPESCU, *op. cit.*, pp.4.

21 Pierre PESCATORE, *Le droit de l'integration*, Genève, IHEI, Leyden Sitjhoff, 1972 and *L'ordre juridique communautaire, étude des sources du droit communautaire*, Liège, Presses Universitaires, 2ⁿᵈ ed., 1973.

22 A. PELLET, *Les fondements juridiques internationaux du droit communautaire*, Collected Courses of the Academy of European Law, vol II, European Universitiy Institute, Martinus Nijhoff Publishers, vol. II, pp. 25.

23 Denys SIMON, *Les fondements de l'autonomie du droit communautaire*, in *Droit international et droit communautaire, perspectives actuelles* – SFDI, Bordeaux, Paris, Pédone, 2000, pp. 207 – 249.

24 Court Decision from February 5, 1963, NV

Algemene Transport - en Expeditiem Onderneming van Gend & Loos c./ Administration fiscale néerlandaise, C-26/62.

25 Court Decision from July 15, 1964, *Flaminio Costa c./ E.N.E.L.,* C-6/64.

26 Abdelkhaleq BERRAMDANE, *op. cit.*, pp. 25.

27 Roxana-Mariana POPESCU, *op. cit.*, pp. 5.

28 Roxana-Mariana POPESCU, *op. cit.*, pp. 6.

29 Abdelkhaleq BERRAMDANE, *op. cit.*, pp. 27

30 R. LECOURT, *L'Europe des juges*, Bruylant, Bruxelles, 1976, pp. 248.

31 Philippe MANIN, *Les Communautés européennes – l'Union europeennee*, Pedone, pp. 232.

32 I. P. FILIPESCU, Augustin FUEREA, *Drept instituţional comunitar european*, Actami Publishing House, Buchaest, 2000, pp. 59.

33 I. P. FILIPESCU, Augustin FUEREA, *op. cit.,* pp. 60.

34 For details, see Jean Paul JACQUÉ, *Droit institutionnel de l'Unuion Européenne,* Dalooz, Paris, 2006, pp. 589.

35 Roxana-Mariana POPESCU*, op. cit.*, pp. 9.

36 *Ibidem*.

37 According to Jean Paul JACQUÉ, *op.cit.*

38 Ioan ALEXANDRU, *Influenţele dreptului comunitar asupra dreptului naţional* in *Caietul Ştiinţific* no. 10/2008 of Annual session of scientific papers of „Paul Negulescu" Administrative Sciences Institute from Sibiu, pp. 3.

39 Formula belongs to P. LEGENDRE, *Trésor historique de l'État en France*, Fayard, 1992.

40 J.P. JACQUÉ, *Le rôle du droit dans l'intégration européenne*, in *Philosophie politique* no. 1/1991.

41 Anibal TEODORESCU, *Tratat de drept administrativ*, Bucharest, 1929, pp. 18.

42 Virginia VEDINAŞ, *Codificarea juridică şi codificarea deontologică*, in *Caietul Ştiinţific* no. 6/2004, Burg Publishing House, Sibiu, pp. 366.

43 A collective study regarding the theme was proposed by F. DUBOIS, M. ENGUELEGUELE, G. LEFEBVRE and M. LOISELLE with title *La contestation du droit administratif dans le champ intellectuel et politique*, PUF, Paris, 1993.

44 See *Droit, législation et liberté*, vol. 1,"Regles et ordre", PUF, Paris, 1980.

45 I. ALEXANDRU, *op. cit.,* pp. 4.

46 L. COHEN-TANUGI, *Le droit sans l'État. Sur la démocratie en France et en Amérique*, PUF, Paris, 1985; M. CROZIER, *État modest, État moderne. Stratégies pour un autre changement*, Fayard, Paris, 1987.

47 I. ALEXANDRU, *op. cit.,* pp. 6.

48 F. EDWALD, *L'État providence*, Grasset, Paris, 1986.

49 C. EISENMANN, *Cours de droit administratif*, Le droit applicable à l'administration, LGDJ, Paris, vol. 1, pp. 529 and following.

50 R. CHAMPS, *Le service public et la puissance publique*, RDP, 1968, pp. 235 and following.

51 D. M. ŞANDRU, *Evoluţii recente în armonizarea dreptului european al contractelor*, in *Revista Română de Drept Comunitar* no. 3/2007*,* pp. 34.

52 Jurnalul Oficial al Uniunii Europene no. C 158/400/1989, http://eur-lex.europa.eu

53 Jurnalul Oficial al Uniunii Europene no. C 205/518/1994, http://eur-lex.europa.eu

54 Jurnalul Oficial al Uniunii Europene no. C 255/1/2001, http://eur-lex.europa.eu

55 Jurnalul Oficial al Uniunii Europene no. C 140E/538/2001, http://eur-lex.europa.eu

56 Jurnalul Oficial al Uniunii Europene no. C 63/1/2003, http://eur-lex.europa.eu

57 W. KERBER, S. GRUNDMANN, *An optional European contract law code: Advantages and disadvantages*, in *European Journal of Law and Economics*, no. 3/May 2006, vol. 21, Springer Netherlands Publishing House, pp. 215-236, www.springerlink.com.

58 For details see, *noul Cod civil european* from http://blog.popescu-legal.com/noul-cod-civil-european.

59 Maria ORLOV, Ioana-Alexandra ORLOV, *Bref expose sur la dispute concernant un Code civile europeen*, in "European Union History Culture and Citizenship", Annual session of scientific papers, University of Piteşti, 2012, pp. 535.

60 Legal experts from academia are about to complete a legal manual that contains fundamental principles of private law from EU Member States and that could be the starting point of a European Civil Code, reported since 22.10.2007 *EUObserver*, under Mark BEUNDERMAN signature.

61 Gérard CORNU, *Un cod civil nu este un instrument comunitar*, Dalloz 2002, pp. 351.

62 Edmond PICARD, *Le droit pur, Les Permanences juridiques, Les Constantes juridique*, Flammarion, Paris.

63 I. RIŞAVI, I. IONESCU, *Chimie*, Tehnică Publishing House, Buchaest, 1974, pp. 18.

64 Isomorphic substances (from *isos* = the same and *mophfe* = form), and the phenomenon by which are created, isomorphism.

65 Martijn HEESELIINK, *Proiectul unui Cod civil european*, in *Jurnalul de drept European*, no. 10/2004.

BIBLIOGRAPHY:

1. BARAV, Ami; PHILIP, Christian, *Dictionaire Juridique des Communautes Européennes*, PUF 1993.

2. BĂDESCU, Valentin-Stelian, *Umanizarea dreptului umanitar*, CHBeck Publishing House, Bucharest, 2007.

3. BOULOUIS, Jean, *Droit institutionnel des Communau les européennes*, Domat Montchrestien, 1993.

4. CIORĂNESCU, George, *Europa Unită. De la idee la întemeiere*, Paideia Publishing House, Bucharest, 2004.

5. De la ROCHÈRE, Jacqueline Dutheil, *Introduction au droit de l'Union Européenne*, Hachette, 1995.

6. GAUTRON, Jean-Claude, *Droit européenn*, Dalloz, 2002.

7. HEN, Christian; LÉONARD, Jacques, *Uniunea Europeană. Un memento complet asupra integrării europene*, 10th edition, C.N.I. Coresi S.A. Publishing House, Bucharest, 2002.

8. IORGOVAN, Antonie, *Tratat de drept administrativ*, vol. I, All Beck Publishing House, Bucharest, 2001.

9. ISAAC, Guy, *Droit communautaire général*, Massou, 1994.

10. JINGA, Ion, *Uniunea Europeană. Realități și Perspective*, Lumina Lex Publishing House, Bucharest, 1999.

11. KOVAR, R., *Communautes Européennes – caractères généraux*, Juris-Classeur Europe, 1998, Fascicole.

12. MANIN, Philippe, *Les Communautes Européennes, L'Union Européenne*, Pedone, 1998.

13. POPESCU, Ion A.; BONDREA, Aurelian A.; CONSTANTINESCU, Mădălina I., *Uniunea Statelor Europene. Alternativă la sfidările secolului al XXI-lea*, Economică Publishing House, Bucharest, 2005.

14. RICU, Carmen Simona, *Ordinea juridică europeană*, in *Caietul Ştiinţific* of Annual session of scientific papers of "Carol I" National Defence University, Bucharest, 2010.

15. SANTAI, Ioan, *Codificarea administrativă, cerinţă a statului de drept şi a integrării europene a României*, in *Revista de Drept Public* no. 1/2003.

16. ŞANDRU, D. M., *Evoluţii recente în armonizarea dreptului european al contractelor*, in *Revista Română de Drept Comunitar,* no. 3/2007.

17. TINCA, Ovidiu, *Drept comunitar general*, IIIrd edition, Lumina Lex Publishing House, Bucharest, 2005.

18. VEDINAŞ, Virginia, *Codificarea juridică şi codificarea deontologică*, in *Caietul Ştiinţific* no. 6/2004, Burg Publishing House, Sibiu.

STATUS AND ROLES
OF THE NATIONAL STATES
WITHIN THE EUROPEAN UNION

Petre DUȚU, PhD*

The European Union member states have different statutes and assume different roles. Economic power, geographical and population size are key factors that determine the status and roles of each state.

The European Union treaties define the rights and obligations of member states and the context of promoting national and European interests.

Keywords: national state; status; role; European Union; Treaty of Lisbon.

1. Considerations on national state

For several centuries, the West was based on a type of state – the national one – that ensured internal stability, and the manifestation of people on the international political scene[1]. A number of political, socio-demographic and economic phenomena occurred at the beginning of the 21st century have called into question, among others, a multitude of questions formulated long before, but with very different answers. Among them, the question of whether this type of state is able to face the challenges of political globalization, increasing economic interdependence and simultaneously shaping the new international political order.

From this perspective, the academic and political elite seem to often be divided into irreconcilable camps. On one "barricade", there are those who see in the conservation of the nation-state a secured national identity matrix, promoting national culture and ethnic identity, the optimal solution for any human community that needs to exist in an increasingly interdependent economic and financial world[2].

The national state can be defined as a form of social organization that exists on a precisely delineated territory and recognized by the international community on one hand, and a set of institutions characterized by holding the monopoly of setting the standards of law and use of force, on the other hand. Considering its evolution, the state is simultaneously a historical reality and a theoretical construction, which explains the difficulty in defining it[3].

The modern state is the primary political rapport which represents the relationship between citizens and the political institutions holding public power[4].

In legal terms, sovereignty is the main criterion for defining a state, a feature that allows the respective state to exercise its power. This means that within its borders, the state has all the powers which allow its existence, development and functioning. When sovereignty is exercised by a single institutional ensemble, the state is unitary. If sovereignty is shared between several sovereign states grouped in a whole state, then one speaks of a federal state.

* Petre DUȚU, PhD Senior Researcher, is member of "Carol I" National Defence University Alumni Association. E-mail: dutupetre63@gmail.com

Moving from the modern state to post-modern state favored the reduction of nation-state sovereignty[5], which is tantamount to a challenge to the sovereignty, especially as a consequence of globalization and regional integration.

The state plays a vital role internationally as well because it has to defend its territory and population. To this end, the State may enter into agreements for different types of relations with other states and can have armed forces. Therefore, the state is both subject to international law and also a power.

Internally, the state performs a number of functions: issuing legislation, leading institutions responsible for the implementation of laws and other normative acts, organizing, leading and controlling the legal functioning of society, from education to national defense. Externally, the state promotes and pursues its interests through diplomacy and, if necessary, by use of armed force.

Fulfilling these functions requires resources acquired by taxes collected from the population and other economic actors.

In affirming its domestic, regional and international status and roles, the state will still be affected by globalization, which generates both positive and negative effects. In my opinion, the state needs to capitalize in an effective manner the beneficial effects of globalization and regional integration for the benefit of its citizens and to minimize the negative ones.

2. The status and role
of the national state in the EU

In analyzing this significant issue, I will rely on the consolidated texts of the Treaty on European Union (TEU), the Treaty on the Functioning of the European Union (TFEU) and the protocols adopted in Lisbon in 2009.

In my opinion, the TEU contains two categories of provisions:

- one that grants the freedom of member states to decide and act independently, but in the spirit of the principles and values of the European Union;

- another one, limiting the possibility for member states to decide and act without the consent of the European Union.

Both provisions indicate that the Union has both competences shared with the member states and exclusive competences, of the federal type.

The foundation of this situation is Article 1 of the TEU, which states that EU member states confer competences to the Union in order to attain their common objectives[6]. In addition, the competences not conferred upon the Union in the Treaties remain with the member states[7]. However, the EU intervenes in areas that are not within its exclusive competence, if and insofar as the objectives of the proposed action cannot be achieved by member states, either at central or at regional or local level, but can be better achieved by the Union[8].

In fact, these provisions of the TEU define the coordinates of the national state status and the spectrum of the roles it can undertake.

The areas where member states can act relatively independently, but in the spirit of EU principles and values are:

- education, health and social protection systems, which are the sole responsibility of the national state, because there are significant disparities between member states in terms of economic and social development;

- defending the territorial integrity and security of its citizens and public order; the national security remains the responsibility of the member state[9];

- strengthening cooperation within non-exclusive competences of the EU;

- withdrawal from the EU, by waiving its membership[10].

On the other hand, the European Union shares a range of skills with the member states. The Treaty of Lisbon provides for new skills in the field of action that pass from the states' exclusive list of actions on the list of shared competences. Thus, we can note the following: domestic market, social policy for the aspects defined in the Treaty of Lisbon; the economic, social and territorial cohesion; agriculture and fishing, excluding the conservation of marine biological resources; the environment, consumer protection, the area of freedom, security and justice; common security objectives in public health matters, for the aspects defined in the Treaty; energy; transportation; trans-European networks. It can be argued that the EU has increasingly more state competences. However, it should be noted that, in all, the EU respects the national identities, principle detailed in Article 4 of the Treaty of Lisbon.

Briefly, the EU has competences in the fields of legislation, economy, foreign policy, security policy and defense policy.

Regarding the legislative field, member states harmonize their national laws with the community acquis. Also, according to Article 7 of the Treaty of Lisbon, in the case when there is clear evidence of the risk of a serious breach by a member state of the values referred to in Article 2, the EU Council may, after clear decision-making procedures, decide to suspend certain rights enjoyed by that member state[11]. The values referred to in Article 2 of the Treaty, the breach of which attracts these measures, relate to human dignity, freedom, democracy, equality, the rule of law, human rights, including minority rights.

Regarding the economy, member states coordinate their policies within the EU Council and the European Council outlines the general directions in this area. Also, on economic level, the member states may use the enhanced cooperation procedure. This is allowed only when the EU Council decides that the objectives of the respective initiative of cooperation cannot be attained within a reasonable time within the Union.

In foreign policy, the actions of the member states support actively and unreservedly the Union's foreign policy[12]. In addition, the Treaty states that member states work together to enhance and develop their mutual political solidarity and refrain from any action contrary to the interests of the EU or affecting the effectiveness of the EU as a unitary force in relations with other actors in the international arena. Furthermore, the member states coordinate their action in international organizations and at international conferences defending EU positions[13].

Referring to the common security and defense policy, the member states participate in its implementation, according to the commitments undertaken by their EU accession. Furthermore, the member states participate with military and civilian troops, and also financially and materially in the missions assumed by the EU on the prevention and management of crises and conflicts in the world.

If we consider areas where member states act and the manner in which this is done, we can say that there is limited space in which states can manifest themselves. In my opinion, according to the TEU, it seems that we are dealing with a centralized management, planned and coordinated in Brussels, of almost all areas of human activity. And this is in the name of several generous principles and values but implemented differently

and unequally depending on a number of criteria less defined in the TEU.

The European Union respects the equality of member states and their national identities, inherent in their fundamental political and constitutional structures[14], but, in my opinion, only in theory. I therefore consider that, in fact, the member states are unequal in terms of stage of development and living standards. Because of this, their Union statutes are different as well. In fact, the true status of any country in the EU is determined by two basic elements: a) the economic power and b) the territorial dimension in terms of area and population. The more a member state is stronger economically, has a larger surface area and a larger population, the more its status in the EU is higher and its voice is heard and respected within the European institutions. In addition, the population of a member state ensures a greater or a smaller number of its representatives in the European Parliament. Hypothetically, a large number of MPs of a member state can ensure passage of measures aimed at achieving a national interest. On the other hand, the economic power has a major role in shaping the status of a member state in the EU by the size of its contribution to the EU budget. Therefore, there is frequently an imposition of economic-financial measures generated by large and economically powerful states throughout the Union. An example is the austerity measures imposed by governments of member states in the period 2010-2012[16].

3. The future of the national state in the European Union

The modern concept of national state is attached to the states recognized by the UN and remains the basis of international relations. The EU is a *sui generis* construction, with an obvious specificity in the history of international relations as a voluntary union of sovereign states and nations with their national history, but which are also part of the Union, framework in which they surrender part of their sovereignty in certain areas.

The compatibility of European and nation-state can be analyzed in terms of the 60 years of the European Union. In terms of economic performance, when taking into account its achievements in this area, the EU is emerging as one of the most powerful actors in the international

arena. From the political point of view, things are different. However, we should not overlook or underestimate the fact that the EU has largely achieved the objectives set initially – prosperity, stability and peace.

Our purpose is to analyze the current situation and possible developments of the EU, in terms of relations between nation states, on the one hand and the European Union on the other.

From this point of view, Jean-Dominique Giuliani, a researcher and president of the Robert Schuman Foundation from 2000, notes that "the nation-state is increasingly contested, but it is tenacious" [17]. Next, we are going to analyze the remark that "the nation-state is increasingly contested" Exchanges of goods, services and capital, as well as the free circulation of ideas and people have reached a level unmatched in human history. The permeability of borders of all these elements has an impact on the exclusivity enjoyed by states to regulate them and affects their legitimacy to intervene by norms and rules.

The membership of a national community is not an obvious fact. On the states' territory, the national identities weaken in the context where there are minority groups contesting them, relying on religion, origin, language, which urge the individuals in these groups to get closer to their roots in order to affirm their differences. The political separatism is prosperous up to questioning the state, in Spain, the United Kingdom and Northern Ireland, in Italy. In Romania, there are views on the creation of a Székely land. At the same time, new states have been created, especially after the collapse of the USSR and Yugoslavia, which were inherited from history only an apparent unity and the opportunism of certain leaders. To live in a territory and paying taxes is not enough to share the consciousness of belonging to the same community and to accept its rules. The concept of nation is questioned by a certain cosmopolitanism.

The legitimacy of the national state as an actor of the international arena is challenged by the increasingly important role played by non-state actors, whether we are talking about regional and international organizations, transnational corporations or organized crime groups.

With regard to international non-state actors, as you know, the big multinationals have long broken from the state, too narrow for their economic development.

The number of non-governmental organizations to the UN increased from 40 in 1948 to 3052 in 2007[18]. In my opinion, these NGOs cultivate the interference law, develop a non-state thinking globalized by the media and benefit from the global information representing a means of control over how state powers are exercised.

The organized crime groups represent threats to the security of states, which has led to the need for state actors to enhance cooperation initiatives so that they can effectively prevent and counter such threats.

At the same time, the concept of international community, based on universal values, often emerges as the antagonist of that of national state. The latter are determined to act in order to provide assistance to people in need, under the pressure of public opinion or lobbying actions. Sometimes, this determination is made by use of force. For example, Serbia has changed its policy towards Kosovo after NATO bombing. The action or refraining from action of nation states is subject to the rules that they agreed to observe in their behavior in the international arena. This made it possible for organizations established voluntarily by nation states such as the EU, to function as true international actors distinctly from that of state actors, creating the possibility that the fundamental role of the latter to be questioned.

However, the idea of the national state is experiencing a revival, benefiting from the effects of globalization. Thus, we have a paradoxical movement that brings benefits to the national state, a natural receptacle of an identity awakening of peoples. Although challenged in many ways, the national state seems to resist tenaciously and to assert its specific role in the international arena.

The public is concerned about the low level of security, both internally and externally. The organized crime took advantage of border crossing facility in order to develop itself. Security uncertainties are caused by nuclear proliferation, international terrorism and extreme violence, changes in the relationship of forces. Defense budgets tend to rise in the world, except in Europe. In this context, the national state appears to be the last redoubt of the security of its citizens.

The nation state is also the one that best meets the need of searching for a new identity, in line with globalization and regional integration. This trend is expressed in various ways on a religious,

sectarian and regional level, being implemented in language as well, an identity factor par excellence. The individual may be overwhelmed by the number of changes he faces daily. Therefore, the national state enjoys in democratic countries the legitimacy rendered by the election date by direct universal suffrage. Historically, the emergence of democracy is dependent on the nation state and, therefore, it is estimated that this is the only legitimate framework of social organization. The nation state is usually the most legitimate political organization.

Also, given that the number of UN member states has increased from 51 in 1945 to 192 in 2012[19], I believe that the nation state has a future.

At the beginning of the 21st century, four aspects are manifested overwhelmingly[20]:

The territorial and demographic size of the states represents important factors in terms of the role of nation states in the international arena.

In a globalized world, the size, as surface and number of people, is a source of power. However, the example of the fight against terrorism, the war in Iraq and Afghanistan and the problems they pose for the actor acknowledged, at least until recently, as the sole superpower of the world (USA) shows that this type of quantitative power sources are not sufficient. The rivalry with China weakens the dollar and the negative image of the U.S. international policy does not reinforce the American model, conversely, it reduces the U.S. influence in the world. The most powerful nation state is not spared by globalization. What is certain is that a nation state that has no significant size in the twenty-first century does not matter. This is one of the reasons the creation and functioning of the EU, as an organization of economic and political integration of midsize and small nation states, is a viable option of the European countries in terms of their role in the international arena.

Regrouping of the nation states

There is a current tendency of the states to regroup and I believe it will continue in the future as well. The EU success prompted other countries to opt for the creation of such an organization, because it represents an original method that allows them to regroup forces while preserving the national state. The frequency of these groupings of states has increased, which may be identified in all regions of the world. With more or less success, states have organized in a regional manner (APEC, ASEAN, SADC, MERCOSUR, NAFTA)[21] on

a functional model (Organization of Petroleum Exporting Countries), religious (Islamic Conference Organization) or inspired by a national model (Arab League, African Union, Commonwealth of Independent States), or even a operational political-military alliance (North Atlantic Treaty Organization). The nation states seek to identify ways to make their voices better heard regionally and internationally, in terms of globalization, even when their size is considerable.

The age of empires is over

The imperial spirit is disputed. The international opinion in formation and existing multilateral rules govern the behavior of national states in the international arena. The imperial posture is no longer accepted and does not allow the great powers to act as they did in the nineteenth century. This is for example the case of Russia. The U.S. are often in the minority at the UN. Therefore, the use of force is limited by the easy access to information through the exchange rate and promoting democracy. It is easy to start a war against an actor with which one has established a relationship and which is your trading partner. Wars, massacres or humanitarian tragedies shape the public opinion and strongly influence governments. Obviously, conflicts are still possible, but are limited in the current international context. The globalization, tempered by responsibility and global solidarity institutionalized in international and regional organizations, is probably the only sustainable solution. However, in this context, the national interest remains for a long time the main landmark in international relations. Even within the EU, the member states act to promote and defend the national interests.

"Economic conquest" of states

Although the time of empires has passed, we must make the distinction between conquering states by armed force, by war and conquering them mainly by economic means. Coercing a national state by another member state by force of arms generates resentment and resistance to the aggressor. Therefore, at present, are preferred economic means which do not cause resentment toward the "occupier" of the magnitude generated by using military force; they do not cause resistance either, because it does not involve the use of tangible coercive instruments, such as weapons, and does not impose itself through brute force or violence. "The victim" requires economic

support and accepts it voluntarily, thus creating the appropriate legal and psychosocial framework. In this sense, the privatization in some national states, including the European ones, can become a means of grabbing the national economy by other states or multinational companies. Similar to this seems to be the policy of appointing foreign managers at the head of state companies to capitalize them. In addition, the concerted action of "economic assassins" seems to be ubiquitous in a globalized world[22].

Conclusions

The nation state is the most viable form of political organization necessary to preserve national identity and the belonging to the various regional and international organizations should not prejudice its essential legitimacy and competence.

The status and role of the European Union member states are constantly in an evolution, oriented towards a closeness of their importance and equality. The member states' status is different and will continue to be as such, and the assumed roles will be as diverse and based on two factors: economic power and quantitative power resources, such as surface and population. The quality of a European citizen does not alter the role of demographic resources of a state in terms of its status within the Union. Thus, countries such as Germany and France will continue to have a strong say in the development, at all levels, of the European Union.

Although the role of the nation state is frequently challenged, it will continue to resist tenaciously and to take on the role of protector and preserver of national identity in a globalized and globalizing world. Its legitimacy cannot be denied, but disputed at most. The national state should adapt to phenomena such as globalization and regional integration. This responsiveness and flexibility should be manifested in four ways: the conception on the state and democracy, development of partnerships between state and society, the implementation of the concept of active subsidiarity and the inclusion of the nation-state in network systems.[23]

Within the European Union, which tends to assume increasingly more federal-type roles, the national states will continue to exist, at least as long as there will be discrepancies in their social and economic development. In addition, the protection and promotion of national interests is now guaranteed by the existence of national states.

NOTES:

The article was translated from Romanian by Diana DEACONESCU.

1 Constantin HLIHOR, *Sfârşitul statului-naţiune şi al identităţii naţionale sau criză de soluţii ?*, http://istorie.ucdc.ro/7.%20Revista%20PDF%20files/AUCDCI%202%20Website/9_Hlihor.pdf, p. 1, accessed on 03.03.2013.

2 Pierre VERCAUTEREN, *La crise de l`état dans l`Union Européenne. Une sortie de crise par une refondation du sens?*, http://www.diplomatie.gouv.fr/fr/IMG/pdf/FD001361.pdf, accessed on 03.03.2013.

3 ***, Direction de l'information legale et administrative, Decouverte des instituitions, *Qu'est-ce que l'Etat?*, 14.09.2012, http://www.vie-publique.fr/decouverte-institutions/institutions/approfondissements/qu-est-ce-que-etat.html, p. 1, accessed on 03.03.2013.

4 Bernard BILLAUDOT, *Une théorie de l'Etat social*, http://regulation.revues.org/2523, p. 13, accessed on 03.03.2013.

5 GAUDRON Stéphanie, *La conception de l'Etat dans les théories de l'Economie Politique Internationale*, http://www.univ-paris13.fr/cepn/IMG/pdf/wp2003_02.pdf, p. 2, accessed on 04.03.2013.

6 *Tratatul privind UE*, http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:083:FULL:RO:PDF, art. 1.

7 Ibidem, art. 4 paragraph 1.

8 Ibidem, art. 5 paragraph 3.

9 Ibidem, art. 3 paragraph 2.

10 Ibidem, art. 49 A.

11 Ibidem, art. 7.

12 Ibidem, art. 14, paragraph 1.

13 Ibidem, art. 28 E.

14 Ibidem, art. 4, paragraph 2.

15 Concerning EU economy, see http://www.finanteazi.ro/2013/03/despre-situatia-economiei-ue.html.

16 Jean-Dominique GIULLIANI, *Les Etats-nations sont-ils compatibles avec l'idée européenne?*, http://www.jd-giuliani.eu/fr/article/cat-4/100_Les-Etats-nations-sont-ils-compatibles-avec-l-idee-europeenne.html, p. 2, accessed on 04.03.2013.

17 Ibidem, p. 3.

18 Statele membre ale Organizatiei Natiunilor Unite, http://www.onuinfo.ro/despre_onu/statele_membre/, accessed on 04.03.2013.

19 ***, *Les Etats-nations sont-ils compatibles avec l'idée européenne?*, http://www.jd-giuliani.eu/fr/article/cat-4/100_Les-Etats-nations-sont-ils-compatibles-avec-l-idee-europeenne.html, p. 5, accessed on 04.03.2013.

20 APEC – Asia-Pacific Economic Cooperation; ASEAN – The Association of Southeast Asian Nations; SADC – The Southern African Development Community; MERCOSUR – Southern Common Market / Mercado comun del Sud; NAFTA – North American Free Trade Agreement.

21 John PERKINS, *Confesiunile unui asasin economic*, Bucureşti, Editura Litera, 2010.

22 Pierre CALAME, Nicolas HAERINGER, *Les mutations de l'Etat-Nation face à la mondialisation*, http://www.institut-gouvernance.org/en/analyse/fiche-analyse-183.html, p. 1, accessed on 04.03.2013.

BIBLIOGRAPHY:

1. ***, France Diplomatie - Ministère des Affaires étrangères, http://www.diplomatie.gouv.fr/fr/politique-etrangere-de-la-france/europe-828/traite-de-lisbonne/article/presentation-80333

2. BUŢA, Viorel; DUŢU, Petre, "Interdependenţa intereselor naţionale cu interesele europene", *Impact strategic*, nr. 2/2012.

3. CALAME, Pierre; HAERINGER, Nicolas, *Les mutations de l'Etat-Nation face à la mondialisation*, http://www.institut-gouvernance.org/en/analyse/fiche-analyse-183.html

4. GAUDRON, Stéphanie, *La conception de l'Etat dans les théories de l'Economie Politique Internationale*, Document de Travail CEPN (CNRS-UMR n°7115), Université de Paris 13,

5. N° 02-2003, http://www.univ-paris13.fr/cepn/IMG/pdf/wp2003_02.pdf

6. GIULLIANI, Jean-Dominique, *Les Etats-nations sont-ils compatibles avec l'idée européenne?*, 29.03.2008, http://www.jd-giuliani.eu/fr/article/cat-4/100_Les-Etats-nations-sont-ils-compatibles-avec -l-idee-europeenne.html

7. HLIHOR, Constantin, *Sfârşitul statului naţiune şi a identităţii naţionale sau criză de soluţii ?*, http://istorie.ucdc.ro/7.%20Revista%20PDF%20files/AUCDCI%202%20Website/9_Hlihor.pdf

8. http://www.univ-paris13.fr/cepn/IMG/pdf/wp2003_02.pdf

9. PERKINS, John, *Confesiunile unui asasin economic*, Bucureşti, Editura Litera, 2010.

10. *Traité sur le fonctionnement de l'Union européenne*, http://www.traite-de-lisbonne.fr/Traite_de_Lisbonne.php?Traite=1

11. *Tratatul privind Uniunea Europeană*, http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:083:FULL:RO:PDF

THE SOURCES OF EU DEMOCRATIC DEFICIT IN THE POST-NICE PHASE, FROM THE PROJECT OF THE EUROPEAN CONSTITUTION TO THE LISBON TREATY

Mădălina Virginia ANTONESCU, PhD*

This article seeks to identify the main sources of EU's democratic deficit in its daily functioning, from the moment when the famous European Constitutional Treaty (rejected in 2005, through the equally famous referendums in the Netherlands and France – EU's founding members) was drafted and put to a referendum of the European citizens. Most elements and ideas on the structure and institutional functioning of the EU from the contents of the Constitutional Treaty were taken up, with very few amendments, sometimes changing certain expressions (discarding the ones considered "sensitive" for the pro-sovereignty trend), in the Treaty of Lisbon (2009). The result was the reality of a European federalist conception (the content of the 2005 Constitutional Treaty) wrapped in a Westphalian clothing (the Lisbon Treaty, as an international treaty concluded between the EU Member States).

Key words: the European Union; the European Constitution; European legitimacy; democratic deficit; EU institutions; the Lisbon Treaty.

Introduction

According to authors who declared themselves against the constitutional text in 2004[1], it "has not registered any real progress towards a European democracy" and the few "institutional innovations in the treaty cannot be interpreted as putting an end to the absence of democracy in the process of drawing up and implementation of the European policies." In other words, *there is a huge gap* between what the governors mean by "the EU's democratisation" and "democratic deficit[2]" (considering it is enough to undertake a *moderate institutional reform*, "*approximate*", *simplify* bureaucratic EU institutions, kept at a distance from the citizens)[3] and, on the other hand, the meaning conferred on the above mentioned politico-legal concepts by the European citizens.

Similarly to the "Maastricht-Nice period", the European constitutional version (subsequently taken up extensively in the Lisbon Treaty – 2009) *does not, according to quoted opinions, involve*

* Mădălina Virginia ANTONESCU, PhD is adviser with the Romanian Diplomatic Institute and honorary researcher with the Romanian Institute for Human Rights. E-mail: madalina.antonescu@ idr.ro; madyantonescu@gmail.com

the beginning of a real institutional and structural reform of the Union (built, until now, in my opinion, *without the involvement and decisions of the European citizens*)[4]. Thus, both in the "Nice period" and through the 2004 Constitutional Treaty (including the Lisbon Treaty), the vote of the European citizens at the European elections *does not have any real impact* either on *the elaboration or the general orientation* of the Union, or on the European *policies*.

In fact, within the European Union, *from the perspective of the European citizens, we cannot talk about a "democratic deficit"*, since *there is no* (the Union being accused of the fact that, in its evolution, it did not strive to confer on citizens the prerogative of debating and analysing the *policies* adopted by governors) *democracy* (in the sense of active participation in the political decision-making process and the political control exercised by citizens over the EU institutions)[5]. That is why certain authors use the rather harsh expression "*neo-feudal European governance", or "paternalistic governance"[6], in order to explain the abyss separating the European citizens from "the archaic governing elites*".

Thus, according to the "negativist" doctrine (running counter to the current form of the EU, but also to the 2004 Constitutional Treaty – including the Lisbon Treaty that takes up widely the conception and the wordings used in the Constitutional Treaty), *the European Union is nothing but a product of the State's will*[7] (keeping in mind that it is neither the product of the European citizens, nor of the national parliaments) due to a "great legal-political transformation that took place in the framework of European constitutionalism" (by losing "the constituent power", but also the legal-political connection between the state apparatus and the sovereign people). According to this opinion, "*the European construction has constantly endangered the tradition of popular sovereignty* justifying the exercise of power by state authorities, their decisions being no more than *an emanation of the sovereign people*"[8]. However, the EU's political system is novel, *since neither the existing treaties, nor the 2004 European Constitution, so much the less the Lisbon Treaty, mention who the "sovereign" is* (peoples of the Member States; the European citizens, the Member States or the European Union). Thus, the Union remains a novel political construction, given the fact that *a legitimate power*

source of the Union has not been appointed yet, in order to respect the constitutionalist tradition of the popular sovereignty entrusted to the state.

1. EU's legitimacy: a "democratic" or a "diplomatic" legitimacy?

In this opinion**,** EU's legitimacy must not be conditional upon the existence of "a European people", but upon solving the problem related to the legal nature of the Union, by "*choosing the foundation of the power it contains*" (neither the European Constitution, nor the Lisbon Treaty invented any "authority" or "people")[9].

Considering the Union as a historical process, we notice that it is the result of the Member *States'* will, therefore being based on a type of "*diplomatic legitimacy*"[10] (entrusted by states, through international treaties, to the EU institutions, *without the involvement of the European citizens*). In its evolution, the EU has replaced democratic legitimacy (a situation which would have prevented the emergence and intensification of its structural crisis) with the diplomatic legitimacy of states. Nevertheless, the *EU institutions face, from the very beginning, a major democratic deficit*. It is in no way covered or avoided by the mere fact that, within the EU, the national *governments* are the ones *exercising "the constituent power"*[11] through the Council and the Commission (as "European executives"). On the other hand, *the failure of the European Parliament to impose itself as an institution defending the plenitude of the prerogatives conferred on a national parliament* (aspect proving, implicitly, how difficult it is for this EU institution to really ensure the representation of the European citizens) can be noticed.

As other legal experts[12] stated, "the source and support of political power within the EU must not be searched for in its population; these roles are rather entrusted to the Member *States*", hence the hypothesis that "*the democratic dimension of EU constitutionalism was lost along the way*", while "the political will of states and the juridification of the State were imposed progressively within the European construction[13]. The main feature of the Union, as an entity based on a series of integrationist international treaties, reflects a *distancing from the popular will* (which cannot be "criticised" for these treaties). This is proved by the *focus of states*, in the EU constituent treaties,

on the distribution of competences between the states and the Union, as well as the division of powers between the EU institutions (while there is no concern about organising the mechanisms for the participation of *the European citizens and national parliaments* in the decision-making and legislative processes in the Union).

The 2004 Constitutional Treaty has been criticised (and continues to be through the Lisbon Treaty, without it being redressed) precisely for the insufficient support of the methods, institutions and *democratic* legal-political mechanisms, able to ensure the access of the European citizens and national parliaments to the European political life; in other words, the Constitutional Treaty (and, starting from here, including the Lisbon Treaty) should have been based, in our opinion, on the *legal regulation of the political relation between the Union and the European citizens* and only secondarily on the political relation between *the states (governments) and the Union*.

As some legal experts appreciate[14], the purpose of a constitution must be "only to ensure the manifestation, the expansion and protection of human and citizens' rights". Or, in the case of the 2004 Constitutional Treaty, there was simply a "false constitution of the Union", although it includes the Charter of Fundamental Human and EU Citizens' Rights (both concerning the powers conferred on the EU institutions, the predominant presence of states at the European level of governance, through the Councils, and concerning the process of drawing up this "Constitution").

Retrospectively, in order to identify the sources of EU's democratic deficit, we notice that the *mandate* received by the European Convention through the Laeken Declaration of the European Council of December 2011 *was not to draw up a "Constitution"*[15]; the Convention was only meant to examine essential issues raised by the development of the future Union. The competence of the Convention[16] reflected a *predominant decision-making role of states*, interested in *defending the prerogatives of the national executives at European level* (for example, the qualified majority voting in the Council). This major influence, in the framework of the Convention, of the national governments resulted in avoiding the initiation of an *authentic constitutional debate, which would have conferred the primordial political role on the national parliaments and the European citizens*. However,

the presence of representatives of the European Parliament and national parliaments within the Convention was not a sufficient requirement, since the evolution of the Union concerning international treaties, in the European constitutional stage, can only be achieved through the European Parliament and the national parliaments.

2. A European Constitution without a "European nation"

In this context, the originality of the political system of the Union originates precisely in the fact that, without creating a European people, it generated "the change of the traditional form of the original constituent power"[17] (in the sense that it has become a "*myth dissolved in the history of the European construction*", achieved, according to these authors[18], contrary to any idea of European or national "power"). Thus, both during "the Nice period" and in the European-constitutional version of 2004, including through the Lisbon Treaty, *the Union is not based on a constituent power, on a "sovereign people", but on a "derivative power"*[19], *exercised by EU Member States*, whose procedural rules are considered "the only rules legitimising the political decisions made by states". From this perspective, *the use of the expression "European Constitution" (referring to the 2004 Constitutional Treaty) is abusive*[20], since this is, in fact, an international treaty[21], the result of the will of the national governments *which consider themselves to be the only ones qualified to set up the European Union* (therefore, they do not feel compelled any more to *relate to "the original constituent power represented by the sovereign people"* – which is considered to be a "mythical aspect", outpaced by the evolution of the post-state and novel system of the EU")[22]. Using the *legal-political qualification of "Constitution"* to refer to this international treaty becomes, in the above mentioned context, *an abuse of expression*, since the *European governance is achieved without the participation of the European citizens and of the national parliaments*[23], without their possibility to limit or politically control the powers entrusted by national governments to the EU institutions.

A future reform of the European Union, based on the elimination of the democratic deficit, will not achieve this goal unless it is accompanied, according to some authors[24], *by the legal-political*

progress of the European citizenship. In other words, in the current situation (established by the existing treaties, which is confirmed by the European Constitution and is extended by the Lisbon Treaty), only *three of the political rights derived from the European citizenship have an authentic European dimension* (the right to vote and to be elected at European elections; the right to petition and to bring a matter before the European Ombudsman) establishing a direct relation between the citizens and the Union. The rest of the Constitutional Treaty (but also the subsequent treaty, the Lisbon Treaty) *takes up the rights enumerated in the Maastricht Treaty* as being the legal content of the European citizenship; but these are *national civic rights*, falling under the exclusive responsibility of the Member States. *These rights are defined* (including by the Constitutional Treaty signed by the Member States in 2004) *at the level of multilateral treaties,* by agreements with an intergovernmental nature and are not *enshrined in a Constitution drawn up by a Constituent Assembly elected directly by citizens or in a Constitution drawn up by the European Parliament*. Instead, the current situation reveals *the archaic nature of the European citizenship*, due to *the discriminations contained in national laws concerning the access of residents to the European citizenship, to the rights granted under it.* We can talk of "*a European citizenship*" in a functional, *economic sense*, attached to the concept of „free market[25]", *rather than a transnational citizenship* reflecting EU's quality of "political community", including in relation to a "European public area".

On the other hand, in the post-Nice phase, as academic writers pointed out, in the European constitutional version, ever since the *phase of the elaboration* of the Project of the Constitutional Treaty, *another source of the EU democratic deficit, such as the intergovernmental mandate of the European Convention* (instead of mandating it through the universal direct vote throughout the Union) was noticed. The subject of debates on the Convention and the priorities of the EU reform were laid down unilaterally, through the Laeken Declaration, by governments, not by citizens or parliaments. Moreover, the Convention was made up of representatives of the Member States, who were not elected by the European citizens in order to debate on the topic of "the European Constitution". Additionally, there is a practice of governments consisting of implementing, within

the EU, an "*upside-down democratisation*", namely the practice of systematically creating a European construction, without consulting or involving the citizens, by *the policy of fait accompli.*

From this perspective, the rejection of the Constitutional Treaty signed in 2004, by referendum, was merely a refusal to accept a political construction closed even to the *first level of democracy*[26] (the representative democracy, where citizens have the possibility to *establish the orientation of the European policies*, by voting at European level). This type of democracy can be achieved if the European voters send to the European Parliament euro-deputies whose majority support a political orientation different from the majority orientation of the national governments, in which case the Union should undertake a decisive reform at institutional level in order to transform the European Parliament into a genuine and strong parliament[27].

Although, in order to counter this negativist theory on the Constitutional Treaty (and currently on the Lisbon Treaty) one can put forward *the presence of certain democratic mechanisms*, such as the election of the President of the European Commission by euro-deputies, it cannot be stated that, in reality, *the EU's democratic deficit*[28] *would be overcome or limited*.

Another specific example of provision which created and maintained the EU's democratic deficit in the post-Nice phase (and which was taken up in the Lisbon Treaty) was Article I-27 of the European Constitution, through which the European Council proposes to the European Parliament *a candidate* for the function of President of the Commission. The role of the European Parliament is a limited one (since it does not have the prerogative to *counterbalance the European Council, by appointing its own candidate* for this function[29]; secondly, the Parliament can only elect the *candidate of the European Council*, therefore of national governments). If it rejects the candidate, the *European Council has the right to appoint another candidate* "who shall be elected by the European Parliament following the same procedure"; but the prerogative of the *European Parliament* – and not of the European Council – *of proposing this second candidate* is not provided for *in this second phase*. Basically, *the European Parliament has neither a real influence, nor an authentic political control over this procedure, in*

which the prerogative of appointing the candidate (as well as of the final appointment of the entire Commission) *belongs to the national governments*, through the European Council.

3. Sources of the EU democratic deficit in the post-Nice period

In the Constitutional Treaty signed in 2004[30], the *sources of the EU's democratic deficit* are of two types: the ones taken up from the "Nice period", from the provisions of the *Community and amending* treaties (for example, the legislative function conferred on an intergovernmental institution, such as the Council[31]; the regime of confusion of „powers"[32] within the EU *in favour of the EU Council*[33]; substantiating the Union's relation with the states[34] and only secondarily the direct political relation with the European citizens) and, secondly, the sources of democratic deficit *created* by the Constitutional Treaty (and taken up by the Lisbon Treaty).

Among the sources of the democratic deficit created by *the Constitutional Treaty*, thus *deepening* EU's structural crisis, is the *absence of a reference to "the original constituent power"*[35], *namely to the sovereign peoples* [36] *of the EU Member States*[37], whose fundamental rights should be guaranteed, extended and promoted through a genuine "EU Constitution", by the EU institutions, as well as the Member States, at all governing levels of the EU multi-layered political system.

The *missing* goals of the Union are precisely *the ones related to the creation and strengthening of the European democratic mechanisms*: creating a public space for European debate; guaranteeing and implementing an authentic European democracy[38], which are based on the compliance with the rights of the European citizens and the European democratic values in the relations with the Member States and in international relations (with third countries and international organisations); enshrining the fourth generation of fundamental human rights (cultural rights); guaranteeing the participation of the national parliaments in the EU's political life[39]. Article I-5 of the Constitutional Treaty (a concept also taken up in the Lisbon Treaty) establishes the relations between the Union and the Member States, without imposing on the states and the Union the legal *obligation* to make *effective* the participation of the European

citizens in the European governance. This article is not followed by a second article *dedicated to the regulation of the direct political relation between the European citizens and the Union*, nor by a third framework-article, *dedicated to the direct political relation between the European Parliament and the European citizens* in exercising the European representative democracy.

The Constitutional Treaty (or the Lisbon Treaty[40]*) does not mention anything about the type of governing political regime of the European Union* (for instance, representative democracy, combined with participative democracy, if an anti-technocratic and anti-government version of the future Europe were envisaged). But both treaties enshrined the *supranational nature of the Union law in relation to the Member States' law*[41], *without clearly providing, in counterbalance, for the role played by the national parliaments and the Constitutional Court in these states in the interpretation of the EU law*, in limiting its legal features, *so that the legitimacy of the national constitutional orders*, as expressions of the will of the sovereign peoples, *is not affected*).

Regarding the EU competences, none of the two treaties mention any role *for the European Parliament or of the national parliaments* to divide powers between the states and the Union or to establish the types and areas of competence entrusted to the Union (which cannot be made by *governments* through an international treaty, improperly called "Constitution"[42], *in the absence of a decision made by the European citizens and the national parliaments in this regard*).

The existing fields of exclusive competence of the Union, as well as the ones shared with the Member States, do not guarantee, on the other hand, a greater legal protection of the fundamental human and European citizens' rights in relation to the national legal order, since neither the Constitutional Treaty, nor the Lisbon Treaty, provided for *real and effective mechanisms of active participation and real political control* for the European citizens, for the national parliaments or the European Parliament. Under these circumstances, the question is 'what is the use of conferring powers on a Union that is not concerned with guaranteeing, promoting and implementing as many mechanisms of *democratic* governance as possible'. The *effectiveness* of the EU institutions or the *integrationist* dimensions of the European

project are not arguments solid enough to justify conferring these powers on the Union[43].

Regarding the external action of the Union[44], *the Common Foreign and Security Policy*[45] *or the Common Security and Defence Policy*[46] continue to enshrine the predominant role of the *national governments* (through the decision-making tandem Council-European Council, supported by the Commission), *to the detriment of the European Parliament, to whom a symbolic, modest position is reserved* (to be consulted periodically; to be informed of the evolution of CFSP), which further diverts the Union from the democratic mechanisms.

The control of the national *governments* over CFSP and other policies is *"justified" by invoking the fear of an "integrated supranationalisation of the Union", which would lead to the failure of an EU transformed into a suprastate* or, through other type of argument, by putting forward the "*field reserved*" to the states, which includes foreign policy, but also common defence, as "requiring exclusively an *intergovernmental* approach". The fact that these policies *already belong to an integrationist political system*, but also that any evolution in the framework of this political system must be debated and approved by the *European citizens and by parliaments*, is not taken into account. Paradoxically, *the supranational nature of these policies at EU level* is rather related to the *omnipresent decision-making powers of the Councils* – as institutions that *do not have a direct political relation with the European peoples, since they cannot be subject to a political control by them*. In other words, introducing mechanisms of *political control that can be used by the national parliaments* in the field of CFSP (over the decisions made by "the Councils"), while conferring *decision-making* powers on the European Parliament in the field of CFSP, would fight one of the sources of the EU's "democratic deficit", without generating an unwanted supranationalisation of the "common policies" within the intergovernmental pillars. What *a decisive political reform* requires is to *transcend the "intergovernmental" nature of these policies* (currently reflecting the main decision-making monopoly of the national *governments* and the lack of any democratic control) in which the main decision-making role should be played by the tandem of *the European Parliament – national parliaments*[47] (another option would be a "European Congress" made up of euro-deputies and national parliamentarians).

Regarding European legislative acts, the Council is not removed (as European executive and representative of the national executives) from exercising the European *legislative* function, which is *a major and constant source of the EU democratic deficit "in the post-Nice period"*[48]. Thus, the European Parliament is not in a position of a strong parliament, holder of the monopoly of this function (since it is the only EU institution directly elected by citizens) nor does it appear, in another version, as *exercising this function together with the national parliaments*.

Article I-19 *had other deficiencies too*: it did not mention the fact that "setting up the institutional framework of the Union is designed to *promote European democracy and protect fundamental human and citizens' rights*, at all levels of political governance within the EU system"[49]. Moreover, this article *did not provide for the introduction of specific mechanisms of cooperation between national parliaments and the EU institutions*[50], as well as *of political control of national parliaments over the EU institutions*[51], for the manner in which they act in relation to European citizens, as well as for the effects produced on the European democracy.

Representatives of the national parliaments and the European Parliament[52], whose opinions can be taken into consideration in the proceedings of the European Council, *do not participate* in *the proceedings* of the European Council[53] (vested with decision-making powers), in the exercise of the powers conferred by Article I-21 (providing the Union with the necessary impetus for its development; defining the general political directions and priorities of the Union)[54].

Another source of the EU democratic deficit derives from Article I-22 (the President of the European Council cannot be held politically responsible *to the European Parliament or the national parliaments* for his actions or the actions of the European Council[55], *nor can he be appointed or removed from office by them*). Thus, the President of the European Council *ensures the representation of the EU in the CFSP area, without the treaty making this conditional upon approval by the national parliaments or the European Parliament*. Basically, under the Constitutional Treaty, *the authorisation it receives from the European Council* (therefore, from the national

governments) *is enough* to ensure "the legitimacy" of the Union's representation in the CFSP field (as an intergovernmental field).

Therefore, within the UE, national *executives* (meeting in the composition of "Councils") authorise the presidents of these "Councils" to represent the Union in its entirety, internationally[56], without considering this would infringe the constitutional principle of the people's sovereignty. In the absence of this express mandate (which should have been granted by *the peoples of the Member States, through the national parliaments or the European Parliament) the President of the European Council*[57] *becomes a direct emanation of national executives, a representative of their interests at European level.* This entails, on the one hand, *the supranationalism* of the President of the European Council, *without conferring upon him a democratic character*, and, on the other hand, reveals a transformation of the national executives into "authorities" *competing with the parliaments, regarding their legitimacy* (either diplomatic, or democratic, as the case may be)[58].

According to Article I-28, the Union Minister for Foreign Affairs[59] (one of the rightful vice-presidents of the Commission and the President of the Foreign Affairs Council within the Council of Ministers) *accumulates* all these functions, *without the possibility to be held politically responsible* to the European Parliament[60] or the national parliaments. In fact, they do not play any role in the procedure of *appointing* the minister (by the European Council, on the Commission's proposal[61]) nor in his *removal*[62]. Accordingly, here is another political institution (such as the President of the European Council) which is appointed and revoked exclusively by the national *executives* (through the European Council, together with the President of the Commission), *to the detriment of the democratic character* (the lack of any powers conferred on the European Parliament in the political accountability of the Union Minister for Foreign Affairs).

Article I-29 enshrines *another source of the EU's democratic deficit at institutional level* for the Union: judges and Advocates-General of the Court of Justice, as well as the judges of the General Court *are appointed by common accord of the governments of the Member States*[63] (without the possibility for this appointment to be *confirmed or rejected by the European Parliament*). Thus, a situation is created where *the national executives have the power to appoint members of European judicial institutions,* which confirms for the first ones a self-conferred quality of "constituent power", *replacing* "the sovereign people" as the only holder of the sovereignty and *establishing a source of own "legitimacy" (the will of the sovereign executives)*. This symbolises, in fact, the shift from the *state model of political governance* (in which "*the constituent power*" is the one assigning the powers, at constitutional level, as an expression of its sovereign will)[64], to *the post-state governance model* (according to which the national *executives* consider themselves to be "the bearers of sovereignty" by themselves, including, at the level of an international treaty called "Constitution", a scheme allocating the powers between the states and the Union, as well as between the EU institutions, considering that the intervention of the national parliaments or the European Parliament in the regulation of this matter is unnecessary)[65].

Conclusions

Therefore, concerning the drafting of the post-state governance model[66] (the version proposed by the European *executives*), we appreciate that the European Union, as a novel political system, suffers from a *democratic deficit which is progressively increasing,* in the absence of an authentic democratic reform, which might generate, in our opinion, *not only the loss of the EU's legitimacy*, but *even the collapse of the Union*, by creating a gap between the Union and its citizens.

The Lisbon Treaty remains an accurate reproduction of the concepts and contents of the 2005 Constitutional Treaty, with the removal of certain elements (minor ones, in our opinion, sometimes only at terminological level, without real, essential changes). The methods and forms of the democratic deficit existing in the conception of the 2005 Constitutional Treaty are to be found, consequently, in the contents of the Lisbon Treaty, in their vast majority, with very few exceptions. The Lisbon Treaty (although it does not admit it at the level of form and terminology) represents, in our opinion, a certain reform of the EU in the sense of the federalist trend, precisely by extensively taking up elements and concepts from the 2005 Constitutional Treaty.

It is interesting to mention that not necessarily the "enlargement" of the Union to 27 Member States (or more), as it was put forward in many of the EU official documents, but the need to fight rapidly and efficiently against the EU democratic deficit is the one imposing the approach of the topic of the Union's reform. Even if the EU institutions take more effective action, even if the authority of one of them increases (the European Parliament, the Commission), the authentic reform of the Union, which involves the creation of the "European democracy" and of "the European public space", the only opportunity to establish the democratic foundation of the Union through the direct political relation with the national parliaments and the European citizens, will be missed. Thus, we might be facing a Union that has adopted a façade reform which does not change anything in the depth of the legal-political nature of the European construction, extending the EU democratic deficit on a long term, the Union winding up in an inevitable collapse, because of the gap created between the EU institutions and the national government, on the one hand, and the European citizens, on the other hand.

NOTES:

1 Jacques GÉNÉREUX, *Manuel critique du parfait européen. Les bonnes raisons de dire « non » à la Constitution*, Seuil, Paris, 2005, p. 91. Also, see extensively: Paul ALLIÈS, *Une Constitution contre la democratie? Portrait d'uneEurope depolitisée*, Ed. Climats, Castelnau-le–Lez, 2005; Walter OSWALT, *Constitution Europénne. Non. Pour une alternative radicale*, trad. Eva Zum WINKEL, Annabelle TURKIS, Ed. Paragon/Vs, Lyon, 2005. Patrick HERTER, *Référendum sur le traité constitutionnel*, Paris, Ed. Calman-Lévy, 2005.

2 In a definition, democratic deficit is an established expression designating "the weakness of the European Parliament's prerogatives, as well as the insufficient participation of citizens in the community life, due to the extension of the powers exercised by the Commission and the Council". See. Gilles FERRÉOL, eds., *Dicţionarul Uniunii Europene*, trad. Iuliana Cristina DOBOŞ, Iaşi, Polirom, 2001, p. 70.

3 Jacques GÉNÉREUX, *op.cit.*, p. 93.

4 But, many times, in the framework of the procedures of legitimisation of the EU treaties, including in the case of the Lisbon Treaty, recourse to referendums (given the experience of the failure of the 2005 Constitutional Treaty, after choosing such an approach – in fact, the main mechanism of an authentic participative democracy −) was avoided; in exchange, the "passing" of the EU treaties through the national parliaments (as a method to avoid direct recourse to the vote of the European citizens, therefore deepening the gap between them and the level of European government: there were no public debates carried out in the national parliaments before the voting of these treaties; the elements and the developments proposed by these treaties were not presented in the media, from a critical perspective, with pros and cons, and did not involve the civil society in the respective country in broadcasted public debates) was chosen. The level of interaction between the European citizens and the national political class, especially European politicians and technocrats, was and continues to be a very low one, digressing into institutional formalities and "yeses" that did not really involved the will of the European citizens (a well-informed one, namely after a correct and full information on the European treaties, carried out both at national and European level). The European treaties were not approved following European referendums, but through decisions made by intergovernmental institutions (especially the European Council, without underappreciating the role played by European technocrats within the Commission) or by resorting to the "automatic passing" (unanimous vote, several times) through the national parliaments, without providing information and without a real public debate or formal debates, in a limited circle of experts, "so that a phase can be checked off the list". The method of resorting to referendums (the only one conferring real, solid legitimacy to the European construction, since it achieved EU's older goal "to progressively get closer to the citizens") was clearly avoided after the failure of the 2005 Constitutional Treaty, thus leading to *a democratic deficit by formalising representative democratic procedures and by avoiding recourse to specific mechanisms of the participative democracy, the European construction turning rather towards an elitist method of adoption, far from the European citizens.* To that effect, also see Paul ALLIÈS, *op. cit.*, pp. 88-93 (talking about "the progressive institutionalisation of the single market according to the Monnet method, producing a system whose legitimacy *remains problematic*"; the author refers to "*a power without legitimacy*", due to the fact that "governors, as well as the states, continue to hold *the entire constituent power* and exercise it within *coordinating institutions* such as the Councils or the Commission, incidentally, which is not susceptible to generate *the loyalty* required by the political construction.

5 Walter OSWALT, *op. cit.*, pp. 24-25.

6 Jacques GÉNÈREUX, *op. cit.*, pp. 93-94.

7 Namely governmental, unelected by the citizens. Laurent FABIUS, *Une certaine idée de l'Europe*, Plon, Paris, 2004, pp. 86-87.

8 Paul ALLIÈS, *op. cit.*, pp. 57-58.

9 From this perspective, one might say that the EU legitimacy is exercised only through the democratic institutions at *national* level, since the European Parliament's voters do not vote as a "people" and the European Parliament cannot be viewed as a democratic institution whose vocation is to represent *"the demos"; hence the authority and the legitimacy of the decisions.* See Elvire FABRY, *Qui a peur de la citoyenneté européenne? La démocratie à l'heure de la constitution. Politique aujourd'hui*, PUF, Paris, 2005, p.151. Another author (Paul ALLIÈS, *op. cit.*, pp. 78-79) thinks that "*there is no European people* because there are no European powers", "the power-people transcending the legal order it establishes sovereignly has become a figure whose legitimacy is nowadays outdated". Patrick HERTER, *op. cit.*, p. 54.

10 Paul ALLIÈS, *op. cit.*, p. 89.

11 By „*constituent power*" we mean a *derivative, established* power (since it is exercised by *governments*, not directly by the people), its organisation and functioning model at European level being achieved through the EU institutions (the Councils) and not on the basis of the constitution, but based on the *Community treaties* on the legal rules of these EU institutions. Under the constitutional law, the *holder of the original constituent power is the people*, via its electorate, through which a new constitution is adopted, in the case of a *consistency* solution, due to the shift from a political regime to another (see Ion DELEANU, *Instituţii şi proceduri constituţionale în dreptul comparat şi în dreptul român. Tratat*; Ed. Servo-Sat; 2003; pp. 221-222). In this case "the constituent power" becomes a "derivative" one, since *it excludes the participation of the European peoples to the achievement of the EU*, *the governments* forming, through mechanisms of international and Community law, "*a European constituent power*" which is not based on a constitution as a legal act of domestic law, but on *international treaties*, considered by the Court of Justice of the European Communities (CJEC) to be "real constitutional charters" for the Community legal order (*distinct* and *autonomous* in relation to the domestic and international law). Also see Anthony ARNULL, Alan DASWOOD, Malcolm ROSS, Denick WYATT, *Wyatt and Daswood's European Union Law,* Sweet and Maxwell, London, 2000, pp. 64- 65.

12 Dieter GRIMM*, Le moment est-il venu d'élaborer une Constitution Européenne?,* in R. DEHOUSSE (ed.), *Une Constitution pour l'Europe?*, Presses de Sciences Po, 2002.

13 Paul ALLIÈS, *op. cit.*, p. 54.

14 *Ibidem*, p. 55.

15 François PRIOLLAUD, David SIRITZKY, *La Constitution Européenne. Texte et commentaires,* La Documentation Française, Paris, 2005, p. 12.

16 Certain authors notice that the notion of "Convention" is related to the general emergence of *poli-centered and multifaceted* political-institutional organisation. In other words, "the Convention" includes "institutions and combinations of institutions whose decision-making procedures are not based on representation, but on a debate between divergent positions, in which the issue is not the forming of a pro or con majority, but negotiation and arbitration" See Andrea MANZELLA*, The Convention as a Way of Bridging the EU's Democratic Deficit, The International Spectator*; vol. XXXVII, no. 1, January- March 2002, p. 53.

17 It belongs to *the people* and not to the national governments, since it refers to the *adoption* of the fundamental law of a state, *the constitution,* and not to the execution of the parliament's laws or to drawing up policies.

18 Paul ALLIÈS, *op. cit.*, p. 78.

19 Paul ALLIÈS, *op. cit.*, p. 89.

20 In the Lisbon phase/2009, this term stopped being used (sensitive and challenging for the pro-sovereignty trend in the Union), the adoption of the designation "the Lisbon Treaty" being preferred (a formal return to the method of international agreements of sovereign states – an *apparent* setback of the European federalism, in our opinion, as, *practically, the content of the 2005 Constitutional Treaty was widely transferred into the content of the Lisbon Treaty*, avoiding the use of the term "European Constitution").

21 Simina TĂNĂSESCU, *Despre autoritatea constituţională a unui tratat european,* Sfera Politicii, nr. 120-121-122, 2006, p.17. Jacques GÉNÉREUX, *op. cit.*, p. 54.

22 Paul ALLIÈS, *op. cit.*, p. 78-79.

23 Certain authors notice that the text of the Constitutional Treaty does not mention *a single case of transfer of decision-making rights to the national parliaments, regional and communal assemblies*, the text being, in exchange, in favour of the rhetoric of "communitarisation of political sectors, which would make it impossible to choose among different ways of the europeanisation". See Walter OSWALT, *op. cit.*, pp. 12-13.

24 Paul ALLIÈS, *op. cit.*, pp. 95-96.

25 Certain authors believe, concerning *the European citizenship*, that it institutionalises a "supranational affiliation which is *novel*, since its methods cannot be defined by simply transposing a national model of citizenship", thus *raising doubts* as to the European decision-making process, given its close relation with the existence of *democracy*, see Elvire FABRY, *op. cit.*, p. 6.

26 Jacques GÉNÈREUX, *op. cit.*, pp. 96-100.

27 Since the European Parliament (EP) is seen as "the only depositary of legitimacy and democracy in the structure of the Community", it is possible, therefore, to

fight the democratic deficit by "granting *more powers to the EP*", by strengthening "the democratic legitimacy" of the Community, in the above mentioned sense. See J.H.H.WEILER, *The Constitution of Europe. Do the New Clothes Have an Emperor? And Other Essays on European Integration;* Cambridge University Press; UK, 2000, pp. 77-78.

28 Certain authors refer to "*the Community democratic deficit*" in the sense used by the English politologist David Marquand in order to denunciate the EP's election by *indirect* universal vote. Traditionally, this legal-political *notion* is considered to refer to *two distinct cases: the EP's powers* are far from the ones held by a national parliament, despite its institutional evolution at European level; *secondly, the national parliaments* are not *sufficiently* involved in the community decision-making process (Jean-Marc FAVRET, *Droit et pratique de l'Union Européenne*, Gualino, Paris, 2001). The democratic deficit is also a *consequence of electoral absenteeism* concerning the European elections (for the EP), hence the lack of real legitimacy of the elected ones, who no longer represent the majority of the population, but "*the majority of the minority who attended the elections*". See Mihail-Constantin EREMIA, Violeta ŞTEFĂNESCU, *Procedura codeciziei şi cooperarea strânsă cu parlamentele naţionale – modalităţi eficiente de combatere a deficitului democratic comunitar?*, in the Annals of the University of Bucharest, year LV, July-September, III-2005, p. 68.

29 Jacques GÉNÉREUX, op. cit., pp. 98-99. See the resumption of this procedure (unfavourable to the EP, in our opinion) in Article 9D (7)/TEU, as amended by the Lisbon Treaty.

30 Whose content was widely transferred into the Lisbon Treaty/2009.

31 J.H.H.WEILER, *op. cit.*, p. 78.

32 Certain authors notice that the EU's democratic deficit also comes from "*its institutional structure*", in which the EP becomes, through its popular investiture, a *counterweight* for the Council of Ministers *deliberating privately* (nevertheless, the EP remains a democratic institution *without powers*); secondly, the EU's democratic deficit comes from the lack of the *classical separation of powers* (since it has a Council participating both in the *legislative* power and in the *executive* power; within the Union, there are two *representative* institutions – the Council and the EP – and two *executive* institutions – the Council and the Commission). The democratic deficit is also due to the *absence of a democratic control of the EU Council's actions* (which would ensure the prominence "of the *democratic* legitimacy" manifested through a powerful EP, in relation to "the *diplomatic* legitimacy of states") See Mario G. LOSANO, *Un document fundamental pentru Uniunea Europeană: Constituţie sau tratat?*; trad. Simona FORTIN; Mihail-Constantin EREMIA

(coord. şi traducere); AUB Drept; anul LV, I -2005, p. 24.

33 Aspect improved by the Lisbon Treaty, in favour of a cooperation on an equal footing between the two institutions, in the field of European legislation.

34 Because the *Constitutional Treaty* was considered a source of the EU's democratic deficit (precisely due to its designation of "*treaty*" as an act of public international law, concluded between states), but also due to the need for it to be ratified by each Member State and not *by organising a single European referendum bringing to the foreground the European citizens*. The rejection of the treaty, even by a single state, may lead to the abandonment of the entire project (hence the importance, greater than it should have been, attached to the *states* in relation to the *EU citizens*, within the European construction). See Mihail-Constantin EREMIA, Violeta ŞTEFĂNESCU, *op. cit.*, p. 69.

35 Under the constitutional law, "*the constituent power*" is the "sovereign power" which can *only belong to the people or the nation*, which can *delegate its exercise* to different bodies, entrusted with the task of "creating established powers", laying down rules on their competences and the relations between them. "The constituent power" is "the *supreme* power" *creating the constitution*, as a rule overriding all the rules of law". See Jacques CADART, *Institutions politiques et droit constitutionnel*, vol.1, LGDJ, Paris, 1975, p. 118.

36 Deficiency maintained in the new TEU, in the wording of the Lisbon Treaty.

37 Other authors use the phrase "*constituent sovereignty*" to express the same idea (the fact that, in contemporary constitutional states, the "sovereign", namely the people, is the one who elaborates the constitution as "a supreme law regulating the political power of a state". At the same time, "the constituent sovereignty", in the above mentioned sense, must not be confused with "*state sovereignty*" (which refers to the *content* of state's powers, sovereignty as "public power"). See more extensively, Olivier BEAUD*, La Puissance de l'Etat*, PUF, Paris, 1994, p. 208.

38 But the Constitutional Treaty provides for certain mechanisms concerning "The democratic life of the Union" (Title VI); the equality of its citizens, who receive equal attention from the EU institutions (Article I-45); the principle of representative democracy in the functioning of the Union (Article I-46); the principle of participatory democracy (Article I-47, including the right to "popular initiative"); the right to bring a matter before the European Ombudsman (Article I-49); the principles of "good governance" "openness"; transparency of the legislative proceedings of the EP and the Council; the right of access to documents; personal data protection (Article I-51). These were also taken up in the Lisbon Treaty, without being able to efficiently counterbalance the EU's real democratic

deficit. Nevertheless, the Constitutional Treaty *was criticised for* lacking genuine, serious intention to *implement "the European democracy",* as well as of drawing up "*apparent* democratic" mechanisms (such as "the popular initiative") that cannot really fight the EU's democratic deficit. See Jacques GÉNÉREUX, *op. cit.*, pp. 100-106.

39 Certain authors notice that, while the *governments* of Member States were "co-opted *directly and profoundly* into Community life, having an important say via the EU Council", "the *national parliaments* were simply discarded, both as lawmakers and as budgetary authorities and "supervisors of the executives". The relation *EP-national parliaments* and "their co-option in the Community decision-making process" (what we call "*the new co-decision*") is considered, in our opinion, as *"a sine qua non requirement for reducing democratic deficit".* See Mihail Constantin EREMIA, Violeta ȘTEFĂNESCU, *op. cit.*, p. 81.

40 Because Article 8A (1) /TEU, amended by the Lisbon Treaty, does not provide for a certain supranational *political regime, but for a principle* (of representative democracy), the new EU would be based on (although there are many more elements specific to other types of political regimes, such as the technocratic and bureaucratic regime, the regime of participative democracy, adding to the originality of the EU's functioning).

41 Charles LEBEN, *À propos de la nature juridique des Communautés Européennes*; *Droits*/ Revue Française de Théorie Juridique, 14 / *L'Europe et le droit*; PUF, Paris, 1992, p.61 (as a character derived from the existence of certain supranational bodies, of "own regulatory powers" and legal principles introduced by CJEC concerning the Community legal rules: *direct applicability, pre-eminence* over the national rule of law; *autonomy* of the Community legal order).

42 Mihail Constantin EREMIA, *op. cit.*, p. 5.

43 In our opinion, it is not enough to insist upon the argument that the Constitutional Treaty (or the Lisbon Treaty) would represent "a *new phase* in the European construction", or to insist upon the need for the process of European integration to *evolve*. What truly matters is to find political-legal ways to fight the EU's democratic deficit (which cannot be achieved through the *decision-making power* of the national *executives,* through the Councils, related to the *progressive assignment of powers to the Union*).

44 The preeminent role of the European Council (not held responsible by the EP) as an institution unelected by the European citizens, according to Article 10 B/ TEU, as amended by the Lisbon Treaty.

45 Article 10C (1)/TEU, as amended by the Lisbon Treaty, in which the power to elaborate decisions in the matter and to implement them is entrusted to the two Councils; the implementation of the decisions is also entrusted to the High Representative of the Union and of the Member States. The roles specific to the national parliaments in the matter are not mentioned and the role of the EP is only vaguely provided for in this article, a general reference being made to "the treaties".

46 The Council adopts the decisions and defines the goals of the respective policy, which are implemented by the Member States. Article 28A, the new paragraphs 3 and 4 /TEU, as amended by thee Lisbon Treaty.

47 Because currently the EP's powers are weak or illusory (for instance, "the power to dismiss the Commission", which is only a "collective" one, is not accompanied by the "power to appoint"). See extensively J.H.H. WEILER, op. cit., pp. 78-79.

48 *Idem*, p. 266.

49 But Article 9(1) of Title III/TEU, as amended by the Lisbon Treaty, mentions that "the Union shall have an institutional framework *which shall aim to promote its values*, advance its objectives, serve its interests, those of its citizens and those of its Member States, and ensure the consistency, effectiveness and continuity of its policies and actions". Therefore, it is an implicit reference to the EU values expressed in Article 1 a/TEU, as amended by the Lisbon Treaty. Moreover, Article 6(1)/TEU, as amended by the Lisbon Treaty, "The Union recognises the rights, freedoms and principles set out in the Charter of Fundamental Rights of the European Union of 7 December 2000, as adopted at Strasbourg, on 12 December 2007, which shall have the same legal value as the Treaties".

50 The main method of involving the national parliaments in the European decision-making process is the influence exercised on their own governments, the extent to which they can decide on the elaboration of the national stances presented by the government in the EU Council (but, in practice, there are great discrepancies between the possibilities offered by the domestic legislation, in which the national parliaments can participate in the elaboration of these stances). See Mihail-Constantin EREMIA, Violeta ȘTEFĂNESCU, *op. cit.*, p. 82.

51 Through the Lisbon Treaty (Article 8C/TEU), the national parliaments are, to a certain degree, involved in the EU functioning, but they have a series of rather fragile powers: consultative, to receive notifications on the European legislative projects, to be informed on the requests for EU accession, to participate in the procedures for the revision of the treaty, participate in the inter-parliamentary cooperation and the cooperation with the EP. But they do not have the levers to hold politically responsible any EU institution, or senior officials of the EU, for their European policies, actions and decisions.

52 From the wording of Article 9B(3)/TEU, as amended by the Lisbon Treaty.

53 Considered by certain authors to be the only

"specific EU body". Also from this perspective, the Union is regarded as a political entity with no legal personality, in fact, a "unitary and indivisible triptych". See Guy ISAAC, *Droit communautaire général*, 7 ed., Armand Colin, Paris, 1999, p. 12. Through the Lisbon Treaty, this aspect (of the EU's legal personality) was repaired, by introducing a specific provision to this end.

54 Also taken up in Article 9B(1)/TEU, as amended by the Lisbon Treaty.

55 From the wording of Article 9B(6) point 2/TEU, as amended by the Lisbon Treaty.

56 For instance, through Article 9B(6) paragraph 2/ TEU, as amended by the Lisbon Treaty. Article 9C(6) paragraph 3 and (9)/TEU, as amended by the Lisbon Treaty.

57 Article 9B(2)/TEU, as amended by the Lisbon Treaty, since the European Council has an intergovernmental aspect (being made up of Heads of State and Government of the Member States) to which a supranational side is added by the Lisbon Treaty (its members being its President – supranational function –, the President of the Commission and the High Representative of the Union for Foreign Affairs and Security Policy also participating in its proceedings – another supranational function).

58 "*Democratic* legitimacy" is expressed through an "EP as representative of the *peoples* of the united Europe" (in the constitutional text, there is no reference to "Europe's peoples" anymore, but to the "*EU citizens*"). Likewise, in Article 9A (2) /TEU, as amended by the Lisbon Treaty, we notice *there is no reference to Europe's peoples, but to the fact that the EP is made up of "representatives of the Union's citizens", another clearly supranational wording.* "Diplomatic legitimacy" refers to "the other source of the EU's legitimacy", the one based on "the will of states" (Article I-1/Constitutional Treaty, provision maintained in the Lisbon Treaty, in Article 1/TEU first paragraph), which "delegates to the Union powers in significant areas and for decisive objectives; diplomatic legitimacy is a "legitimacy" embodied by the Councils – legal artifice expressing, in our opinion, a pseudo-legitimacy). See François PRIOLLAUD, David SIRITZKY, *op. cit.*, p. 31.

59 The Union Minister for Foreign Affairs has become, through the Lisbon Treaty, the *High Representative of the Union for Foreign Affairs and Security Policy* (a terminological change that does not affect the content of his powers, already established by the 2004 Constitutional Treaty). The same kind of accumulation of functions can be found in the Lisbon Treaty, as far as he is concerned.

60 Only as a member of the Commission and only in the procedure of dismissing the Commission by the EP, in its entirety, as collegiate body (based on Article 9C(8)/TEU, as amended by the Lisbon Treaty).

61 The Lisbon Treaty eliminates that phrase, introducing the requirement concerning the "consent of the President of the Commission" – again, an emphasis on the supranational procedure and a distancing from the control of citizens – through the EP or directly – in the appointment and dismissal of the High Representative of the Union. Article 9 E(1)/TEU, as amended by the Lisbon Treaty.

62 Concerning the Lisbon Treaty and the High Representative of the Union for Foreign Affairs and Security Policy, Article 9 E(1)/TEU, as amended by the Lisbon Treaty, provides that he is appointed and removed from his post by the European Council.

63 Provision maintained in the Article 9F/TEU, as amended by the Lisbon Treaty.

64 Olivier BEAUD, *op. cit.* pp. 208; 217; 231; 232. Jacques CADART, *op. cit.*, p. 118.

65 Paul ALLIÈS, *op. cit.*, pp. 89-91.

66 According to certain authors (Mihail-Constantin EREMIA, Violeta ȘTEFĂNESCU, *op. cit.*, p. 70), it is a "*governance*" which, originating in economy and politics, refers to "the exercise of power *in general*, designating not only the actions of executive bodies, but also the ones of the legislators and judicial bodies". The other meaning of this term (used by the European Commission, in the White Paper of the European Commission, "European Governance") refers to a complex of "rules, processes and behaviours influencing the exercise of powers at European level from the point of view of the openness, participation, accountability, efficiency and coherence".

BIBLIOGRAPHY:

1. ALLIÈS, Paul, *Une Constitution contre la democratie? Portrait d'uneEurope depolitisée*, Ed. Climats, Castelnau-le–Lez, 2005.

2. ARNULL, Anthony; DASWOOD, Alan; ROSS, Malcolm; WYATT, Denick, *Wyatt and Daswood's European Union Law*, Sweet and Maxwell, London, 2000.

3. BEAUD, Olivier, *La Puissance de l'Etat*, PUF, Paris, 1994.

4. CADART, Jacques *Institutions politiques et droit constitutionnel*, vol.1, LGDJ, Paris, 1975.

5. DELEANU, Ion, *Instituții și proceduri constituționale în dreptul comparat și în dreptul român. Tratat*; Ed. Servo-Sat, 2003.

6. EREMIA, Mihail-Constantin; ȘTEFĂ-NESCU, Violeta, "Procedura codeciziei și coope-rarea strânsă cu parlamentele naționale - modali-tăți eficiente de combatere a deficitului democratic comunitar?", in *Analele Universității Bucureşti*,

anul LV, iulie-septembrie, III-2005.

7. FABIUS, Laurent, *Une certaine idée de l'Europe*, Plon, Paris, 2004

8. FABRY, Elvire, *Qui a peur de la citoyenneté européenne? La démocratie à l'heure de la constitution. Politique aujourd'hui*, PUF, Paris, 2005.

9. FAVRET, Jean-Marc, *Droit et pratique de l'Union Européenne*, Gualino, Paris, 2001.

10. FERRÉOL, Gilles, coord., *Dicţionarul Uniunii Europene*, trad. Iuliana Cristina-Doboş, Iaşi, Polirom, 2001.

11. GÉNÉREUX, Jacques, *Manuel critique du parfait européen. Les bonnes raisons de dire « non » à la Constitution*, Seuil, Paris, 2005.

12. GRIMM, Dieter*, Le moment est-il venu d'élaborer une Constitution Européenne?*, in DEHOUSSE, R. (ed.), *Une Constitution pour l'Europe?*, Presses de Sciences Po, 2002.

13. HERTER, Patrick, *Référendum sur le traité constitutionnel*, Paris, Ed. Calman-Lévy, 2005.

14. ISAAC, Guy, *Droit communautaire général,* 7 ed., Armand Colin, Paris, 1999.

15. LEBEN, Charles, *À propos de la nature juridique des Communautés Européennes*; *Droits*/ Revue Française de Théorie Juridique, 14 / *L'Europe et le droit*; PUF; Paris;1992, p. 61.

16. LOSANO, Mario G., *Un document fundamental pentru Uniunea Europeană: Constituţie sau tratat?;* (coord. şi traducere FORTIN, Simona; EREMIA, Mihail-Constantin); AUB Drept; anul LV, I -2005, p. 24.

17. MANZELLA, Andrea, "The Convention as a Way of Bridging the EU's Democratic Deficit", in *The International Spectator*; vol. XXXVII, no. 1, January- March 2002.

18. PRIOLLAUD, François; SIRITZKY, David, *La Constitution Européenne. Texte et commentaires*, La Documentation Française, Paris, 2005.

19. OSWALT, Walter, *Constitution Europénne. Non. Pour une alternative radicale*, trad. WINKEL, Eva Zum; TURKIS, Annabelle, Ed. Paragon/Vs, Lyon, 2005.

20. TĂNĂSESCU, Simina, "Despre autoritatea constituţională a unui tratat european", in *Sfera Politicii*, nr. 120-121-122, 2006.

21. WEILER, J.H.H., The Constitution of Europe. Do the New Clothes Have an Emperor? And Other Essays on European Integration; Cambridge University Press, UK, 2000.

ROMANIA – PART OF THE EU EASTERN FRONTIER: BETWEEN THE EUROPEAN UNION AND ITS NATIONAL INTEREST

Ana Maria GHIMIŞ*

Once it acceded to the EU, Romania has acquired a new status and, with it, a new responsibility. Since 2007, this state is the land border of the EU's Eastern frontier. Thus, among its national interests, we could mention ensuring its own national security by creating a regional high level of security. However, since the last enlargement round of the EU, its borders got closer to the Russian Federation. Russia continues to hold a monopoly on the European energy market and Romania, as EU member state, must rally to general decision of finding new supply routes. At bilateral level, relations between Bucharest and Moscow are far from producing security, as they have divergent points at the level of energy or missile defence shield.

Keywords: Romania. European Union; Eastern Europe; Russia; energy security.

Introduction

The last two rounds of enlargement – from May 2004 and January 2007 (10 +2) – has brought a major impact on the future of the organization. One important change can be found at the level of member states: from 15 in 2003, in 2007 they were 27 (therefore plus Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia, Slovenia, Bulgaria and Romania), fact that automatically affected the decision process making, as it is much easier to take a decision within 15 states, rather than among 27. This large number also put pressure on the communitarian institutions, that had to ensure the good functioning of the organisation. On the other hand, the European Union (EU) moved its border to its eastern side, which has affected the internal security level felt within the organisation. A new frontier, a new space adjacent to other means new threats or risks for its members. Moreover, we could say that these two enlargement rounds marked a shift in geopolitical reality of Europe after 1989, and states that were part of the former communist space have become de facto and de jure EU member states and others such as Ukraine, Belarus, Russia, or the Republic of Moldova became immediate neighbouring countries of the EU.

Presently, the European Union was very close to areas which were called "problem areas" of Europe especially in the East and Southeast part of the continent, because they revealed various threats and vulnerabilities, such as criminal activities, human trafficking, drug trafficking, illegal migration etc[1].

* Ana Maria GHIMIŞ is the Coordinator of the Research Section within the Center for European Policy Evaluation. Currently she is a PhD Candidate at Babeş Bolyai University, Cluj-Napoca. E-mail: anamaria.ghimis@yahoo.com

The hypothesis of the present paper is to analyze the dynamics of the bilateral relations between Romania – as a member state of the EU – and the Russian Federation. The relevance of this subject is especially important as the bilateral relation between the two countries has the potential to affect the security of the entire region. Whether we refer to the relationship between Romania and the Republic of Moldova, the Transnistrian conflict and its influence on the EU's Eastern border security, energy security of Europe and the new natural gas reserves discovered in the Black Sea, the European energy projects (Nabucco) and Russian projects (South Stream), diplomatic relations between Bucharest and Moscow are extremely complicated and involve many domestic factors (lack of confidence of decision-makers, national preferences directed to the West, the EU and NATO membership) and external (strategic partnerships with U.S. and Moldova).

From the methodological point of view, the present paper aims at developing an analysis of direct sources (strategies, speeches, treaties, press releases) and indirect ones (work content analysis of key theorists in the field). In addition, there will be taken into consideration an analysis in order to highlight the conceptual behaviour and attitudes of the Romanian state regarding its decisions taken as the national state, and a member of the EU vis-a-vis the Russian Federation.

1. The complexity of relations between the EU and the Russian Federation. The role of EU Member States

While it is an economic colossus, the EU produces only 43% of its gas. Out of the total imported quantity, 53% is imported from Russia, 32% from Norway and15% from Algeria[2]. Researchers at the International Energy Agency declared that the European natural gas production is expected to decrease in 2030 to 147 billion cubic meters (bcm). Along with this decline in production, the domestic demand for gas will increase, as it is expected to reach 25.7% (516 210ktoe) in 2030. Domestic production of the European states will not meet this increasing demand, as it will drop to 84 761 bcm in 2030, which translates into higher import volumes from third countries[3]. To all these economic fluctuations, we can add the political and strategic based Russian energy

policy vis-a-vis its main consumer. In this context, the EU has been forced to find new sources of supply, including Azerbaijan, which could supply Nabucco, the first European power project (the route to be followed: from "Azerbaijan through Turkey, Bulgaria, Romania, Hungary, to Austria, where it would be connected to the European gas transmission[4]"). Among the participating states in this project is also Romania, as a result of its national interests expressed in the EU, which came as a consequence of increased domestic demand for energy (20%). Another European project that is also involving Romania as a result of its national preferences is AGRI or "Azerbaijan Georgia Romania Interconnector". The project's objective is that Russian energy resources will be partially replaced by the Azerbaijani as they will be carried "on pipes up to a liquefaction terminal in Kulevi (port in Georgia, on the eastern shore of the Black Sea; the terminal is owned by Azeri SOCAR), from where it would be transported to a gas terminal in Constanta, from where it could go anywhere in Europe"[5].

Although desirable, the Russian Federation and the EU Member States are not part of a homogeneous system, but rather are parts of a heterogeneous one. All those agreements were not based on shared values that make up a homogeneous system, but rather on questions of common interests. For Russia the goals are different. Where the EU talks about partnership, Russia talks about its right to expand beyond its traditional role as an energy exporter. The security problem brings up many asymmetries. First, it is the import-export states asymmetry regarding cost differences. Secondly, we talk about the asymmetric relationship between the market and the government authorities over energy resources. Thirdly, there is a geopolitical imbalance that occurs in various roles, in which energy plays an important role in foreign policy strategies. The last point is easily subscribed by Russian Federation in its relationship with the EU.

EU is an example of integrated organization, but it seems that energy policy, although it has released an energy strategy and a directive on emissions' reduction and the increased use of renewable resources to 20% by 2020, is not consistent and efficient[6]. Firstly, the listed above documents are not part of hard law segment, but rather they are part of the soft laws. This is the main reason why they are not given an outstanding importance

from Member States. Such states tried to secure their access to resources thus unilaterally, fact that automatically affected the unitary and cohesive image of the EU[7].

The Russian Federation succeeded in dividing EU unitary position by using bilateral relations' strategy. More often, this division is perceived as new states vs. the old EU countries. However, the Russian authorities have managed to create several groups within the EU, which at the negotiating table have positive \ negative attitudes towards Moscow. There are five different groups, as follows.

The first one is called "Trojan horses" (until the economic crisis emerged, Cyprus and Greece were part of this group as they were willing to defend Russian interests). They are playing the role of Russia's voice within the EU. Even the slightest threat that may be perceived as such by the Russians as coming from Europeans was blocked by these countries. Cyprus maintained a favourable policy because Russia gave it some international protection. For example, Russia has blocked the UN decision which was condemning the actions of the Cypriot state of Northern Cyprus.

The second group is called "Strategic Partners". Membership of this group is easy to be guessed: Germany, Italy, France and Spain, which have a special bilateral relationship with Moscow, causing them not to project and support EU energy common policies. For example, nationally Germany is not interested in developing a European energy policy, as long as the Nord Stream pipeline was built specifically to link the Russian and German markets. Moreover, Gazprom recently announced offering discounts for 1000 cubic meters of imported gas[8].

The third group is called "Friendly Pragmatics", which consists of Bulgaria, Austria, Belgium, Finland, Hungary, Luxembourg, Malta, Portugal, Slovenia and Slovakia. This group is one of the most pragmatic ones, as in the absence of a truly common European policy on energy, they are not willing to give up their bilateral agreements with Russia, and thus, they are choosing to pursue their national interests. They try to maintain good bilateral relationships with Russia and put their economic interests on a higher level than the political ones. They are not promoters of policies that could encourage Russia, but they tend to prevent those that might irritate it, because most of these countries such as Hungary, Austria, Belgium,

and Bulgaria hope to become energy hubs for Gazprom in Europe. In this way, Bulgaria is a key state for Russia. It is an important state for the South Stream pipeline, which has already begun to be implemented. The pipeline is very important from the geopolitical standpoint of Russia, as a Nabucco's construction would be useless if South Stream is implemented[9]. Regarding Hungary, it was among the first countries with which Russia negotiated the reduction Nabucco's perspectives of implementation, if they proposed the extension of the Russian Blue Stream pipeline. However, this state has changed its position when the Russians decided the construction of gas storage facilities in Austria, and not in Hungary. Slovakia is also one of the countries which are 100% dependent on Russian energy.

The fourth group, "Frozen Pragmatists", consists of the Czech Republic, Denmark, Ireland, Latvia, Estonia, the Netherlands, Romania, Sweden and the UK. Here the economic interests prevail, but when given the opportunity, these states are not afraid to criticize Kremlin's administration on issues such as human rights. This group is usually passive, so it cannot be said that they are supporters of Russian policies[10]. The last group, the "New Cold Warriors", consists of countries like Lithuania. During time, it led a hostile policy towards Moscow. Often, it is prepared to use its veto power in order to block the EU's negotiations with Russia[11].

Thus, we can see two major trends: first, the European states see Russia as a potential partner, so they tend to keep it closer to the EU; second, the Member states would like to exclude Russia from G8, developing a energy NATO, because they see Russia as a threat to their security. The first one refers to drawing Russia into Europe, so as the Europeans to be able to impose by time their own pattern of policy. Then, once the Russians access the European energy market and become part of it, it is unlikely the other gas outages to take place as among those who lose are also the Russian firms. However, this model cannot be put in practice, as if the interdependence is to be implemented and to lead to stability, the two actors involved should agree to be subject of common rules and norms that cannot be changed unilaterally, fact that is very hard to become reality as Russia considers the law as an expression of power in a certain period of time[12].

Thus, the Russian Federation has realized a real success with its strategy "divide and conquer", at least for Europeans, who although are united in economic matters are a split block on Russian gas matters[13].

2. The status and the role of Romania in the context of EU relations with the Russian Federation

At the EU level, the Romanian national interests should be clearly outlined: taking into account that it is one of the countries that are found on the eastern border of the organization, its national interest is to develop positive relationships between the organization and the neighbouring states such as Ukraine, Moldova, Russia or Azerbaijan. Going by this logic, Romania was the supporter of the development and maintenance of positive partnerships between the EU and these countries. If the first three mentioned states, there are mainly security and securitization of the Eastern border of the EU reasons, in the other state's case, the interests are primarily economic ones. Following the European desire regarding energy independence, Romania was a promoter of a cohesive and consistent policy regarding energy independence, because this state has the potential to become an energy hub for the whole Europe. An example is the aforementioned project, AGRI (Azerbaijan-Georgia-Romania)[14]. Another example could be the European project, Nabucco, in which Romania is a partner state, but the chances of the project to be implemented are extremely low[15].

Officials from the OMV group said in March 2012 that a deposit of about 42-84 billion cubic meters of gas was discovered in the Black Sea. This discovery was made by the researchers from the OMV Petrom ExxonMobil Exploration and Production Romania. An important aspect is that these resources are under Romanian sovereignty whereas it is found in Romanian shore. In this way, the discovery has the potential to change the geopolitical and geo-strategic map of Europe in terms of energy security; however, we should not overlook the fact that the Russian energy giant, Gazprom, still holds 30% stake in OMV and the oilfields Company like Lukoil, has leased areas in the Black Sea region. Moreover, these resources cannot be exploited in the short term due to technical issues[16].

The Black Sea region has the capability to surprise by the fact that even now essential resources for the preservation and the economic development of Romania are still found beneath its waters. The gas deposit was discovered after the drilling operation Domino-1 made by those of ExxonMobil, the first deep-sea operation (over 3000 meters) off the Romanian coast. Domino-1 is located in the Neptun Block, 170 kilometres offshore, in a water depth of approximately 930 meters. If we refer to the quantities found, they are not negligible, even after a preliminary analysis, as quantitatively speaking, they are 3-6 times the annual consumption of Romania. In economic terms, that amount would ensure the independence of Romania in terms of energy in short and medium term. The Romanian state imports 30% of its gas necessary, with an annual production of about 14 billion cubic meters, of which last year: Petrom extracted 5.23 billion cubic meters (3% more than in 2010) and state-owned Romgaz produced amounts similar to those extracted by Petrom. Of the 30% Romania's imports about 4 billion cubic meters of natural gas come from the Russian Federation. The price for the Russian 1,000 cubic meters is the highest price across the European Union, $ 379. In addition, since April 1, 2012 the price was raised to $ 390 for the same amount. The reasons are understandable: although not officially, Romania is in a relatively grey area in terms of bilateral relations with its eastern neighbour, Russia, especially after the agreement it had signed with the U.S. regarding the anti-ballistic missile shield on its territory[17]. Russia's reaction was somewhat predictable, if we take into account that Romania was not present at the negotiating table between the U.S. and Russia on this subject. This correlated with the price that the Romanian state is paying for the Russian gas could lead to a political argument, fact that is actually a practice well known to Moscow. Although Gazprom officials said that the cuts made to other European countries are not applied on political grounds and that the price of gas paid by Romania is correct and is applicable to the corresponding formula of calculation, we can observe a significant difference at the level of existing prices to other EU countries like Romania's neighbour, Bulgaria, who recently received a discount of 11% for gas that is imported from Russia[18].

Returning to the energy resources found in the Black Sea, they are found as solid gas, there rep-

resent a major opportunity for Romania, but "it is too early for the evaluation and exploration in order to determine whether the Neptun block will ultimately prove commercially exploitable or not. However, if future work will confirm the technical feasibility and the commercial nature of the gas production in the depth of the Neptun Block, future investments in exploration and development phases could reach several billion dollars, and the first extraction could take place at the earliest the end of the decade" (the official release of the OMV group[19]). Moreover, there should not be neglected the fact that the Romanian state has already leased blocks in the Black Sea for several foreign companies: OMV Petrom (Austria, Russia by Gazprom), ExxonMobil (USA), Lukoil (Russia), Sterling Resources (UK) and MOL (Hungary)[20].

The increased level of security that can be felt at the eastern border is not only a desire belonging to the EU Member States, but also the neighbouring states[21]. We can identify eastern states like Ukraine, Georgia, Moldova that are interested in creating and promoting multilateral relations with the EU in order to develop and to maintain a partnership or perhaps even a possible future accession to the EU. The main countries that promote the Eastern dimension within the EU are mainly the new member states which adjoin the area such as Latvia, Estonia, Lithuania, Poland, and Romania. To be able to make such a policy visible and effective, those states have formed and negotiated their national interests, even formed a coalition to promote these ideas to get what Moravscik denoted to be a relative high bargaining power in negotiating with other Member States that had different interests and do not necessarily wanted the development and the allocation of European resources to such a policy[22]. Following these negotiations, in 2009, the Eastern Partnership was founded and it includes the six non-member Eastern states: Ukraine, Moldova, Belarus, Azerbaijan, Armenia and Georgia. The program also aimed to promote the implementation of free trade agreements, visa free regime and the establishment of economic agreements that are favourable for the eastern states, but also for the EU Member States[23]. These countries are strategic for the development of the region's military power. Ukraine is crucial also from an energy point of view given that on its national territory goes Druhzba, a Russian pipeline, which has the capacity to carry 80% of European

energy imports[24]. In 2005, the European Union has concluded with Ukraine an Action Plan that aims to develop relations based on cooperation between the two international players through gradual economic integration and political cooperation[25].

Moldova is a very important state for the national security of Romania and the European Union, because we cannot talk about the Eastern border security without mentioning Chişinău or Transnistrian conflict. This is the nearest frozen conflict that has the ability to produce insecurity in the region[26]. However, eastern states have declared more than willing to create a productive multilateral relationship with the EU in order to be assisted to resolve their security vulnerabilities that are arising from such conflicts. We could say that their attempt to approach the West is actually the balance of Moscow's influence in the area. In this way, in 2005 it was launched the EU Border Assistance Mission to Moldova and Ukraine (EUBAM) program that came "at the joint request of the Presidents of Moldova and Ukraine to the European Commission". This mission aims to strengthen "border management capabilities of its partners - customs and border guards, law enforcement bodies and government agencies in Moldova and Ukraine"[27]. To be able to ensure its own internal security, the EU needs to achieve the border's development in a manner as predictable as possible in terms of security.

Among the states which have greatly promoted this approach towards Moldova and the European structures is also Romania. Bucharest's reasons are almost predictable: firstly, our country has common borders with Moldova (Romania's border with Moldova represents 33% of Eastern European border). Then, in terms of vulnerability, it is the most active border after Hungary's, in terms of frequency of illegal actions, so that automatically the relative bargaining power of Romania within the EU increased in terms of developing positive relationships and cooperation with Moldova as a degree of insecurity felt here is automatically affecting the security of all Member States[28]. All these come as a result of Romania's national interests to Moldova, two countries with a bilateral strategic partnership. Thus, the two states have relations beyond the European umbrella agreements. An example of this would be the Romanian migration policy: short before joining the EU in 2007, all Moldovan citizens needed visas

and an invitation from a Romanian citizen to enter the national territory of Romania. This restrictive policy also stipulated that they could not stay longer than 90 days on Romanian territory. After 2008, thus one year after Romania's accession to the EU and the Russo-Georgian was, Romanian legal provisions for citizenship have undergone gradual relaxation in visa policy and the invitation provision was removed. Inevitably, the number citizenship demands have multiplied, so in 2009, 21299 Moldovan citizens have become Romanian citizens, while in 2008 only 4967 were granted to citizens. This policy leads us to the strategic ambivalence of Romania, on the one hand a national state that has its own national interests, regional or international, and Romania as a EU member state, thereby gaining another set of interests[29].

The national interest of Romania towards Moldova and an Eastern Europe that should be stable and secure, as well as a bilateral close relationship with U.S. policy had a significant impact upon the bilateral relations between Romania and the Russian Federation. Finding ourselves under the neo-realist logic, understanding the national interest in terms of security, Russia has seen Romania's commitment to NATO and the EU as an attempt to balance if regional power and also its nuclear power (when we refer to the anti ballistic missile defence system) so that the relationship between the two suffered a constant relegation. Russia sees the rapprochement between Bucharest and Chisinau in imperialist expanding terms, so an intrusion in its area of influence. On diplomatic level, although meetings were held between experts and policy makers, at the Presidential level meeting that took place was in 2008, thus, over time, the relations between the two entered into what today is called a grey zone. The political relationship was very productive for neither the economic one, given that fact that since April 1, 2013 the Romanian state pays for 1,000 cubic meters of Russian gas the highest price across the EU, although Gazprom reduced gas prices for several European countries such as Germany, France or Italy[30]. Relations continued to deteriorate, especially after Romania's acceptance to deploy the anti ballistic missile system on its territory, which was interpreted by Moscow as an imbalance in the balance of global nuclear powers. In response Russia threatened with a pre-emptive strike against Romania and Poland if

Obama does not accept Russia's conditions[31]. All these developments are in a total disagreement with the European security strategy, but also the national one, given the fact that these changes may cause a regional arm race, thereby creating a regional security environment that is precarious and unpredictable.

Conclusions

The year of 2007 meant for the EU another round enlargement, which brought much closer to European structures the Russian area of interest. This has automatically generated the need to adopt a clear position regarding the events from Georgia, Moldova and Ukraine. In turn, Romanian state continued to promote its national interests, preferring to support the democratic developments of these countries and their proximity to the EU. An area that is predictable, stable that is producing security is rationally preferable to those that are consumers of security, unstable and unpredictable. In this way, Romania will have to carefully manage its interests, given its double status. It should also not ignore its responsibilities, risks or vulnerabilities as a state border. A pre-emptive strike from Russia is highly implausible, but a defective bilateral relationship with this state is not beneficial for a medium power state that wants to become a regional power and an actor with greater relative bargaining power within the EU and NATO.

NOTES:

1 Artur GRUSZCZAK, "The securitization of the Eastern borders of the European Union. Walls or bridges?" (paper to the UACES 40th Annual Conference Exchanging Ideas on Europe: Europe at a Crossroads, Bruges, 6-8 September 2010), available at: http://www.uaces.org/pdf/papers/1001/gruszczak.pdf, accessed on 1 June 2012.

2 Jan KJARSTAD, F. JOHNSSON, "Prospects of the European gas market", *Energy Policy*, no. 35 (2007), pp. 869–888, Available at: http://www.sciencedirect.com/science/article/B6V2W-4JG5FNJ-1/2/7dfb25b6aeb9f0e8c2d05e414581287f , accessed on 20 Dec 2009, p. 873.

3 *Ibidem*.

4 "*Nabucco şi AGRI fără gaz*", *Focus energetic*, 23 January 2012, available at: http://www.focus-energetic.ro/nabucco-si-agri-fara-gaz-6529.html, accessed on 15 June 2012.

5 *Ibidem*

6 Amelia HADFIELD, *EU–Russia Energy Relations: Aggregation and Aggravation*, Journal of Contemporary European Studies Vol. 16, No. 2, 231–248, August 2008,accessed on 5 May 2010, available at: http://www.informaworld.com/smpp/content~content=a902117795~db=all~jumptype=rss p.233

7 Martin GRIFFITHS, 2003, *Relatii internationale: şcoli, curente, gânditori*, Bucureşti; Ziua, p. 62.

8 Mark LEONARD & Nicu POPESCU, *A Power Audit of EU-Russia Relations*, available at: http://www.fride.org/uploads/file/A_power_audit_of_relations_eu-russia.pdf, accessed on 18 April 2010, pp. 2.

9 *Ibidem*, pp. 30, 36-37.

10 *Ibidem*.

11 *Ibidem*.

12 *Ibidem*, pp. 38-48.

13 Stefano GUZZINI, *Realism şi relaţii internaţionale: povestea fără sfârşit a unei morţi anunţate: realismul în relaţiile internaţionale şi în economia politică internaţională*, Iaşi, Institutul European, 2000, p. 68.

14 Petre DUŢU, Cristina BOGZEANU, *Interesele naţionale şi folosirea instrumentelor de putere naţională pentru promovarea şi apărarea acestora. Cazul României*, Bucureşti, Editura Universităţii Naţionale de Apărare "Carol I , 2010, p. 51.

15 *Ibidem*.

16 Ana Maria GHIMIŞ, "România independentă energetic", *Politica sub lupa CEPE*, aprilie 2012, disponibil la: http://cepeoffice.files.wordpress.com/2012/04/politica-sub-lupa-cepe_aprilie.pdf, accessed on 11 Dec 2012.

17 *Ibidem*.

18 *Ibidem*.

19 Adina VLAD, Petrom şi Exxon confirmă: au descoperit în Marea Neagră gaze care ar acoperi până la de 6 ori consumul României, *Adevarul*, available at: http://adevarul.ro/economie/stiri-economice/petrom-exxon-confirma-descoperit-marea-neagra-gaze-acoperi-6-consumul-romaniei-1_50b9f1107c42d5a663ad1056/index.pdf, accessed on 11 Dec 2012.

20 Ana Maria GHIMIŞ, *op. cit.*

21 Dorin I. DOLGHI, Ioan HORGA, *Security approaches at the Eastern border of the European Union*, available at http://static.sdu.dk/mediafiles//A/7/7/%7BA776444F-7659-45F2-ACA2-3673DDFA8443%7DDorin%20I.%20DOLGHI%20&%20Ioan%20HORGA.pdf, accessed on 13 June 2012.

22 *Theories of European integration*, available at: http://www.oup.com/uk/orc/bin/9780199544813/bache3e_ch01.pdf accessed on 15 June 2012, pp. 13-14.

23 Ramūnas VILPIŠAUSKAS, *National preferences and bargaining of the new member states since the enlargement of the EU into the Central and Eastern Europe: the Baltic States – policy takers, mediators, initiators?* Available at http://euce.org/eusa/2011/papers/1h_vilpisauskas.pdf accessed on 14 June 2012, p. 27.

24 Daniel HAMILTON; Gerhard MANGOTT, *The New Eastern Europe: Ukraine, Belarus, Moldova* available at: http://transatlantic.sais-jhu.edu/publications/books/new_eastern_europe_text.pdf, accessed on 4 June 2012, p. 2.

25 *EU / Ukraine Action Plan*, available at http://ec.europa.eu/world/enp/pdf/action_plans/ukraine_enp_ap_final_en.pdf, accessed on 15 June 2012.

26 Nicu POPESCU, *Noile oportunităţi de soluţionare a problemei transnistrene prin mecanismele Europei modern*, Institutul de Politici Publice, September 26, 2003, available at http://www.policy.hu/npopescu/publications/ue_trans.pdf, accessed on 14 June 2012, p. 12.

27 EUBAM, available at: http://www.eubam.org/md/about/overview accessed on 15 June 2012.

28 STOLERIU, Oana Mihaela; GROZA, Octavian; DIMITRIU, Radu Ionut; TURCANASU, George, "Migrants and Borders. Romania and Moldova", *Visions of Europe at the European Union Eastern border*, available at: http://halshs.archives-ouvertes.fr/docs/00/63/82/53/PDF/EWP_migrants_borders_moldova.pdf Accessed on 15 June 2012. p. 3.

29 "Migrants and Borders Romania and Moldova". Available at: http://halshs.archives-ouvertes.fr/docs/00/63/82/53/PDF/EWP_migrants_borders_moldova.pdf accessed on 15 March 2013 pp.3, 6-7

30 Radu RIZEA, "Medvedev, Gazprom vice-president: Gazprom may become a partner in the Nabucco project". *HotNews*, 14 April 2008, accessed on 29 January 2012, available at: http://english.hotnews.ro/stiri-top_news-2798891-alexander-medvedev-gazprom-vice-president-gazprom-may-become-partner-the-nabucco-project.htm

31 "Russia threatens NATO with military strikes over missile defence system", *The Telegraph*, 23 Mai 2012, available at: http://www.telegraph.co.uk/news/worldnews/europe/russia/9243954/Russia-threatens-Nato-with-military-strikes-over-missile-defence-system.html#, accessed on 15 June 2012.

BIBLIOGRAPHY:

1. ***, *Theories of European integration*, Oxford University Press, http://www.oup.com/uk/orc/bin/9780199544813/bache3e_ch01.pdf

2. *** *Nabucco şi AGRI fără gaz.Focus energetic*. 23 January 2012, http://www.focus-energetic.ro/nabucco-si-agri-fara-gaz-6529.html

3.***, *Migrants and Borders Romania and Moldova*. http://halshs.archives-ouvertes.fr/docs/00/63/82/53/PDF/EWP_migrants_borders_moldova.pdf

4. DOLGHI, Dorin; HORGA, Ioan, *Security*

approaches at the Eastern border of the European Union, http://static.sdu.dk/mediafiles//A/7/7/%7BA776444F-7659-45F2-ACA2-3673DDFA8443%7DDorin%20I.%20DOLGHI%20&%20Ioan%20HORGA.pdf

5. DUŢU, Petre; BOGZEANU, Cristina, *Interesele naţionale şi folosirea instrumentelor de putere naţională pentru promovarea şi apărarea acestora. Cazul României*, Bucureşti, Editura Universităţii Naţionale de Apărare „Carol I", 2010.

6. *EU / Ukraine Action Plan*, http://ec.europa.eu/world/enp/pdf/action_plans/ukraine_enp_ap_final_en.pdf

7. GHIMIŞ, Ana Maria, "România independentă energetic", *Politica sub lupa CEPE*, April 2012, http://cepeoffice.files.wordpress.com/2012/04/politica-sub-lupa-cepe_aprilie.pdf

8. GRIFFITHS, Martin, "Relaţii internaţionale: şcoli, curente, gânditori", Bucuresti, 2003, editura Ziua.

9. GRUSZCZAK, Artur, "The securitization of the Eastern borders of the European Union. Walls or bridges?", (paper to the UACES 40th Annual Conference Exchanging Ideas on Europe: Europe at a Crossroads, Bruges, 6-8 September 2010), http://www.uaces.org/pdf/papers/1001/gruszczak.pdf

10. GUZZINI, Stefano, 2000, "Realism şi relaţii internaţionale: povestea fără sfârşit a unei morţi anunţate: realismul în relatiile internaţionale şi în economia politică internaţională", Iaşi, Editura Institutul European.

11. HADFIELD, Amelia, "EU–Russia Energy Relations: Aggregation and Aggravation", *Journal of Contemporary European Studies*, Vol. 16, No. 2, 231–248, August 2008, http://www.informaworld.com/smpp/content~content=a902117795~db=all~jumptype=rss

12. HAMILTON, Daniel; MANGOTT, Gerhard, *The New Eastern Europe: Ukraine, Belarus, Moldova*, http://transatlantic.sais-jhu.edu/publications/books/new_eastern_europe_text.pdf

13. KJARSTAD, Jan; JOHNSSON, F., "Prospects of the European gas market*", *Energy Policy* no. 35, 2007, pp. 869–888, http://www.sciencedirect.com/science/article/B6V2W-4JG5FNJ-1/2/7dfb25b6aeb9f0e8c2d05e414581287f

14. MARK Leonard; POPESCU, Nicu, *A Power Audit of EU-Russia Relations*, http://www.fride.org/uploads/file/A_power_audit_of_relations_eu-russia.pdf

15. POPESCU, Nicu, "Noile oportunităţi de soluţionare a problemei transnistrene prin mecanismele Europei modern", *Institutul de Politici Publice*, 26 septembrie 2003, http://www.policy.hu/npopescu/publications/ue_trans.pdf

16. RIZEA, Radu, "Medvedev, Gazprom vice-president: Gazprom may become a partner in the Nabucco project", *HotNews*, 14 April 2008, http://english.hotnews.ro/stiri-top_news-2798891-alexander-medvedev-gazprom-vice-president-gazprom-may-become-partner-the-nabucco-project.htm

17. Site-ul oficial al Misiunii Uniunii Europene de Asistenţă la Frontieră în Moldova şi Ucraina (EUBAM), http://www.eubam.org/md/about/overview

18. STOLERIU, Oana Mihaela; GROZA, Octavian; DIMITRIU, Radu Ionut; TURCANASU, George, "Migrants and Borders. Romania and Moldova", *Visions of Europe at the European Union Eastern border*, http://halshs.archives-ouvertes.fr/docs/00/63/82/53/PDF/EWP_migrants_borders_moldova.pdf
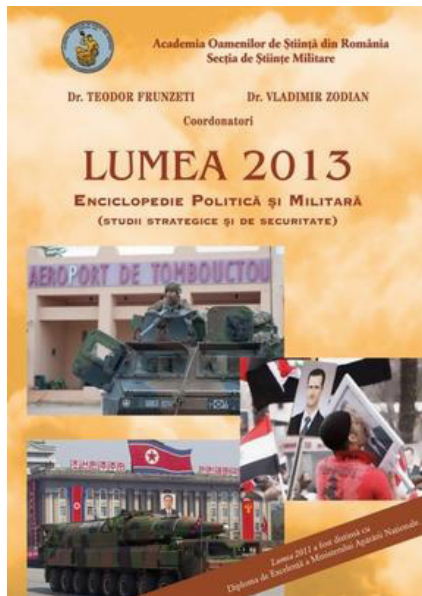
19. VILPIŠAUSKAS, Ramūnas, "National preferences and bargaining of the new member states since the enlargement of the EU into the Central and Eastern Europe: the Baltic States – policy takers, mediators, initiators?", http://euce.org/eusa/2011/papers/1h_vilpisauskas.pdf

20. VLAD, Adina, "Petrom si Exxon confirma: au descoperit in Marea Neagra gaze care ar acoperi pana la de 6 ori consumul Romaniei", *Adevărul*, http://adevarul.ro/economie/stiri-economice/petrom-exxon-confirma-descoperit-marea-neagra-gaze-acoperi-6-consumul-romaniei-1_50b9f1107c42d5a663ad1056/index.pdf

21. WATERFIELD, Bruno, "Germany and France strike deal to rescue Greece from debt crisis", *The Telegraph*, 11 Feb 2010, http://www.telegraph.co.uk/finance/financetopics/financialcrisis/7213220/Germany-and-France-strike-deal-to-rescue-Greece-from-debt-crisis.html

22. WATERFIELD, Bruno, "Russia threatens NATO with military strikes over missile defence system", *The Telegraph*, 23 May 2012, http://www.telegraph.co.uk/news/worldnews/europe/russia/9243954/Russia-threatens-Nato-with-military-strikes-over-missile-defence-system.html#

WORLD 2013.
POLITICAL AND MILITARY ENCYCLOPEDIA
(STRATEGIC AND SECURITY STUDIES)

A new volume in the series entitled *Lumea (World)* – of encyclopedias of security and defence, coordinated by. Lieutenant-General professor Teodor FRUNZETI, PhD, commandant and rector of "Carol I" National Defence University and Mr. Vladimir ZODIAN, PhD – was printed at RAO Publishing House.

The series is part of a tradition demarche, initiated in 2005 by the two coordinators, who, over the nine years were joined by a group of experts, established or aspiring in the field of security studies. In this edition contributed: Alexandra SARCINSCHI, PhD; Cristian BĂHNĂREANU, PhD; Cristina BOGZEANU, Mihai V. ZODIAN, PhD; Corina GHEORGHE, PhD; Şerban PAVELESCU, PhD; Sebastian OPRESCU; Cristian ARITON; Şerban V. ZODIAN; Maria POSTEVKA; Ruxandra M. VIDRAŞCU; Liviu TOADER; George NECULA-SPIRU; Alexandru CRISTIAN.

The Encyclopedia, published under the auspices of the Academy of Scientists from Romania, Department of Military Science, occupies an appreciated place among local specialty publishing environment, achieving, so far, two awards: "Marshall Constantin Prezan" prize, granted by the Academy of Scientists from Romania for *Lumea 2009* and Diploma of Excellence of the Ministry of National Defence for *Lumea 2011*.

The current edition is the fifth and retains its encyclopaedic character, proposing to the interested public a work that approaches systematically and thoroughly both current notions and concepts in the field of security studies and an analysis of the interdisciplinary nature of the main regions of the world.

The tome is divided into two parts – *Security Studies*, respectively *Regional analyses and case studies*, the issues being treated in continuity of political-military, economic and social developments, sometimes addressing the historical specificity of analysed situations and events.

The first part of the work – *Security Studies* – is dedicated, as the name points out, to security studies, being analyzed, over ten chapters, current concepts like *smart defence*, hierarchy and balance of power, global governance, and the most important actors in the international environment security – NATO, EU, US, Russian Federation etc. Common assumption of the studies from the summary of this part is that the international security environment is characterized, mainly, by permanent and fundamental change of its features, which gives it new attributes of complexity and dynamism, determining international actors to seek innovative ways of managing security and defence, remaining, still, quartered in the current scientific paradigm. Thus, there appear

aforementioned concepts: *hierarchy and balance of power*, concepts that retain their timeliness, but suggest the changing polarity of the international system; *smart defence*, illustrating the need for some form of cooperation in defence by merging financial resources for the purchase of very expensive military equipment and its joint use at NATO level; *global governance*, concept that has been brought to the forefront of recent debates by challenges arising in to the international security environment, among these the decline of hegemons, erosion of borders, excessive urbanization and creating conditions for challenging state authority, increased separatist and fragmentation tendencies, proliferation of weapons of mass destruction, failed states, persistent poverty, large-scale humanitarian crises etc.

Also, this part includes a detailed analysis of the global economic situation, but also the political and military, based on several case studies on key state international actors such as the US or Russia, and a review of actions of the main international security organizations – the UN, NATO, or the EU, paying attention to interferences of Euro-Atlantic security, the Mediterranean and South Caucasus.

The second part of the work – *Regional analysis and case studies* –, having eight chapters, includes regional security developments, regional analyses and case studies, focusing the analysis on "hot" areas in the world – the Great East, India, Asia, Africa, Latin America. This part of encyclopaedia also features a calendar and an analysis of key events that took place until the end of 2012, organized in areas of strategic interest – Middle East, Africa, East Asia and South-East etc.

According to the analysis conducted by the authors, 2011-2012 period has seen significant changes in global, regional and national levels in both economic and social fields and in the political and military, the countries of East Asia and South-East becoming, in their view, a second economic pole, and perhaps even military, in the world, competing with the Euro-Atlantic area.

The papers deal with each region and each actor in turn individually, and they considered the political-governmental local and regional context and the effects of their actions on regional and global security. Equally important in the analysis of the security state was emphasizing the importance of economic factors in terms of benefits, and also the negative consequences of the economic crisis caused by major economic and financial organisms, including on the level of security.

Coordinators conclusion is that if current trends of globalization and regionalization will remain, the world 2013 will bring a number of surprises, among the most important being the scale that the regionalization process will gain, in return for the globalization, finally reaching to "more regionalism than globalization".

By printing the volume, for the first time, at a prestigious publishing house that does not belong to the military, providing thus a greater opening to the public, coordinators wished to support those who, through their professional or the educational activity are interested in the fields of international relations, security and defence.

I would conclude by quoting Theodore Parker, who said "Books that help you most are those which make you think the most." And this work falls into this category – it provokes and determines us to think and, equally, to ask ourselves questions.

Stan ANTON, PhD

ACTIVITIES OF THE CENTRE FOR DEFENCE AND SECURITY STRATEGIC STUDIES

APRIL – JUNE 2013

In this quarter, took place a series of important activities involving researchers from the Centre for Defence and Security Strategic Studies.

Thus, we must remember the round table *Romanian - Israel military relations* on the 11th of April 2013, organized to commemorate the 65th anniversary of the Israel establishment. To this event participated, from the State of Israel, members of this State Embassy in Bucharest, as well as representatives of the Hebrew Community of Romania. They presented a series of communications that focused the Romanian-Israeli military relations supported by researchers from CDSSS and the Institute for Defense Political and Military History Studies, teachers from NDU "Carol I" and representatives of the Ministry of National Defense.

On CDSSS agenda, one of the most important and traditional activities organized was the scientific seminar with international participation, on the thirteenth edition, held on 30th of May 2013. This year's theme was *The Impact of European Union Member States' Status and Roles Upon European Security Evolution.* On this activity, a lot of personalities participated from the Ministry of National Defense, Ministry of Foreign Affairs, Ministry of National Education, Ministry of Internal Affairs, researchers and teaching staff from higher education institutions, military and civilian, and other personalities of Romanian and Bulgarian scientific community. The seminar highlighted the active involvement of our country in the debates on the reform of European institutions and policies, including the process of European Security Strategy updating. These issues were presented in detail by the Chief of General Staff, Lieutenant General Ştefan DĂNILĂ, PhD. and the Secretary

of State in the Ministry of Foreign Affairs, Associate Professor Bogdan Lucian AURESCU, PhD. It was also discussed the evolution of Security and Defense Policy, the guests from the "GS Rakovsky" National Defence Academy in Bulgaria, stressing the idea that the future success of this policy depends on the agreement of all Member States on issues such as environmental security situation, its trends, the EU role, methods, means and conditions of using the armed force.

The dialogue and discussions generated during the seminar certainly contributed to their understanding, knowledge and the dissemination of ideas and constructive opinions. There were logical arguments, sometimes putting on polemic accents, inherent to a scientific debate that brought more originality, being understood as so many attempts to suggest future reflecting concern fields. The papers presented at the seminar are published in full in this edition of Strategic Impact.

For better scientific research cooperation with the neighbor countries, this June, CDSSS received the visit of a delegation of the Center for Defence Strategic Studies of the Public Service University in Budapest, Hungary, led by Peter TALAS, PhD., director of the institution. On this occasion, they discussed the possibility of some cooperation arrangements such as scientific activities co-organization, promoting some joint projects, partnerships within the exploratory workshops and the "Horizon 2020" programme.

The latest study published in the Centre for Defence and Security Strategic Studies is *Asymmetric or hybrid threats: conceptual landmarks for the foundation of national security and defence*, whose author is Petre DUȚU, PhD.

The activity with the largest scope, organized by CDSSS, *STRATEGIES XXI International Scientific Conference* with the theme *The complexity and dynamism of the security environment* will be organized this year on 21st-22nd of November. Persons interested in participating are expected to subscribe to this activity. Detailed information is displayed on the website of the conference at http://www.strategii21.ro/index.php/ro/conferinte-strategii-xxi/centrul-de-studii-strategice-de-aparare-si-securitate or on CDSSS website at http://cssas.unap.ro/index_en.htm.

Irina TĂTARU, PhD

CONCLUSIONS OF THE SEMINAR WITH INTERNATIONAL PARTICIPATION ORGANISED BY CDSSS ON MAY 30, 2013

The seminar with international participation The Impact of European Union Member States' Status and Roles Upon European Security Evolution is part of a series of traditional scientific events, initiated ten years ago by the Centre for Defence and Security Strategic Studies from the National Defence University "Carol I" .

Thus, every year in May, CDSSS brings together under a very present theme both the academic community and professionals with extensive experience in the security and defence field, from Romania and abroad.

This year, the theme was part of the EU and Member State efforts to chart the development directions of the *European Security Strategy* of 2003 and also of the *EU Internal Security Strategy* in 2010, in close correlation with the conditions induced on the one hand by the EU enlargement, and on the other hand by the challenges specific to the regional and global security environment of this century.

Our hopes in achieving the goals of this scientific event have been circumscribed in need of co-opting the research effort of some specialists and practitioners in the security and defence field, mentioning that the topics covered in the seminar are essential for understanding the phenomenon of contemporary security. The seminar organized by CDSSS aimed to contribute to the development of public debates on the theme of European security,

the relationship between EU Member States and the way in which the national interests are projected and reflected in the Common Security and Defence Policy. In this regard, discussions were focused on the role of the national state in ensuring the European security, highlighting the need to focus the efforts of Member States in promoting both the national and European interests.

The multilateral and, one would say, multidisciplinary character of the seminar, which resulted from the themes approached by our guests, is justified by the need for a comprehensive approach of the analysis of the factors which influence the European security, of the states role and contribution to ensure a level of security that allows the social-economic development of the Union.

As for Romania, the seminar emphasized the active involvement of our country in the debates on the reform of European institutions and policies, including the process of updating the European Security Strategy. These issues have been widely presented by the Chief of General Staff, Lieutenant General Ştefan DĂNILĂ, PhD. and State Secretary of at the Ministry of Foreign Affairs, Associate Professor Bogdan Lucian AURESCU, PhD. It was also discussed the evolution of Common Security and Defense Policy, our guests from National Defence Academy "G.S. Rakovsky", Bulgaria, stressing the idea that the future success of this

policy also depends on the agreement of all Member States on issues like the security environmental situation, its trends, the EU role and when and how to resort to armed force.

We may summarize two main premises from which the speakers started in the debates. The first one refers to the fact that the rule of law still remains one of the European Union principles, and the second underlines the dynamic nature of the international security environment of the twenty-first century. Currently, the international security environment has a series of major changes, under the influence of strategic shock represented by the global financial and economic crisis, political movements in North Africa and Middle East, with great impact on the parameters defining the European security. From this perspective, the dynamic of the relations between the EU Member States has, in our opinion, an important role in building the European security context. Thus, here comes the importance of the idea of combining the Member States efforts with the ones of the European institutions, in order to answer the new challenges that exceed the response national or bilateral capabilities. An example illustrating exactly this situation is the one raised for discussion by the Director of the National Anti-drug Agency, police quaestor Sorin OPREA, about the manner in which the national Anti-drug policies are correlated with those of the Union for Europe's security.

We appreciate that the status of participants in this conference, the institutions represented, the quality of ideas revealed on this occasion, and, not least, the meanings conferred on our approach, would constitute an appropriate message of perceiving the sizes and framework of the European security development, with its limits and merits in terms of a history of over half a century, of a complex and sometimes contradictory present, and, especially, of a future characterized by uncertainty. Here is an argument of strict actuality, which proved that dialogue and scientific debate on this subject are equally interesting for the responsible institutions and practitioners, and also for the academic community, common interest and objective requirement of a scientific approach anchored in reality.

From the scientific point of view, the importance of the seminar consists in the following aspects:

- first, the contribution brought by the communications of our guests, famous personalities from the areas related to security; every year we invited personalities of Romanian Parliament, Ministry of National Defence, Ministry of Foreign Affairs, Ministry of Internal Affairs, Romanian Intelligence Service and other important institutions of the state;

- second, the added value given by the debates that followed the presentation of scientific communication;

- third, the opening to suggestions of topics that must be taken into consideration in future by the CDSSS researchers.

The dialogue and discussions generated during the seminar certainly contributed to the effort of understanding and knowledge, and the dissemination of some constructive ideas and opinions. There were presented logical arguments, and also polemical overtones, inherent to a scientific debate, which brought more originality, being understood as so many attempts to suggest problematical fields of reflection for the future.

GUIDELINES FOR FOREIGN AUTHORS

We welcome those interested in publishing articles in the bilingual scientific magazine *Strategic Impact*, while subjecting their attention towards aspects to consider upon drafting their articles.

ARTICLE STRUCTURE

• Title (centred, capital, bold characters).

• A short presentation of the author, comprising the following elements: given name, last name (in capital letters, to avoid confusion), e-mail address, main institutional affiliation and position held, military rank, academic title, the field of PhD title or PhD candidate (if applicable), city and country of residence.

• A relevant abstract, which is not to exceed 150 words (italic characters).

• 5-8 relevant key-words (italic characters).

• Introduction / preliminary considerations.

• 2 - 4 chapters, subchapters if needed.

• Conclusions.

• Tables / graphics / figures shall also be sent in .jpeg / .png. / .tiff. format. Below will be mentioned "Table no. 1, *title*" / "Figure no. 1 *title*"; the source, if applicable, shall be mentioned at the bottom of the image.

• References shall be made according to academic regulations, in the form of endnotes. All quoted works shall be mentioned in the references, as seen below. Titles of works shall be written in the language in which they were consulted.

Example of book: Joshua S. GOLDSTEIN; Jon C. PEVEHOUSE, *International Relations,* Longman Publishing House, 2010, pp. 356-382.

Example of article: Teodor FRUNZETI; Marius HANGANU, *New Paradigms of Armed Combat and their Influence on Military Forces' Training*, in Strategic Impact, no. 4/2011, pp. 5-15.

Electronic sources shall be indicated in full, at the same time mentioning what the source represents (in the case of endnotes, the following mention shall be made: accessed on month, day, year).

• Bibliography shall contain all studied works, numbered, in alphabetical order, as seen below. Titles of works shall be written in the language in which they were consulted.

Example of book: GOLDSTEIN, Joshua S.; PEVEHOUSE, Jon C., *International Relations,* Longman Publishing House, 2010.

Example of article: FRUNZETI, Teodor; HANGANU, Marius, *New Paradigms of Armed Combat and their Influence on Military Forces' Training*, in Strategic Impact, no. 4/2011.

Electronic sources shall be indicated in full, at the same time mentioning what the source represents.

ARTICLE LENGTH may vary between 6 -12 pages (including bibliography and notes, tables and figures, if any). Page settings: margins - 2 cm, A 4 paper. The article shall be written in Times New Roman font, size 11, one line spacing. The document shall be saved as Word 2003 (.doc). The name of the document shall contain the author's name.

SELECTION CRITERIA are the following: the theme of the article must be in line with the subjects dealt by the magazine: up-to-date topics related to political-military aspects, security, defence, geopolitics and geostrategies, international relations, intelligence; the quality of the scientific content; originality of the paper; novelty character – it should not have been priorly published; a relevant

bibliography comprising recent and prestigious specialized works; English language has to correspond to academic standards; adequacy to the editorial standards adopted by the magazine. Editors reserve the right to request authors or to make any changes considered necessary.

THE SCIENTIFIC EVALUATION PROCESS is developed according to the principle *double blind peer review*, by university teaching staff and scientific researchers with expertise in the field of the article. The author's identity is not known by evaluators and the name of the evaluators is not made known to authors. Authors are informed of the conclusions of the evaluation report, which represent the argument for accepting / rejecting an article. Consequently to the evaluation, there are three possibilities: a) the article is accepted for publication as such or with minor changes; b) the article may be published if the author makes recommended improvements (of linguistic nature or of content); c) the article is rejected. Previous to scientific evaluation, articles are subject to an *antiplagiarism analysis* (for details, see www.strikeplagiarism.com).

DEADLINES: authors will send their articles in English to the editor's e-mail address, **cssas@ unap.ro**, according to the following time schedule: 15 December (no. 1); 15 March (no. 2); 15 June (no. 3) and 15 September (no. 4). If the article is accepted for publication, an integral translation of the article for the Romanian edition of the magazine will be provided by the editor.

Failing to comply with these rules shall trigger article's rejection.

Authors are fully responsible for their articles' content, according to the provisions of *Law no. 206 / 2004 regarding good conduct in scientific research, technological development and innovation*. Published articles are subject to the Copyright Law. All rights are reserved to "Carol I" National Defence University, irrespective if the whole material is taken into consideration or just a part of it, especially the rights regarding translation, re-printing, re-use of illustrations, quotes, dissemination by mass-media, reproduction on microfilms or in any other way and stocking in international data bases. Any reproduction is authorized without any afferent fee, provided that the source is mentioned. *Sending an article to the editor implies the author's agreement on all aspects mentioned above.*

For more details on our publication, you can access our site, http://cssas.unap.ro/en/periodicals. htm or contact the editors.