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**THE EVOLUTIONS OF THE RELATIONS BETWEEN THE EUROPEAN
UNION AND ROMANIA - FROM THE PROCESS OF ACCESSION
TO THE CONDITION OF MEMBER STATE**

Abstract

By redirecting Romania to the Euro-Atlantic structures and by redefining the EU's objectives allowed Romania's gaining the condition of member state of the EU, Romania has become the seventh state of the EU as dimension.

Romania's accession to the EU has proceeded to reinforcement of the country's position in the worldwide economic background and for the EU it has brought a larger common market, as well as the riparian status of the Black Sea region, with a high relevance for the external and defense policy of the EU as well as a series of economic projects, especially present energetic ones.

So, Romania is expected to promote the EU's interests in the region, but it is questionable whether it will be able to stand up the expectations.

Key words : European integration, EU-Romania, EU accession;

I. The impact of the collapse of the communist regime on the relations with the European Communities/European Union

The collapse of the communist regime and the removal of the strictly practiced influence of the URSS on the satellite states have permitted Romania to fundamentally redirect its external policy and start a policy of opening and collaboration with EC/EU, these becoming, after 1989, the main economic partner.

Like all the central and east-European past communist countries, Romania has crossed "*the long way of capitalism to capitalism through communism [1]*" and, at the beginning of the 90s it had to redefine the political and economic options.

The economic evolution has been accompanied by political-military transformations which have affected the European continent in a much bigger way than the other people. For example, the dissolution of CAER and Warsaw has had numerous repercussions on the adjacent countries, because the United States have gained new military influence zones. Signing the Partnerships of Peace (Romania has been the first East-European state which signed the Partnership with NATO) has meant "*the open expression of the wishes of the East-European states to liberate themselves from the military point of view from the influence*

zone of URSS, and the accession to the military structures of the European Union, at the beginning of the 1990s has stressed this decision [2]".

Romania has officially acknowledged the European Communities even from the first months of 1990 and on 14th April 1990 the first ambassador of Romania has been accredited under the community bodies from Brussels.

This evolution has come true by concluding a Trade and Cooperation Agreement signed on 22nd October 1990 at Luxemburg, and the effectiveness of this agreement, produced on 1st May 1991, has led to eliminating the discriminating quantitative restrictions and their gradually abolishment to Romania's imports from the European Communities. The collapse of CAER (the commercial zone of the socialist block) has brought a rapid - but not abrupt - reorientation of the Romanian trade to the EU, phenomenon which is characteristic to all the other countries from Central and Eastern Europe.

Until the end of 1991, all Central and East-European countries, including URSS, have concluded such "first class" agreements with the EC.

These agreements have represented a first stage necessary in the further development of the relations with the EC even if they stipulated only a reduced liberalization of trade. The Trade and Cooperation Agreements have blazed the trail of the negotiations led within the framework of the meetings of the reunited committees and the PHARE program, leading to the second class of association agreements, concluded between 1991 and 1993.

II. The association agreement or the beginning of the process of Romania's European integration

2.1. Pre-requisites of concluding the Association Agreement

The political, economic and social evolutions unleashed in Europe as a result of the revolutions from the Eastern and Central part of the continent during 1989-1991 have had a decisive impact on the inter-European and global relations[3].

The events happened in this period have changed the history. The idea of a new extension of EC to Eastern and Central Europe has not been rejected; on the contrary, it has been regarded as a chance to realize "*an integrated Europe from the Atlantic to the Urals*", as the French president de Gaulle used to say years ago. The idea of extension has been present on the level of testimonies and political discussions; although on the declarative level the positions of the European officials were for the idea of a new extension, the positions of the member states

were not the same, but sometimes contradictory, especially regarding the concrete conditions and the moment when the accession is to happen.

But completing the process of accomplishing the common market, the political union and the beginning of achieving the Economic and Monetary Union by signing the Treaty of Maastricht[4] and in accordance with the ambitious ideas promoted through Treaty of Rome and Single European Act, the European Union redefines its priorities[5]. In this way, the Treaty of Maastricht represents a turning point in defining the future objectives and what is to become the community site[6].

The principle of extension has been sanctioned in 1993, in Copenhagen, when it was officially decided that EU would be "opened" to the new democracies. Moreover, it has been strengthened at the European Council of Essen (1994), when it was elaborated the strategy of pre-accession, and then at Cannes and Madrid (1995), when to the strategy of Essen there has been added a concrete plan of integration in the Common Market, on the one hand, and, on the other hand, there has been stated the principle of equal opportunities for all the nominees.

The events that happened in 1990, in Eastern Europe, as well as the resolute option that the Eastern countries have directly expressed regarding the integration in the European structures have taken by surprise the member states and the authorities of the EU. As a result, their reaction has not been prompt and well defined. The attitude of the EU has not been well expressed, but, as the process was running, it was mostly formed and defined as "ad hoc".

The solution was the association agreements, as a proper frame for the relations of CCEE[7], as the British govern first suggested in November 1989. In the next month, the European Council of Strasbourg has agreed to elaborate "a suitable way of association", and the General Direction of External Relations has rapidly designed a large frame. Subsequently, the Dublin European Council has easily approved the creation of "the European Agreements" for the leaders of the reform as "*a new type of association agreement, part of the new kind of relations in Europe*"[8].

Analyzing the situation from Romania's point of view, it has preferred the integration in the European and Euro-Atlantic structures and its option has been accepted by all the political forces of the country[9]. For this reason, since January 1991, Romania has enjoyed the PHARE program, through which it has received technical and financial support in the most important spheres of the economy. During 1991-1993 the Communities have granted 360 millions to

Romania through PHARE program and it has become the second beneficiary after Poland[10].

2.1. The political, economic and juridical implications of the Association Agreement

The peculiarity of the European integration process has determined the endorsement of a large number of community acts necessary in order to create the European Union, through which it was created the Monetary and Economic Union, the Political Union. As a consequence, it was necessary an earnest briefing of the states which expressed their intention to join.

In this context, the European Union has created the European Association Agreements as basic juridical instruments concluded between EU and the states willing to join.

"The Association Agreements of second class" called also "the European Agreements" have been conceived to represent the main frame of the relations between the European Community (subsequently the European Union) and the states from Central and Eastern Europe until their accession to the EU.

In May 1991, Romania has referred an official request in order to begin the negotiations for the accession to EC and as a result, in December 1991, in Bucharest, there were started explorer discussions regarding the conclusion of an "**European Act of Romania's Association to EC**".

The proper negotiations took place during 6 rounds (May - November 1991) and ended by completing the Association Agreement on 17th November 1992 and signing it on 1st February 1993. In the meantime, there has been negotiated and signed an Acting Agreement of applying the commercial provisions. The European Association Agreement was ratified by the Parliament of Romania in March 1993, and after a few months (May 1993) its commercial component part came into effect (through the Acting Agreement), followed by the Agreement on the whole, on 1st February 1995. Thus, Romania has become the forth East-European member as a state associated to EC after Poland, Hungary and Czechoslovakia. Since 1991, there were also signed treaties with Slovenia, Bulgaria, Estonia, Leetonia and Lithuania, which added to the treaties which had been previously signed with Turkey (1963), Malta (1970) and Cyprus (1972).

For Romania, substituting the old Cooperation and Trade Agreement with the Association Agreement is considered to be, both from the political and economic point of view, the first important step in the process of "returning to Europe".

On 1st August 1996 came into effect the Protocol additional to the European Association Agreement which was signed on 30th June 1995, regarding the opening of the European Union's program to Romania in order to supervise the way how the European Association Agreement is being implemented.

The juridical foundation of these agreements is the article 310 TEC (238 EC), which stipulates the Community's possibility to conclude agreements with a third parties - state or international organization - through which is created an association of states with mutual rights and duties, through common actions and specific procedures[11].

Practically, most of the Association Agreements have also commercial components (like tariff discounts or the elimination of quantitative restrains), and thus, its juridical basis includes also article 133 TEC and, sometimes, article 308 TEC[12].

The association agreements can be included in the category of the "joined agreements", because they do refer not only to the economic problems, but also to the political ones and other domains towards which the Community does not have purposeful or implicit powers. In the case of these joined agreements, the member states of the EU are partners both individually and together. That is the reason why it is necessary that the agreements to be ratified by the European Parliament, the parliaments of every member state of EC and the parliament of the associated states. In the case of Romania and Bulgaria, the procedures of ratification have been ended in 1994[13].

The general principles which define the association relations, gathered in the Association Agreement of Romania, follow the idea of legality, the observance of human rights, the political pluralism and the market economy.

"The Association Agreement establishing an association between Romania, on the one side, and the European Communities and their member states, on the other side" is meant to *"assure a proper frame for the political dialogue between the parts", (...)* *"the trade development and the harmonization of the economic relations"*, the growth of cooperation in the economic, social and cultural domain, a more substantial support for Romania in trying to develop the market economy and the democratic system, the assurance of a frame for the gradual integration of Romania in the EU[14]. The preamble of the agreement also contains the firm commitment of respecting and applying by all the contracting parts all the principles and provisions in the final Act of CSCE, the final documents from Vienna and Madrid, the Chart from Paris for a new Europe, the final document of the meeting from Helsinki, entitled *"The Challenges of Change"*, and in the European Chart of power.

Associating Romania to the EU has meant, from the economic point of view, creating an area of free exchange, economic and financial cooperation, in order to support reorganizing the Romanian economy, and from the political point of view, creating an institutional frame in order to realize a permanent political dialogue between the parts.

In accordance with the objectives of the European Union and Romania, this Agreement contains provisions regarding the elaboration of some common policies aiming at the progressive comparison of the levels of the economic development, in a Union where the principles of loyalty and solidarity must work. These common commercial policies refer to: free traffic of goods, traffic of workers, supply of services between the Community and Romania, actual payments and the movement of the capital, competition and economic cooperation.

1. *Free traffic of goods* requires the creation of a Custom Union, an area of free trade of non-sensitive[15] goods based on the mutual and well-balanced duties which will be gradually established after a transitory period, of at the most 10 years divided in two successive stages, each of them lasting, theoretically, 5 years.

The transition period was characterized by asymmetry in according concessions to the parts, which came true by the fact that, while the Union was making its commitment in the first stage, Romania was applying it in the second stage. However, the economic balance of the Union with Romania is going to remain mostly positive.

The agreement stipulates also that, since the effectiveness, in the trade between Romania and the Community will not be introduced new custom duties or quantitative restrictions on import and export, and those that are applying will not be of a majority. The two parts will refrain from any measure or practices of intern taxation, which would, directly or indirectly, introduce discrimination among similar original products from other countries.

The contracting parts engaged themselves to refrain from introducing regulations which would contradict the provisions of this Agreement until its effectiveness. Moreover, they expressed their reserve that, during the transition period, they would act in concordance, depending on the concurrence of events from the spheres aimed at, in order to reduce periodically and analyze the mutual concessions, including speeding up the time of their application.

2. *Traffic of workers* requires that the treatment offered to the Romanian workers, legally hired on the territory of a member state, should exclude any

discrimination based on nationality, and in what are concerned the conditions – remuneration, hiring, other conditions of work or hiring. These regulations are based on the community legislation[16] which stipulated the abolition of the restrictions of traffic and residence in the EU for the workers of the member states and their families[17].

3. *The supply of services* between the Community and Romania requires the hiring of the two parts in order to be adopted the necessary measures that would permit progressively the supply of services by the companies and their citizens.

For this reason, Romania engaged itself that – during the transition period – its legislation should be progressively adapted, including the administrative and technical rules, to the community legislation from air and land transport, as long as it facilitates the mutual access to the market of the parts.

4. *Actual payments and the movement of the capital*. Through the Association Agreement it was established that, during the first 5 years, the parts should adopt measures that would permit the creation of the necessary conditions for the gradual application of the Community's rules concerning the free traffic of capital.

The liberalization of the traffic of capital is connected to the problem of payments and the currency convertibility, creating the competitive financial spheres in the associated states which will be tackled in the first stages after the effectiveness of the association agreements. In the second stage, the parts will take measures in order to create the necessary conditions for the gradual application of the community rules in what is concerned the free traffic of capital.

The parts are forced to authorize, in the available convertible currency, any payment from the current account of the balance of payments, when is concerned the traffic of goods, services and individuals among the parts, which has been liberalized. Until the introduction of the convertibility of leu, Romania can apply, in exceptional circumstances, exchange restrictions connected to granting and taking over the credits on short and medium terms, restrictions that must not run counter to the Romanian condition in the relations with FMI.

5. *Competition and economic cooperation* requires the engagement of both parts to avoid constraining restrictive measures, including measures on import for the purposes of the balance of payments, in the case when they can affect the trade between the two parts.

In the case when there might occur serious difficulties of the balance of payments, there can be adopted restrictive measures from one side or another, including measures regarding the import, which will have a limited duration.

The contracting parts engaged themselves to adjust periodically the commercial monopoly. Therefore, after five years from the effectiveness of this agreement, any discrimination between the citizens of Romania and those of the other member states on that time should be abolished.

The European Association Agreement (come into force, on the whole, in February 1995), has represented, until signing the Accession Treaty, in April 2005, the main instrument in consolidating the relations between Romania and the European Union. The agreement was different from the other institutionalized forms of cooperation between Romania and the EU (the Generalized System of Custom Preferences granted to Romania by the European Community in 1974 or the Agreement concerning the exchange of industrial products, concluded in 1980) through the political objective it suggested - accepting Romania as member of the Union with absolute rights - as well as the complexity of the economic relations this process implied.

III. The accession treaty and the obtaining the condition of member state of the European Union

3.1. From the Association Agreement to the Treaty of accession to the EU

3.1.1. Evolution of the relations between Romania and the EU preliminary to the negotiation process

After the effectiveness of the Association Agreement, Romania has proceeded to ranging on the EU's coordinates for the countries on the way to the European integration. On the basis of the prerogatives granted through the condition of associated state and those gathered in article 0 of the Treaty of Maastricht, Romania has submitted, on 22nd June 1995, the request of accession to the EU, together with "the national strategy of preparing Romania's accession to the EU" and a declaration signed by the president of the country, that of the Senate and the Chamber of Deputies, the first minister, and the leaders of all the political parties represented in the Parliament (Declaration of Snagov). The Minister Council of the Union has consequently proceeded to introducing the procedure of consulting the European Committee in what is concerned Romania's request to obtain the condition of member of the EU with absolute rights.

As a consequence of this approach, the Committee has proceeded to detailed analysis, carried on a quite long period of time, regarding the economic and political situation of Romania, together with the criterions of accession to the EU and the possibility of our country to achieve them. Therefore, in June 1997,

the Committee gave its opinion for adjourning the beginning of the negotiations of Romania's accession to the EU. As a result of the European Council of Luxembourg, it was decided that the official beginning of negotiations should be done with all the countries that are nominees in the same moment. Romania has received the document entitled "Accession Partnership", which had the role to facilitate the elaboration of the national strategy of accession and has laid down "the national program of Romania's accession to the European Union". At the end of 1998, there have been published the first country analysis regarding the phase of fulfilling the accession criteria, but the actions of Romania until that point have been characterized as insufficient[18]. This is the reason why Romania has missed the first chance and the negotiations with the states of the "first wave", from which Romania has not been a part, have begun in 1998.

The Council of Helsinki[19] (10-11 December 1999) has decided to open the negotiations of accession with six other applicant countries, among which Romania[20]. The decisions of the summit of Helsinki have represented for our country a moment of impelling the intern efforts of preparing for accession and sizing them, in order to achieve in a committed manner the goals that this process implied.

In this way, on 15th February 2000, at Brussels, during the reunion of the Council of the EU for General Affairs, dedicated to initiating the **Intergovernmental Conference Romania - EU**, there has been officially initiated the process of negotiating the accession of our country to the European Union.

3.1.2. The process of negotiating the accession

In March 2000, the European Committee has decided the beginning of negotiations over five chapters, and in May 2000 it was decided the temporary cancellation of these five chapters.

The second Intergovernmental Conference of Romania's Accession to the EU, developed on ministerial level (Luxembourg, 14 June 2000), has confirmed the opportunity of opening other 11 chapters of negotiation. Subsequently, it has been conveyed to the European Committee the proposal of opening the negotiations of accession for eight other chapters from "the acquis", in the time of the French Presidency of the EU Council.

During 26-27 February 2001 there has taken place at Brussels the 11th reunion of the Joint Parliamentary Committee European Union - Romania, and in the agenda of the reunion there were the exchange of opinions regarding the answers of the European Council of Nisa (8-9 December 2000), the priorities of the Swedish Presidency, the stage of Romania's arrangements for the accession

and the evaluation of the progresses concerning the accession negotiations[21]. The minister of the European integration has presented on this occasion the **National Program of Legislative Harmonization on the year 2001** and had established the priorities on 2001 regarding the transposition of the community *acquis* in the national law.

In the analysis worked out by the European Committee on 13th November 2001 regarding the progresses that Romania has registered, it is shown that it has achieved the political criterion[22].

On 9th October 2002, in the strategy entitled "To an enlarged Europe", the European Committee has announced that it would elaborate, on the basis of the analysis registered in 2002, detailed plans of action for Romania and Bulgaria, in order to grant pre-accession assistance to the two countries. In the meantime, the European Council has expressed its support in order that Romania and Bulgaria should achieve the goal to become members of the European Union in 2007.

In order to embrace the community *acquis*, in the autumn of 2007, Romania has proceeded to revising the Constitution and putting it in concord with the community law.

At the beginning of 2004, the European Committee has elaborated a communiqué through which it established the financial package for the negotiation of accession of Romania and Bulgaria. Alike the case of the ten countries that have become members of the European Union in May 2004, one of the main elements in preparing the completion of the negotiation of accession for Romania and Bulgaria is represented by the settlement of a coherent financial "package".

The European Council of Brussels (17-18 June 2004) has praised the progress registered by the two countries and has reaffirmed the support of the European Union for the accession of Romania and Bulgaria, on 1st January 2007.

On 17th December 2004, Romania has received the political confirmation to conclude the negotiations of accession and on 13th April 2005, the European Parliament has confirmed its position regarding the accession of Romania and Bulgaria.

The negotiations of accession have taken place on the level of the European Committee, and Romania's representative (the chief negotiator) has occupied the position of state minister. The negotiations have taken place in subcommittees, on chapters, based on the comparison of the community *acquis* with the Romanian law in subject, meaning to relate and harmonize it with the rules of the European Union[23].

One of the fundamental principles of the accession of the EU is that the largest part of the community *acquis* is not negotiable, but it constitutes the base of the EU's construction. Alike the other states that have previously joined the EU, Romania has negotiated a number of 31 chapters, each of them aiming at a specific domain of the community law[24].

3.2. *The institutional frame of cooperation within the framework of the accession process*

After signing the Treaty of Accession, Romania has accredited an ambassador under EU, in Brussels, and the European Committee has opened a deputation in Bucharest in September 1993[25].

In order to achieve the goals and the engagements that the two parts have taken by signing this agreement, there has been instituted an institutional frame that would facilitate the fulfillment of the provision of this act.

This institutional frame was formed by three main bodies:

- The Association Council was a political body with supreme competence, which comprised members of the Council of the EC and members of the partner countries' governs; it had the power to take decisions stipulated in agreements and to implement the respective decisions. Moreover, the Association Council had the role to solve the conflicts that might have occurred as a result of interpreting and applying the provisions of the agreements.

- The Association Committee had the role to support the Association Council (in preparing the reunions etc.) and to discharge some of its duties in the case of the competence delegation. The Association Committee was formed, on the one hand, by the members of the EC Council and the members of the EC Committee and the members of the partner countries' governs, on the other hand.

The reunions of this organism were taking place annually, in October as a rule, alternatively in the capital of Romania and in Brussels.

Through its procedure rules, the Association Council established the duties of the Association Committee and the working of the Committee.

- The Association Parliamentary Committee included members of the European Parliament and members of the parliaments of the partner states. It has the right to be informed about all the decisions of the Association Council, as well as the right to make recommendations to the Association Council.

The implied parts participate with 12 members, the leaders of the delegates assure in the same time the co-presidency of the Association

Parliamentary Committee and its reunions take place two times a year, in Bucharest and Brussels.

The reunions are closed by adopting and signing a final document, with writ of recommendation, a document with political value. It is submitted to the Govern of Romania and to the community institutions, in the same time. The document is considered adopted through the vote of the majority of every part that participates to the reunion.

As a result of the complexity of the process of the European accession, it was to be constituted, at the level of the Parliament of Romania, a special joined committee of the both chambers, entitled the Committee for European Accession. It had a large sphere of attributes and it has permanently co-operated with the committees of external politics of the Chamber of Deputies and Senate.

It was decided that, since 1994, with every country with which it had been concluded an association agreement, it should have existed an annually cycle of reunions of the Association Council and the Association Committee, as well as numerous reunions of the multi-disciplinary subcommittees.

The association subcommittees, which have a developing procedure similar to the Association Committee, punctually analyse the domains that are of concern of the Association Agreement. During the reunions of each subcommittee, there are discussed problems concerning the transposition of the national law in the community acquis, the institutional development as well as the relations Romania - EU that have occurred as a result of applying the Association Agreement.

3.3. The treaty of accession - background of Romania's accession to the European Union

3.3.1. The structure and the main elements of contents

On 25th April, during an official ceremony which has taken place on the Abbey of Neumunster from Luxembourg, the president of Romania, Traian Basescu has signed the Treaty of Accession to the European Union, alike the first minister of Bulgaria, Simeon de Saxa Coburg, together with the representants of 25 member states. On 1st January 2007 Romania was becoming member state of the European Union, 14 years later after signing the association agreement. One of the most important aspects of signing this treaty has been the changing of the condition of our country, which has become from an associated state a nominee state to the accession and, subsequently, a member state of the European Union.

This treaty is based on the principles and the methodologies used in 2004 for typing the treaty of accession of the ten new member states. The proper treaty

of accession (which contains six articles) sanctions the accession of Romania and Bulgaria to the European Union, as well as the fact that, through the accession, the two states become part of the Treaty of Setting up the Constitution for Europe, in the conditions stipulated by the Protocol enclosed to this treaty. The treaty contains a case regarding the alternative effectiveness of the Association Agreement and the Accession Protocol[26].

Because the treaty has instituted a Constitution for Europe, it has not been ratified. As a result, the two countries have become parts of the treaties that the Union is based on, with the subsequent modifications and completions.

The accession act / accession protocol contains five parts.

Part I (Principles) comprises definitions and provisions regarding the compulsory nature of the fundamental treaties and the acts adopted by the community institutions and the European Central Bank before the accession to the EU of Romania and Bulgaria. The application of the regulations of the original treaties and the acts of the institutions is submitted to the derogations decided during the negotiations of accession with each candidate state. There is stipulated the duty of the two new member states to access to the conventions and agreements that the Union has concluded with the third states, the conventions that have been concluded with the member states, as well as the appropriation of the Schengen acquis. The list of the conventions concluded between the member states is enclosed in the Act/Protocol. Romania and Bulgaria have the duty to modify, until the time of accession, the treaties concluded with the third states and that are incompatible with the community law. On the contrary, these treaties will be denounced.

Starting with the time of accession, Romania and Bulgaria will participate to the Economic and Monetary Union, being considered states departed from adopting the single currency.

Part II comprises the institutional provisions: the participation of Romania and Bulgaria to the institutions of the European Union:

Romania has 35 places earmarked in the European Parliament, for 2007-2009. After this time, the number of places in the European Union will be established through a decision of the European Council. Romania was supposed to have 14 places in the European Council and had the right to a judge in the Court of Justice of the European Union and one in the Court of First Instance. Romania has also 15 places earmarked in the Economic and Social Committee and 15 places in the Committee of Regions.

Romania has the right to appoint members in the Guiding Committee of the European Bank of Vested Interests, as well as in the Scientific and Technical Committee stipulated by the EURATOM Treaty. There is stipulated that the Romanian and Bulgarian language are to become official languages of the Union.

Part III (Permanent provisions) stipulated the acceptance of the negotiated permanent measures (stipulated in an appendage), as well as the reference to the mechanism of making the technical adjustments to the *acquis* adopted until 1st October 2004. It is about the acts adopted by the institutions of the European Union in various domains that will be adjusted in order to apply them to Romania and Bulgaria.

Part IV (Temporary provisions) refers to the provisional measures (comprised in appendages), the institutional and financial provisions, as well as the protection clauses. The financial provisions refer to the contributions of the two states to the various funds governed by the European Union.

Besides the contribution of Romania and Bulgaria to the funds of the European Union, the financial provisions comprise the support that the EU has offered in the transitory period, just after the accession. The European Union committed itself to offer financial support to the two states, under the form of the non-repayable loans and preferential credits, in order to improve some domains of activity, such as: protecting the environment, developing and consolidating the administrative and juridical capacity of the two states to apply the community provisions, the rural development, implementing the *acquis* of the Schengen area and the control of frontiers etc.

3.3.2. *The protection clauses*

The treaty contains three protection clauses.

The general protection clause refers to the possibility that the states, parts of this treaty, have, in a three-year time limit, in order to ask for the authorization of the Committee to take protective measures in the case of some serious and persistent difficulties.

The protection clause regarding the common market refers to the possibility that the Committee has in order that, in a three-year time limit, take the necessary measures in the case that Romania and Bulgaria do not acquit themselves of the duties stipulated in the treaty.

The protection clause regarding the justice and the home affairs refers to the possibility that the Committee has in order that, in a three-year time limit, to take the necessary measures in the case that the two states do not respect the engagements concerning this negotiation chapter[27].

IV. Romania's perspectives in the position of member state of the European Union

Romania's accession to the European Union is going to bring a clear reinforcement of the country's position in the global economic frame, as well as from the social and security point of view. The extension of the European Union and Romania's gaining the condition of member state has a positive impact on the Romanian economy, because, besides the historical opportunity to overpass the division of Europe after the war and to bring peace and stability for the continent, it will also consolidate the largest common market of the world, bringing the total number of consumers to over 500 millions. **A larger and more competitive common market will be for the benefit of the consumers and the Romanian enterprisers**, but it will also consolidate the position of the European Union in the global economic domain.

The geostrategic position of Romania and its importance for the European Union

A decisive importance of the decision of the European Council of Helsinki regarding the accession of our country to the EU's area of liberty and justice has also been the geostrategic position of our country.

Romania's accession to the European Union determines the EU to assume the characteristic elements of the geostrategic identity of the country. Besides the dimension of territory and population (which define Romania as the seventh country of the EU, as dimension), what is relevant in this framework is its geostrategic position on the East border of the EU with the entire set of challenges and opportunities that this position is going to bring. In this framework, there is relevant the next representation of Romania's geostrategic position illustrated below.

It is important to highlight Romania's position in the "extended area of the Black Sea", which is situated on the crossing point of three "tectonic boards", from the geopolitical point of view:

- 1) The area of the EU that represents the European pillar of the trans-Atlantic community;
- 2) The ex-soviet area, less the Baltic countries;
- 3) The area of the Enlarged Middle Orient and that of the North Africa.

It is interesting the fact that none of the border areas of the EU does include a proximity of such complexity and relevance for the external and defence policy of the EU, as well as for a series of economic and actual energetic projects.

Extending the EU with Romania and Bulgaria brings the Black Sea to the border of the Union. Thus, it would be obvious that riparian countries, such as Romania and Bulgaria, should think about extending the condition of the Mediterranean area related to the EU and to the Black Sea.

Taking into consideration the characteristics of this area and the presence of the some frozen conflicts, Romania will have to be the initiator of the proximity policy.

Under the conditions of a more stressed energetic insecurity of Europe caused by the more and more large energetic dependence on Russia, the EU looks for alternative sources of supplies and transport of the energetic resources. One of these alternatives might be the Nabuco project. The basis of this project has been established with the participation of five profile companies: Botas (Turkey), Bulgargaz (Bulgaria), Transgaz (Romania), MOL (Hungary) and OMV (Austria). The project has in view connecting and capitalizing the resources of natural gases from the Caspian Sea[28] and the Middle Orient with the European markets. The importance of this project has also been recognised by the community organisms, by being included by the European Committee in the Trans European Networks (TEN) project, on the list of the priority list. Recently, the EU has named a former Dutch minister to coordinate the project in order to hasten its accomplishment.

Another project that implies Romania and aims at reducing the energetic dependency of the EU is the oleo duct *Constanța-Pancevo-Omisalj-Trieste* which will receive Caspian petrol from Azerbaijan. The terminal will assure the transport of 35 million tones of petrol annually, which will cross the Black Sea until Constanta. From here, the petrol will reach Trieste, in Italy, through a duct of 1400 kilometres and whose construction has received the endorsement of the EU, through the commissar for power, Mr. Andris Piebalgs, but which is also supported by the Americans.

The great growth of power request, amplified by the economic development of China and India, combined with maintaining the production on a constant level are a consequence of the fact that Romania is situated on a critical crossroad of the petrol flows and natural gases. Because of its strategic position, on the coast of the Black Sea, Romania may become the crucial point for the energetic routes from the Caucasus and the Caspian Sea, which try to avoid Russia. The geopolitical importance of these routes determines in this way the new role of Romania as a connecting point to Europe.

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The paper proved to be an analysis of the way that Romania has passed, in order to prepare itself for the accession to the EU, and a perspective over the future challenges that are implied by the condition of member state in the European Union, which is not static, either.

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