

Implementation of European Standards in the Modernization of Romanian Public Administration

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Abstract. The organization and the management of human and financial resources necessary for achieving the objectives of a particular group, community or society as a whole, give consistency to what constitutes „the public administration”. Its territorial structure depends on the general choice between the principles of centralization and the principles of decentralization. Our paper addresses the main problems of the Romanian local public administration, taking into account both the procedures for managing the activities of a community and of various institutions designed to achieve this management. This is because we support the fact that the state administrative system includes all the bodies responsible for the management of issues of public interest. In essence, the main purpose of this paper is to attempt an analysis of the Romanian public administration modernization process, in relation to the European Union values in this field, based on investigating the specialty literature and some own observations.

The research methodology is centered on the bibliographical research of the Romanian and foreign scientific literature in this area, one of the basic methods being the synectics, a method of identifying new solutions, based on analogy.

Keywords: administrative philosophy, administration reform, the European Charter, local authorities, autonomy, decentralization, European instruments, communities' performances

1. Introduction

In the recent years, countries of Central and Eastern Europe have undergone fundamental changes with implications in national economic, social and political systems. We have in view the transition from uniparty system to multiparty system, the abandoning of the principle of centralism in favor of decentralization and the adoption of the principle of separation of powers in the state. At the same time, there is an agreement on the need to increase the efficiency and flexibility of the public administration, changing the administrative philosophy and the provision of social services.

The degree of implementation of the basic principles on which is founded the local public administration and the enforcement methods differ from state to state, the specific features being found in the organization of local public services, the setting of the local budget, the urban policies and even in the dimensions of external relations. In the democratic states, we more and more concerned about public administration decentralization, which involves delegating some responsibilities to the local level, taking into account that local institutions can respond more effectively in dealing with some problems. In fact, local authorities are the ones who should decide in matters concerning the community, since they represent the interests of this community.

Thus, the community is not only a beneficiary, but it can mobilize its own resources to solve problems faced; there is an openness to citizen participation in the decision-making process. However, municipalities in countries with a development level under the EU average receive Community funding based on coherent projects, especially in the fields of: ecology, information technology, tourism, etc.

2. Administration systems of European states and „The European Charter of

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Local Autonomy”

The need for local structures is determined by the fact that the central government bodies can not provide the accomplishment of administrative tasks at each point of the area and need a local area network [1].

Even if European states are characterized by a great variety of administration systems, explained both by economic and historical reasons, but also by the features of the political and administrative organization of the existing political power, to a greater or smaller extent, they apply „the principles of local democracy.”

We are talking about the principles adopted by the „European Charter of Local Autonomy” in Strasbourg, on 15 December 1985. In essence, the Charter states as principles of organization and functioning of local structures the following [2]:

- Recognition by the Constitution and law of the principles of local autonomy and decentralization of public services;
- Eligibility of local authorities - the full exercise of powers in matters of local interest;
- Financial independence - through allocation of resources commensurate with the competences;
- The existence of a distinct heritage of the local collectivities compared to the state heritage;
- Review of the legality of local collectivities’ acts.

The European Union, as well as the Council of Europe, appeared interested in the development of local autonomy, creating, in their turn, its own bodies in the direction shown and assuming the problems it can solve - locally - better than national authorities. Thus, we notice in the EU the increasing role of local authorities in relation to the central authorities, especially after 1988, when the European Commission created the Consultative Council of Regional and Local Collectivities [1] [2].

From this perspective, the European Commission’s objective is to build a new regional policy to efficientize the financing of local development plans.

The performance of local communities in EU countries is inextricably linked to the degree of local autonomy and therefore, financial autonomy of local collectivities. Local and regional authorities of these countries have a decisive role in the economic life of the communities they represent, resulting from significant responsibilities in terms of the territorial economy, by providing a wide range of public activities and services.

On the other hand, the implementation of the Community and national law depends largely on the administrative and financial capacity of local and financial authorities.

The increasing decentralization of local and regional authorities’ decisions is likely to increase the democratization process and to provide communities the opportunity to freely dispose of financial resources and exercise their freedom of action. Reducing disparities in economic development of local communities in the Member States of the European Union is a separate priority, the Maastricht Treaty (Article 130A) stating that a fundamental objective of the European Community is to reduce disparities between the levels of development of different regions.

In this respect, the EU has created an institutionalized system and tools to achieve this objective, namely structural funds and the economic and social cohesion. These tools, plus the loans from the European Investment Bank (EIB), aim to achieve the economic and social cohesion of local communities in the EU, an important feature of this policy being the regional dimension [3].

What is important is that the support is made at a local community level and not as direct provision of financial resources to the community individuals or their families.

3. The action of legal principles and norms aimed at reforming the Romanian local public administration system

Referring to the issue of *the administrative reform*, we show that the theory stresses on its outcomes by identifying what makes the administrative system to be more efficient, a more adequate tool to ensure political equality, social justice and economic growth. In terms of practical aspects, we recur to focus on the process, the reform being likely to be seen in terms of changing bureaucratic practices, of bureaucratic behavior and structures [4].

In Romania, the process of administrative reform (component of the „decentralization”) started in the 90s, when they founded the local government functioning in a manner different from the previous one. In this period has been developed The Local Public Administration Law which states the possibility of local authorities to take decisions deemed necessary for the community they represent. The municipality became the entity representing the interests of community members in their dealings with other state authorities.

The law regulating the activity of local government stipulates that public administration in territorial-administrative units is based on principles of local autonomy, decentralization of public services, eligibility of local authorities, legality and consultation of citizens on local issues of special interest.

Here we also find the definition of local autonomy concept and „the effective right and capacity of local authorities to solve and manage, on their own and under their responsibility, an important part of public affairs in the interests of local communities they represent” [5].

Local autonomy gives local authorities the right, within the law, to take initiatives in all areas, except those which are expressly given jurisdiction of other public authorities. The mayor is the one who is responsible for implementing decisions of the City Council: he provides the enforcement of the City Council’s decisions, suggests consulting the population on matters of local interest, has the function of chief officer and leads local public services.

Another chapter of the local public government law is devoted to public finance management, thereby providing that „local public administration authorities are entitled to have their own resources, sufficient, in proportion to their respective powers under the law, of which they can dispose freely” [5], [6]. The main problem is that it is not explicitly provided which are the budget sources that local governments can use and, especially, the financial decentralization is made only very poorly, communities facing major difficulties because of this.

Thus we can say that local government law lays the foundation principle of the decentralization of public government, regulating the conduct of the activity, but leaves several important issues unresolved, namely those on the financing of certain programs.

This, although it is imperatively provided that central government authorities can not establish or impose any responsibility on local authorities in the decentralization of public services or in the creation of new public services without ensuring the appropriate financial means for the implementation of the respective responsibilities.

4. Evolutions registered in local government decentralization process in Romania

In terms of public administration, decentralization has a special importance. This is the transfer of authority and responsibilities for certain public functions from the central government of a country to sub-national levels of government or autonomous institutions.

4.1. Decentralization of public administration: goals, arguments, typology

In the specialty literature, decentralization is often classified by the type of responsibilities transferred and by the level of autonomy of local authorities [7].

According to public administration reform strategy agreed by the European Union, the concept of decentralization in Romania, is shaped by three major elements:

- further decentralization by transferring administrative and financial powers and responsibilities from the central public administration authorities to local authorities;
- continuation of the process of devolution by delegating responsibilities in the regions according to local needs, within the same administrative structure (decentralized services operate in the Ministry which has delegated to them the responsibility);
- transformation of decentralized services in the territory, according to the needs of citizens and efficientize them, in decentralized services under the responsibility of local authorities.

After the transferred responsibilities, decentralization is divided into three categories [1], [7]: *political, administrative and fiscal*.

The political decentralization involves the granting to citizens of greater powers in the decision-making process, particularly the one that takes place through the development of democratic processes.

Beyond the arguments supporting the political decentralization is to note that decisions taken with the widest possible participation of citizens will be more robust and relevant having in view different interests that manifest in the society than those taken only at the level of national political authorities.

This concept implies the fact that the election of representatives on electoral districts by vote, allows citizens to know better those who politically represent them and at the same time, allows elected officials to know better the needs and aspirations of those who elected them.

The administrative decentralization, according to the specialty literature, is the transfer of responsibilities for planning, financing and managing certain public functions from the central government and from its agencies to subordinate units, semi-autonomous public authorities or regional or local authorities [6].

The fiscal decentralization refers to increasing local authorities' control over financial resources, either in terms of allocation of expenses or income generation. Much of the literature on fiscal decentralization focuses on the nature of intergovernmental transfers and on the differences in income-generating capacity of different types of authorities.

A main aspect in the analysis of fiscal decentralization is the proper balance between authority and the financial resources necessary to exercise that authority.

In this context it is necessary to point out that, according to the analysis effectuated by Romanian and foreign experts, in terms of decentralization and deconcentration of public services, this process is far from being considered completed, meaning that no appropriate financial resources were transferred and they did not clearly establish the powers transferred and the decentralization levels [8].

4.2. Some references concerning the current state of decentralization

The Constitution adopted in 1991 was the first legislation of Romania to recognize municipal and town authorities, based on the principle of decentralization (119) as „autonomous administrative authorities” [9].

The strategy on the acceleration of public administration reform, approved in 2001 by the Romanian Government, has identified the need for decentralization of certain public services to reduce costs and strengthen management capacity of local government. Later they developed a series of sectoral analysis of decentralization in some areas [6].

In accordance with the Constitution revised and adopted in 2003, „public administration in territorial-administrative units is based on principles of decentralization, local autonomy, and deconcentration of public services.” At the same time, the fundamental act considers the County Council as „the public administration authority coordinating the activities of Commune and Town Councils, to carry out public services of county interest” [10].

The financial decentralization is an important component of decentralization because local governments have the most complete information on which decisions can be better justified than the specialty bodies of the central level, in connection with granting the local financial resources.

Obviously, financial and administrative decentralization are closely linked, being worth noting that in recent years, Romania has taken important steps in terms of financial decentralization. Thus, were initiated important changes in the structure and financing of local authorities, which included the introduction of local taxes and on the new legislation on local government finances, the share of GDP increased not only on local budgets, but also in the corresponding proportion of local spending in the total public expenditure [1].

After 2001, new laws were adopted and new rules were established for some functions of local authorities, particularly on the public services/utilities. Various new legal provisions strengthened the control of the central authorities over functions of local authorities, while others acted mainly in the direction of decentralization [11] [12]; in 2004 was adopted the strategy for accelerating the public administration reform [8].

An important component of this strategy is focused on continuing the process of decentralization and devolution, and by the implementation of this strategy was developed the first legislative pack to support this process [13], [14], [15].

Although a recent study on the state of financial decentralization across countries, prepared by the National Union of County Councils of Romania shows many positive signals, we also reveal some weak points [16]. Among these is included the persistence of direct control mechanisms in public administration, the discretionary decisions and the limitation of the local financial management by the regulations on the allocation of their revenues by restricting the use of transfers from the central budget.

We also noted the considerable gap existing between the decision-making powers transferred to local authorities and the resources allocated to support them.

5. Conclusions

The performance of local communities in EU countries is inextricably linked to the degree of local autonomy and therefore, financial autonomy of the local collectivities. Local and regional authorities of these countries have a decisive role in the economic life of the communities they represent, resulting in significant responsibilities in terms of local economy by providing a wide range of activities and services.

The increased decentralization of local and regional decisions is likely to increase democratization and to provide communities the opportunity to freely dispose of financial resources and exercise their freedom of action. Reducing disparities in economic development of local communities in EU Member States is a priority of European policy, a fundamental objective being the reduction of disparities between the levels of development of different regions.

Regarding the institutional system in our country, targeting the local government, it has to be developed towards the settlement of areas on local public finance, on public and private patrimony of administrative-territorial units and, to some extent, on the status of the civil servant.

On the other hand, some major aspects of decentralization, such as the role of associations of territorial-administrative units in public services delivery (at district, town, commune level), the role of prefects, the involvement of local authorities in decision-making must find a quick resolution from the national decision maker - in line with European standards - for a better management of local public services.

On this type of solution depends the passage of local communities from being a simple beneficiary to a more advanced statute, which involves mobilizing their own resources to solve problems they face and a total openness to citizen participation in the decision-making process.

6. Acknowledgements

This work was supported by CNCISIS-UEFISCSU, project number 25/28.07.2010, PN II-RU 681 code/2010). Paper conceived within the Project „Interdisciplinary research on human resource development in local public administration in the context of the administrative reform. Comparative study (CIP-DRU-APL)“.

7. References

- [1] Onofrei, M., *Curs de Sisteme administrative europene*, Centrul de Studii Europene, Iași, 2005.
- [2] Zaharia, T., *Curs de Drept administrativ*, Universitatea ”Petre Andrei”, Iași, 2004.
- [3] Bostan, I., *Drept financiar comunitar*, Tipo Moldova Publishing House, Iași, 2007.
- [4] Ion, C., Noica, R., *Percepții ale problemelor sociale și programe de intervenție în România*, in *Revista de Administrație publică și Politici Sociale*, 2005.
- [5] *** Legea nr. 215/2001 a administrației publice locale (publicată în Monitorul Oficial nr. 204 din 23 aprilie 2001), modificată prin Legea nr. 286/2006 (publicată în Monitorul Oficial nr. 621 din 18 iulie 2006).
- [6] Profiroiu, M., *Reforma administrației publice în contextul integrării în UE*, Institutul European, Bucharest, 2006.
- [7] Alexandru, I., *Știința administrației*, Economică Publishing House, Bucharest, 2001.
- [8] *** Strategia actualizată a Guvernului României privind accelerarea reformei în administrația publică,

Guvernul României, Bucharest, 2004.

- [9] *** Constituția României din 2001, publicată în Monitorul Oficial al României, Partea I, nr. 233 din 21 noiembrie 1991, intrată în vigoare în urma aprobării prin referendumul național din 8 decembrie 1991.
- [10] *** Constituția României din 2003, publicată în Monitorul Oficial, Partea I nr. 767/31 octombrie 2003.
- [11] *** Legea nr 500/2002 privind finanțele publice, consolidată, publicată în Monitorul Oficial, Partea I nr. 597/13 august 2002 (armonizată cu prevederile Reglementărilor Consiliului Europei nr. 1605/2002).
- [12] *** Ordonanța de urgență 45 din 5 iunie 2003 privind finanțele publice locale, publicată în Monitorul Oficial 431 din 19 iunie 2003.
- [13] *** Legea 339 din 12 iulie 2004 privind cadrul descentralizării, publicată în Monitorul Oficial nr. 668 din 26 iulie 2004.
- [14] *** Legea nr. 340/2004 privind prefectul și instituția prefectului, republicată în 2008, publicată în Monitorul Oficial, Partea I nr. 225 din 24/03/2008.
- [15] *** Hotărârea de Guvern nr. 2201 din 30 noiembrie 2004 privind funcționarea și atribuțiile Comitetului tehnic interministerial și a grupurilor de lucru organizate în conformitate cu dispozițiile Legii-cadru privind descentralizarea nr. 339/2004, publicată în Monitorul Oficial nr. 1277 din 30 decembrie 2004.
- [16] *** Studiu privind stadiul descentralizării financiare, UNCRAP, Bucharest, 2007.