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## TOWARDS EFFECTIVE AND ACCOUNTABLE LEADERSHIP OF THE UNION OPTIONS AND GUIDELINES FOR REFORM<sup>1</sup>

**Wouter Coussens\***  
**Ben Crum\*\***

*Rien ne se crée sans les hommes. Rien ne dure sans les institutions.  
(J. Monnet)*

**ABSTRACT:** *The success of the Convention on the future of the EU will to a great extent depend upon its answers to the institutional questions. Among these questions, the issue of EU leadership plays a crucial role. In this paper, three challenges for the re-organisation of leadership in the Union are identified:*

- *Union leadership has to be more effective;*
- *Leadership in the Union should contribute to the democratic character of the Union;*
- *Leadership reform should not fundamentally distort the Union's institutional balance.*

*In view of these three challenges, the authors consider the two main strands of debate that touch upon the issue of leadership in the EU: first, the debate on the election of the Commission President and, secondly, the different proposals for reforming the Council Presidency.*

### **Introduction: In search of Union leadership**

As European cooperation took off in the 1950s, it focused on concrete economic tasks. It did not require a strong central "government". Over the years, however, the nature of European integration has changed considerably. The establishment of the European Union by the Maastricht Treaty in 1992 complemented the former European Communities with two pillars of "real politics": a Common Foreign and Security

Policy (CFSP) and cooperation in the field of Justice and Home Affairs (JHA). The creation of an Economic and Monetary Union (EMU) has been another landmark. At this moment the Union is about to take another historical step: after several earlier rounds of enlargement, it will end the East-West divide of Europe by accepting a dozen or more new member states.

Yet, while European cooperation has evolved towards a truly political Union covering the entire continent, its institutional structure has

<sup>1</sup> This paper is the result of collaboration between the Centre of European Policy Studies (CEPS) and the Belgian Royal Institute for International Relations (KIIIB - IRRI). It is published as part of the Working Paper series of the European Policy Institutes Network (EPIN) of which both institutes are members. This article was published in the EPIN Working Paper no.3, January 2003. In the present issue of the Romanian Journal of European Affairs only the first part of the original article is published while the other part will be included in the next issue of our journal.

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undergone far less change. From the Treaty of Rome onwards, the European architecture has been built upon a remarkably stable institutional triangle: the (European) Council is the supreme political body, the Commission prepares legislation and coordinates its implementation, and the European Parliament monitors the Commission's performance and is involved in the legislative process. These fundamentals have hardly been touched.

By now, many signs indicate a pressing need to reconsider the institutions that serve the Union. Ten years after Maastricht, the need for European action in the areas of CFSP and JHA has become ever more urgent, but so far the tangible achievements in these fields fall short of the ambitions expressed. Moreover, the completion of EMU requires stronger economic governance (Jacquet and Pisani-Ferry, 2001). At the same time, enlargement from the current 15 to 25 and more member states is bound to magnify diversity within the Union that can only be handled if there is a corresponding increase in coordinating powers. Since previous attempts at tackling these challenges have failed, the European Council has convened a Convention on the Future of the EU "to consider the key issues arising for the Union's future development and try to identify the various possible responses" (European Council, 2001).

In this paper, we address one issue that is bound to play a key role in the eventual institutional framework that the Convention will have to develop: Union leadership. As stated above, there was little need for leadership within the Union architecture at its origins. In the first section below, we outline how leadership tasks have come to be allocated among the institutions in a rather ad hoc manner. This discussion shows

that a structural re-organisation of leadership is required. Drawing upon the analysis, we submit that any solution to Union leadership will need to be assessed in the light of three basic criteria: efficacy, democracy and the preservation of the institutional balance.

The core sections of this paper approach the question of leadership from two angles. First, we revisit the longstanding debate on the democratisation of the selection of the Commission President. Secondly, we turn to the more recent debate on a permanent president for the European Council. In each case, the various proposals are systematically analysed in the light of the criteria introduced. In the concluding section, the two debates are brought together, as we seek to identify a way of reorganising Union leadership that increases effectiveness, enhances democracy and preserves the institutional balance.

## **1. Union leadership: Past and prospects**

### **1.1 Current leadership positions in the EU**

Executive power in the Union is shared between the (European) Council and the Commission. As a corollary, executive leadership in the Union is divided between the presidencies of both institutions. More recently, the Presidency of the Council has been complemented by the creation of a High Representative of the CFSP who assists the Council Presidency in the external representation of the Union. An analysis of a more effective and accountable leadership of the Union has to start from a reconsideration of these three functions.



*The Commission President*

The European Commission is the most permanent embodiment of European political cooperation. The role of the Commission in the European political process has been characterised as being "rather more, and rather less" than "the civil service of the EU" (Nugent, 1999: 85). The Commission is "more" to the extent that it plays a prominent role as the agenda-setter in the legislative process and acts as the "guardian of the treaties". Furthermore, it plays a major administrative and regulatory role and manages the budget. The Commission is considerably "less" than a full-blown executive as its powers have been strictly circumscribed and apply only in a limited number of political fields.

Notwithstanding the collegial nature of the Commission, the position of Commission President has acquired considerable significance (Nugent, 1999: 106-7). Formally acting as a *primus inter pares*, the Commission President drafts the general policy programme of the Commission, represents the Commission vis-à-vis the other institutions and to the public and oversees the workings of the Directorates-General through the Secretariat-General. He/she also chairs the weekly meetings of the College, and exercises the deciding vote in the event of a tie in the College.

The powers of the Commission President have been revised in the Nice Treaty. The new Art. 217 formalises previous practice in providing that the President can freely allocate and reshuffle the responsibilities of the other Commissioners.<sup>2</sup>

Moreover, the Treaty provides that the Commission President can dismiss any Commissioner after obtaining the approval of the College.<sup>3</sup> Finally, the Treaty now also foresees that the Council and the President nominee appoint the other Commissioners on the basis of proposals from each member state.

In the end, the powers of the Commission President find their limits with the remit given to the Commission. The member governments have so far carefully limited the Commission's authority in the common foreign and security policy, defence, economic policy, and police and criminal affairs. Instead the member states have preferred to scatter executive powers in these fields among the Council Presidency, the Council Secretariat, the High Representative and specialised agencies. As a result, the Commission President has been excluded from some of the most prominent European policies.

*The Council Presidency*

The Council is in many respects the bottleneck of the Union. Bringing together the governments of the member states, the Council commands the process by which European powers are allocated and exercised. The Council has both executive and legislative powers. It is the place where intergovernmental policies (CFSP, ESDP and cooperation in police and criminal matters) are decided and national policies are coordinated. Moreover, no legislative act can pass without the consent of the Council. And also after legislation has been passed, the Council retains a

<sup>2</sup> See Declaration no. 32 attached to the Amsterdam Treaty and Art. 3 of the Rules of Procedure of the Commission adopted on 16 September 1999.

<sup>3</sup> Though this may appear as a strengthening of the powers of the Commission President, it can be argued that it actually constitutes a weakening, because under current practice a Commission member will resign if requested to do so by his/her President, without requiring the approval of a majority in the College (F Dehousse, 2001).

firm control on the executive process, through the national implementation of this legislation or by overseeing the implementation by the Commission through the committees it has installed ("comitology") (Joerges and Vos, 1999).

To look after its tasks in the various policy domains, the Council has evolved into a complex structure encapsulating various ministerial formations and numerous administrative committees. While at one time legislative activity was distributed across more than 20 ministerial Council formations, the Seville European Council in 2002 set their number at nine. The General Affairs Council is supposed to play a central coordinating role among these various formations. In practice, however, it has often failed to do so, and as a consequence ever more tasks have been put before the European Council.

The European Council serves as the platform for the heads of state and government of the European Union, on an informal basis from 1975 onwards and since 1986 on the basis of various treaty provisions. It provides the European Union with strategic guidelines and political impetus. In addition, the European Council gets involved in policy decisions when the respective Council formations fail to reach agreement or when the Treaties explicitly require it to act. The European Council has, moreover, taken an important role in foreign and defence policy (de Schoutheete and Wallace, 2002).

The „leadership“ of the (European) Council is assumed by the Presidency. The basic responsibility of the Presidency is the organisation and chairing of Council meetings (and its subordinate bodies) during the time of office. While this may be considered a mere procedural responsibility, the Presidency actually enjoys considerable powers by controlling the

timing and the content of these meetings. Moreover, the Presidency is also responsible for representing the Council vis-à-vis the other European institutions and for representing the Union vis-à-vis the rest of the world.

Each member state holds the Presidency of the (European) Council in turn for six months. A rotating Presidency is a well known device in international treaty organisations. It prevents the emergence of a strong permanent centre that may come to dominate the autonomy of the constituting members and ensures the basic equality of all members. At the same time, holding the Presidency may serve to stir up the commitment to the European project in each member state in turn.

The burden of the Presidency has increased significantly over time. In particular, the emergence of CFSP has put extra responsibilities upon the Presidency. Pressures on the organisation of the Presidency will rise even further after the next round of enlargement. Given the limited resources and experience of the countries joining, doubts have been raised whether their administrations are properly equipped to take on the Presidency. What is more, if the rotating scheme would be maintained, this would imply that any state would hold the Presidency only once in every 12 years.

#### *The High Representative*

As it emerged that the external representation of the Union required considerably more involvement than could be expected from the member government holding the Presidency, the Treaty of Amsterdam beefed up the role of the Secretary-General of the Council by introducing the function of High Representative (HR) of the CFSP. The HR assists

the Presidency in its external representation role. He/she also contributes to the formulation, drawing-up and implementation of political decisions by the Council. The HR is moreover responsible for the several CFSP committees and agencies. Finally, he/she can, at the request of the Presidency, act on behalf of the Council and conduct political dialogues with third parties. In 1999, Javier Solana was appointed as the first HR for a period of five years.

Formally, the function of the HR is an administrative rather than a political function: the HR has no official powers of his/her own and limited means. Moreover, the HR's powers only concern the CFSP; the other external policies are being dealt with by the Commission under the aegis of the Commissioner responsible for external relations (Relex). In practice, however, the HR is much more than an EU ambassador and the political nature of the function is hard to deny. This is partly the personal achievement of Javier Solana, who has been extraordinarily agile in making the most of his role within a web of often-conflicting pressures.

Indeed, the HR has to tread a thin line between acting on his own initiative and waiting for a specific mandate from the Council. Moreover, though formally under no obligation to the supranational institutions of the Commission and Parliament, he/she has to take care not to offend them and in particular to ensure that his actions do not conflict with those of the Relex Commissioner. In the end, however, the HR is first and foremost accountable to the Council. This particular relationship is the key difficulty that any move towards closer integration of the functions of the HR and the Relex Commissioner will need to overcome.

## 1.2 Reforming EU leadership: A triple challenge

The foregoing review of the current state of leadership in the Union reveals it to be problematic on several accounts. Above all it is clear that the current organisation fails to deliver effective leadership, while the need for it has steadily increased. However, any reconsideration of leadership in the Union has to take account of other values beyond *efficacy*. For a start any reform to improve efficacy needs to be matched by adequate measures to ensure *democratic accountability*. Finally we want to draw special attention to the fact that reorganisations of EU leadership need to pay respect to the precarious *institutional balance* that is maintained in the Union between, on the one hand, the idea of a general European interest and, on the other, the diversity of national interests. Hence, reforming EU leadership faces a triple challenge: it should be rendered more efficacious and more democratic, whilst respecting the Union's institutional balance.

### *Efficacy*

The review of leadership in the EU reveals that the demand for it has steadily increased, as ever more executive tasks have been taken up at the European level. These also include, moreover, truly "governmental" tasks, such as macroeconomic management, foreign and defence policy and police matters.

Nevertheless, the present demand for EU leadership is not matched by an adequate supply. The current organisation of leadership tasks has come about in a rather ad-hoc fashion. Leadership tasks have been scattered around different positions and bodies, which complicates coordination among them. In turn, this hampers

the visibility and accountability of leadership positions in the EU. This especially holds for the Union's external presence, and leaves the EU a political dwarf on the world stage, despite its economic weight.

Hence the first challenge for the organisation of future EU leadership is to increase its *efficacy*. Leadership reform in the Union can contribute to a better overall running of the political processes within the Union. Most notably, effective leadership within the complex Union architecture should strengthen coordination powers across the institutional divides that currently exist. This is not only a matter of the formal attribution of powers; it also requires the position of leadership to be actually able to command support from the various Union institutions. In this context one also has to give due consideration to the question whether the organisation of leadership within the Union can be shaped in such a way as to ensure that the position(s) involved will attract the best-qualified people. Further, the lack of external presence is often pointed to as an important indicator of the deficiencies of Union leadership. A major test for leadership of the Union is thus whether international actors will recognise that it provides them with an equal and credible interlocutor.

#### *Democracy*

For some time now, observers have harboured serious misgivings about the democratic character of the European Union (cf. Weiler et al., 1995; Lodge, 1997; Dehousse, 1995; Moravcsik, 2002). The weak connection between Europe's citizens and its institutions is a direct reflection of the fact that, wherever power is exercised in the Union, citizens do not feel they have much of an impact on it. Any strengthening

of European leadership will thus need to be complemented by adequate mechanisms for democratic accountability.

Indeed, there is a clear pressure to have any strengthening of leadership in the Union combined with effective mechanisms of electoral choice through which the public can effectively influence the choice between one or another candidate(s).

To instil democratic accountability into the Union, however, will require more than the mere extension of the European Parliament's powers. For the moment, the democratic legitimacy of the Parliament remains disputed as long as its seats are contested in "second-order elections" with low turnouts, various national voting rules and voting behaviour reflecting mainly the national political situation (Reif and Schmitt, 1980; Schmitt and Thomassen, 1999). And even though the European Parliament has been able to increase its functional efficiency over time, its representative function remains underdeveloped as the expression of ideological differences is suppressed by its tendencies towards technocratic reasoning and decision-making by consensus (Magnette, 2001a).

Moreover, any assessment of the democratic potential of reforms of Union leadership should look beyond the electoral mechanisms to the broader context in which citizens engage with and appreciate the Union. Public appeal and engagement may in the end be more important democratic factors than the actual electoral procedure. Leadership reform might also contribute to the Union becoming more transparent and comprehensible (Magnette, 2001b). Furthermore, European leadership should be organised in ways that foster the emergence of European parties and the necessary

organisational and media infrastructure through which they can interact. Offering European citizens electoral choice may be instrumental in creating such a European public sphere, as the resulting politicisation of and competition for Union leadership will raise the salience of the EU in national political debates (Risse, 2002).

*Institutional balance*

These two groups of considerations – effectiveness and democracy – represent the dichotomy that pervades all literature on democratic institutional engineering (Dahl, 1994; Sartori, 1994; Scharpf, 1999). In the specific context of the European Union, we add a third perspective that is crucial to the distinct nature of the Union as a political system: the preservation of the Union's institutional balance. The Union is no longer a normal international organisation but neither is it a sovereign political system. It derives its powers (as well as the legitimacy to exercise them) from two sources: the governments of each member state represented in the Council and the citizens of these states as represented by the European Parliament (Dehousse, 1995).

Any attempt to reform Union leadership will have to respect the precarious political balance between on the one hand the idea of a general European interest and on the other the diversity of national interests (Prechal, 1998; Lenaerts and Verhoeven, 2002). As Convention President Giscard d'Estaing (2002) puts it: "If power is concentrated around the Council, the general European interest will no longer be taken into account, and the equality of citizens will be sacrificed to the equality of states. If a similar concentration of power takes place around the truly communitarian institutions – excluding the Council - it would be the interests of the member

states that would no longer be able to express themselves and (...) the equality of states, small or big, will no longer be recognised besides the equal representation of citizens".

One implication of this is that leadership selection in the Union cannot simply be subject to majority rule, because in a majoritarian ("fused") model the executive is able to dominate the legislature by commanding a secure majority in it ("dictatorship of the executive") (Hix, 2002b). As a consequence, certain member states might be permanently excluded from power, as they would only be represented in the minority. Rather than fusing legislative and executive powers, leadership in the Union should be subject to a system of checks and balances resembling the model of "divided government".

Thus, any reform of leadership in the Union will have to ensure that the relations with the intergovernmental and with the supranational institutions are properly looked after. With regard to the Council, structural guarantees are required to make certain that Union leadership will not be permanently alienated from any one member state. On the other hand, the European Parliament ought not to be monopolised by the executive, but should instead continue to play its independent role as "controlling parliament" (Dann, 2002).

**Table 1. Three dimensions for evaluation**

<b>Efficacy of office</b>	<b>Democracy</b>	<b>Institutional balance</b>
<ul style="list-style-type: none"> <li>- Coordinating powers</li> <li>- Embeddedness</li> <li>- (External) visibility</li> <li>- Selection by merit</li> </ul>	<ul style="list-style-type: none"> <li>- Comprehensibility</li> <li>- Openness</li> <li>- Electoral choice</li> <li>- Public appeal</li> <li>- European political and public sphere</li> </ul>	<ul style="list-style-type: none"> <li>- Harmonious institutional balance</li> <li>- Relations with intergovernmental institutions</li> <li>- Relations with supranational institutions</li> </ul>

In short, we submit that any reorganisation of leadership in the EU needs to be assessed from three fundamental perspectives: *efficacy*, *democracy* and the *institutional balance* (a full description of this framework is given in the annex). These three dimensions are neither logically exclusive nor fully comprehensive. There are some obvious respects in which they impinge upon each other. However, each of them catches a distinct line of argument for reorganising leadership in the Union. Any proposal for reform deserving of attention will need to demonstrate tangible benefits along at least one of these dimensions. At the same time, it should not impose severe costs on the other dimensions.

## **2. (S)electing the Commission**

### **President**

As the Commission has acquired ever more political prominence, there has been an increasing concern to subject its powers to political controls. Certainly from Jacques Delors onwards, the post of Commission President had been recognised as a (potentially) very powerful one. As a result, the appointment of the Commission President has come to receive ever more attention. In the European Council, the nomination of the Commission President has been the subject of heated debate.

At the same time, there has been increasing pressure to subject the selection of the Commission to democratic control. In national democratic systems, elections generally determine who is to hold executive office. Executives who fail to deliver are prone to be thrown out at the next elections. While the Commission has to some extent developed into a European executive, its composition is only in the most indirect way linked to the European citizenry. Since the European Parliament plays only a secondary role in the selection procedure, European elections do not have direct influence. National elections, on the other hand, are instrumental in determining the composition of the European Council, but their impact remains rather indirect and tangential as only governmental parties are represented and their decision is conditional upon the agreement of others. All in all, the selection of the Commission is at no point genuinely subject to electoral choice.

Given this shortcoming, proposals to elect the Commission President by the citizens (directly or indirectly) have been gaining ground. It is important to underline that the election of the Commission President does not amount to the election of the entire Commission. It is thus possible to elect the Commission President,

whilst sticking to the current provisions for designating the other Commissioners.

Democratising the appointment of the Commission President is bound to have repercussions on the whole institutional system. A more democratic selection procedure can increase the accountability and legitimacy of the Commission, as a whole as well as the decision-making procedures in which it is involved. It can also have substantial effects on the public perception of and the public involvement with the Union. What is more, the resulting politicisation of the position of the Commission President is likely to impact upon the roles of the Commission as a whole. In particular it may well affect the much-cherished political independence of the Commission (Franck, 2002). Finally, the relationship between the President and the rest of the Commission is likely to be affected.

The Laeken Declaration (European Council, 2001) enumerates three ways of appointing the Commission President: by a qualified majority in the European Council, by the European Parliament or through direct election by the citizens. Two other ways also merit consideration: election by the national parliaments or by a Congress of Parliamentarians.

### **2.1 The situation under the Treaty of Amsterdam**

Prior to the Maastricht Treaty, the Commission President was chosen unanimously by the national governments. The Maastricht Treaty made a first step towards a more democratic system: it granted the European Parliament the formal right to be consulted on the choice of the

President.<sup>4</sup> The European Parliament took this provision to mean that it was entitled to approve or reject the nominee for president. Surprisingly, at the first occasion in 1994 this rather opportunistic interpretation was approved by the President-in-office of the Council (Germany). The Parliament's interpretation was formalised by the Amsterdam Treaty, which explicitly gives the European Parliament the final approving vote on the European Council's choice for Commission President. The other Commission Members are then nominated by the national governments by common accord with the nominee for President. Finally, the entire College is subject to a vote of approval by the European Parliament.

#### *Democracy*

The consensus at the time was that the Amsterdam Treaty had pushed the EU further towards a parliamentary model of executive selection (Crombez, 1997; Nentwich and Falkner, 1997). Through the election of a legislature (the European Parliament), the EU citizens would also indirectly select the executive, i.e. the Commission and its President.

However, this expectation was not fully borne out in practice. The presidential candidate nominated by the European Council is unlikely ever to be rejected by the European Parliament, as the European Council is able to impose its choice in the European Parliament vote (Hix, 1997; Gabel and Hix, 2002). The governing parties that are part of the European Council press their MEPs to support the candidate nominated by the European Council, because a negative European Parliament vote would be seen

<sup>4</sup> Still, the 1983 Stuttgart Solemn Declaration had already granted the European Parliament bureau a consultative role in the choice of the Commission President.

as an embarrassment. The national parties are able to impose their choice on their MEPs, because they control MEP candidate selection. The coalition of MEPs stemming from national parties in the European Council plus those MEPs with the same political colour as the presidential candidate is almost always going to beat the coalition of those parties that are not in the European Council and have different policy preferences.

Thus, voters' choices in the European Parliament elections have an only limited impact on who becomes Commission President. The same holds for the composition of the entire college, which tends to reflect more the composition of the Council than that of the European Parliament.<sup>5</sup>

In turn, the marginal impact of the European Parliament (EP) elections has reduced their public appeal. For the time being, EP elections remain to be fought as a re-run of the national general election (Reif and Schmitt, 1980): they are not fought on the competing agendas and by office-holders of Europe-wide parties, but on national issues and by national parties. Hence, the current system fails to exploit the public appeal of the President's appointment and does not lead the way to a European public-political sphere.

In the end, the selection of the Commission President remains under the firm control of the European Council. The actual decision-making process within the European Council continues to take place behind closed doors and remains largely opaque to the general public.

#### *Institutional balance*

The current voting procedure in the European Council – consensus – guarantees that the preferences of every member state are taken into account. Thus, the mandate of the Commission President derives clearly from all the member states.

Nevertheless, a good working relationship between the Commission and the European Council is not automatically ensured, also because the political composition of the European Council changes during the term of the Commission President. Moreover, once in office the Commission President is not really accountable to the body that actually appoints him/her. While the European Council and the Council are well placed to make or break a Commission, they do not enjoy formal powers to sanction it.

The European Parliament does enjoy the formal power to force the Commission to resign as a body. However, the exercise of this power is subject to exceptionally strict conditions, as is illustrated by the fact that none of the seven motions of censure ever submitted has carried (Lenaerts and Verhoeven, 2002). Notably in the one case that the (Santer) Commission did resign, it did so on its own initiative before the European Parliament was able to mobilise its formal powers. The exercise of the censure by the European Parliament is further complicated by the fact that if it succeeds, it has only rather limited means to control what Commission will be nominated in its stead.

One might argue that the high obstacles erected against the Commission being forced to

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<sup>5</sup> This is exemplified by the composition of the Prodi Commission: only 5 of the 20 members of the college are close to the PPE, despite the fact that the PPE had become the largest group after the European Parliament elections. On the other hand, 10 of them are close to the PSE, the socialists being indeed the dominant fraction in the Council at the time.



resign serve to protect its independence. The question arises, however, whether this situation remains appropriate in the light of the (political) responsibilities the Commission has taken on or whether more effective controls (by both Council and European Parliament) are required.

#### *Efficacy*

The main problem of the consensual appointment of the Commission President is that it opens the door for capture by one member state (Hix, 2002a: 11). The 1994 Corfu European Council serves as a good example. At this occasion, the UK vetoed the candidacy of Belgian PM Dehaene and Germany vetoed the candidacy of Dutch PM Lubbers. It was only at a next meeting that the European Council agreed on the nomination of Jacques Santer.

Thus, the consensus rule complicates the decision procedure within the European Council. In particular, it has the consequence that the eventual nominee may well be selected on the merit of not provoking a veto of any of the heads of state, rather than for being the best-qualified person for the job. Eventually, this way of proceeding reflects badly upon the nominee as well as on the European Council itself.

## **2.2 The Treaty of Nice: Election by a majority in the European Council**

In the Nice Treaty (to enter into force on 1 February 2003), the EU governments have agreed to choose the Commission President by qualified majority voting (qmv) rather than by unanimity. As in the current situation, the European Parliament then has to approve the nominee.

#### *Efficacy*

The rationale behind the change at Nice is to improve the efficacy of the selection procedure. The nomination of a Commission President will no longer be compromised by the capture by one member state. At the same time, this reform reduces the possibility of making the choice of the Commission President part of a package deal. The new provisions make it possible that several heads of state propose a candidate. As a more open process of competition will ensue, the merits of the candidates are more likely to be a decisive factor. Above all, however, with the new voting system of Nice and the increase to 25 member states, the selection procedure is bound to become rather more complex.

While the move to qmv may thus have clear advantages, its implications in practice should not be overestimated. In many spheres in which the

The current situation leaves much to be desired in terms of democracy. As the selection process takes place under the firm control of the European Council, the impact of the electorate is marginal at best. What is more, the selection process is marked by opacity. The provisions on the selection and resignation of the Commission and its President protect the independence of the Commission. The question arises, however, whether the current responsibilities of the Commission do not require more effective controls. The efficacy of this selection procedure is hampered by the requirement of consensus in the European Council. As a consequence the eventual nominee may be selected mainly on the merit of not provoking a veto of any of the heads of state, rather than for being the best-qualified person for the job.

(European) Council can decide by qmv, actual decision-making still takes place in the shadow of a putative consensus (Golub, 1999). If there is a vehement opposition by any (major) member state, it is unlikely that the majority will persist on a nomination.

#### *Democracy*

The move from unanimity to qmv also has implications in terms of democracy. On the negative side, qmv makes it possible that whole electorates are cut off from the selection of the Commission President. Furthermore, the nomination will still be decided behind closed doors.

On the positive side, the move to qmv may well benefit the legitimacy of the decision in the Council. If member states indeed propose various candidates, there is likely to be a broad and substantial debate in the European Council on their merits and programmes. These debates may even spill over into the public sphere.

Most notably from the perspective of democracy, the move to qmv in the European Council may allow the European Parliament to put a much stronger mark on the selection process. Member states that have found themselves in the minority in the European Council will no longer press their MEPs for a positive vote. As a result, whereas the nominee was unlikely ever to be rejected by the European Parliament under the unanimity provisions (Hix, 1997), moving to qmv in the European Council significantly increases

the chances that the European Parliament can actually veto a candidate.<sup>6</sup> Thus it becomes far more likely that voters' preferences expressed in the EP elections will actually come to bear upon the selection process.

#### *Institutional balance*

If the European Parliament can make itself more felt in the selection procedure, its role in the Union architecture will be much strengthened. It will increase its grip over the Commission, while at the same time contributing to the legitimacy the Commission enjoys. What is more, European party groups, especially the larger ones, may turn this power into a campaign issue in the EP elections by featuring a candidate for the Commission Presidency or opposing the President in office.

As for the Council, decision-making by qmv creates the risk that the competition between the candidates may turn into a competition between member states. If the President would indeed be nominated against the will of some member states, this might well have a negative impact on his or her relationship with the (European) Council. Thus, regardless of whether the EP's powers turn out to be increased, the Nice provisions lead to a politicisation of the appointment of the President, since it will be more difficult for "intergovernmental" member states to refuse an integrationist candidate, or for left-wing member states to refuse a right-wing candidate, and vice versa.

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<sup>6</sup> Consider for instance the Santer vote: of the 94 MEPs whose national party supported Santer and whose European Parliament party group opposed Santer, 47 voted with the national party. If the European Council is divided as a result of qmv, the national governing parties that are in the minority in the European Council will no longer press their MEPs for a positive vote. Hence, a larger number would vote with their European Parliament party group. If for instance in 1994 the Spanish Social Democrats would have been in a minority position in the European Council against the nomination of Santer, a negative vote of their 17 MEPs would have sufficed to shift the European Parliament majority against him.

A central issue here is whether being elected by a qualified majority will in the end make the President more or less dependent on the Council. Some have argued that the Commission President may well come to depend on a structural majority in the Council. Decision-making within the Council would then come to be characterised by a new government-opposition dynamic. In the "governing" majority would be those member states that backed the Commission President and would probably also support his/her legislative initiatives. In the "opposing" minority would be the member states that were on the losing side in the appointment of the President and could also be on the losing side on most legislative issues (Hix, 2002a).

These predictions are probably overstated, however. In practice, coalitions among the member states shift according to the subject matter, with each member state having its own specific preferences on each topic. Moreover, given the role of the European Parliament in the legislative process (dual legislative) and the appointment procedure (investiture vote), a generalised government-opposition dynamic appears rather unlikely.

### 2.3 Election by the European Parliament

While the involvement of the European Parliament in the selection procedure for the Commission President has gradually increased, its role remains secondary to that of the European Council. With a view towards democratising the selection procedure, it has been suggested that this division of roles might be reversed, making the European Parliament the prime actor in the selection procedure (Jospin, 2001; Convention, 2002/177; Commission of the European Communities, 2002). Concretely, after the European elections, the European Parliament would elect the Commission President.

If the European Parliament is to elect the Commission President, the nomination of candidates becomes a key issue. Obviously the boldest option would be that the European political parties indicate their candidate for President in the European elections (Jospin, 2001). These candidates might even compete as figureheads of their party's transnational list (Barnier, 2001). A less far-reaching alternative would be that the European Council drafts a list of candidates,<sup>7</sup> from which the newly composed European Parliament would be required to choose a Commission President after the

The new Nice provisions facilitate a more effective selection procedure, although the actual impact may be relatively modest. More notably, however, they are likely to increase the power of the European Parliament in the selection procedure and thereby also the involvement of the electorate. Furthermore, qmv inevitably leads to a more politicised nomination vote in the European Council. While the changes will probably lead to a slight politicisation of the position of the Commission, the effects of these changes can be controlled by the checks member states exert upon each other and the role of the European Parliament.

<sup>7</sup> Another possibility is a dual list, drawn up by the Council and the European Parliament (Lenaerts & Verhoeven 2002).

European elections.<sup>8</sup> Finally, it is also possible to have the national parliaments designate a number of candidates. This would amount to a sort of "primary" at the national level (Attina, 1999).

This model carries the risks that the contest for the Commission President will only take place in the (bigger) member as they are crucial to the eventual outcome and are, hence, also probably the homeland of the most likely candidates. Thus, (smaller) member states might be alienated from the process. However, this danger can be warded off by inserting a requirement that any candidate be able to demonstrate support from among at least two-thirds of the national delegations in the European Parliament (cf. Hix, 2002a).

#### *Democracy*

Having the European Parliament elect the Commission President will have profound effects on European democracy. Above all, the choices of European citizens in EP elections will come to have much more weight. This could boost the participation rate in EP elections. Since most Europeans are well acquainted with this way of electing the executive, this proposal will also contribute to their understanding of the European political system. Moreover, by its very nature, the selection process will take place in public. In turn, this option is bound to enhance the public appeal of the Commission President. The debate on the merits of the candidates would probably combine with a much wider debate on programmatic issues, as the euro-parties will

present their election programmes at the same time. All this could in turn foster the emergence of a European political constituency.

Of course, in the medium run, EP elections are unlikely to fully ward off the shadow of national politics. National parties will still have an incentive to use the elections in their wider pursuit of national government office. Voters could still use these elections to signal their national concerns to the governing parties by voting for opposition or protest parties. Still, in the long run, the European dimension of EP elections is likely to be strengthened. (See Hix, 2002a, for a sceptical assessment of this view)

Giving the European Parliament the primacy in the nomination process may still fail to transfer the effective power of appointment, as parties in national government might still be tempted to impose their wishes on their MEPs. Hence, additional measures may be needed to ensure that EP party groups exercise a genuine choice over the candidates. In particular, the bond between domestic parties and MEPs should be loosened. This could be done by transferring the legal responsibility for selecting candidates in EP elections to other bodies, such as EP party groups, and/or regional party organisations.

This proposal will further strengthen the role of EP party groups. It stimulates them to organise around blocs each seeking to mobilise a majority for its own candidate (Franck, 2002). At the same time, the heterogeneity of Europe is unlikely to be fully absorbed in two major political blocs,

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<sup>8</sup> The EPP (2002) proposes to stick to the Nice provisions, whilst foreseeing that the European Council nominates the presidential candidate "in the light of the European Parliament elections". This would probably amount to a genuine election by the European Parliament, since the Nice provisions (presumably) make it possible that the European Parliament refuses a candidate nominated by the European Council. Still, it is a somewhat awkward compromise, which does not really give the European Council its own say in the appointment of the President. It is also doubtful whether the public would fully comprehend this process.

especially not as long as there remains a strong proportional element in the electoral procedures. Thus, the largest party in the European Parliament will not necessarily be able to secure its candidate for Commission President, as the final outcome will depend on the coalitions that can be formed.

#### *Institutional balance*

The position of the European Parliament vis-à-vis the Commission in this model deserves careful attention. On the positive side, one may argue that it is logical to boost the role of the European Parliament in the appointment of the Commission President, as it is the only institution that can effectively sanction the Commission (Lenaerts and Verhoeven, 2002). On the negative side, however, there is the risk that this model may in fact reduce the powers of the European Parliament vis-à-vis the Commission, relegating it to a mere rubber-stamping body (cf. Hix, 2002b). Experience with national parliamentary systems has taught us that executives selected by a parliamentary majority may well turn this majority into its will-less servant. If the Commission becomes an emanation of a parliamentary majority, the European Parliament risks losing its "critical distance", which now enables it to effectively exercise its supervisory role.

To counter this, some have proposed the requirement that the Commission President must be elected by a super-majority in the European Parliament (Lamoureux et al., 2002). But this option opens up the possibility of a deadlock in case the two biggest groups are unable to agree on a candidate. Such a situation would turn the selection of the Commission President again into an easy prey for dirty and opaque horse-trading between the political families.

In any case, it remains to be seen whether the Commission would really be able to bring about such a "dictatorship of the executive". This risk is mitigated by the fact that the executive would have to rely on a coalition of party groups that, given the under-development of European party-groups, are unlikely to be fully controllable all the time. Moreover, the election of the Commission President by the European Parliament does not amount to the election of the whole Commission by the European Parliament. One might well leave the power to nominate the other Commissioners to the member states. Furthermore, experience so far has shown that MEPs tend to interpret parliamentary mechanisms in such a way as to make them compatible with the non-majoritarian features of the EU. Technocratic and judicial scrutiny tends to superimpose ideological differences (Magnette, 2001a). Finally, the central role of the Council in the Union's decision-making process should be underlined. Since the Council is part of the executive and part of the legislature, a fully "fused-majorities" model is unlikely.

This brings us to the implications this model has for the Council. As the member states lose their control of the selection process, there is the risk that certain member governments become alienated from the Commission President, especially if he/she maintains a very close relationship with a parliamentary group in which certain states are less well represented. If the group of alienated member governments would turn out to be sufficiently large, the danger of inter-institutional deadlock looms.

To ensure a good working relationship between the Commission President and the Council as a whole, various measures can be envisaged. First, it appears desirable that, after the EP elections, the Commission President is

also approved by a qualified majority in the European Council. Further, member states opposing the President chosen may be satisfied through a balanced overall composition of the Commission itself, which they can assure through their right of nomination. More far-reaching possibilities are even conceivable. The Council can, for instance, be granted the right to censure the Commission (Commission of the European Communities, 2002; Dehousse, 1995).<sup>9</sup> One risk of this, however, is that the Commission members fall victim to inter-state feuds. For that reason, individual accountability of the Commissioners vis-à-vis the Council is not desirable, but a collective accountability or, alternatively, focusing the accountability relationship on the position of the Commission President alone, may be possible. A further option is to give the Council the power to dissolve the European Parliament if the latter censures the Commission.

All in all, one can envisage several institutional measures to ensure a good working relationship between the Council and the Commission. Indeed, whatever flanking measures are adopted, care has to be taken that they do not overshoot this objective by actually compromising the position of the Commission and tilting the institutional balance again to the side of the member states.

Election of the Commission President by the European Parliament will have profound democratising effects. Its impact on the institutional balance requires attention both on the side of the European Parliament and of the Council. Whenever genuine dangers are apparent, however, flanking measures can be adopted to thwart them. Preserving a balanced relationship with the Council is also a precondition for this option to be efficacious.

### *Efficacy*

There is some reason for concern with this model about how the changed relationship with the Council may affect the coordinating powers of the President. In terms of his remit, the Commission President gains little from a further strengthening of his bonds with the European Parliament. On the other hand, the loosening of ties with the (European) Council might lead to a reduction of the trust member states are willing to put in the Commission. Member states may be reluctant to delegate powers to an office that they are not sure they can control. If member states will become more guarded in their relations with the Commission President, his/her capacity to coordinate across the institutions is likely to be reduced.

There is reason to believe that this model will work towards the selection of candidates of high quality. European party groups will have a big interest in nominating well qualified candidates. MEPs can, moreover, be regarded as an expert constituency at the heart of the Union's decision-making process (Laver et al., 1995).

<sup>9</sup> Note that the Treaty already provides the possibility for the Council to ask the European Court of Justice to retire a Commissioner if (s)he no longer fulfils the conditions required for the performance of his/her duties or if (s)he has been guilty of serious misconduct (Art. 213 TEC).

## 2.4 Election by the national parliaments

Beyond the options of having the Commission President elected either by the European Council or by the European Parliament, a third option may be to delegate the election to national parliaments. It has been argued that this option meets various needs at the same time (Hix, 2002a):

- it offers a democratic procedure for electing the Commission President;
- it circumvents the playing off of the European Council and the European Parliament; and
- it secures a substantial role for national parliaments in the European political process.

The election of the Commission President by the national parliaments would be organised as an Electoral College. Each national parliament would have a certain number of "electoral college votes" equal to its country's representation in the European Parliament (thereby allowing some over-representation of smaller member states). These votes could then be allocated to the different presidential candidates in proportion to their share in the ballot of each parliament. The candidate obtaining the absolute majority of the votes (if necessary after two ballots) would be appointed Commission President.

A major advantage of this model is that it can be structured to ensure a transnational outcome of the election. Each candidate for the post of Commission President would be required to secure at least a certain level of support in most/all national parliaments. Thus it would ensure that the Commission President would enjoy the support of party groups throughout all member states, instead of coming under the director of a limited number of member states.

Another notable feature of this option is that it might leave member states the freedom to move to a system in which their share in the electoral college is determined through direct elections by the people rather than by the national parliaments (Hix, 2002a). If eventually all member states would make this move, the system would be transformed into a direct election of the Commission President (see section 2.6).

### *Democracy*

This proposal derives its strength from the fact that it draws upon the national parliaments, "the main democratic and sovereign bodies in Europe's representative democracies" (Hix, 2002a). The proposal can also draw upon the national public infrastructure to foster debates about what the EU should be doing. At the same time, it would bring out the truly European dimension of the election, since candidates would have to campaign throughout the EU. As a consequence, the proposal would probably go some way towards strengthening the role of Euro-parties, but not to the same extent as in the previous proposal.

Admittedly, this option involves somewhat more complex arithmetic than some of the other options (Hoffmann, 2002: 9). Still, these complexities do not appear prohibitive in the case of the election of the US President. What matters is that, contrary to the current selection by the European Council, the election takes place openly in a way that is controllable to the public.

A limitation of this model, however, is that while it does involve the national parliaments, it does not offer much reason to expect this involvement to spill over to the electorate. Especially when the national election and the election of the Commission President may well be

quite far apart in time, the choice of the new Commission President is unlikely to feature high among the issues at stake in the national elections. In that way, this option institutionalises the second-order national character of the investiture procedure, as the election for the institutions deciding the investiture procedure (i.e. the national Parliaments) are a-fortiori national-centred. Moreover, rather than sparking off a truly European political debate, election by national parliaments is more likely to stir up different national debates that will be centred around national issues (e.g. the Euro in the UK) and dominated by national party politics (Hoffmann, 2002).

Hence, though the idea of involving national parliaments does have a definite appeal, it has limited democratic credentials as it will not bring about much involvement of the citizenry. Nor can this option be expected to contribute towards the structural formation of a European political and public sphere. On the contrary, it reaffirms the primacy of national public spheres.

#### *Institutional balance*

As this option secures a substantial role for national parliaments within the Union architecture, it may well serve to rally a stronger engagement of national parliaments with the European project. Moreover, the appointment by national parliaments provides the EU executive with a distinct base of democratic legitimacy. In that way, the "fusion" of the executive and the legislative is avoided.

Quite likely, the candidate gaining the majority of support from the national parliaments will be able to enjoy considerable support in the European Council, as the composition of the latter reflects the composition of national

parliaments. This does not, however, make this option equivalent to selection by (the majority of) the European Council (contra Hoffmann, 2002: 11-12). Any successful candidate for Commission President will probably require the support of at least some opposition parties in national parliaments as well some small governing parties with a political colour that is not present in the European Council (e.g. the Greens). In any case, the fact that any successful candidate is likely to enjoy considerable support in the European Council is noteworthy, in that it provides an important source of inter-institutional stability.

Much more reason for concern comes from the relationship between the Commission President thus chosen and the European Parliament. Since the legitimacy of the President would derive from the national parliaments, he/she would be much less dependent on the support of the European Parliament. On the positive side, it could be argued that this guarantees the independence of both the Commission and the European Parliament. On the negative side, as the European Parliament's powers to influence the appointment of the Commission President are reduced, it may be more inclined to veto legislative proposals or to threaten to invoke censure. Moreover, the risk of institutional deadlock looms, as the majority in the European Parliament will not necessarily be the same as the aggregated majority in the national parliaments (and thus the Council). Thus overall this option seems to strengthen the role of the Council in the appointment of the Commission President, to the detriment of the role of the European Parliament.



*Efficacy*

If the Commission President were elected according to this method, he or she would come to claim an independent position with a distinct basis of legitimacy. Notably, however, there would be few mechanisms of accountability to constrain this independence. Already the election of the Commission President itself would not provide for accountability, as the composition of the electing body would not be determined by the performance of the President in office. Moreover, in between elections, his/her actions would only to a limited extent be subject to scrutiny (Hoffmann, 2002). Given their position in the multi-level system, national parliaments lack the resources and access needed to effectively monitor the European level (Dann, 2002). And even if they would command these resources, they would still lack the means to sanction the Commission President.

Hence, the President thus chosen might well skirt the Council and the European Parliament, invoking his/her accountability to the national parliaments, which would however be unlikely to join powers effectively. This political independence is all too likely to turn against the Commission President. Powers are likely to be withheld on grounds that the position is insufficiently embedded in the Union architecture.

**2.5 Election by a Congress of Parliamentarians**

Another option that has been gaining interest lately is to delegate the task of electing the Commission President to a Congress of Parliamentarians. This Congress would be a newly established European institution bringing together national parliamentarians from all member states with an equal number of Members of the European Parliament.<sup>10</sup> As the Congress would be a new institution, its composition and working procedures would have to be decided up front.

Conceivably, the Congress might elect the Commission President by simple majority. However, to ensure that the successful candidate enjoys broad support, more demanding voting rules could be adopted. One might, for instance, require the winning candidate to enjoy the support of a majority among the EP representatives as well as among a majority of the member state representatives, or even of the majority in a majority of national parliaments.

*Democracy*

At first sight, the idea of a Congress is appealing. It would be the representatives of the European citizens, in their capacity as both national citizens and European citizens, who

The option of having the Commission President elected by the national parliaments scores badly on all three accounts. It falls short in terms of democracy as it fails to involve the electorate and reaffirms the primacy of national public spheres. While it may work out well with the member governments in the Council, it troubles the relationship between the Commission and the European Parliament. In the end, however, in the absence of accountability mechanisms, one may well wonder whether the Council and the European Parliament will actually be willing to entrust the Commission President thus chosen with any substantial powers.

<sup>10</sup> Some French proposals suggest, however, a division of 2/3 national MPs and 1/3 MEPs.

would elect the President of the Commission.<sup>11</sup> Thus, one might hope that election by a Congress would combine the best of both former options (election by the European Parliament and by national parliaments).

A Congress is likely to stimulate the development of links between national parties and European party groups and will thus contribute to the development of a European political sphere. It would bring the election of the Commission President out into the open. Also, a Congress may well acquire a strong symbolic appeal across the European public spheres.

In practice, however, it appears more likely that the Congress will above all combine some of the problems attached to the former options. The idea of a Congress does little to involve the electorate directly. The fact that the EP elections will only partially determine who shall become Commission President will only have a slight effect on their public appeal. At the same time, the choice of the Commission President is unlikely to become a major issue in national elections amidst the national issues that are normally at stake.

Moreover, the fact that the Congress does not have an established place within the Union architecture is bound to leave it somewhat of a *fremdkörper* in the eyes of the public. Indeed, rather than exemplifying European democratic practice, this new and incidental institution might well be captured by established political forces behind the scenes (national governments, party-groups).

#### *Institutional balance*

Given the composition of the Congress, this option does not seem to favour either the Council or the European Parliament to the detriment of the other. As with the election by national parliaments, it is rather likely that the majority by which the Commission President has been elected will be of a similar political persuasion as the majority in the Council. At the same time, working relations with the European Parliament will be somewhat better than in the former option, as MEPs will have been part of the Congress.

Having an equal number of national MPs and MEPs is obviously crucial in this respect. However, much will also depend on the political colour of the members that represent the European Parliament and the national parliaments in the Congress. If the rules of designation of Congress members are such that only the dominant political tendencies in both constituents are being represented in the Congress, then divergence between the Congress and the European Parliament is more likely to emerge.

#### *Efficacy*

While the Commission President elected by a Congress may be able to establish effective working relations with the European Parliament and the Council, the question of accountability remains troublesome. If the Congress is to reassure on this score, it should be given the necessary powers (information, questions, and censure). Still, it will only be able to exercise them on the rare occasions when it does congregate. In between elections, it would fall to the European Parliament to scrutinise the Commission. However, there is an obvious tension between the

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<sup>11</sup> We owe this interpretation to Prof. Dr. Koen Lenaerts.

role of the Congress and that of the European Parliament. Any extension of the powers the Congress enjoys in holding the Commission accountable would undermine the powers of the European Parliament in the same domain. This problem is not resolved by the fact that a substantial part of the Congress would be constituted by MEPs. Overall, a Congress would add a significant number of complications to an already "Byzantine" system.

collect an absolute majority of the votes cast. If in a first round no candidate would succeed in gathering such a majority, a second round may be organised along the lines of the French electoral system with a run-off between the two most successful candidates.

Alternatively (or additionally), votes from the various member states can be assigned weights, for instance according to each member state's share in the European Parliament. Hence, votes

The democratic credentials of having the Commission President elected by a Congress of Parliamentarians appear eventually rather spurious. Compared to the alternative of election by national parliaments, the establishment of a Congress would better preserve the institutional balance. Still, the option creates a potential tension between the Congress and the European Parliament and leaves clear problems of Commission accountability that may well impede its efficacy.

### 2.6 Direct election

In the final option, the Commission President would be directly elected by EU citizens in an EU-wide contest without any parliamentary mediation (Fischer, 2000b; Verhofstadt, 2000). Thus, the EU would be transformed into a (partial<sup>12</sup>) presidential system.

Various voting procedures can be considered to organise such a direct election. The leading consideration should be that any candidate chosen will need to command wide support across the Union in order to preclude the threat of a permanent alienation of certain minorities and/or member states from executive power (cf. Laver et al., 1995). Thus a candidate should not be able to win by gathering support in a limited number of member states only.

A first way to ensure broad support throughout the Union is to require any winner to

cast by electors from smaller member states would weigh more than votes cast by electors from bigger member states. This could ensure that the preferences of the voters in smaller member states are also taken into account. An objection against this solution, however, is that it runs rather blatantly against the "one man-one vote" principle.

A third alternative is an electoral-college type of arrangement, modelled on the US presidential elections but with virtual rather than genuine electors (Laver et al., 1995). In this system voters would determine the allocation of "presidential mandates". To favour smaller member states, each member state could have a number of presidential mandates (roughly) equal to its representation in the European Parliament. Furthermore, contrary to the practice of most American states, the distribution of presidential

<sup>12</sup> Partial, because part of the executive powers in the Union would still lie in the hands of the Council and the European Council.

mandates per member state should not be awarded on a winner-takes-all basis, but rather on a proportional basis. The candidate who would then receive the majority of presidential mandates would become Commission President. The main advantage of this method is that it makes it possible to take into account the population weights of the member states, whilst highlighting the number of mandates the various candidates win in each member state rather than blatantly according different weights to "raw" votes.

Further guarantees to ensure that the eventual winner will indeed draw upon a wide basis of support may be derived from the organisation of the nomination procedure. Each candidate might, for instance, have to demonstrate the support of a certain percentage of MPs in a certain number of Parliaments (Laver et al., 1995). This would guarantee that one section of the elite in every member state would be accountable to their electorates for the actions of the winning candidate.

By combining these various provisions, candidates can be prevented from "hunting where the largest ducks nest".

#### *Democracy*

Direct election of the Commission President has obvious democratic merits. It directly involves the European citizens in the selection of the executive and its basic design stands out in terms of simplicity and transparency (although this may vary depending on the finer details of the election procedure). Potentially, the public appeal of this option is high. Voters in some member states are also already acquainted with direct presidential elections (France, Ireland, Finland, and Austria).

However, one may dispute whether Europe's voters are ready and interested to vote in such an

election. Moreover, language barriers may make it difficult for the nominees to get their message across. With an immature electorate, this kind of election might end up as a "Eurovision contest" with voters preferring the candidate of the same nationality or the one of a "friend" country.

Still, we should not underestimate the electorate. Once this option is introduced, one might expect the public to pick up on it and to acquire a concrete sense of what it is voting for. Thus, the visibility and accountability of the Commission President would be much strengthened. At the same time, one would expect electoral turn-outs to reach levels comparable to those of national elections, as this method makes it very clear to the citizens that their vote matters. (Hix, 2002b, is sceptical.)

A crucial element for this option to work would be the evolution of a European political system with truly transnational party groups. Close collaboration between the national member organisations of the European party groups in a broad campaign, based upon a common manifesto, would be essential for winning the election. In turn, it would be much harder for national parties to turn the EP elections into a mid-term "beauty contest" for national governments. The election campaign would engage European public opinion around unequivocally European issues.

#### *Institutional balance*

For this option to succeed, proper working arrangements need to be put in place between the Commission President and the two legislative bodies, the Council and the European Parliament. As regards the relationship with the European Parliament, the Commission President would naturally be linked to one or more party groups.

Still, these relations would be considerably weaker than if they would have elected him or her. Indeed, the President will be less constrained by party affiliation, and may be able to rely on varying coalitions.

Relations with the Council and the European Council might well be more complex. Of all options reviewed, a directly elected President may pose the strongest challenge to the primacy of the member states in the Union architecture. Quite likely, there would be some member governments of the same political persuasion as the Commission President, but there would be no guarantee that he or she would be able to rely on a majority of them. In the end, much would depend on personal skills whether the Council would be willing to accept the Commission President as a useful partner or rather take a more envious stance towards this newcomer.

All in all, a directly elected Commission President is bound to put a lot of pressure on the institutional balance. It leaves the risk of institutional deadlock, so familiar from the French ("cohabitation") and US system (cf. Sartori, 1994; Linz, 1990; Duverger, 1980). To avoid this risk, release mechanisms may need to be put into place so that either legislative chamber would be able to force the Commission President to resign. Conversely, one might also consider giving the Commission President the power to call for new

EP elections. However, the use of such release mechanisms is bound to have its costs in terms of political stability.

#### *Efficacy*

Potentially this option invests the Commission President with a lot of power. Being directly elected by all European people, he or she will acquire an exceptionally strong mandate. The popular investiture will boost his/her authority vis-à-vis national leaders and the other EU institutions as well as abroad. Moreover, this option provides for a direct link of accountability, as the voters would now be able to "throw out the scoundrels".

In turn, however, this puts the President of the Commission under a lot of political pressure. Whether she or he can deliver will depend heavily on the willingness of member states to actually entrust the President with substantial powers and to develop a productive working relationship with that individual. Indeed, if the high expectations of the electorate fail to be met, a backlash may occur in terms of public credibility and overall legitimacy of the system. Experience in national political systems has taught us that a presidential system is unlikely to bring political stability to a polity still lacking in social stability (Linz, 1990). Hence, it is essential that the democratic legitimacy entrusted to this office is matched by the actual powers it commands.

Direct election of the Commission President is appealing for a number of democratic considerations. One may dispute, however, whether the European electorate is actually ready for it. The radical character of this proposal is bound to put a lot of pressure on the institutional balance, the implications of which are hard to predict. The Commission President, Council and European Parliament would have to redefine their working relationships. These will also determine whether this option can actually be made to work effectively. If the Council and the European Parliament failed to cooperate constructively with the Commission President, it would be likely that the Union's credentials would be undermined.

### 2.7 Preliminary conclusions on the selection of the Commission President

The first notable finding of this chapter is that the selection procedure of the Commission President as revised by the Treaty of Nice goes a long way towards satisfying the three criteria of democracy, efficacy and institutional balance. The move away from consensus to qualified majority voting allows a whole new political dynamic to unfold within the European Council, and boosts the role the European Parliament can play in the appointment procedure. Even under Nice, there will therefore be a more politicised appointment of the Commission President. Thus, the Nice procedures may in the end differ in little but formal proceedings from the election of the Commission President by the European Parliament.

Still, a move towards election by the European Parliament remains preferable from the perspective of democracy, because it would make the process more comprehensible and increases the likelihood that European party groups will actually free themselves from the control of national party organisations. As a result, the EP elections would become the core event for the appointment of the Commission President. The implementation of this option needs to be complemented by flanking measures that would ensure the full and equal involvement of the Council in the Union's political process. With such measures in place and given the

heterogeneous nature of the Union, there is little reason to fear the Commission developing into a dominating executive, as some (Laver et al., 1995; Hix, 2002a) have argued.

Direct election of the Commission President by the electorate would be an even more radical step towards democratisation. However, the democratic gains of this procedure need to be qualified given the as yet only nascent European public space and the necessity to calibrate such an election. Also the turn to a Presidential political system that this reform would imply would severely shake up the institutional balance, exposing the Union on the one hand to the risk of too strong a Commission President and, on the other, to a structural deadlock between the Commission, Council and European Parliament.

Finally, two options involving the national parliaments were considered. In the first of these, the national parliaments would actually act as an electoral college. This option was found to be problematic on all accounts: it offered few democratic merits, distorted the institutional balance and was unlikely to contribute to greater Union efficacy. Election by a Congress of Parliamentarians did slightly better, but the gains for the Union of the involvement of national parliamentarians in a Congress were found nevertheless to be slight while raising considerable complications in the balance between the Commission, Council and European Parliament.

**Table 2. Six options for selecting the Commission President**

	Amsterdam	Nice	EP election	National parliaments	Congress	Direct election
Efficacy	-	+	+	-	±	±
Democracy	-	±	+	-	-	+
Institutional balance	±	±	±	±	±	±

Whichever way the Commission President is selected, it is bound to have implications for the nature of the Commission. In section 1 we noted that the scope and the nature of the Commission's tasks have expanded over time. As a consequence, the image of the Commission as a technocratic, impartial broker simply can no longer be maintained (Lenaerts and Verhoeven, 2002: Part 2; Føllesdal, 2003). The Commission has become politicised over time and if it is to retain any political prominence in the future EU it will be politicised even more.

At the same time, recognising the Commission as a political body does not necessarily imply that it has to relinquish its role as guardian of the general European interest. Governmental institutions in national democratic systems are also expected to pursue the general interest rather than merely the interests of the electoral majority. Checks and balances can help to secure this orientation towards the general interest. Parliaments, especially when made up of different chambers, actually act as a buffer by checking executive action. Constitutions serve to delineate the remit of government and courts may act as their custodians.

Regardless of the selection procedure chosen, we need to assess the position of the President of the Commission in the wider context in which his/her powers are subject to countervailing measures. On the one hand, the powers of the President within the Commission should be strengthened, so as to enable the President to exercise genuine leadership. As the selection process bestows more legitimacy on the Commission President, her or his powers in the nomination and resignation of Commissioners

should increase.

On the other hand, the politicising effect from the election of the Commission President should be countered by a balanced composition of the Commission, in terms of party affiliation and nationality. Thus, while the composition of the College of Commissioners should be the prime responsibility of the President, this power might be subject to certain minimum requirements regarding geographical and demographic diversity and fair rotation<sup>13</sup> and, possibly, to approval by the European Council and the European Parliament. Moreover, some of the quasi-judicial functions may be delegated to independent agencies (Majone, 1996). Thus, the Commission should continue to be able to perform its conciliatory role in the legislative process.

Still, the Commission's powers currently find their limits in the fields of cooperation that remain firmly in the hands of the member states. Whether a democratised Commission President will actually be in a position to give effective leadership to the Union thus depends on the overall organisation of executive leadership in the Union. With this caveat in mind, we next turn to the future of the Council Presidency as well.

<sup>13</sup> Cf. Art. 4 of Protocol A. to the Treaty of Nice concerning the composition of the Commission after enlargement.

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## Annex

### The Normative Framework in Full

In this annex each of the three dimensions – efficacy, democracy and institutional balance – is elaborated and dissected in a number of more specific aspects. Together these aspects provide us with the normative framework with which the various proposals to reorganise leadership in the Union are evaluated.

#### *Efficacy of office*

Arguing for the reorganisation of leadership in the Union requires first and foremost that one expects it to contribute to a better functioning of the Union overall. The easiest way to demonstrate the issues at stake here is to draw upon the current situation (cf. section 1.1). The most striking characteristic of current leadership in the Union is that it is divided. Division of the leadership task is not a bad thing in itself and within the Union there may be pertinent reasons justifying it. Still, within the complex Union architecture, effective leadership requires well functioning *coordinating powers*. To be effective, leadership in the Union needs to contribute to the coordination of the political process by commanding powers that reach across the institutional divides that currently exist.

Effective leadership is not merely an issue of accumulating powers, however. Any formal exercise of power may well run hollow if it lacks authority due to ineffective lines of communication and accountability. The organisation of leadership needs to ensure that it is in a position to command support from the various Union institutions. Thus, a second aspect of the efficacy of leadership in the Union is a modicum of (internal) accountability, i.e. some degree of *embeddedness* within the Union architecture.

The support that Union leadership can gather from inside the Union will also need to be complemented by the recognition it receives from outside the Union. Indeed, the lack of *external presence* is often referred to as the major indicator of a lack of leadership in the Union. A major test for leadership of the Union is thus whether international actors – most concretely, the US President – will recognise that it provides them with an equal and credible partner.

Finally, whatever the formal powers and provisions made to organise leadership, its effectiveness will to a large extent depend on the people who are selected to take up the task(s). Hence, the future organisation of leadership within the Union will have to be shaped in such a way as to ensure that indeed the position(s) involved attract the best-qualified people. In the end a major aspect in shaping the efficacy of Union leadership will be the extent to which it fosters *selection by merit*.

Effective Union leadership is thus more than just a matter of *powers*. It also depends on its *embeddedness* in the Union architecture, its *external presence* and the *merits* of the people it attracts. All four aspects need to be taken into account when evaluating possible ways to organise Union leadership in the future.

*Democracy*

The democratic character of the European Union is seriously questioned on many fronts. There is a wide range of diagnoses of the presumed "democratic deficit" as well as a wide range of possible solutions (cf. Weiler et al., 1995; Lodge, 1997; Dehousse, 1995; Moravcsik, 2002). The reorganisation of Union leadership need not be a necessary ingredient of any solution. Still, quite a number of proposals to reform Union leadership suggest that it may contribute to democratising the Union, or at least to increasing the engagement of citizens with the Union. To analyse the democratic potential of reforms of Union leadership properly, we do not look simply at electoral mechanisms but assess them in the context of a broader conception of democracy involving the appreciation of and the engagement with the Union by the citizens.

A first way in which leadership reform may contribute to the democratic perception of the Union is by making it more transparent, or more specifically more comprehensible. A prime obstacle to popular engagement with the Union is the perceived complexity of its workings. Citizens are confronted with a range of institutions whose powers are all conditional upon each other and whose interaction varies from one issue to another. A proper attribution of leadership within the Union might make a considerable contribution towards alleviating this problem. People in positions of leadership may serve as reference points for the public, instilling a sense of control, confidence and accountability. Thus, institutional clarity may foster participation (Magnette, 2001b).

Besides being comprehensible, transparency also refers to the very way in which leadership responsibilities are assigned. Decision-making in the Union is generally regarded as opaque. In many cases, it is impossible to reconstruct how decisions are actually taken. This applies in particular to the intergovernmental settings of the Council and the European Council, where informal proceedings often prevail over formal decision-making rules (cf. Golub, 1999). Thus, democratising leadership in the Union also requires the very assignment of tasks and the selection of candidates to be characterised by *openness*. Openness requires not only that decision-making takes place in public; it also requires the public to be able to understand (and reconstruct) how the decisions have come to be reached.

It is only after the first two democratic preconditions – establishing a comprehensible and open system – are met that we come to the actual engagement of citizens in the process. For sure, the democratic norm within any political system is that citizens should be able to exercise direct influence on the choice of the people in power. In modern democratic systems, electoral mechanisms provide for the most direct means by which all citizens can exercise their influence equally. Deviations from the democratic norm must be justified with good reasons, and even if they can be justified, the means may need to be sought to ensure that the electoral will is taken into account. The weak connection between Europe's citizens and its institutions is a direct reflection of the weakness of the electoral mechanisms to which they are subject. Wherever power is exercised in the Union, citizens do not feel their preferences have much of an impact on it. Hence, there is a clear pressure to have any strengthening of leadership in the Union combined with effective mechanisms of *electoral choice* through which the public can effectively influence the selection of one candidate over another.

It would be a mistake, however, to suggest that Union democracy is merely a matter of offering

electoral choice. Falling turn-outs in elections all over Europe demonstrate this fact and indeed the elections for the European Parliament may well provide one of the strongest cases. Elections only seriously contribute to democracy if they have sufficient *public appeal*. Indeed public appeal and engagement and the power they exert through the public space may in the end be more important democratic factors than the actual electoral procedure. Public appeal itself is again influenced by a wide range of factors. One of the most important of these factors is probably the powers ascribed to the office for which elections take place. A second factor is the extent to which the public perceives that it enjoys a meaningful choice or whether it rather feels that the system has largely prejudiced its choices. This second factor is of much relevance when it comes to Union leadership, as there are strong national and supranational interests in retaining control of the selection process.

Public appeal may be triggered on an incidental basis and it may dissipate as swiftly as it has come about. In the context of the European Union, we have to take account of the more structural conditions beneficial for democracy. Many observers have pointed out that attempts to democratise the European Union suffer in the end from the structural absence of a European public sphere (Grimm, 1995). European politics is bound to stay out of touch with the citizens of Europe as long as there is no transnational public sphere to serve as a permanent mediator between them. To the extent that reform of the Union's leadership is argued to have democratic merit, we thus also have to assess the extent to which the process fosters *the emergence of a European political and public sphere*. Concretely, European leadership may be organised in such a way as to foster the emergence of European parties and the necessary organisational and media infrastructure in which they can interact with each other. Offering the European citizens electoral choice may be instrumental in creating a European public sphere, as the resulting politicisation of and competition for Union leadership will raise the salience of the EU in national political debates (Risse, 2002).

Thus we propose to take a broad perspective on the democratic dimension. We recognise the key role electoral choice may play. At the same time, however, we take aspects such as comprehensibility and openness to be of equal importance. Similarly, we submit that any full appreciation of the democratic impact of leadership reforms will need to take public appeal and the emergence of a European political and public sphere into account.

#### *Institutional balance*

This dimension concerns the specific institutional balance that needs to be observed in the Union (cf. Prechal, 1998; Lenarts and Verhoeven, 2002). The Union is no longer a normal international organisation but nor is it an autonomous, sovereign political system. It derives its powers (as well as the legitimacy to exercise them) from two sources: from the governments of each of the member states as represented in the Council, as well as from the citizens of these states as represented by the European Parliament. As a consequence of this, any re-organisation of Union leadership has to find a fine balance between those two sources of power.

As it is not the EU's vocation to become a centralised superstate replacing the member states, the Union will only be able to consolidate its own authority if it shows sufficient respect for the national

states (Dehousse, 1995). One implication of this is that Union decision-making cannot be simply subject to majority rule. The Union cannot afford to permanently antagonise a majority versus a minority of member states (or functional interests). Consensual decision-making thus has to ensure that minority rights are protected against the majority rule. However, a mere consensus rule is problematic, since this permits a single state that benefits from the status-quo to block any kind of policy change that would further the general interest (Scharpf, 1988).

Hence, in the EU, there needs to be a balance between majority rule and consensus-rule resembling the model of "divided government" rather than that of fused powers (Hix, 2002b). This system of "separated institutions sharing powers" (Neustadt, 1990) enables the legislature to check the executive, given the independent selection of the executive and the legislature. Indeed as long as the EU remains characterised by a dual executive and a dual legislature, it is unlikely ever to resemble a full majoritarian system.

The institutional balance in the Union is reflected in the fact that Union legislation takes place through a thoroughly checked process with oversized majorities in the institution representing the states (Council) and the institution representing the citizens (European Parliament). In the decision-making process, it is up to the Commission to mediate between the two institutions and to draw them to the general interest of the Union through its control over the drafting of legislative proposals.

The need to respect the institutional balance requires any re-organisation of Union leadership to find a fine balance between the need to effectively pursue the common interest and the need to duly respect the interests and liberties of the different actors involved. It follows from what has just been said that leadership selection in the Union cannot be simply the subject of majority rule. In a majoritarian ("fused") model, the executive is able to dominate the legislature by commanding a secure majority in it ("dictatorship of the executive") (Hix, 2002b). As a consequence certain member states might be permanently excluded from power as they would be only represented in the minority.

Rather than fusing legislative and executive powers, leadership in the Union should rather be subject to a system of checks and balances resembling the model of "divided government". Such checks can be built into the functioning of the institutional triangle. The role of the Council is crucial in this respect, as it is part of the legislature but also a part of the executive. Structural guarantees are required to ensure that Union leadership will not be permanently alienated from any one member state. At the same time the European Parliament ought not to be monopolised by the executive, but should instead continue to play its role as "controlling parliament" (Dann, 2002). Finally, as far as the Commission is concerned, its distinct and independent role should be preserved as much as possible.

Thus, any reform of leadership in the Union will have to ensure that the relations with the intergovernmental and with the supranational institutions are properly looked after. Moreover, the relationship between intergovernmental and supranational institutions should also be well balanced, with neither structurally dominating the other. In particular, any re-organisation will need to take account of the risk that intergovernmental and supranational institutions end up in a political deadlock in which European decision-making is immobilised by the two kinds of institutions vetoing each other's proposals.



## UNELE ASPECTE PRIVIND APLICAREA LEGISLAȚIEI DE PROTECȚIE A CONCURENȚEI ÎN ROMÂNIA<sup>1</sup>

**Gheorghe Oprescu\***

***ABSTRACT** Romania is trying for some time to launch the deregulation and liberalization processes, absolutely necessary for economic development. Unfortunately, many persons in Romania consider competition as a harmful force, the cause of the hardships faced by indigenous firms.*

*Our analysis will show that competition is indeed harmful not to all but only to inefficient firms.*

*The role assigned to competition policy is to cure market failures. These failures may spring from two sources: business activity and government regulation. The former cause of monopoly and inefficiency is dealt with by legislation, the latter by lobbying decision-makers.*

România încearcă - de mai mult timp - să inițieze procesele de dereglementare (în sensul retragerii statului în fața mecanismelor pieței) și liberalizare economică (în sensul admiterii concurenței). Aceasta vrea să spună că, lucru încă de dorit, statul va pune accent - în procesul de alocare a resurselor - pe mecanismele concurențiale ale pieței, a căror stimulare constituie unul din principalele obiective ale Legii concurenței. Mai mult, în contextul procesului actual de globalizare economică, importanța legislației în domeniul concurenței este subliniată și de faptul că - în deceniul trecut - peste 30 de țări au introdus reglementări noi sau le-au modificat substanțial pe cele existente.

Este adevărat însă că acceptarea manifestării forțelor concurențiale în economie este percepută de către numeroase persoane - în România, la fel ca și în alte țări aflate în tranziție - ca fiind dăunătoare, atât din punct de vedere social, cât și economic. Apariția concurenței internaționale - fie ea chiar și numai din țările

învecinate, vezi cazul produselor importate din Ungaria - este percepută ca fiind cauza dezastrului în care se găsesc firmele autohtone.

O analiză matură va arăta însă că procesul de liberalizare economică este dăunător firmelor ineficiente, dar *salutar de cele mai multe ori pentru societate în ansamblul său.*

Pentru a nu cădea însă în cealaltă extremă, să menționăm că, totuși, mecanismele pieței nu funcționează întotdeauna eficient. Firmele aflate în poziție de monopol sau chiar pe piețe de tip oligopol vor avea de cele mai multe ori la îndemână mijloacele necesare pentru a diminua rolul procesului concurențial. Aceasta fie prin realizarea unor înțelegeri de a nu se concura unele cu altele (pentru a reuși să crească prețurile și să diminueze cantitatea produsă), fie prin impunerea unor reglementări care să-i excludă pe potențialii concurenți, fie prin alte mijloace. Toate acestea conduc la încetinirea creșterii economice, inhibarea dezvoltării sectorului privat și a capacității economiei de a atrage investiții străine.

<sup>1</sup> Articolul de față se bazează pe un studiu mai larg, în curs de apariție într-un volum sub egida Centrului de Politici Economice.

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Politica în domeniul concurenței are, de aceea, rolul de a *corecta aceste eșecuri ale mecanismelor de piață*, prin creșterea încrederii în utilizarea acestora și prin sprijinirea procesului de liberalizare.

Eșecurile menționate mai sus își pot avea originea în două cauze: fie în activitatea sectorului de afaceri, fie în cea a autorităților de reglementare (guvern, Parlament, alte instituții publice etc.). Din această perspectivă, prima cauză este atacată cu ajutorul *legislației* în domeniul protecției concurenței, în vreme ce a doua se încearcă a fi soluționată prin eforturi de *influențare* (lobby) a factorilor de decizie, eforturi ce îmbracă forma promovării principiilor concurențiale.

*Legislația* în domeniul concurenței interzice anumite tipuri de comportamente ale firmelor și încearcă să promoveze anumite obiective - atât sociale, cât și economice - cum ar fi eficiența, dezvoltarea sectorului privat, progresul tehnic, utilizarea completă a resurselor etc.

*Efortul de influențare* a factorilor de decizie și de promovare a principiilor concurențiale îmbracă, de cele mai multe ori, o formă instituționalizată de evaluare a impactului concurențial al diverselor legi, hotărâri sau altor acte emise de autoritățile statului. Este vorba aici, în cazul României, de cele două laturi ale activității autorității de concurență (Consiliul Concurenței), adică - pe de o parte - aplicarea legii prin procedurile de investigație și, respectiv, de luare a deciziilor (*art.27 lit.a din Legea concurenței nr.21/1996*) și - pe de altă parte - de avizare a proiectelor de hotărâri ale Guvernului și de propunere a modificării actelor normative care

au impact anticoncurențial (*art.27, lit.j*). După cum se poate observa, în vreme ce constrângerile impuse comportamentului sectorului de afaceri sunt obligatorii, *cele referitoare la influențarea factorilor de decizie sunt, mai degrabă, consultative: „avizează”, „propune” etc.*<sup>2</sup>.

### **1. Legislația concurenței și mediul economic național**

De regulă, legislația concurenței din unele țări sau grupuri de țări dezvoltate - Uniunea Europeană, S.U.A., Germania - constituie modelul de inspirație pentru țările în curs de dezvoltare. Cu toate acestea, rareori se întâmplă ca legile adoptate în acest domeniu să reprezinte doar o copie mecanică a reglementărilor existente în altă parte. Diferențele existente între țări, în ceea ce privește eficiența mecanismelor de piață, gradul de maturizare a instituțiilor sau de implementare a legii fac ca între reglementările adoptate în acest domeniu de diferite țări să existe deosebiri semnificative. Astfel, deciziile luate într-un caz sau altul de autoritățile de concurență se justifică doar dacă vor conduce la o creștere a eficienței sau a bunăstării sectorului privat *în comparație cu ceea ce ar fi realizat mecanismele pieței înseși*. În termenii cei mai generali, legislația de protecție a concurenței poate fi interpretată ca un mecanism ce se presupune a fi aplicat asupra unui alt mecanism (piața) numai dacă aduce o îmbunătățire funcționării acestuia din urmă.

Deosebirile față de legislația țărilor dezvoltate, care sunt vizibile și în România, au însă și o altă cauză. Astfel, țările în tranziție se găsesc în

<sup>2</sup> Lăsăm pe seama juriștilor un aspect încă disputat și anume lămurirea tipului de aviz la care face referire legea în legătură cu proiectele de hotărâri ale Guvernului. Cu alte cuvinte, dacă acesta este un aviz facultativ consultativ sau conform.

mijlocul *unui proces rapid de modificări economice și instituționale, proces care nu se regăsește în economiile stabile și mature*. De aceea, elaborarea legislației de protecție a concurenței și proiectarea mecanismelor sale de implementare trebuie să țină cont de aceste modificări. În plus, țările în tranziție trebuie să creeze un cadru favorabil inițiativei private, *dar într-un mediu economic obișnuit cu controlul și intervenția directă a statului*. Acesta este motivul pentru care legislația de protecție a concurenței în aceste țări se bazează, în principal, pe noțiunea de „poziție dominantă”, noțiune mai puțin folosită în prezent în țările dezvoltate, cum ar fi cele din Uniunea Europeană sau Statele Unite. În acestea din urmă, legislația de protecție a concurenței are în centrul său conceptul de „putere de piață”.

Sigur că, pe de altă parte, unele din prevederi sunt valabile și trebuie aplicate la fel în toate țările. Este cazul, spre exemplu, al interzicerii înțelegerilor de preț între concurenții direcți. În același timp însă, cadrul legal în țările în tranziție *are un pronunțat caracter dinamic*, ceea ce înseamnă că el trebuie să permită și să faciliteze ajustarea la mediul economic aflat într-o continuă schimbare.

## **2. Legislația concurenței: modul de aplicare**

La modul cel mai general, modul de implementare a legislației de protecție a concurenței în România este unul centralizat și bazat pe notificare prealabilă și autorizare (inclusiv în cazul înțelegerilor care se încadrează într-una din excepțiile pe categorii). În acest sistem, autoritatea administrativă joacă rolul principal, în vreme ce implicarea justiției în

revederea deciziilor de încălcare a legii și respectare a procedurilor este una moderată. Într-un context în care sistemul judiciar a avut prea puțin de-a face cu legislația de protecție a concurenței, există riscul unei aplicări incoerente a acesteia.

Încă de la început, trebuie subliniat faptul că, în România, legislația de protecție a concurenței este aplicată într-un mediu economic total diferit față de țările cu experiență în acest domeniu. Și anume, este aplicată într-un mediu economic în care statul este omniprezent, atât în calitatea sa de autoritate publică, cât și ca agent economic. Majoritatea cazurilor analizate de autoritățile de concurență de la înființarea lor și până în prezent au implicat statul, prin diverșii săi reprezentanți – inclusiv autorități centrale sau locale: hotărâri luate de guvern, ordine ale diferiților miniștri, decizii ale autorităților locale, comportamente prin care diferite autorități publice - în special de la nivel local, dar nu numai - acționau similar unor agenți economici, regii sau societăți cu capital de stat etc. Chiar în ipoteza că toți aceștia s-au manifestat cu bună intenție, în speranța sau credința că știu ceea ce-i trebuie economiei românești, este ușor de înțeles că într-un astfel de mediu autoritatea de concurență se găsește într-o poziție extrem de delicată și că deciziile sale, inclusiv cele cu vicii, trebuie înțelese ca atare. *Nu credem că este nici o exagerare, dacă afirmăm că – în afara unor fuziuni sau achiziții în unele ramuri, cum ar fi industria cimentului sau cea a berii - în toate celelalte cazuri importante analizate de autoritățile de concurență din România statul – în ambele sale ipostaze - a fost prezent într-o măsură mai degrabă mare decât mică.*

Pentru a-și atinge eficiența dorită, legislația în domeniul concurenței trebuie aplicată în situațiile

când rezultatele sale sunt superioare celor care ar fi obținute de către mecanismele de piață. Din această perspectivă, rezultă că *modul de implementare depinde de eficiența și de gradul de consolidare a instituțiilor pieței libere.*

În țările în tranziție și, implicit, în România, acestea prezintă substanțiale rămăneri în urmă în comparație cu țările dezvoltate. Din această cauză, nu de puține ori, modul de implementare poate fi unul *agresiv – ostentativ*, cum ar fi, spre exemplu, *impunerea unor mecanisme de control al prețurilor, ca mod de soluționare a unor practici anticoncurențiale.*

În acest punct, trebuie subliniat că autoritățile de protecție a concurenței din România s-au ferit, în general, să apeleze la astfel de instrumente. Spunem în general, deoarece apariția, spre exemplu, în Ordonanța de urgență 36/2001, a categoriei „nisipuri și pietrișuri“ (și chiar a medicamentelor de import) în lista produselor ale căror prețuri sunt controlate de către stat este atât de surprinzătoare, încât lipsa de reacție a autorităților de concurență ridică mari semne de întrebare, cu atât mai mult cu cât aceste categorii de produse nu pot fi încadrate în nici una dintre situațiile care, în conformitate cu Legea concurenței, pot justifica măsuri temporare de control al prețurilor: monopol natural, activitate economică supusă de lege unui regim special (nimeni nu poate defini ce înseamnă acest lucru și, de aceea, nu putem evalua dacă medicamentele, de exemplu, pot fi incluse aici), sector sau piață unde concurența este exclusă sau substanțial restrânsă prin efectul unei legi sau datorită existenței unei poziții de monopol, situație de criză, dezechilibru major între cerere și ofertă sau disfuncționalitate evidentă a pieței. Acestea sunt toate situațiile în care guvernul poate interveni și determina modul de stabilire a

prețurilor, cu precizarea că, cu excepția primelor două cazuri, are nevoie de avizul Consiliului Concurenței.

În plus, trebuie să recunoaștem că legislația în vigoare oferă autorității de concurență și alte instrumente (de nesizat pentru cineva nefamiliarizat cu modul de aplicare din România) prin care aceasta poate interveni în mod direct asupra modului de stabilire a prețurilor (și încercările de a o face au fost numeroase în ultimii cinci ani): în mod concret, aceasta se poate întâmpla sub forma condițiilor impuse fie unei firme găsită vinovată de vreuna din încălcările legislației de protecție a concurenței, fie unor firme aflate în momentul autorizării unor concentrări economice.

Un exemplu privind un mod ceva mai particular de înțelegere se referă la modul de abordare a înțelegerilor pe verticală. Cum legea românească a concurenței nu face nici o deosebire explicită între acestea și înțelegerile pe orizontală, ar rezulta că autoritățile de concurență trebuie să le trateze în mod identic. Cu toate acestea, teoria și practica internațională în domeniu au arătat că - de cele mai multe ori - înțelegerile pe verticală au un *efect mai degrabă pro-concurențial și nu anti-concurențial*. Cu toate acestea, în România, pentru a obține o exceptare pe categorii (în cazurile de distribuție exclusivă, cumpărare exclusivă, acorduri de franciză, know-how etc.), firmele implicate trebuie să solicite acest lucru Consiliului Concurenței. În Uniunea Europeană, exceptările de acest gen sunt automate, fără a mai exista obligativitatea notificării. Mai mult, *Comisia Europeană a implementat de curând o politică total nouă în privința restricțiilor verticale, prin introducerea unui regulament foarte permisiv care să scoată automat de sub*

*incidența art. 85 din Tratatul de la Roma toate înțelegerile verticale ce au ca obiect bunuri și servicii intermediare sau finale* (European Commission, 1998). Din această perspectivă, este logic și de anticipat că și în România modul de abordare a înțelegerilor pe verticală va fi substanțial revizuit pe măsura dezvoltării și eficientizării mecanismelor de piață.

În concluzie, autoritățile de concurență din România dispun de puteri substanțiale, atât din punct de vedere formal (al actelor normative care reglementează domeniul), cât și informal (ca singurele instituții unde se pot găsi cunoștințele necesare aplicării legii). Din această perspectivă, utilizarea corectă și transparentă a acestor puteri capătă o importanță covârșitoare, atât pentru sustenabilitatea și credibilitatea pe termen lung a instituțiilor respective, cât și din punct de vedere al efectelor pe care comportamentul lor îl poate avea asupra economiei în ansamblu. **Cu alte cuvinte, în locul unei aplicări incorecte sau al abuzului de aceste puteri<sup>3</sup>, ar fi mai bine ca ele să nu fie exercitate, chiar în condițiile în care părțile afectate au posibilitatea apelului în justiție<sup>4</sup>.**

### 3. Legislația concurenței și privatizarea

La modul cel mai general, procesul de privatizare - și în special cel de mari dimensiuni, desfășurat în țările foste comuniste - intră sub incidența legislației de protecție a concurenței. În cazul României, forma pe care o îmbracă majoritatea actelor de privatizare este cea de concentrare economică, așa cum este ea definită în art. 11 din Legea concurenței nr. 21/1996, cu consecința prevăzută în art. 16 alin. (1) referitoare la obligația notificării către Consiliul Concurenței a oricărei astfel de operațiuni.

Justificarea acestei prevederi rezidă în aceea că procesul de privatizare poate avea ca efect modificarea structurii piețelor și, poate, chiar a eficienței acestora.

Totuși, între o operațiune de concentrare economică izolată și una realizată în cadrul unui proces de privatizare există, din start, unele diferențe substanțiale. Astfel, înlocuirea proprietății de stat cu cea privată și, implicit, modificarea întregului sistem de stimulente și interese *conduce - prin ea însăși - la creșterea eficienței tehnice și productive a firmelor implicate*. În plus, privatizarea nu urmărește întotdeauna obiective legate de eficiență, ci poate avea în vedere și alte scopuri, cum ar fi evitarea falimentului, menținerea locurilor de muncă etc.

<sup>3</sup> Spre exemplu, referitor la o decizie a Consiliului Concurenței de anulare a unei privatizări efectuate de fostul EPS. (cazul *Prodomus*), Curtea de Apel București menționa în sentința civilă nr. 1660/2000: ...Consiliul Concurenței „**a încălcat dispozițiile** art. 125 alin. 1 din Constituție...[...] ...**nesocotește sistemul unitar al dreptului român...**“. Într-un alt caz (*Phoenixmed*), Curtea Supremă de Justiție de data aceasta (Decizia nr. 2719/1999) spune: „...instanța trebuie să poată verifica modul cum s-a ajuns la această concluzie de către Plenul Consiliului Concurenței, simpla exprimare de tipul „dixit“ nefiind suficientă pentru a opera cenzura judecătorească. De aceea, Curtea consideră că s-a greșit de Plenul Consiliului Concurenței atunci când nu a pus în discuție părților probele administrate, această atitudine dovedind [...] faptul că s-a produs un **abuz administrativ**“ (sublinierile autorului).

<sup>4</sup> Aceasta deoarece lipsa de familiarizare cu problematica protecției concurenței face să nu existe certitudinea că diferite complete de judecată vor da aceleași soluții în cazuri similare.

Practica internațională în domeniu arată că, de regulă, *controlul concentrărilor se aplică în special atunci când firmele implicate sunt concurenți direcți*. Rare sunt cazurile când autoritățile de concurență au interzis o fuziune sau o achiziție desfășurată între firme care erau doar concurenți *potențiali*. Concentrările de tip conglomerat<sup>5</sup> - cazul cel mai des întâlnit în procesul de privatizare din România - pot ridica în schimb unele probleme din punctul de vedere al concurenței; aceasta atunci când o firmă participantă este - în același timp - unul dintre puținii concurenți potențiali pe piața celeilalte firme implicate<sup>6</sup>.

Experiența de până acum arată că, în cazul țărilor în tranziție, atenția autorităților de concurență s-a focalizat mai degrabă asupra concurenților existenți decât a celor potențiali. Spre exemplu, sir Leon Brittan, fostul comisar pe probleme de concurență, spunea în 1990:

*„Datorită mecanismelor economiei de comandă, mari companii („combinat”) au ajuns în situația de a domina piețele din Germania răsăriteană. Ca regulă generală, aceste combinate sunt practic monopoluri în sectoarele în care operează, fie ele industriale sau de servicii. În Republica Federală există, de asemenea, mari companii. În unele ramuri, aceste firme sunt dominante nu numai pe piața germană, ci și pe cea comunitară. În ultima vreme suntem martorii unui val de propuneri de legături între firmele dominante de pe cele două maluri ale Elbei. Acestea includ aranjamentele pe care le intenționează Lufthansa și Interflug [...]. Autoritățile de*

*concurență trebuie să ia în considerare pericolul ce poate să apară atunci când un combinat își unește forțele cu firma corespondentă din Germania Federală. Împreună ele pot domina piața germană unificată, ceea ce nu ar mai fi cazul dacă o firmă italiană sau franceză, spre exemplu, ar fi implicată. De aceea, în interesul concurenței, trebuie să încurajăm firme din celelalte State membre să investească în Germania”.* (Sir Leon Brittan 1990).

În paranteză fie spus, Bundeskartellamt (Biroul federal care administrează legislația antitrust în Germania) *s-a opus achiziționării firmei est-germane Interflug de către Lufthansa, preferând în schimb oferta lui British Airways* (H. W. Sinn 1990). În mod similar, în Slovacia, legea aplică *standarde mult mai puțin severe fuziunilor sau privatizărilor implicând firme străine*. Aceasta nu reflectă altceva decât decizia de a încuraja investițiile străine (efectuate chiar de către concurenți potențiali) ca mijloc principal de restructurare a economiei.

Uneori, ofertele de privatizare nu atrag decât una (a se vedea, de exemplu, situațiile de la ARO Câmpulung, Banca Agricolă, Romtelecom) sau, în orice caz, puține firme interesate în a cumpăra. Alteori, se întâmplă ca nimeni să nu își manifeste interesul (vezi *Semănătoarea, Roman, Tractorul* etc.). Aceasta limitează în mod evident alternativele existente pentru privatizarea unei firme și întăresc puterea de negociere a potențialilor investitori. În consecință, aceștia reclamă acordarea unor avantaje de diferite feluri,

<sup>5</sup> Între două firme aflate pe piețe diferite.

<sup>6</sup> La baza acestui raționament stă teoria „limitării prețului”, teorie care pune în evidență faptul că amenințarea unor intrări potențiale într-o ramură acționează în sensul limitării creșterii prețurilor și a disciplinării comportamentului firmelor deja existente.

din partea statului (spre exemplu, *Renault* în cazul *Uzinei Dacia Pitești* sau *INM Ispat* la *Sidex Galați*). Aceste avantaje au în vedere, în esență, fie unele facilități fiscale (în special, reeșalonarea sau ștergerea unor datorii, anularea unor penalități sau majorări de întârziere), fie măsuri protecționiste în favoarea pieței interne (de exemplu, tarife vamale ridicate la import). Deși o situație des întâlnită, practica de până în prezent relevă faptul că autoritățile de concurență *au fost consultate în astfel de cazuri și au reușit să impună o limitare a duratei tratamentului preferențial la perioada necesară pentru a efectua un program de investiții* (cazul Poloniei).

Discuția de până în prezent pune în evidență tensiunile care apar între necesitatea unei privatizări rapide și cea a păstrării unui mediu concurențial în perioada de tranziție. Cu alte cuvinte, din considerente bugetare, guvernul poate fi tentat să realizeze privatizări cu potențiale efecte anticoncurențiale; cu cât puterea de piață a unei firme este mai mare, cu atât și valoarea sa este mai mare. De aceea, nu rareori *oferta cea mai bună în cazul unor licitații provine de la concurenții direcți ai firmei* ce este scoasă la privatizare, urmând ca aceștia să-și recupereze diferența plătită în plus prin impunerea ulterioară a unor prețuri mai mari (Oprescu și Rohlck 1999).

În mod evident, banii încasați de către guvern pot acoperi (cel puțin) o parte a pierderilor impuse societății prin acceptarea realizării unui monopol. Acesta este însă un argument valabil doar dintr-o perspectivă pe termen scurt. Pe termen lung, eficiența alocării resurselor este afectată semnificativ; de aceea, autoritățile de

concurență trebuie să urmărească asigurarea unei concurențe între firmele privatizate.

România, Polonia, Slovacia și Bulgaria au introdus controlul reglementărilor de protecție a concurenței asupra procesului de privatizare. Din păcate, *sunt puține datele referitoare la modul cum s-au aplicat aceste reglementări*. Un exemplu poate sugera însă un răspuns suficient de apropiat, probabil, de realitate. Astfel, în Polonia, într-o perioadă de doi ani, Oficiul Antimonopol a respins doar două din cele 1500 de privatizări pe care le-a avut de analizat. Dintre acestea, 60 au fost autorizări cu condiții, în sensul art. 52 alin.2 lit.c din Legea românească.

*Cebia în schimb a urmat o altă cale*. De principiu, orice concentrare realizată între concurenți trebuie să obțină aprobarea Ministerului Concurenței Economice. Totuși, această prevedere nu se aplică decât după trecerea a 12 luni în cazul unei achiziții a controlului asupra unei firme, realizată prin Fondul Național al Proprietății din Cehia<sup>7</sup>. *Cu alte cuvinte, procesul de privatizare a fost scos de sub controlul autorităților de concurență*. Logica unei astfel de abordări este ușor de înțeles dacă analizăm *principiile esențiale* care au fost avute în vedere în desfășurarea procesului de privatizare: (i) cu cât acesta se desfășoară mai repede, cu atât mai rapid va reveni și economia la starea de creștere economică; cu alte cuvinte, principala prioritate este *viteza*; (ii) restructurarea firmelor trebuie realizată de către noii proprietari și nu de către stat și (iii) *prețul nu este o prioritate*; rolul său este doar acela de criteriu obiectiv de departajare între mai mulți ofertanți.

<sup>7</sup> Fondul Național al Proprietății a constituit instituția care a realizat vânzarea efectivă și transferul proprietății de stat în Cehia. Pe lângă acesta, Ministerul Privatizării a fost instituția care aproba proiectele de privatizare și acționa ca organizator la nivel central al întregului proces.

Literatura de specialitate menționează și alte țări care - în cadrul procesului de privatizare - au lăsat pe planul al doilea preocuparea pentru asigurarea unui mediu concurențial: Argentina, Filipine, Mexic, Venezuela etc.

Argumentele *în favoarea* unei astfel de abordări provin din avantajele pe care privatizarea le aduce în mod automat:

- îmbunătățirea substanțială a performanțelor firmelor în cauză;
- o dată cu oprirea subvenționării de către stat, privatizarea devine *strategia dominantă de realizare a ocupării mâinii de lucru*;
- performanțele net superioare obținute de către firmele ai căror proprietari sunt alții decât salariații sau managerii lor (argument care pune sub semnul întrebării eficiența metodelor de tip MEBO<sup>8</sup>); mai mult, firmele controlate de către salariați nu diferă - ca performanțe - de cele aflate în proprietatea statului;
- proprietarii privați realizează o restructurare mai eficientă decât statul;
- nu în ultimul rând, sumele de bani aduse la buget.

Argumentele *contra* se bazează pe faptul că numai concurența este cea care determină o firmă privată să transfere asupra cumpărătorilor și consumatorilor o parte din beneficiile obținute prin creșterea eficienței sale tehnice, realizând astfel o îmbunătățire și a *eficienței alocative*. *Soluția de fond a acestei dileme privatizare - protecția concurenței poate veni numai din succesul unor politici de atragere a investițiilor străine*. Creșterea concurenței pe această cale este de natură a diminua potențialele efecte negative ale unor acțiuni de privatizare. Pierderile

de eficiență determinate de apariția unor firme cu putere de piață vor fi cu atât mai mici cu cât sistemul instituțional și piața de capital vor permite investițiilor private să răspundă în mod rapid semnalelor transmise de piață (prețuri și profituri, în primul rând).

Tocmai în acest context, inițierea, de exemplu, a unei investiții directe în România a concernului german *Continental* nu face altceva decât să confirme raționamentul Consiliului Concurenței atunci când a luat în considerare calitatea concurenței potențiale, pe piața anvelopelor, în contextul aprobării unei concentrări efectuate de producătorul existent la momentul acela pe piață, grupul *Tefan*.

**Pe de altă parte, amânările sau jumătățile de măsură în desfășurarea procesului de reformă, lipsa de transparență și de credibilitate nu vor avea drept rezultat decât menținerea sau apariția unor monopoluri, indiferent - am spune - de activitatea autorităților de protecție a concurenței.**

Practica internațională în domeniu arată că, de regulă, controlul concentrărilor se aplică cu o atenție sporită atunci când firmele implicate sunt concurenți direcți pe o anumită piață. Mai mult, rare au fost cazurile când autoritățile de concurență au interzis o fuziune sau o achiziție desfășurată între firme care erau doar concurenți potențiali. Apelând inevitabil la unele simplificări, tabelul următor încearcă să sintetizeze cazurile ce pot interveni *în cadrul procesului de privatizare* și să analizeze posibila reacție a autorităților de concurență:

<sup>8</sup> Management - Employee Buy - Outs.



## UNELE ASPECTE PRIVIND APLICAREA LEGISLAȚIEI DE PROTECȚIE A CONCURENȚEI ÎN ROMÂNIA

	Atât firma care cumpără, cât și cea care este cumpărată se găsesc deja pe piața românească	Firma care cumpără nu se află încă pe piața românească
Concentrare pe orizontală	A	D
Concentrare pe verticală	B	E
Concentrare de tip conglomerat	C	F

Cazurile D, E și F (deși F este mai puțin întâlnit, cu excepția notabilă a fondurilor de investiții, care însă necesită o analiză și o discuție aparte – care nu a fost efectuată până în prezent - în contextul art. 12 din Legea concurenței) cuprind în fapt *procesul de investiții străine* (dar, nu în totalitate, acesta putând să se manifeste într-o oarecare măsură și în cazurile A, B și C), prin cumpărarea unor firme românești de stat de către firme din alte țări (care nu sunt prezente pe piața românească). Este greu de presupus că aceste cazuri vor ridica vreun semn de întrebare din punctul de vedere al protecției concurenței; în fond, în astfel de situații, structura piețelor nu suferă nici un fel de modificare. Singurul aspect care ar putea fi analizat în unele situații ar fi acela când o astfel de operațiune duce la „...consolidarea unei poziții dominante“ (art. 13 din Legea Concurenței), prin puterea financiară și de altă natură a firmei achiziitoare. Analiza trebuie făcută, a fost făcută (vezi cazurile *Lafarge-Romcim*, *REBU* (Oprescu 1998a; Miu 1999), *OTE-Romtelecom* (Georgescu și Făgărășanu 1999), deși acesta din urmă are unele particularități față de celelalte, prin aceea că – la momentul vânzării – beneficia de statutul unui *monopol legal*) și va fi făcută (probabil, spre exemplu, în cazul *Sidex*).

În concluzie, deși, conform legii, astfel de operațiuni trebuie să obțină autorizarea Consiliului Concurenței, este totuși greu de crezut că acesta va avea ceva de obiectat.

Paradoxal sau nu, privatizarea prin cumpărarea de către firme concurente românești (deci existente pe piață) poate ridica mult mai multe semne de întrebare (în special, situația A din tabel). La fel, cazul când o firmă străină care a intrat deja pe piața românească dorește să-și sporească – prin noi achiziții – cota de piață de care dispune (spre exemplu, industria berii etc.). Abordarea Consiliului Concurenței va fi, în astfel de cazuri, întrucâtva diferită. Să nu uităm că una din cele două operațiuni de concentrare respinse până în prezent a fost în cazul cumpărării de către o firmă românească a unei alte firme românești<sup>9</sup>. Această abordare ar putea fi interpretată ca fiind similară celei a *Bundeskartellamt*, în Germania, în cazul *Interflug*, menționat mai înainte, dacă alte decizii și manifestări ale autorităților de concurență nu ar dovedi contrariul.

Cazul B din tabel este de natură a crea mai puține îngrijorări din punctul de vedere al protecției concurenței, dar nu trebuie neglijat, mai ales atunci când concentrările pe verticală pot afecta accesul concurenților la sursele de materii

<sup>9</sup> Cazul *Eurotrading-Azomureș*, cealaltă concentrare respinsă fiind *Tubman International - Petrotub*.

prime, în amonte<sup>10</sup> sau la rețelele de distribuție, în aval; este cazul încercării eșuate a Coca-Cola de a prelua grupul francez Orangina, acesta din urmă fiind distribuitorul principal în Franța al rivalului Pepsi-Cola.

În fine, cazul C include, de regulă, cumpărarea de către firme private românești a unor firme de stat din alte sectoare de activitate. Puțin probabil ca aceste situații să aibă vreun impact asupra concurenței existente pe piețele respective. Ele pot fi mai degrabă pro-concurențiale, mai ales în cazul când, fără privatizare, firmele de stat vizate și-ar înceta activitatea.

Spuneam că, în general, există o anumită tensiune între dorința de a accelera procesul de privatizare și necesitatea de a crea și prezerva un mediu concurențial normal și că **soluția de fond a acestei probleme o reprezintă succesul unor politici de atragere a investițiilor străine** (cazurile D, E și F), menite ca prin creșterea pe această cale a concurenței să se diminueze potențialele efecte negative ale unor acțiuni de privatizare.

Ca o paranteză, nu putem să nu menționăm succesul unor astfel de politici în țările vecine, în unul dintre sectoarele vitale pentru credibilitatea și buna desfășurare a reformei economice și anume sectorul bancar; în Ungaria, acesta a fost privatizat, către bănci străine, în proporție de 100%, în Polonia – 80%, în vreme ce în România procesul se află încă în faze încă relativ puțin avansate. Întârzierea privatizării acestui sector a fost – după părerea noastră – făcută cu intenție pe de o parte și a adus mari deservicii procesului de reformă, dar și băncilor însele, pe de altă parte. Scopul acestei întârzieri a constat în aceea că *statul a dorit să-și mențină posibilitatea de*

*protejare a sectorului industrial inefficient.* În primii ani ai tranziției, această protecție s-a desfășurat prin bugetul de stat; acest lucru nu a mai fost posibil, pe scară largă, o dată cu intervenția organismelor financiare internaționale și a fost de aceea transferat asupra băncilor de stat, prin obligarea acestora de a credita întreprinderile industriale. Acest fapt a permis amânarea procesului de restructurare, atingerea unor obiective sociale pe termen scurt (menținerea la un anumit nivel – mediocru, totuși – a salariilor; evitarea unor rate înalte ale șomajului), obținerea unei anumite creșteri economice (nesustenabilă și pe care am califica-o drept o „**creștere pauperizantă**” - utilizând puțin abuziv această noțiune binecunoscută în literatura de specialitate - ținând cont de efectele ulterioare ale sale), dar cu costuri uriașe, materializate în acumularea creditelor neperformante, fapt care a dus la momente de criză ale sistemului bancar românesc (cazul BANCOREX este ilustrarea perfectă). *Cu alte cuvinte, statul (ca reprezentant al unor anumite interese politice) este vinovatul principal pentru situația prin care au trecut unele bănci de stat, beneficiarii – pe termen scurt – au fost salariații din unele întreprinderi de stat, iar costurile au fost plătite de întreaga societate românească.*

Tensiunea menționată se manifestă prin aceea că, fie datorită dorinței de a vinde mai scump, fie dimpotrivă datorită necesității de a vinde pur și simplu, statul se vede pus în situația de a accepta acordarea unor facilități cumpărătorilor.

Când spunem „necesitatea de a vinde” ne referim, în primul rând, la faptul deja demonstrat atât teoretic, cât și practic că *o dată cu*

<sup>10</sup> Este necesară, de exemplu, obținerea unei imagini exacte a achizițiilor ulterioare efectuate de *Lafarge Romcim*, care se pot încadra - eventual - în această categorie.

*privatizarea se produce și o îmbunătățire a performanțelor firmelor în cauză*, dar și la cazul când privatizarea este singura cale de supraviețuire a unor firme, ținând cont că subvenționarea acestora de către stat se va opri oricum mai devreme sau mai târziu. În momentul când statul însuși va întâmpina dificultăți în a-și onora propriile obligații (dificultăți generate de acumularea unor deficite bugetare și ale balanței de plăți), el nu va mai putea sprijini sectorul ineficient al firmelor de stat. În acest moment, singura speranță a unor astfel de firme rămâne privatizarea; acesta este sensul a ceea ce spuneam mai sus că, o dată cu oprirea subvenționării de către stat, **privatizarea devine strategia dominantă de realizare a ocupării mâinii de lucru** (deci interesele de a privatiza ar trebui să coincidă cu interesele sindicatelor și, în general, ale salariaților).

În sens larg, facilitățile menționate pot fi de mai multe feluri și, din această perspectivă, pot necesita o tratare diferențiată:

a) *Vânzarea unei firme așa cum este, fără divizarea sa sau fără externalizarea unor anumite activități.* În unele situații, s-ar putea ca investitorul potențial să nu accepte o divizare a firmei țintă, divizare ce ar putea fi justificată din motive de conservare a unui mediu concurențial. În Polonia, spre exemplu, acum câțiva ani, un investitor francez s-a arătat interesat de cumpărarea firmei *Hortex* – o firmă ce dispunea de mai multe fabrici de produse alimentare – dar numai în întregime, neacceptând să renunțe la nici una dintre ele. Poate fi cazul aici – fără a însemna că aceasta a fost și realitatea - și a achiziționării de către societatea franceză *Lafarge România* a *S.C. Romcim S.A.*, din a cărei structură făceau parte patru fabrici de ciment,

respectiv *Medgidia*, *Hoghiz*, *Tîrgu Jiu* și *Aleșd* (a se vedea o analiză calitativă în Tănase și Ivănuș 1999). În astfel de situații, statul se află într-o poziție cel puțin delicată: *a-și manifesta preocuparea de asigurare a unui mediu concurențial de-abia în momentul privatizării, fără ca până atunci să fi întreprins ceva, ar reprezenta o opțiune cel puțin ciudată, ce ar putea fi îmbrățișată, mai degrabă, de adversarii procesului de privatizare în general. Lucrurile ar sta cu totul altfel dacă statul (guvernul) și-ar fi manifestat preocuparea pentru politicile în domeniul concurenței și până atunci; în acest caz, comportamentul său ar beneficia de coerență, iar credibilitatea nu i-ar fi în nici un fel afectată.* În cazul unei privatizări cu potențiale efecte anticompetitive, sumele de bani încasate de către stat reușesc, într-o măsură mai mare sau mai mică, să contracareze prejudiciile înregistrate; cu toate acestea, aprobarea unor astfel de privatizări este de natură a avea efecte pe termen lung, prin practirea unor prețuri mai mari și prin diminuarea eficienței alocative.

b) *Divizarea firmelor mari, prin separarea componentelor eficiente de cele ineficiente.* De multe ori, investitorii sunt interesați numai de anumite părți ale unei companii. În astfel de cazuri, statul trebuie ca, înainte de privatizare, să îndeparteze componentele ineficiente, prin divizări sau externalizări ale anumitor activități. Din punctul de vedere al autorităților de concurență este greu de crezut că astfel de operațiuni vor ridica vreodată semne de întrebare. Totuși, ca metodă de creștere a concurenței, eliminarea oricăror bariere comerciale sau de altă natură este de preferat fragmentării firmelor existente (Fischer și Gelb 1991).

c) *Protecția temporară a pieței interne.* Uneori investitorii (dar, în numeroase cazuri, și firme interne mai mult sau mai puțin eficiente) solicită implementarea unor măsuri, cum ar fi, spre exemplu, creșterea taxelor vamale sau – ceea ce este același lucru – menținerea lor la niveluri relativ ridicate. Există și metode mai „rafinată” care pot avea în vedere, spre exemplu, impunerea unor condiții exagerate de calitate, sanitare etc. în calea importurilor sau a necesității obținerii unor licențe, avize cât mai numeroase în calea exporturilor, în special de materii prime. Toate acestea constituie exemple a ceea ce este cunoscut sub denumirea de bariere la intrarea pe o anumită piață.

Din exemplele prezentate, se poate observa că, în majoritatea cazurilor, cel care creează toate aceste bariere este statul. Într-o încercare prost înțeleasă de a proteja consumatorii (sau, mai cinic, chiar unii producători existenți pe piață), statul impune diferite condiții ce trebuie îndeplinite pentru a putea intra pe piață. Astfel de bariere, deși inițial proiectate ca „temporare”, deseori durează mult mai mult decât s-a anunțat la început, datorită abilității celor favorizați (producători, sindicate) de a face presiuni asupra guvernului pentru prelungirea lor (Van Siclen 1992)<sup>11</sup>. *În majoritatea cazurilor, orice eventuale beneficii ce ar fi putut decurge în favoarea consumatorilor din acțiunile întreprinse de autoritățile de concurență sunt anulate de costurile derivate din nivelul de concurență mai redus rezultat.* Și, în plus, presiunile de a adopta astfel de măsuri protecționiste sunt mult mai mari în țările mici și în cele în care mentalitățile legate de fostul sistem

centralist de organizare a economiei persistă încă, România fiind una dintre acestea.

Un exemplu sugestiv din acest punct de vedere îl constituie campania declanșată la un moment dat de anumite grupuri de interese împotriva liberalizării exportului de masă lemnoasă, măsură ce a intrat în vigoare la 1 ianuarie 1998. Până la acea dată, exportul de masă lemnoasă era interzis, iar prețul acesteia pe piața internă era stabilit de către stat (evident, la niveluri mult sub nivelul prețului de echilibru). În consecință, ramurile din aval, cum ar fi de exemplu, industria mobilei, erau practic subvenționate; ele beneficiau de prețuri mici ale materiilor prime pe care le foloseau, dar puteau să-și vândă produsele la export la prețuri internaționale sau puțin sub acestea. Impresia de competitivitate a industriei românești de mobilă s-a datorat, în mare măsură, și acestei situații anormale. Prin Tratatul de asociere însă, România s-a obligat ca – la 5 ani după semnarea acestuia – să purceadă la liberalizarea exporturilor de masă lemnoasă, lucru care s-a și întâmplat. O dată cu apariția oportunității exportului, în mod firesc, prețul lemnului a fost scos de sub controlul statului. Rezultatul a fost cel anticipat, adică o creștere a prețurilor spre nivelurile reale (adică cele normale pentru o resursă rară și care trebuie protejată, cum este lemnul), fapt ce a atras nemulțumirea și a declanșat un lobby puternic din partea producătorilor de mobilă și nu numai. La momentul respectiv, procesul de liberalizare nu a putut fi obstrucționat, un rol oarecare jucându-l aici și Consiliul Concurenței. Dar obiceiurile greșite dispar greu, așa că – o dată cu apariția Ordonanței de urgență 36/2001, care a

<sup>11</sup> A se vedea și Stigler (1971), referitor la stimulentele unor grupuri economice de a utiliza procesele politice pentru a obține reglementări favorabile lor.

modificat lista prețurilor al căror nivel se stabilește încă de către stat – presiunile exercitate de anumite grupuri de interese au avut succes (cel puțin parțial), prețul de începere a licitațiilor pentru cumpărarea de lemn intrând din nou sub controlul statului. Intenția este limpede, deși modul de realizare dovedește o neîncredere sau o neînțelegere a modului de funcționare a mecanismelor pieței.

Într-o accepțiune mai largă, politicile comerciale restrictive – de genul celor menționate mai sus – au darul de a proteja structuri concentrate de piață și, pe cale de consecință, prețuri mai mari. Soluția normală la o astfel de situație ar constitui-o procesul de liberalizare și de promovare a concurenței. La limită, într-o lume ipotetică cu comerț liber și un mediu comercial uniform în toate țările, gradul de concentrare a piețelor ar deveni același peste tot.

d) *Obținerea unor facilități de natură fiscală.* Este vorba aici de scutirea, reducerea, amânarea plății sau reeșalonarea impozitului pe profit, a accizelor, taxei pe valoarea adăugată, contribuției la asigurările sociale, a altor datorii etc. Astfel de facilități s-au practicat și se vor mai practica și în continuare, în principal, din dorința atragerii capitalului străin; autoritățile de concurență ar avea un rol de jucat, cel puțin, în limitarea unor astfel de facilități la durata necesară execuției programului de investiții convenit.

#### 4. Legislația concurenței și o falsă dilemă: monopolul de stat vs. monopolul privat

Aspectele de mai sus, specifice unor economii în care proprietatea de stat este încă predominantă, constituie un motiv în plus pentru ca autoritățile de concurență să considere cu multă bunăvoință chiar și privatizările în care „*un monopol de stat este transformat într-un monopol privat*“, ținând cont de schimbările pe care acest fapt îl produce în sistemul de stimulente și în modul în care este realizată conducerea corporativă a monopolului respectiv.

În cultura noilor autorități de concurență, dar și a multor oameni politici, există adânc înrădăcinată convingerea că un monopol privat este mai dăunător decât un monopol de stat. Aceasta nu este însă decât rezultatul unei înțelegeri parțiale a acestui enunț. **În anumite condiții**, într-adevăr, un monopol privat **poate** fi mai dăunător (din punctul de vedere al societății) decât unul de stat; la fel de bine însă, în aceleași condiții sau în altele, un monopol de stat poate fi mai dăunător decât un monopol privat. Aceste condiții se referă, în principal, la modul de reglementare a monopolului respectiv (sau, mai degrabă, la lipsa acesteia), **indiferent care ar fi forma de proprietate asupra lui** (Oprescu 1998b). Cu alte cuvinte, sintagma de mai sus atrage atenția asupra necesității reglementării unui monopol. Reglementarea monopolurilor este o *parte componentă* a reglementării de către autorități (guvern) a diferitelor sectoare de activitate sau a diferitelor aspecte ale vieții sociale sau economice (protecția mediului, ocrotirea sănătății, protecția consumatorilor, protecția concurenței etc.).

Termenul de „reglementare“ necesită însă o atenție aparte. Etimologic, cuvântul vine de la

„regulă/reguli“. Aceasta înseamnă că noțiunea de reglementare se referă la stabilirea unor reguli, în cadrul cărora să se desfășoare activitatea unui monopol. Mergând mai în detaliu, astfel de reguli sunt necesare mai ales *în cazul monopolurilor naturale (sau al celor legale – în sensul de „drept stabilit prin lege“)*, deoarece în cazul monopolurilor formate prin fuziuni și achiziții politica de protecție a concurenței oferă deja instrumentele necesare, fie pentru a nu se ajunge la o astfel de situație, fie de a o rezolva prin metode specifice economiei de piață (de exemplu, crearea condițiilor și încurajarea intrării altor firme în ramura respectivă).

Ceea ce se înțelege însă prin „reglementarea de către stat“ în țările cu economie de piață este însă un lucru cu totul diferit de acceptiunea (încă majoritară) într-o economie în tranziție (și ne referim aici în primul rând la România), conform căreia reglementare înseamnă **intervenția discreționară** a statului. Este aici în fond, cunoscuta problemă teoretică a *regulilor vs. măsuri discreționare*. Reglementare înseamnă stabilirea unor reguli **clare, transparente, credibile, greu de modificat și, în plus, obligatorii atât pentru cel care constituie subiectul reglementării, dar – mai ales - și pentru cel care reglementează**. Noțiunea de reglementare – așa cum este ea folosită în literatura de specialitate – nu are nimic de-a face cu intervenția statului, în funcție de bunul plac al unuia sau altuia dintre funcționarii aflați, întâmplător sau nu, dar în mod sigur temporar, în poziția de a o putea face.

Intervenția discreționară și pericolele acesteia sunt explicate de două teorii distincte, deși

suficient de apropiate una de cealaltă: teoria capturării și teoria grupurilor de interese.

**Teoria capturării** susține că – de multe ori - firmele însele doresc să fie reglementate de către stat, deoarece mai devreme sau mai târziu, printr-o metodă sau alta (amenințare, mită, convingere) ele vor reuși să-l „captureze“ pe reglementator, care va face astfel ceea ce va dori firma reglementată; în acest caz, activitatea de reglementare nu face altceva decât să protejeze firma respectivă de amenințarea concurenței<sup>12</sup>.

O generalizare a acestei teorii pornește de la constatarea că diferitele grupuri de interese sunt afectate în mod diferit de activitatea de reglementare. De aceea, ele se vor concura, în scopul de a influența legislația în domeniu. Cei care vor fi cel mai bine organizați și care vor dispune de cei mai mulți bani, vor și reuși să își promoveze propriile interese, fie prin intermediul legislației, fie prin acela al reglementatorilor (instituția în sine sau angajații acesteia). În această **teorie a grupurilor de interese**, firmele, consumatorii sau alte astfel de grupuri pot să „captureze“ o autoritate de reglementare și să o folosească în interesul propriu, dar în detrimentul celorlalți.

Din acest punct de vedere, trebuie să conștientizăm faptul că – în România, dar probabil și în alte țări aflate în tranziție – **monopolurile de stat nu au fost reglementate** (în înțelesul normal al termenului). În teoria factorilor de producție, atunci când se vorbește de veniturile acestora, se face distincția dintre plățile de transfer și renta economică. Astfel, **plățile de transfer** sunt definite ca plățile necesare pentru a menține un factor de producție în starea

<sup>12</sup> Deși nu se referă la un sector „reglementat“, un exemplu în acest sens îl poate constitui respingerea repetată, fără o analiză care să ajungă în plenum Consiliului Concurenței, a sesizărilor firmei *Coca Cola* vizând sprijinul de diferite feluri obținut din partea statului de concurențul său direct pe piața românească, *European Drinks*.

sa de funcționare actuală, iar **renta economică** este orice plată peste nivelul plăților de transfer.

Făcând o analogie, putem spune că ceea ce până acum s-a dorit a fi reglementarea monopolurilor nu a fost decât o acțiune de extragere – în favoarea a diferite grupuri, a diferite persoane sau a diferite alte sectoare - a rentei economice din sectorul aflat sub „control“. Ca un amănunt, astfel se și explică nivelul substanțial mai mare al salariilor din fostele regii autonome, adică – în cea mai mare parte - a sectoarelor aflate sub „control“.

Referindu-ne la România, ceva s-a făcut totuși: este vorba de controlul prețurilor; control al cărui unic criteriu a fost însă temperarea inflației și **protecția – pe termen scurt însă – a populației**; cu alte cuvinte, controlul prețurilor a fost folosit **ca instrument de protecție socială**, în scopul redistribuirii veniturilor în societate și nu în scopul eficienței economice sau – altfel formulat – al corectării ineficiențelor generate de piețe cu concurență imperfectă.

Acest tip de control al prețurilor ilustrează din păcate acțiunea de extragere a rentei din aceste sectoare. Spuneam că protecția populației a fost doar pe termen scurt, deoarece practicarea unor prețuri false, la niveluri mult mai joase decât ar fi trebuit nu putea continua la infinit. Pe de o parte, ele au contribuit la decapitalizarea sectoarelor respective, acestea ajungând în situația de a nu mai avea resursele necesare *nici măcar pentru menținerea la nivelul actual – mediocru – de funcționare și calitate a serviciilor*.

Pe de altă parte, deschiderea piețelor – fenomen din fața căruia nimeni nu se va putea da la o parte – le face să se afle în pericolul de a nu putea face față concurenței internaționale, cu inevitabilul sfârșit care ar fi dispariția de pe piață. Este cazul aici, spre exemplu, al *Romtelecomului*,

căruia i s-a acordat un termen de grație pentru a încerca să devină competitiv, dar care va avea de înfruntat – începând cu 1 ianuarie 2003 – concurența firmelor străine pe piața românească. Consecința principală a unei astfel de politici constă în necesitatea ca – în astfel de domenii – prețurile și tarifele să crească semnificativ în termeni reali; și asta doar pentru a supraviețui. Pentru a putea vorbi însă de o îmbunătățire a calității serviciilor, sumele necesare nu sunt disponibile **decât prin aportul unor investiții străine**, indiferent de forma sub care se vor concretiza (privatizare, concesiune etc.). Din păcate, problema acceptării investițiilor străine în sectoarele de utilități sau de infrastructură este o problemă extrem de sensibilă și de controversată din punct de vedere politic; furibunda campanie declanșată de privatizarea *Romtelecomului* este cea mai bună dovadă în acest sens.

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## CONSOLIDAREA MONETARĂ MONDIALĂ ȘI PROBLEME ALE TRANZIȚIEI ROMÂNIEI LA MONEDA REGIONALĂ

Marin Frâncu\*

**ABSTRACT.** *As the pressure of the currency consolidation increased in the years 1990, the world became aware that the world currency system, with 178 separate national currencies, became too costly, both for the domestic economies and for the world economy. The high costs and great vulnerability of the national currencies determined the financial and economic business of small open economies to move into the major currencies of the world. The euro is the first great success of a regional currency with a large potential in the international finance. Romania needs to overcome many problems to get through the stages required for the euro adoption. They range from the problem of standardising the macro and micro economic policies and adjusting the business cycle in line with the business cycle of the euro zone to the problem of putting on track the role and the functions of the national central bank according to the Eurosystem standards, of the preparing to join to the Exchange Rate Mechanism II and to meet the convergence criteria. Romania must very seriously get prepared in a shorter period of time for the advantage of adopting the euro and also for losing inter alia its national monetary policy and capital markets.*

Orice monedă națională, cu un grad mare de vulnerabilitate, generează **costuri suplimentare** pentru toți participanții de pe piața internă a țării respective. Câțiva factori, printre care liberalizarea piețelor interne și a fluxurilor externe de capital, dar mai ales intensificarea comerțului cu servicii financiare la scară globală, au mărit presiunea consolidării monetare. Ea a determinat țările cu monedă relativ vulnerabilă sau foarte vulnerabilă să folosească, pe piața internă, monedele străine mai stabile, cel mai adesea moneda dominantă a lumii - dolarul american - sau moneda dominantă a regiunii, într-o proporție mai mare decât ar fi îndreptățit-o comerțul lor exterior

**Consolidarea monetară înseamnă unificarea standardelor monetare oficiale**, în lume sau într-o regiune a lumii, într-o gamă mai restrânsă de monede naționale sau de standarde monetare

oficiale. Această consolidare poate avea loc și într-o singură țară – cu sistem bi-monetar sau cu cursuri multiple de schimb valutar.

Folosirea, pe plan intern, a mai multor standarde monetare este o reacție normală **de protejare** a populației și a agenților economici contra vulnerabilității monedelor naționale. Este adevărat, ea trebuie bine **reglementată** pentru a nu induce **distorsiuni** și mai mari prin folosirea puterii dominante sau de monopol pe piață etc., în detrimentul populației și al tuturor celorlalți actori forțați să înceapă orice tranzacție cu sau să treacă prin moneda națională. Când o tranzacție trebuie să treacă prin mai multe standarde monetare, pe plan intern, ea se încarcă de costuri suplimentare. Este o reacție repetată în fiecare țară cu monedă volatilă și la scară mondială ar fi mult mai puțin costisitor să fie folosite **mai puține monede**.

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De mai bine de jumătate de secol există propunerea unei monede mondiale unice, făcută de **John Maynard Keynes**. Din punct de vedere teoretic, în actualul proces de consolidare monetară mondială și regională, se confruntă o gamă bine conturată de concepte, mergând de la susținerea **cursurilor valutare flexibile** pentru un număr destul de mare de monede, până la crearea a **câte o monedă regională** în principalele zone economice ale lumii, la restrângerea numărului monedelor, pe plan mondial, la **trei monede** - dolarul american, moneda euro și yenul - până la o **monedă mondială unică**.

Consolidarea monetară mondială poate fi un proces extrem de complex și de îndelungat. Moneda **euro** este primul succes real al **consolidării monetare regionale**. Până acum, noua monedă nu a pus în pericol pozițiile internaționale ale dolarului. De altfel, organismele Eurosistemului au declarat că nu au în intenție așa ceva. Euro este a doua monedă a lumii și **și-a întărit puternic poziția regională** dincolo de granițele zonei monetare și ale Uniunii Europene, mai ales în țările candidate, implicit în România, și mai departe, în Rusia și Asia Centrală, în țările mediteraneene din Orientul Mijlociu și Africa de Nord și, mai la sud, în Africa Centrală și de Vest, unde a moștenit rolul francului CFA.

**România** se pregătește și ea intens pentru tranziția la noua monedă regională. Adoptarea unei monede regionale are mari **avantaje**, în diminuarea costurilor tuturor categoriilor de tranzacții, în reducerea vulnerabilității monetare, în eliminarea unor perturbații de care suferă toate sectoarele, dar cel mai adesea piețele monetare, de capital și alte piețe financiare, distorsiuni care conduc la supra-dimensionarea rezervelor valutare ale țării ș. a. m. d. Ea are și **costuri** foarte mari și, pentru România, reclamă, într-un timp

extrem de scurt, mari eforturi de pregătire care nu trebuie lăsate numai pe seama băncii centrale. Printre costuri, dacă menționăm doar **pierderea drepturilor senioriale**, de emitere a monedei, pierderea parțială a controlului politicii **macroeconomice și microeconomice**, pierderea totală a controlului **politicii monetare** - care vor reveni băncii centrale regionale și, respectiv, organismelor UE - lista este total incompletă. La eforturi, să menționăm doar că, toate instituțiile guvernamentale din România ar trebui să se obișnuiască, de pe acum, să nu-și mai rezolve problemele **prin iluzie** - producând inflație - în defavoarea populației, ci prin **stabilitatea** politicilor sănătoase, prin stabilitatea creșterii economice potrivit prevederilor Pactului de Stabilitate și Creștere al UE. România trebuie puternic **ajutată** de partenerii săi europeni și de instituțiile financiare internaționale, deoarece ea trebuie să găsească soluții la **dificultăți de tipul cercului vicios** și nu o poate face singură. De exemplu, adoptarea noii monede regionale lipsește mecanismele economice interne de o politică monetară națională. Ele vor ieși mai greu dintr-o eventuală criză, în măsura în care le-o permite politica monetară regională, care s-ar putea să li se potrivească sau nu. Aceasta presupune, printre altele, armonizarea, până atunci, a **cicului economic** al României, la care contribuie, bineînțeles, și cursul efectiv al leului și cursul real al leului față de euro, de acum.

Deja multe dintre costuri sunt prefigurate de **cele trei stadii** pe care trebuie să le parcurgă România până la uniunea economică și monetară. Cert este că după intrarea în UE și chiar mai devreme, **România va fi obligată** să aplice numai politici sănătoase, coordonate de organismele UE și întocmite după reguli și standarde internaționale convenite, și chiar după

formulare comune, inclusiv de urmărire și de raportare a rezultatelor. Printre altele, ele vor căuta eliminarea deficitului bugetar pe termen mediu și vor evita deficitele bugetare excesive pe termen scurt, iar în sistemul financiar vor asigura independența deplină a politicii băncii naționale ale cărei funcții de supervizare și control se vor întări în defavoarea politicii monetare care va reveni instituțiilor Eurosistemului, vor prevedea restricții în creditarea instituțiilor guvernamentale ș. a.

### 1. Presiunea costurilor suplimentare

În sistemul financiar mondial, există dificultăți și costuri suplimentare, în bună parte și pentru că sunt prea multe monede naționale. Majoritatea sunt monede cu un grad mare de vulnerabilitate, printre care se află și **leul românesc**. Cum apare un nou stat, cât de mic, are grijă să-și emită, imediat, monedă proprie. În țările în curs de dezvoltare, din cauza vulnerabilității monedelor naționale, s-au creat stadii intermediare în concurența pe piața monetară și financiară internă, generate de folosirea – de regulă, oficializată – a mai mult de un standard monetar. Acest fenomen sporește riscurile stabilității prețurilor, ale sectorului financiar sau ale economiei, în ansamblu.

Țările mici, mai ales cele cu economie deschisă spre exterior, dar și toate țările în curs de dezvoltare, care au nevoie de serviciile rețelei financiare globale, folosesc tot mai des monedele străine pe piața lor internă și în tranzacțiile lor externe. Presiunea pentru consolidare monetară este o **modalitate de adaptare** a sistemului financiar mondial la noile realități comerciale: globalizare sporită a afacerilor comerciale și a piețelor financiare; crearea unei rețele financiare

globale care nu mai se suprapune peste profilul rețelei globale comerciale; intensificarea liberalizării și a accesului la piețele mondiale sub influența protocoalelor Organizației Mondiale a Comerțului; eliminarea unor restricții interne în sectorul serviciilor financiare și avansul tehnologiei comunicațiilor, inclusiv utilizarea rețelelor globale de calculatoare. **România** este și ea prinsă în acest proces.

Când o tranzacție comercială sau financiară trece prin două sau mai multe standarde monetare – adică, atunci când sunt implicate mai multe monede sau cursuri de schimb – ea are un parcurs mai îndelungat și suportă costuri suplimentare. Din cauza inflației și a deprecierei continue a leului, în **România**, întâlnim mai multe standarde monetare, unele neoficializate expres, dar nici sancționate de lege. Ni se expun motivații oficiale că niște prețuri în lei cresc pentru că trebuie să țină pasul cu cursul dolarului, că prețul benzinei crește pentru că are în el accize în euro; mai auzim că niște companii de telecomunicații și de televiziune prin cablu își fixează tarifele în dolari sau euro și doar facturează în lei; un ministru ne anunță costul noilor locuințe în dolari pe metru pătrat; auzim că o companie facturează în dolari, alta în euro, alta în franci elvețieni; chiar și unii medici își fixează „tariful” în euro sau dolari, la fel și unii polițiști sau magistrați ș.a.m.d. Nu pare, dar cotarea în valută sau folosirea valutei ca atare este o tendință pozitivă, de protejare a populației și a economiei contra vulnerabilității leului. Din păcate, în România, acest proces s-a derulat, mult timp și încă se derulează, haotic, cu o legislație incoerentă și fără o îndrumare instituțională profesionistă.

## 2. Vremea când piața impunea singură monedele bune

Cum a ajuns lumea aici? În materie de concurență monetară, era o vreme când monedele bune nu întâmpinau nici o graniță statală și nimeni nu putea forța populația să accepte monede proaste. **Apariția băncilor centrale** a facilitat punerea în circulație a unor noi forme de bani și de bancnote oficiale la un curs de schimb, de regulă, supraevaluat. Cu timpul, multe țări au întărit puterea de monopol a autorităților de a emite bani, în ideea unei mai bune protejări a monedei naționale. Să reamintim că, în esență, prin emiterea unei bancnote, cel care intră în posesia ei îl creditează pe emitent cu contravaloarea bancnotei. Pentru a avea o bancnotă, o persoană trebuie să dea o marfă, să presteze un serviciu etc., iar cel care a emis, inițial, bancnota nu trebuie să dea nimic, ci, prin autoritatea lui de constrângere – chiar dacă nu scrie așa ceva pe bucata de hârtie pe care o numim bancnotă – el, adică statul, prin instituțiile sale cu putere coercitivă se angajează să aibă grijă ca bancnota respectivă să poată fi schimbată oricând și oriunde, în teritoriul aflat sub jurisdicția sa, pe orice marfă.

Pentru a asigura această exclusivitate, nu numai bancnotele în circulație, dar toate celelalte operațiuni bănești, calcularea taxelor și impozitelor și înregistrările valorice etc. trebuia să fie exprimate în moneda națională. Măsuri suplimentare au fost luate prin controlul valutar: ținând întreaga economie națională în capcana monedei locale, guvernele au devenit tot mai imprudente în extinderea masei monetare,

creând inflație și abuzând de **dreptul de senioritate** – dreptul de a emite monedă, cu avantajele explicate mai devreme – și tot mai puțin exigente cu calitatea extinderii sistemului financiar și a serviciilor prestate de acesta. După 1989, **România** nu a fost în stare să evite aceeași greșeală făcută de decenii de țările cu economie de piață. La scară mondială, mai multe monede, au însemnat **mai multe monede proaste și un sistem financiar mondial mai greoi.**

## 3. Mai puține monede.

Barierile în calea concurenței străine s-au erodat în ultimul sfert de secol. Monedele naționale au fost expuse tot mai mult concurenței monedelor străine și luptei pentru supraviețuire. Obstacolele au căzut mai întâi în țările dezvoltate și apoi în țările în curs de dezvoltare, pe măsură ce ele și-au accentuat integrarea în comerțul internațional și în fluxurile de investiții străine și au acordat același tratament național și străinilor; cu tot mai puține sau fără nici o derogare. S-au deschis, astfel, ușile prin care multe achiziții sau alte categorii de tranzacții au putut să fie exprimate în valute străine, atât de către rezidenții locali, cât și de către străini.

Problematika consolidării monetare beneficiază, printre altele, de o dezbatere de referință dintre doi vestiți economiști, laureați ai premiului Nobel, profesorii **Milton Friedman și Robert Mundell**, publicată, în mai 2001, sub titlul sugestiv „O lume, o singură monedă?”<sup>1</sup>. În această dezbatere, Milton Friedman, un adept, de mult timp, al cursurilor flexibile de schimb valutar; și-a

<sup>1</sup> Friedman, M. și Mundell R. A. **One World, One Money?**, *Policy Options – Options Politiques* 22(4) p. 10-30 May 2001 Canada ; vezi și Mundell R.A. **Exchange Rate Arrangements in Central and Eastern Europe** în *Eastern Enlargements: The Sooner, The Better?* editori S. Arndt, H. Handler și D. Salvatore 2000, Viena, Austrian Ministry for Economic Affairs and Labour p. 158-165.

susținut opoziția față de încercările de a crea o singură monedă mondială. Robert Mundell, pe de altă parte, s-a declarat în favoarea **unei monede mondiale unice** față de care monedele naționale ar urma să aibă un curs fix, dar ar continua să coexiste; această monedă globală ar urma să fie o medie ponderată între dolarul american, euro și yenul japonez, care și ele ar fi înglobate în noua monedă mondială. Consiliului Governorilor al FMI ar urma să îi revină responsabilitatea creării și a managementului monedei mondiale. Ideea lui Mundell este foarte apropiată de propunerea unei monede mondiale unice, numită „**bancor**”, avansată de celebrul economist **John Maynard Keynes**, la conferința de la Bretton Woods, din 1944, dar care n-a fost acceptată atunci. Între cele două poziții, au apărut, în lumea de azi, câteva propuneri bine argumentate, printre care se află propunerea de creare a **câte unei monede în fiecare regiune mare a lumii** și propunerea de **restrângere a numărului de monede, în lume, la trei** – dolarul american, euro și yenul japonez.

Prin propunerea pentru câte o **monedă pe fiecare regiune**<sup>2</sup>, monedele naționale ar urma să fie înglobate în câte un bloc regional cu care au legături mai strânse, comerciale și de investiții străine, făcându-le, astfel, mai sustenabile, din punct de vedere economic și politic. Monedele naționale ar fuziona într-o monedă regională pentru a câștiga **avantajul** economiilor la scară și o credibilitate de piață dată de o bancă centrală regională independentă, eliberată de orice interferență politică pe termen scurt. Aceste monede regionale ale lumii n-ar avea cursuri fixe între ele, ci ar flota una față de alta.

Sunt multe argumente, de costuri, de stabilitate economică etc., pentru care nu este bine, nici pentru multe țări în curs de dezvoltare, nici pentru sistemul financiar mondial, ca toate țările mici ale lumii să-și mențină monedele naționale. În lume, există un număr prea mare, de **178 monede naționale**. Nici unul din marii economiști ai lumii nu contestă că pentru a-și păstra **suveranitatea** o țară trebuie neapărat să aibă moneda ei națională, tot așa cum nu trebuie neapărat să aibă propria companie națională de aviație sau de transporturi maritime. Chiar marele avocat al cursurilor flexibile, **Milton Friedman** spunea, în contextul cărții sale din 1973, *Money and Economic Development*, că, pentru țările mici, „*Cea mai bună politică ar fi să se ferească de veniturile provenite din crearea de bani, să-și unească moneda cu cea a unei țări dezvoltate, mare și relativ stabilă, cu care are relații economice strânse și să nu impună nici o barieră în calea mișcării banilor, a prețurilor sau a dobânzilor. O astfel de politică i-ar cere să nu aibă o bancă centrală proprie.*”

#### **4. Moneda euro slăbește presiunea asupra dolarului american.**

Dominația dolarului s-a accentuat în anii 1990, mânată de globalizare și de convergența piețelor financiare și de capital. Creșterea poziției dolarului nu putea suplini deficiențele sistemului financiar global, pe de o parte, iar banca centrală a SUA – sistemul federal de rezerve – **nu agreea un dolar și mai dominant**, din cauza efectelor secundare negative asupra managementului monetar și asupra competitivității comerțului

<sup>2</sup> Vezi Furstenberg, G. von **One Region, One Money: Implication of Regional Currency Consolidation for Financial Services** 25<sup>th</sup> annual lecture of the Geneva Association, International Association for Study of Insurance Economics, Washington D.C. 29 September 2001.

exterior al SUA. Aceasta a creat o presiune suplimentară pentru grăbirea apariției monedei euro. Trebuie să reamintim că, regimul cursurilor fixe - înființat în 1944, prin acordul de la Bretton Woods - a căzut în 1971, în parte, și pentru că dolarul american a subminat sistemul.

Ca urmare a crizelor financiare din anii 1990, din Asia de Sud Est, Rusia, Turcia, America Latină etc., țările cel mai afectate **au căutat să se îndepărteze** – deși temporar – **de cursurile flexibile de schimb**, adoptând diferite alte mecanisme valutare: curs cu flotare controlată, curs cu legătură fixă glisantă sau consilii monetare, majoritatea presupunând un anumit nivel de referință față de dolarul american. Unele au dat rezultate bune, altele, nu – cum a fost consiliul monetar în Argentina.

**Cursurile flexibile de schimb nu funcționează, întotdeauna, bine în țările mici:** ele tind să le accentueze efectele negative ale șocurilor economice externe, în loc să le protejeze contra lor, așa cum spune teoria că ar trebui. Printre cauzele discrepanței dintre teorie și practică, se află slăbiciunile sistemului financiar al țărilor în curs de dezvoltare și ale sistemului financiar global dovedite de modul de manifestare a crizelor și de lipsa de uniformitate în reacțiile corective luate ulterior de guvernele respective și de organismele internaționale specializate.

Consolidarea efectivă a 12 monede naționale și înlocuirea lor cu o monedă unică în **zona euro furnizează cel mai clar exemplu** de funcționare a procesului de consolidare monetară regională și poate constitui o experiență utilă sau un model pentru alte blocuri regionale.

Pe măsură ce euro își întărește poziția de monedă regională, el intră în competiție cu dolarul pentru a-i completa poziția globală, mai ales că alte monede regionale întârzie să apară.

De altfel, o **monedă regională** puternică, precum euro, poate funcționa cu succes și ca **monedă internațională** în anumite tranzacții comerciale. De exemplu, datorită importanței pieței europene a reasigurărilor, o proporție sporită din reasigurările internaționale, din alte zone ale lumii, vor tinde să fie exprimate în euro.

### 5. Euro are un mare viitor internațional

Moneda euro este **a doua valută utilizată în tranzacțiile internaționale** ale țărilor lumii, după dolarul american și înaintea yenului japonez. Eurosistemul nu vrea, însă, să forțeze, prin decizii de politică monetară, creșterea, în vreun fel, a acestui rol, ci dimensionarea poziției monedei euro în lume este lăsată în voia forțelor pieței mondiale. De altfel, extinderea liberalizării și a globalizării piețelor financiare limitează foarte mult orice fel de foloase directe ar putea fi create pe această cale. În mod transparent, Eurosistemul a declarat că nu are ca obiectiv direct de politică internaționalizarea expresă a monedei euro.

**Indirect**, însă, politicile publice europene pot influența poziția viitoare a monedei euro pe piața mondială, deoarece participanții la tranzacțiile externe vor ține cont de aceste politici, atunci când își vor exprima creanțele, își vor repartiza portofoliile de active pe diferite monede sau își vor factura comerțul exterior. De exemplu, orientarea UE către politicile de stabilitate și eforturile de a promova o piață financiară unică eficientă și complet integrată pentru activele și pasivele exprimate în euro, dacă vor fi încununate de succes, pot face moneda euro mult mai atractivă pentru debitorii și investitorii internaționali, sporind, în consecință, rolul ei de depozitare a averii lumii.

Euro și-a întărit poziția în lume ca **monedă de finanțare**. Ponderea emisiunilor internaționale de instrumente monetare exprimate în euro a sporit substanțial începând de la sfârșitul anului 1999, ca urmare a creșterii lichidităților, adusă de crearea pieței monetare integrate a zonei euro. În medie, **ponderea instrumentelor monetare** exprimate în vechile monede moștenite de euro era de numai 8,5% în perioada 1994-1998 (dolarul american 77% și yenul japonez 4,5%), dar ponderea celor exprimate în euro în perioada ianuarie 1999- iunie 2001 sporise, în medie, la **24%** (dolarul american 60% și yenul japonez 3%), preluând o parte din pozițiile dolarului și yenului. O creștere similară a ponderii a avut loc și la emisiunile de bonuri și de obligațiuni exprimate în euro. Ponderea medie a vechilor monede moștenite de euro în **emisiunile de obligațiuni** făcute de nerezidenții zonei euro fusese de 18% - în urma yenului japonez - în perioada 1994-1998 (dolarul american 42% și yenul japonez 25%). În perioada ianuarie 1999- iunie 2001, ponderea monedei euro în emisiunile de obligațiuni a crescut la 31%, destul de aproape de dolar și înaintea yenului (dolarul 36% și yenul 18%).

**Ca monedă de investiții străine**, euro ocupă o poziție de două ori mai slabă decât dolarul și de două ori mai puternică decât yenul. Ponderea estimată a **titlurilor de valori** exprimate în euro, aflate în **portofoliile** marilor administratori globali de active financiare, a fost la sfârșitul lunii septembrie 2001 de **28%** (dolarul 49% și yenul 16%). În același timp, deținerile străine de **acțiuni de capital** în zona euro reprezentau **25%** din totalul mondial (SUA 50% și Japonia 10%).

În privința utilizării monedei euro **ca vehicul monetar pe piața valutară**, ultima anchetă trienală întreprinsă de BIS (Banca Reglementelor Internaționale) arată că în luna aprilie 2001, euro participa la 38% din tranzacțiile valutare net-net<sup>3</sup> (dolarul 90% și yenul 23%). Deși la nivel global, euro nu joacă un rol comparabil cu cel al dolarului american, la nivel regional, euro moștenește un rol important de la monedele pe care le-a înlocuit (în deosebi, de la marca germană), mai ales în țările central și est europene .

În ceea ce privește **utilizările oficiale** ale monedei euro, **în stabilirea cursului oficial de schimb**, peste 50 de țări din afara zonei euro au un regim oficial de curs valutar cu o ancoră în care este implicată moneda euro. **Ca valută oficială de rezervă**, la sfârșitul anului 2000, euro reprezenta destul de puțin, doar **12,7%**, din rezervele valutare mondiale, față de 68,2% dolarul american și 5,3% yenul japonez. Acest nivel este comparabil cu cel ocupat de monedele europene pe care le-a înlocuit (în principal, de marca germană, francul francez și guldenul olandez) înainte de introducerea monedei euro. Cu alte cuvinte, euro nu a declanșat încă nici un fel de fugă de dolarul american a rezervelor valutare internaționale ale țărilor lumii. Cu toate acestea, utilizarea dolarului american și a monedei euro în rezervele valutare oficiale și în stabilirea cursului oficial de schimb diferă mult de la o zonă geografică la alta. În Europa Centrală și de Est, de exemplu, majoritatea țărilor dau monedei euro o pondere de peste 60%, atât în rezervele valutare, cât și în stabilirea cursului oficial de schimb.

<sup>3</sup> Deoarece în fiecare tranzacție valutară sunt implicate câte două valute, însumarea procentelor totalizează 200%, în loc de 100%; cifrele se referă la valoarea net-net, adică valoarea ajustată pentru înregistrări duble locale și trans-frontaliere.



## 6. România trebuie să-și pregătească tranziția la moneda regională

Cât timp ține o monedă națională fragilă, o țară în curs de dezvoltare suferă că toți producătorii și consumatorii interni trebuie să activeze într-un sistem foarte fragil și cu capabilități foarte limitate și că managerii economici și financiari trebuie să apeleze la politici speciale pentru a minimaliza efectele adverse.

**Piața de capital este prima care suferă de efectele negative.** Din cauza incertitudinilor monetare, titlurile de valori exprimate în monedă locală nu pot atrage investitorii străini și când o fac, o fac contra unei prime mari de risc. Totodată, investitorii interni vor constata că piețele străine de capital, cu monede mai stabile, sunt mult mai atractive.

De asemenea, șocurile economice și atacurile speculative asupra unei monede naționale fragile au un efect destabilizator mai mare și din cauză că piața are un grad mic de capitalizare, iar rezervele valutare ale țării sunt relativ mici; supra-dimensionarea lor ar crea mari costuri suplimentare. Există legături strânse între cursul de schimb și piața de capital, nu numai prin interdependența economică și comercială, ci și prin încrederea de piață.

În sens invers, prin abandonarea monedei naționale o țară în curs de dezvoltare – ca România – **își pierde piața de capital proprie.** Moneda regională conduce, inevitabil, la o piață regională de capital. Firmele locale vor trebui să se supună unor condiții de cotare mult mai severe, cu avantajul posibilității obținerii unei finanțări incomparabil mai mari, dar pentru **parametri mai buni și performanțe mult mai ridicate.**

O piață de capital, cu risc mare și capitalizare scăzută, dintr-o țară cu monedă națională volatilă,

va afecta negativ eficiența și competitivitatea firmelor locale deoarece ea le sporește costurile de capital și le limitează capitalul pe care îl pot ridica de pe piață. În plus, reglementările le obligă să emită, pe piața internă, acțiuni și obligațiuni numai în monedă națională. La fel, firmele de servicii financiare vor fi nevoite să-și investească banii într-o gamă îngustă de titluri de valori și, astfel, fondurile economisite de populație și încredințate lor spre administrare vor alcătui portofolii mai puțin diversificate și cu randament mai scăzut decât dacă ar fi investite pe piețe regionale sau internaționale mai mari.

Cât timp își menține moneda națională, o țară în curs de dezvoltare ar trebui să permită firmelor financiare și anumitor firme nefinanciare să vândă, iar consumatorilor să cumpere anumite bunuri și servicii **în monedă străină**, dar în strictă conformitate cu politica economică și comercială pe termen lung a țării. În **România**, permisiunea folosirii monedelor străine a avut mult timp și încă are, din păcate, **un caracter incoerent**, nu denotă că face parte dintr-o politică pe termen lung și abuzează de ea firme care vor să-și întărească puterea de monopol în defavoarea veniturilor populației care este plătită în monedă națională. În plus, la intern, **ea ar fi trebuit orientată, de mai mult timp, numai către moneda regională euro, pentru a ușura armonizarea ciclului economic al României cu cel al zonei euro spre care ne îndreptăm.**

Problema nu trebuie privită numai în contextul european al integrării României. Fiecare țară în curs de dezvoltare ar trebui să-și estimeze cu acuratețe beneficiile nete ale intrării într-o uniune monetară, să urmeze un ghid profesionist de parcurgere a acestei tranziții, elaborat de FMI sau de alt organism specializat – cum este cazul cu Banca Centrală Europeană în zona euro – să-și

identifice bine partenerii și itinerarul spre uniunea monetară.

Mai întâi, din cauza **marilor costuri asociate abandonării monedei naționale** și pregătirii intrării într-o uniune monetară. În al doilea rând, este nevoie de **o îndrumare** clară asupra parcursului tranziției din partea partenerilor de uniune pentru a nu avea surpriza unor costuri neprevăzute sau a unor externalități negative cărora o țară candidată, lăsată singură, nu le poate face față pe termen scurt. Țara în tranziție monetară este confruntată cu pregătirea soluțiilor pentru **unele dificultăți de tipul cercului vicios**<sup>4</sup>.

La nivel mondial, țările în curs de dezvoltare ar trebui încurajate prin **acordurile multilaterale** pentru a-și construi infrastructura financiară necesară integrării la scară internațională – respectiv, regională – și dezvoltarea rețelei financiare globale și în interesul țărilor mici. **Sprijinul instituțional mondial**, în funcție de configurația consolidării monetare mondiale, ar putea veni din partea băncilor centrale din țările cu monedele dominante – din SUA, zona euro și Japonia – de la instituțiile financiare internaționale – ca FMI, Banca Mondială, bănci regionale etc. – de la G-7 (Grupul celor 7), de la Comitetul Internațional Monetar și Financiar – coordonat de FMI – sau de la Fondul de Stabilitate Financiară - coordonat de BIS (Banca Reglementelor Internaționale).

Trebuie convenite **multe proceduri tehnice**, printre care cooperarea în crearea sistemului de supervizare, modul de includere în sistemele de plăți și de decontări și de calificare pentru sprijinirea cu lichidități, modul de împărțire a drepturilor senioriale după adoptarea monedei

unice la nivel regional, respectiv, la nivel mondial și altele. **Riscurile create de bi-monetarism și de substituirea monetară** – dolarizarea oficială (Panama, de exemplu) sau neoficială și consiliul monetar (Argentina, de exemplu) – pentru o țară în curs de dezvoltare și modul cum astfel de riscuri pot fi evitate prin uniuni cu monedă unică sau multi-monetare ar trebui, de asemenea, să facă parte din Evaluările de Stabilitate a Sistemului Financiar pe care le întreprinde FMI împreună cu țările membre începând din 1999.

Dacă nu se va acorda un sprijin oficial competent, în folosul reciproc al tuturor țărilor mari și mici și nu se va avansa pe calea creării cadrului instituțional și regulator internațional, pentru a ușura tranziția către mai puține monede în lume, **piețele vor găsi, singure, o cale** să o facă și pe plan mondial – cum au găsit și în România și în alte țări sărace înainte de a găsi căi de sporire a creșterii economice – dar mult mai lent, cu costuri mult mai mari, mai ales pentru țările mici și cu pericolul unor crize de-stabilizatoare la nivel global.

### 6.1. Diversitate strategică și unii candidați mai grăbiți decât alții

În ultimii ani, țările cu acces la UE au practicat un spectru diversificat de strategii monetare și de curs valutar. În vreme ce **statele baltice și Bulgaria** au un curs **cu legătură fixă** sau au introdus **consiliul monetar**, iar **România** își păstrează cursul cu **flotare controlată**, celelalte țări central și est europene au trecut la cursuri mai **flexibile** pentru concentrarea mai bună a eforturilor spre diminuarea inflației interne, în parte, prin strategii de apreciere a monedei naționale.

<sup>4</sup> Vezi și Frâncu M. **Avantajele integrării financiare mondiale și problematica adaptării României la eforturile zonei euro de încadrare a cursului valutar în indicatorii economici fundamentali**, Institutul de Economie Mondială, București, 2002.

În ciuda acestei diversități, toate țările cu acces la UE s-au apropiat de moneda **euro**. Ea a devenit **principala monedă** de fixare a legăturii sau a flotării controlate și reprezintă cea mai folosită valută în sistemele de plăți și tranzacții externe ale țărilor candidate cu monedă mai flexibilă. **Lituania** și-a reluat legătura fixă a monedei naționale, trecând de la dolar la euro, pe 2 februarie 2002.

De asemenea, atât **Ungaria** cât și **Cipru** au optat pentru un curs-umbră al **mecanismului ERM II** - Exchange Rate Mechanism II (al doilea mecanism de curs valutar) - cu o bandă de fluctuare de  $\pm 15\%$  și pentru ancorarea așteptărilor de curs valutar la calitatea de membru al ERM II, încă din faza de pre-accedere. Calitatea de membru al ERM II este într-adevăr cerută de Tratatul UE, pentru adoptarea monedei euro, dar nu în faza de pre-accedere la UE, ci după aceea.

### 6.2. Fără prescripții unice

În privința strategiei monetare și de curs valutar, Eurosistemul nu prescrie vreo strategie unică pentru țările candidate, deși arată că o intensificare a orientării către moneda euro s-ar înscrie pe linia viitoarei integrări economice și monetare. Totuși adoptarea unilaterală a monedei euro ca monedă oficială, adică **oficializarea substituției monetare sau „euroizarea” este incompatibilă cu rațiunea și cadrul multilateral promovat de EMU** - Economic and Monetary Union (Uniunea Economică și Monetară).

Urmărind accesul în UE, intrarea în ERM II nu trebuie văzută ca o „cameră de așteptare” pentru adoptarea monedei euro, ci **ca un cadru de politică monetară** în care economia țărilor candidate să poată realiza progrese semnificative în convergența reală și nominală cu țările UE și să se pregătească pentru exigențele uniunii

monetare. Tot în aceeași idee, consiliile monetare bazate pe euro trebuie judecate în funcție de cazul fiecărei țări în parte.

### 6.3. Liberalizarea mișcărilor de capital

Ca parte a aquis-ului comunitar, toate țările cu acces la UE, s-au angajat **să facă deplină liberalizarea mișcărilor de capital** până la data accederii în UE dacă nu au convenit, la negocieri, o perioadă de tranziție către acest stadiu.

Trebuie știut, însă, că o perioadă de tranziție întârzie și limitează avansarea țării în mai toate direcțiile integrării financiare în uniunea economică și monetară și chiar în UE. Până acum, doar câteva țări au cerut un regim de tranziție și acesta legat de domenii cu o importanță foarte mică pentru politica monetară - de exemplu, domeniul achizițiilor de proprietăți funciare.

### 6.4. Cele trei stadii de intrare în uniunea monetară europeană

Introducerea monedei euro sub formă de numerar, la 1 ianuarie 2002, a dat un nou impuls integrării europene. Oamenii s-au convins și mai mult de avantajele folosirii unor valori comune. S-a intensificat, astfel, **un curent de integrare europeană de jos în sus**, de la cetățeni către guvernanți. Dacă sunt bine informați asupra programelor și stadiilor viitoare pe care trebuie să le parcurgă, eforturile oamenilor au o mai mare eficacitate, ideile lor au o mai mare aderență la obiectivele prevăzute.

Euro a devenit o bancnotă utilizată dincolo de granițele zonei euro, mai ales în Europa Centrală și de Est și chiar mai departe. Acesta este doar un pas spre o uniune mult mai largă, spre o creștere a influenței mondiale a Europei.

Primirea de noi membri în Uniunea Europeană (UE) este analizată de instituțiile

acesteia **caz cu caz**. Progresul procesului de pregătire cerut de exigențele organismelor UE nu este același în toate cazurile, însemnând că programarea și traseul accederii noilor membri sunt diferite de la țară la țară. Indiferent de intrarea lor în UE, viitorii membri vor deveni și membri ai EMU - Economic and Monetary Union (Uniunea Economică și Monetară). Obținerea acestei calități duble nu se face simultan. România ar urma să intre în UE în 2007 și în EMU în 2009 sau 2010.

Acum, în EMU sunt 12 țări. Câte vor fi în viitorul apropiat? Succesul monedei euro va atrage, nu după mult timp, intrarea celor trei țări membre UE rămase în afara zonei euro. Sondajele din toamna anului 2002 arată că populația Danemarcei și Suediei a devenit favorabilă adoptării monedei euro. Regatul Unit va urma după ele pentru că și acolo procentul populației în favoarea EMU este în creștere. De asemenea, procesul de lărgire al UE implică, în următoarele 18 luni, până la doi ani, intrarea a 10 noi membri: Republica Cehă, Estonia, Ungaria, Letonia, Lituania, Polonia, Slovenia, Slovacia, Cipru și Malta. Rămân pentru mai târziu trei țări, Bulgaria și România care au primit statutul de acces și Turcia a cărei cerere se află încă în discuție. De la data intrării în UE, noii membri se vor angaja în aplicarea numai de politici economice sănătoase coordonate de organisme UE și întocmite după regulile și standardele internaționale convenite și chiar după formulare comune, evitând deficite publice excesive și cu asigurarea unei independențe depline a băncilor lor centrale a căror funcție de supervizare și control va spori.

### 6.5. O succesiune de condiții

Înainte de a intra în EMU, orice țară trebuie să intre în UE. După îndeplinirea acestei condiții esențiale, noii membri trebuie să realizeze criteriile cerute pentru EMU trecând prin trei stadii succesive.

1. Stadiul întâi stipulează că, potrivit criteriilor de la Copenhaga, țara solicitantă trebuie să **dovedească încheierea tranziției la economia de piață și abilitatea economiei ei de a face față concurenței de pe piața unică europeană.**

2. Stadiul al doilea stipulează că țara trebuie să fi îndeplinit condițiile de sporire a **coordonării economice și monetare** necesare intrării în cel de al treilea stadiu al EMU.

3. În stadiul al treilea, țara trebuie să îndeplinească **criteriile de convergență** din Tratatul de la Maastricht care îi dă dreptul să intre în EMU și să adopte moneda comună, euro, ca moneda ei proprie. În sinteză, aceste criterii îi cer să aibă o rată scăzută de inflație (2%), rate stabile de dobândă pe termen lung, să-și controleze deficitul bugetar și datoria publică și să aibă un curs stabil de schimb față de euro. Mai trebuie să garanteze independența băncii centrale naționale (bcn) și, în paralel, să impună restricții asupra creditelor date de bcn autorităților publice, în deosebi în privința scontării titlurilor publice de debit.

### 6.6. Sub presiunea timpului

Aceste trei stadii sunt o reluare a traseului parcurs de toate statele membre ale zonei euro și sunt cuprinse în Raportul Delors din aprilie 1989. Raportul prevedea trei stadii de înființare a EMU, începând cu **consolidarea pieței unice** - stadiul întâi, 1990-1993 - continuând cu sporirea treptată a **coordonării economice și monetare** - stadiul al doilea, 1994-1998 - și culminând cu instituirea Băncii Centrale Europene și **punerea în circulație**

a monedei euro sub formă de numerar (bancnote și monede metalice) - stadiul al treilea, 1999-2002. Toate stadiile s-au îndeplinit cu succes și la timp.

**România** trebuie să străbată într-un **timp foarte scurt**, de 2-4 ani, aceste trei stadii de transformări calitative și cantitative parcurse în 10 ani de primele 11 țări cu economie de piață deplin funcțională, membre ale UE, care au intrat în zona euro. România nu trebuie să se teamă de perioada scurtă sau de nivelul calitativ și cantitativ la care va ajunge după aceste transformări sistemice, dar trebuie să le pregătească foarte serios și cu mult mai multă îndrăzneală decât până acum. Este insatisfăcător, de exemplu, cât de mult timp ne ia reducerea inflației, cel puțin la nivelul celorlalți candidați. Pentru intrarea în uniunea economică și monetară, unul dintre criteriile de convergență cere o perioadă obligatorie de staționare prealabilă de 2 ani în cel de al doilea mecanism valutar (ERM II). Menținerea cursului leului într-o bandă de fluctuare de  $\pm 2\%$  cum trebuie să facă acum Danemarca, de exemplu, nu este o treabă ușoară nici pentru marca daneză, cu atât mai puțin pentru leul românesc. Unele țări candidate, precum Ungaria sau Cipru, programate pentru UE în 2004, caută să se obișnuiască de pe acum cu rigorile stabilității cursului monedei naționale într-o bandă de  $\pm 15\%$  față de euro, în condițiile în care inflația lor actuală nu depășește 6% pe an. Nimeni nu le-a impus această condiție încă din faza de pre-aderare. Motivația unei astfel de încercări ar putea fi, în parte, **testarea gradului de armonizare al ciclului lor economic** cu ciclul zonei euro.

Dacă ciclul economic nu este armonizat cu cel al zonei euro, țările lipsite de o politică monetară proprie și cu o politică macroeconomică supusă rigorilor comunitare vor avea o capacitate foarte limitată de ieșire dintr-o

eventuală criză. În același context, nici accelerarea relativă a creșterii economice, pentru recuperarea decalajului de venit față de țările membre UE nu mai poate fi stimulată. România a avut destul timp pentru a-și accelera creșterea relativă, prin politici monetare, fiscale, de venituri etc. speciale, la nivel micro și macroeconomic, dar nu l-a folosit cum trebuie. Acum s-a apropiat tot mai mult de normele și standardele de întocmire a politicilor economice ale UE și trebuie să le respecte întocmai. Tot atât de complexe sunt și sarcinile României legate de celelalte componente ale parcurgerii celor trei stadii.

În pregătirea acestor trei stadii, România nu trebuie să uite că ele nu constituie sfârșitul, nici măcar al integrării economice și monetare. Potrivit Tratatului de la Maastricht, înființarea EMU (împreună cu piața unică și politicile comune) nu este un obiectiv în sine, ci **un instrument pentru obiectivele fundamentale**, pe mai departe, ale Comunității Europene care includ „o dezvoltare sustenabilă, echilibrată și armonioasă a activității economice, un înalt nivel de ocupare a forței de muncă, ... o creștere economică sustenabilă și ne-inflaționistă, un înalt grad al competitivității și al convergenței performanțelor economice” (articolul 2 al Tratatului).

## ROMANIA AND THE EU COMMON FOREIGN AND SECURITY POLICY

**Daniel Călin\***

**ABSTRACT.** *Within this article, the author tries to sum up the most salient steps undertaken by Romania on the way to the EU, with respect to an area of particular importance for the Union, i.e. CFSP. After a presentation on its actions in CFSP area, one reviews in short the stances adopted by Romania towards the new build of EU policies, i.e. ESDP as well as towards the Romanian involvement / participation in military crisis management. In the end, the European security policy and the enlargement of both the EU and NATO are assessed in the light of the coming IGC and against the background of the 9/11 events.*

### Introduction

In the wake of the terrorist attacks on 11<sup>th</sup> September 2002, the debate over the role of the European Union (EU) on the international scene became more and more relevant. However, it seems that these events did not influence too much on the pragmatic side of the Common Foreign and Security Policy (CFSP) / European Security and Defense Policy (ESDP). In this context, it is worth asking about the role of the candidate countries within these processes. The emphasis within this paper will be on the stances adopted by Romania and the actions undertaken by our country with a view to support the successful implementation of this new and bold policy of the Union, i.e. ESDP, taking stock of the experience in the field of CFSP

### 1. Romania and CFSP

The accession negotiations with Romania were officially launched on 15 February 2000. Among the five chapters opened, there were also chapter 26 (external relations) and chapter 27 (CFSP). The negotiations on both chapters were

provisionally closed during the Accession Conference Romania – EU on 14 June 2000.

In its position paper, Romania declared to be ready to accept the *acquis* under chapter 26 and to implement it by 2007. Romania's statement was that at the date of accession it would ensure that all its agreements and treaties (in particular trade, economic and technical cooperation and investment accords) comply with the obligations of membership. The EU welcomed Romania's statement to encourage the development of economic relations between the EU and the Republic of Moldova, in the framework of the Common Commercial Policy, after Romania's accession. The conclusion was that this chapter did not require further negotiations.

In the same context, Romania declared to accept the existing *acquis* in the CFSP area and did not require any transitional period or derogation. The necessary structures for its implementation are in place, while Romania's foreign and security policy is based on the same principle and has the same orientation as the policy pursued by the EU. Romania will be ready to apply the existing *acquis* at the moment of

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accession. Due to the peculiarities of the CFSP *acquis*, the screening process earmarked four different domestic aspects to be tackled in order to fully comply with EU standards: the system of restrictive measures towards the Federal Republic of Yugoslavia (FRY) during the Milosevic regime; Afghanistan; the embargo on arms and military equipment against Ethiopia and Eritrea; and the visa restriction regime for persons involved in the military junta in Burma/Myanmar. Romania aligned itself with all the *demarches*, common positions and joint actions in the above mentioned four areas for which it was invited to do so. Bucharest also declared to be ready to examine the further development of the *acquis* and to inform on a regular basis the Accession Conference and the Association Council on the progress made in its adoption and implementation.

In 2002, Romania ratified the Rome Statute establishing the International Criminal Court (ICC). However, the European Commission mentioned within the 2002 Regular Report that the decision to sign a bilateral agreement with the USA on the non-surrender of each others' nationals to the ICC did not comply with the guiding principles laid down by the Council on 30 September 2002.

Relations with neighbouring countries are in normal parameters. The relations with FRY have taken a normal path now. As for those with Hungary, the bilateral difficulties created by the Status Law (promoted last year by the Hungarian Government in order to offer a special status to Hungarian minorities in such neighbouring countries as Romania and Slovakia) were overcome by the signature of a memorandum between the two respective prime ministers. In addition, there are ongoing negotiations with

Ukraine on the "Treaty on the State border regime" and the "Agreement on delimitation the maritime zones between Romania and Ukraine" as well as with Bulgaria on a similar Agreement. In spite of the Romanian proposals, there has been no response so far from the Ukrainian side. There were no new developments in the negotiations with Bulgaria in 2001 either.

In the future, Romania will continue to develop an active policy of good-neighbourliness – making use *inter alia* of the problem-solving potential of bi - or trilateral cooperation frameworks, with the goal of delivering stability to the region. Last year the Romanian Chairmanship of OSCE, together with the main international actors in Skopje (especially the EU and NATO), was deeply involved in the management of the crisis in Macedonia and the conclusion of a sound settlement along the principles laid down in the Ohrid Agreements.

At the EU summits in Laeken (December 2001) and Göteborg (June 2002), as well as in the 2002 Regular Report of the European Commission (October 2002), Romania was not mentioned among the „first wave” countries expected to be able to take part in the European Parliament elections in 2004 as EU members. However, these decisions were in line with the realistic objective set up by the Romanian Government, i.e. to open negotiations on all chapters in 2002 and to conclude them by the end of 2003 – beginning of 2004, with the aim to be in a position to join the Union by 2007.

## 2. Romania and ESDP

Although Romania has had the highest level of popular support for European and Euro-Atlantic integration among the candidates (80% for the EU and 85 % for NATO, according to the latest opinion polls), ESDP did not draw much public attention when it was launched. This could be explained through a lack of information and through the fact that NATO enlargement was (and still is) much more fashionable. However, at the political level, ESDP was dealt with as an important development in the process of the EU asserting its identity on the international scene.

The European and Euro-Atlantic integration processes are essential national objectives of Romanian foreign policy. Consequently, Bucharest considers the political and military integration into the EU and NATO as complementary processes, contributing to the modernisation of Romanian society. Yet the opposition parties (especially the extreme right party, "Greater Romania") consider this dual-track approach as counterproductive and against the national interest.

Romania has welcomed the decisions adopted by the European Councils in Cologne and Helsinki. It has expressed its willingness and strong interest in actively participating in the arrangements for cooperation with third countries and becoming a fully-fledged participant in ESDP once it joins the EU. At the same time, Romania has been against unnecessary duplications with NATO, decoupling of Euro-Atlantic security and structures, and discrimination towards European allies involved in the development of ESDP. In Romania's view, much as the EU and NATO should act as complementary organisations in the field of crisis management, they should remain different in

nature, at least in the medium term. NATO remains the cornerstone of European security and the fundament of collective defense in the Euro-Atlantic area. The development and implementation of ESDP should build on the principles approved at the North-Atlantic Council in Berlin (1996) and Washington (1999). The process of development and implementation of ESDP should aim at strengthening the European Security and Defense Identity (ESDI) within NATO and preserving the transatlantic link as a pre-requisite for effective security architecture. The development of cooperation between the EU and NATO has to be fully consistent with the principle of autonomous decision-making capacity. The creation of the European Rapid Reaction Force (ERRF) has to be put in place in accordance with the concept of „separable, but not separate” forces.

At the operational level, ESDP should draw on the experience acquired within the Partnership for Peace (PfP) and the development of an evaluation mechanism should build on the achievements of its Planning and Review Process (PARP).

Initially, Romania insisted on the transfer of the WEU *acquis* to the EU's ESDP. It soon became apparent, however, that ESDP was designed especially for the EU member states and that the third countries should be happy with being associated to this process. Yet the Romanian perception of the Feira and Nice deliberations was that the EU paid more attention to the 15 + 6 format than to the 15 + 15 one. That is why Romania will promote a non-discriminatory approach towards all the 15 countries virtually associated to ESDP, starting with Union's military exercises' policy.



### 3. Romania and military crisis management

At the Military Capabilities Commitment Conference in Brussels (November 2000), Romania made its offer of additional forces for the ERRE. That offer was in line with the forces made available for WEU and consisted of land and maritime forces (about 1000 military personnel and four vessels). During the Capabilities Improvement Conference in Brussels (November 2001), Romania has made a significantly increased new offer in order to enhance its contribution to the achievement of the Helsinki Headline Goal-plus. The new offer included also forces with some experience in Peace Support Operations (PSO). All these forces are ready to meet the interoperability requirements for the execution of EU-led missions. The Supreme Council of National Defense decided that these forces be the same as those made available for NATO-led PSO. This approach was based on the financial and logistical capabilities requested for training and sustaining such forces in a theatre of operations, and on the criteria set by the EU bodies. The offer encompasses:

- *Land forces:* 5 infantry battalions and 1 infantry company, 1 paratroopers unit, 1 mountain troops unit, 1 military police unit, 1 engineer unit, 1 clearing unit, 1 reconnaissance unit, 1 transport unit;

- *Maritime forces:* 6 maritime and river vessels (out of which 2 rescue tugs, 1 mine sweeper and a frigate);

- *Air forces:* 4 MIG-21 Lancer combat aircrafts and 1 C-130 B carrier

The Romanian offer amounts to approx. 3,700 military personnel, probably the most important

one from all the candidate countries (bar Turkey). All these forces meet the EU requirements (ready to be deployed in full within 30 days, sustainable for 1 year and available from 2001). Moreover, at the CIC, Romania announced its readiness to contribute with 75 police officers to the European Police Headline Goal.

Meanwhile, the Romanian MoD has planned a more compact, more performing, and more efficient and flexible structure of forces, compatible with NATO standards, to be operational by the end of 2003. It will include 112,000 military personnel and 28,000 civilians. However, in the perspective of the coming Prague Summit<sup>1</sup>, it is very likely for these figures to change in a radical way. In the planning blueprint, Romania's basic security and defense interests were considered, joining NATO being a wish, not an end in itself. As a Membership Action Plan (MAP) country, the process of reforming and restructuring the Romanian armed forces benefits from politically agreed financial support, so that the defense budget will be maintained at a level of at least 2 % of GDP. As compared to 1.9 % in 2001, it will be around 2.4 % in 2002, with a simultaneous growth of GDP and defense expenditure. The goal is to reach NATO standards concerning the budgetary allocation: 40% personnel expenses, 35-40% equipment acquisition, 20-25% operation and maintenance.

Since 1991 Bucharest has been actively involved in a large number of PSO, thus gaining a significant experience in the field: 9 UN operations, 3 NATO-led peace support operations and 4 missions under the OSCE umbrella. They include Angola (UNAVEM III and MONUA); Albania (ALBA); Bosnia-Herzegovina (IFOR, SFOR

<sup>1</sup> This article was written before the Prague summit.

I and II); Kosovo (KFOR); Afghanistan (ISAF); Iraq–Kuwait (UNIKOM); Congo (MONUC); Ethiopia-Eritrea (UNMEE); and OSCE missions in Georgia, FYROM and Kosovo. More than 9,000 Romanian military personnel have already been involved. Presently, Romania's main efforts are directed to its participation in SFOR (around 120 military personnel), KFOR (around 220 military personnel), ISAF (51 military personnel and a C-130 B carrier) and Enduring Freedom (411 military personnel). Recently (October 2002), the Romanian President approved the country's participation in the EU-led Police Mission (EUPM) in Bosnia-Herzegovina, to begin in 2003.

Currently, Romania is also taking part in the following regional politico-military cooperation initiatives: Multinational Peace Force South-Eastern Europe (MPFSEE)/South-Eastern Europe Brigade (SEEBRIG); Black Sea Naval Co-operation Task Group (BLACKSEAFOR); Romanian-Hungarian Joint Peacekeeping Battalion; Multinational Engineer Battalion between Hungary, Romania, Slovakia and Ukraine (Tisa Battalion); and Multinational Stand-by Forces High Readiness Brigade for UN Operations (SHIRBRIG). Furthermore, negotiations are taking place for the establishing of the Central European Nations Cooperation in Peace Support (CENCOOP). Romania approaches the regional cooperation as a prerequisite for the future European and Euro-Atlantic integration.

#### **4. Romania and defense procurement**

Romania considers that European cooperation in the field of defense industry is playing an essential role in improving the EU military capabilities. Bucharest is also keen on participating in Western European Armaments Group (WEAG); negotiations are on in order to concluding a memorandum of understanding between Romania and WEAG.

Romania's current and projected inventory of CFE-accountable equipment is below the established ceilings. Actually, during the Communist regime Romania had an important and well-developed defense industry sector. Romanian arms exports were directed to various conflict areas in the world. After 1989, the traditional arms export markets were lost once and for all and the domestic demand, too, shrank because of the lack of resources. As a consequence, the defense industry has undertaken a major process of restructuring. At the beginning of the 1990s there were approximately 130,000 employees in the sector: presently they amount to only 60,000 (according to some sources, the real figure is 45,000). The restructuring process was limited to downsizing personnel and various compensatory measures. Since 2001, the Ministry of Industry and Resources along with the MoD have managed the process/sector. According to the official sources, in 2002 further 26,500 employees may have to be laid off, while recovery programmes and other protection measures are envisaged. The government committed itself not to close any of the existing defense factories but either to convert them to civilian production or transformed them into modern military equipment producers.

In the past, several scandals exploded in defense procurement policy. Probably, the most famous one is related to the privatisation of IAR Brasov, once pride of the Romanian defense industry. According to the initial contract, the acquisition by Romania of 96 attack helicopters (close to the figure allowed by CFE Treaty and at a cost far exceeding the defense budget) was a condition set by Bell Helicopters for taking over the firm. One of the arguments used by the former government to support the takeover was based on the fact that it would have enhanced Romania's chances of NATO membership. In the end, after a long and controversial public debate, the government had to give up on its position. Meanwhile, there have been negotiations with the European group Eurocopter, but nothing concrete has happened so far.

According to the declared priorities and to the financial resources allocated for the defense sector, the restructuring process of the armed forces was to be undertaken in two stages. *In the first stage* (2000-2003), the process includes resizing the armed forces and establishing the new force structure; the professionalisation of the personnel; the modernisation and standardisation of training practices. During this stage, only acquisition programmes whose funding is ensured will be implemented, all the others will be rescheduled. Still, while the new structures are put in place, the partial modernisation of certain operational components will be carried on. In the second stage (2004-2007), the achievement of the planned operational capability will continue and major procurement programmes aimed at the modernisation of the Romania forces with support equipment and protection of the combat equipment typical of the 21st century battlefield

will be concluded. In other words, no major procurement programme will begin before 2004.

## 5. Romania and European security policy

Romania's view of the role of an enlarged EU is to have a Union with a more coherent and defined vision towards the main international actors, i.e. the US, Russia, and China. In the medium term, CFSP should function on an intergovernmental basis, especially as a consequence of the development and implementation of ESDP. The European Commission, however, should be ever more involved in this field. The EU is a regional power, but in many areas it acts as a global one. In Bucharest's eyes, the place of Europe in the international system could be defined as follows: the most faithful allied of the US, Russia's anchor within the community of democratic and free societies, and a powerful global actor in the field of trade and finance (via the euro). In the longer term, the emergence of ESDP could constitute the necessary incentive in order to transform the EU in a global actor and to fully assert its identity on the international scene. The Union should stick to its traditional way in promoting its values, i.e. through preventive actions. The EU seems to benefit from the advantage that there is no dominant country inside it. On the contrary, the Member States, especially the small and medium ones, should focus on the areas of foreign policy where they have experience and interests. With enlargement, these CFSP features are set to become stronger.

Geographically, for Romania, the priorities of CFSP should be the Balkans, the CIS and Russia, and probably the Caucasus. Romania deems

necessary to pay more attention, during the next Intergovernmental Conference (IGC), to the definition of the geographical limits of the EU. This would contribute to the definition of a strategic approach to its eastern neighbours, i.e. the Republic of Moldova, Ukraine and Belarus.

In the foreseeable future, the constructive abstention clause represents for the EU perhaps the only possible way to function on a normal basis in an intergovernmental area such as CFSP/ESDP. As for the application of enhanced cooperation to CFSP/ESDP, Romania supported the idea from the beginning and suggested to use the ESDP concept as an *avant-garde* of enlargement (there were proposals to extend the Association Agreement to the defense sector). The QMV procedure, by contrast, should not be used as a means to ignore or marginalize small and medium-size countries. Finally, given the progress made and to be made in the CFSP/ESDP, Bucharest will probably support the establishment of a Council of Ministers of Defense on the model of the General Affairs and External Relations Council.

Romania is in favour of the review of the Treaties and backs the idea of a European Constitution or a Constitutional Treaty on the Union. The role of the European Parliament should become more important and it should also be given some authority over defense expenditure as related to art.17 TEU-type operations. A Committee of National Parliaments, on the model of the Economic and Social Committee and the Committee of the Regions, could also be set up. There would be two possible options: *a minimal one*, with the Committee having only a consultative role (thus solving also the problem of the future of the WEU Parliamentary Assembly); and *a maximal one*,

with it receiving some competencies and a right of co-decision with the present European Parliament.

The future of the EU-NATO relationship depends, in a decisive way, on the finalisation of the arrangements allowing the Union access to NATO assets and capabilities. Romania supports the efforts of the EU in this domain as well as the prospect of harmonising the two organisations' exercise policy, along the pattern of past WEU-NATO relations. The efforts of the EU in the field of ESDP should not lead to the creation of a European Army, at least in the short and medium term.

## **6. Romania and enlargement after September 11**

After the tragic events of September 2001, Romania became aware that security is indivisible and that ignoring aggression may mean inviting aggression. For the first time since the end of the Cold War, the whole world was united against a common enemy: terrorism. As a consequence, Romania has immediately declared itself a *de facto* NATO member and acted accordingly. A concrete step was to offer NATO forces free access to all land, maritime and air facilities identified in this context. Furthermore, Romania announced its contribution to ISAF and Enduring Freedom.

Although the initial general reaction was one of shock and solidarity with the US, few weeks later Romania found itself still immersed in its economic and social problems. It also became obvious that the country is not seen as a potential target for similar attacks. Yet Bucharest considers that the impact of September 11 has been directly felt by South-Eastern Europe as a region. First,

because it still is an area with a very high conflict potential. Second, because terrorists have been active within its borders. Third, because a shift in political attention away from here might have unpredictable consequences, at a time when unfinished business still requires the involvement of the international community. And fourth, because further disintegration in this region could have a disruptive effect on the necessary coordination efforts of the anti-terrorist campaign. That is why the US decision to stick to its commitments in the Balkans was well received in Romania.

Under the new circumstances, some countries of South-Eastern Europe decided to launch a new initiative on „Counterproliferation, Border Security and Counterterrorism”. Romania intends to play an active role in it. By assuming the chairmanship of SEDM Coordination Committee (SEDM-CC) and Political-Military Steering Committee (PMSC)/MPFSEE in 2001 and of SEEGROUP, as well as the Co-Presidency of the Stability Pact for South-Eastern Europe Working Table III in 2002, Bucharest brings its contribution to the coordination process among the various cooperation initiatives in the region. In this endeavour, it will most certainly take stock of the experience gained while chairing the OSCE in 2001.

Finally, Romania does not see an immediate linkage between the enlargement of the EU, that of NATO and the present security situation. Although the NATO-Russia relationship took a new and positive path and put the Baltic States altogether in a better position than before, Romania has important assets and there are very good chances for it to be invited to join NATO.

### **Final remarks**

According to its own assessment as well as in line with the EU official documents, in the area of CFSP Romania has been able to take on the obligations of membership since the beginning of the negotiating process. Negotiations on chapter 26 – CFSP and 27 – External Relations have been provisionally closed short after they were open.

Acting as a stability factor and security provider in a troubled area, i.e. South-Eastern Europe, Romania has demonstrated the good will to stick to its commitments and implemented successfully the provisions of “regional ownership” concept.

The 9/11 events gave Romania the opportunity to prove its appetite for European and Euro-Atlantic integration; the actions taken in line with the EU Plan of Action of September 2001 as well as its involvement in ISAF and Enduring Freedom have demonstrated that Romania was a credible and reliable partner.

## Human Resource Management

Starting with the present issue, the Romanian Journal of European Affairs may include articles that go beyond the scope of European integration topics but are, nevertheless, intrinsically connected to them.

### **INCREASING WOMEN SENIOR MANAGERS EFFECTIVENESS: EVIDENCE FROM ROMANIA**

**Dr. Farhad Analoui\***

***ABSTRACT** In the wider context of increased participation of women to managerial positions, the issue of effectiveness at work has become equally important for female managers. Therefore it is important to identify the factors, which can determine an increase in their managerial effectiveness. This article looks at the factors conducive to managerial effectiveness in organizations, as perceived by women senior managers in Romania. The research was carried out through questionnaires and semi-structured interviews applied to a sample group of 35 Romanian women managers at various levels, in both public and private institutions. The empirical results were then analysed with theoretic instruments. The main conclusion of the research was that, for Romanian female managers, work effectiveness is determined primarily by the managerial skills and knowledge acquired by women. These in turn are connected with the years of accumulated work experience, seniority, and education, especially if it is centred on managerial education.*

#### **Introduction**

During the past two decades there has been a dramatic increase in the number of women who are pursuing managerial and professional careers (Davidson and Cooper, 1993). The role of women in society is radically changing in most countries. Women have recently begun to join the ranks of managers, especially in top-level management, in large numbers in different countries (Crampton and Mishra, 1999).

According to Mary Mahoney, president of Cendant Corp's Howard Johnson International, there has never been a better time than now for women to rise through the ranks (Worcester, 1999). Simultaneously, there has been a growing concern about the increased effectiveness of managers (Margerison, 1983; Kakabadse et al, 1987, Analoui, 1990), senior managers (male and female) (Kanter, 1977; Nicholson, 1996; Analoui, 1997), officials and executives in the public sector

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(Willcocks, 1992; Analoui, 1993). A quarter of a century ago the job market offered few career tracks to women. Things look different today, with over half of college graduates being women. Set that against the fact that our total skilled and educated labour force has decreased in the past decade (Wilson, 1991; Wellington, 1999). One major aspects of developing the careers of women senior managers is increasing their effectiveness at work. In this paper some of the major issues surrounding women senior managers in Romanian organisations are examined. This study was intended to articulate and empirically investigate the relationship between Romanian women senior managers' age, work experiences, categories of managerial skills and their effectiveness at work. First, the relevant literature on women and management is briefly reviewed. Then, in the second section the conceptual framework of the study, including research methods, sampling and hypotheses, is illustrated. Third, the data from 35 Romanian women senior managers are analysed and the relation between variables is statistically investigated. Finally, relevant conclusions have been drawn.

### **1. Women And Management**

While the number of workingwomen has increased dramatically in recent years, there are a number of different views that have been asserted to explain why women are not seen in large numbers in executive positions (Hansard Society Commission, 1990; Crampton and Mishra, 1999). The person-centred view puts the blame for limited corporate progression of women on factors that are internal to the female gender. This means that certain traits and behaviours exhibited

by women are not seen as being conducive to their being promoted (Gregory, 1990). Other reasons for fewer women in upper management that cannot be overlooked are corporate discrimination, corporate inequities in rewards and advancement opportunities and the existence of good "old boys" networks that ignore and discourage women from seeking top management positions (Crampton and Mishra, 1999). Discrimination can occur in the form of organisational structures, policies, informal networks and cultures that are so male dominated that they become barriers for women to rise in the organisation (Jackson and Horsh, 1989; Kram, 1988; Collinson et al 1990; Amos-Wilson, 1998;). Another obstacle, typically unique to the female gender that hinders a woman's upward mobility in the work force is the combining of a family and a career and the behavioural expectations placed on women. From the organisation's perspective, women managers with children were less committed than those who were childless and women felt that these attitudes harmed their careers (Stoner and Hartman, 1990). Still, many industry watchers view women's newfound success in top finance jobs with a wary eye. There are still too few female voices being heard at the executive level. Therefore it is not surprising to see that women senior managers, like their male counter-parts, should view their effectiveness at work as a determinant factor for their overall success and career development.

## 2. Managerial Effectiveness

The result of new researches (Jean-Marie, 1999) show that high performance organisations are consistently outperforming their competitors on a number of human resource factors, including the level of teamwork and openness between co-workers, the training and development opportunities they offer to employees and the degree of pro-activity in HR planning. Developing this capability begins with the realisation that effective human resource management underpins the competitiveness of organisations (Analoui, 1998; Jean-Marie 1999; Forbes and Milliken, 1999).

What is effectiveness? Which factors are involved in increasing the effectiveness of managers? In response to these questions definitions of managerial effectiveness often provide a starting point. Though expected to clarify, their diversity may point to the presence of confusion rather than creating an understanding, as they should. This however, is not unique to the topic of managerial effectiveness (Analoui, 2002; Langford, 1979).

The dictionary definition refers to effectiveness in terms of “results and consequences, bringing about effects in relation to purpose and giving validity to particular activities” (Brodie and Bennett, 1979, p.14). Reddin (1970) also views effectiveness as being the extent to which the manager achieves the output requirements of the job, by what he or she achieves, rather than by what he or she does. Thus, effectiveness from the stance of managerial “output” seems to be a function of three interrelated factors: behaviour, task and circumstances (Analoui, 1998). Moreover, from this point of view, the conversion of input to output in a given system would prescribe

congruence or “fit” between managerial “input” and “output”. This however, may not necessarily be true.

There is also another cluster of theorists and writers on effectiveness who subscribe to the presence of multiple contingencies, both internal and external to the organisations as influential factors that affect the degree of the managers’ effectiveness (Child, 1977; Analoui, 1998).

There is also another group of theorists and researchers whose work could be viewed under the banner of an “alternative perspective”; they place the individual managers, the social actors in the centre of analysis (Silverman, 1993; Maanen, 1979). This view is in contrast with the views of those writers who subscribe to the underlying assumption of positivism and therefore they do not tend to view the organisation and management as “part of an objective and concrete reality” (Willcocks, 1992). The social action approach is therefore based on the premise of interpretative paradigm (Burrell and Morgan, 1979; Silverman, 1993), which places emphasis on pluralism and goes as far as suggesting that the form and content of managerial work is shaped by political forces within the organisation (Willmott, 1984). In line with the social action theorists, Mintzberg (1973) and Stewart (1982) cautiously state that, managers themselves shape the nature and design of their jobs, as a result of the “demands”, “constraints” and “choices” they experience while carrying out their jobs.

Drucker (1974; 1988) is a firm believer that effective skills such as use of time, focus on outward contribution, building strengths, concentrating on priorities and systematic decision-making could be taught. There are indeed a host of management writers and theorists, such as Willmott (1984); Kakabadse et



al (1987); Jones (1988); Drucker (1988); Peters (1989) and Analoui, (1998), who support the view that the acquisition of the right managerial skills will contribute to the effectiveness of managers. The views of major works in the literature concerning managerial skills and effectiveness could be summarised as:

- Managers are aware of their own effectiveness
- Managers can learn from their own experiences and the experiences of others with whom they interact.
- Managers can become more effective by the acquisition of managerial skills, which enable them to deal with the task in hand, people, and situational demands and constraints.
- Managers' perception of the range of skills which they require to realise their increased effectiveness reveals aspects of their job believed to play a significant part in their effectiveness.
- The range of skills which managers perceive as necessary for their increased effectiveness includes those which will consequently enable them to overcome the demands, constraints, choices and situation at work (Analoui, 1997).

### 3. Conceptual Framework For The Study And Hypotheses

The researcher's interest in investigating the links between demographic characteristics of women senior managers, their perceptions and attitudes, and organisational effectiveness provided the basis for the generation of hypothesis. However, to learn more about the intricacies of the process, the direct and indirect relationships among the variables are also

compared. More specifically, behavioural decision theory is used to suggest that, executives' cognitive orientations are reflected in:

- Their age and work experiences,
- Their educational and theory background, and
- Their perceptions of managerial effectiveness.

Hypotheses are proposed which suggest that the women senior managers' experience, educational background and perceptions, directly and indirectly influence their effectiveness at work.

#### *Women Senior Managers' Experience*

Child (1974) proposed that older senior managers are more committed to the status quo than are younger senior managers. Age is highly correlated with total work experience, organisational tenure and industry tenure. This correlation makes it extremely difficult to determine whether the relationship between age and the effectiveness of senior managers is due to cohort history, organisational experience or industry-specific experiences which are distinct patterns of manager attention and behaviour that emerge over time.

Hypothesis 1. Younger female senior managers are more effective than older female senior managers in developing their career. More specifically, there is a negative relation between the age of women senior managers and their effectiveness at work.

### *Women Senior Managers' Education*

Education may be considered as an indicator of one's knowledge and skill base (Hambrick and Mason, 1984). A senior manager who has one type of formal education can be expected to have developed different problem solving skills and mental models with which to evaluate situations than a senior manager with a different type of formal education (Tyler and Steensma, 1998). It can be argued therefore, that women senior managers with formal education in management will have more understanding of managerial effectiveness. Hitt and Tyler (1991) contended that an executive's educational background is related to what information they focus on and use during their work. Hence it is argued that, there is a relation between the educational background of women managers and their orientation toward effectiveness at work.

Hypothesis 2. Organisations whose female senior managers have undergone formal management training are more involved in developing organisational effectiveness than those whose female senior managers have not.

### *Categories Of Managerial Skills*

Katz's taxonomy of managerial skills was probably the first major classification of the skills that were thought to be required by all managers (1974). In his classical article "skills of an effective administrator", which was first published in the Harvard Business Review in 1974, Katz showed concern for the sets of skills that managers needed for their increased effectiveness. Lately, managerial skills have been conceptualised in terms of basic observable inter-related categories that are termed; task, people-related and self and

career development sets (Analoui, 1993; 1997). In these studies it has been hypothesised that there is a relation between the nature of managerial skills and the effectiveness of the senior managers. Applied to women senior managers, it is suggested that women like men in senior positions are more interested in people-related skills and self and career development rather than task-related skills.

Hypothesis 3. Women senior managers in order to increase their effectiveness at work are expected to place more emphasis on people related skills and self and career development skills rather than task-related skills.

## **4. Methods**

The research contains an empirical analysis of the women senior managers' perceptions and attitudes on effectiveness. The unit of analysis is object or "case" according to which variables, summaries and commentaries are organised. Commonly used units of analysis are individuals; households; firms; regions; patients and court cases. In this research the women senior managers are defined as units of analysis who are working for Romanian public and private organisations. The data in this study are gathered using two specially designed interview (Gilbert, 1993) instruments. First a self-administrated questionnaire was used in a random sample of women in senior positions, then a series of face to face semi-structured interviews were conducted (10 out of 35) to generate data and information of a qualitative nature which otherwise would have been missed or neglected.

*Sample Characteristics*

A survey instrument was used to collect the data required for the study. The sampling frame consisted of women senior managers (N=35) from a total of 13 organisations in Romania. The sampling frame that was established by combining senior managers with degrees from two types of organisations including private (N=6, 17.1%) and public sector (N=29, 82.9%) which varied in size and industry affiliation. Figure 1 illustrates the combination of organisations that are involved in this research. These organisations ranged from Telecom, the Ministry of Agriculture and the Restructuring Agency, to the Foundation for International Management (FIMAN), Railways and the Ministry of Education and Ministry of Finance. Access to such a wide range of organisations acted as a safeguard against contamination of the data which primarily could have been caused by the strong influence of “organisational cultures” if the study had been carried out in only one or two sites. In this way an overview of the perception of the female senior managers, their need and their effectiveness at work was taken. It also had the advantages of having a fairly varied and maybe comprehensive selection of constraints, demands and difficulties which women senior managers thought were impeding their progress and effectiveness at work. The age range of respondents varied with the youngest at 28 and the oldest at 49 years old. Majority of respondents were 36-40 (N=11, 31.4%) years old and the minority of them were 46-50 (N=5, 14.3%) years old.

Senior managers' work experience, varied from less than five years up to twenty-five years and over. This was due to the differences in age rather than any other organisational factor. As a

rule, graduates in Romania begin their career almost immediately after the completion of their university study. This suggests that all the women senior managers involved in the survey secured employment immediately after completion of their graduate education. They changed employment thereafter every few years. As it has been shown in Figure 2, only six of respondents (N=6, 17.1%) reported that they only had between five and nine years work experiences. Respectively, eight of the senior managers (N=8, 22.9%) had ten up to fourteen years of work experiences. Indeed majority of respondents (N=14, 40%) reported that they had fifteen to nineteen years of work experiences in the organisations. Finally, seven of the responses reported that they possess 20–24 years work experience. The women senior managers, who have been chosen as the sample in this study, have held managerial positions within their organisations (See Table 1).

The sample consisted of female senior managers in Romanian organisations with top management position (N=6, 17.1%), middle management position (N=8, 22.9%), lower management position (N=12, 34.3%), experts (N=7, 20%) and finally consultants (N=2, 5.7%). For comparison of positions of female senior managers within their organisations and their years of experiences see Figure 2. The data analysis shows that educated women in Romania have a great deal of participation in managerial positions in their organisations.

All senior managers were educated with at least a first degree and a few with masters and higher degrees. On the whole, the majority seemed to believe that earning a first degree from a university provided the foundation for operating as a senior manager and clearly had an

effect on the effectiveness of the managers involved. The majority of female senior managers graduated with a first degree in Economics (N=13, 37.1%), while a minority of them had a first degree in Maths and Computer Sciences (N=4, 11.4%). Respectively, eleven of the respondents reported that they had university degrees in Engineering (N=11, 31.4%), and finally seven of the women senior managers (N=7, 20%) had university degrees in Management. Moreover, all of the respondents reported that they had participated in some training programmes, such as part-time or special courses, in management.

## 5. Discussion

The empirical data presented in this study support the contention that Romanian female senior managers' experiences and perceptions influence the way they view and assess managerial effectiveness. Age, educational background and managerial work experiences were all directly related to women senior managers' assessment of effectiveness in the organisations. In contrast with the previous studies, which were carried out in Asia and Africa (Analoui, 1997), which covered mainly male senior managers, this study contains only female senior managers in Romania. This was reported to be due to the availability of education for women during the "old times".

The concept of "career development", not surprisingly, was felt as strongly amongst female senior managers as it was amongst their male counterparts.

### *Women Senior Managers' Experiences*

It was hypothesised that, younger female senior managers are more effective than older female senior managers in developing their

career. In other words, there is a negative relation between the age of the Romanian women senior managers and their effectiveness at work. In a two way Chi-square test with data from 35 women senior managers (see Table 2), there was not a statistically significant relationship between the age of female senior managers and their effectiveness at work (Pearson Chi-square  $\chi^2 = 16.862$ ;  $df = 8$ ;  $p > 0.05$ ). It can be concluded that there is no significant association between the variables, age of respondents and their effectiveness at work as shown by the p-value (more than 0.05) for chi-square. Therefore, the Null hypothesis is accepted and the alternative hypothesis (Hypothesis No.1) is rejected.

The cross tabulation (contingency) table of the two variables displays the nature of the relationship between the age of respondents and their effectiveness at work (See Appendix 1).

It could therefore be ascertained that age cannot affect managerial effectiveness. Other variables such as respondents' years of experience, seniority, education, etc. are involved. The most intriguing issue raised was that of the senior managers' awareness that their effectiveness in their work was partly determined by the motivation to work and partly by their competence, knowledge and skills. Also 22.9% of the women senior managers had between 10–14 and fourteen senior managers (N=14, 40.0%) had 15 to 19 years of work experiences. The managers in this category, in terms of seniority, ranged from top to low level managers and were not as keen to change career as the managers in the first category. However, they placed much emphasis on work experience and management training as the main factors toward improving their effectiveness at work.

As the work experiences of the respondents

increased there seemed to be present a tendency amongst the women senior managers toward seeing effectiveness not solely in terms of improved performance and attainment of goals. On the contrary, they saw effectiveness as a part of the overall picture of the organisation's capability to "get things done" and more importantly in relation to others, colleagues, peers and the like.

#### *Female Senior Managers' Educational Background*

All female senior managers were educated with at least a first degree and a few had masters and higher. Also the majority of respondents said that they had attended some short courses in management as well. To those who are not familiar with Eastern Europe and the centralised economic background it may come as a surprise to see so many managers with an engineering and/or non-management educational background. Indeed, 31.4% of participants reported that they had graduate degrees, in Engineering. Only 20% of respondents confirmed that they had a higher degree in management studies. Although, 37.1% of the female senior manager participants in the study had graduate degrees increased effectiveness was seen as requiring access to "new knowledge", which is taught in western countries. When the same participants were asked if they would consider taking an MBA or similar advanced management programme as a mean of improving their performance and effectiveness at work, their response differed according to their age and seniority in the organisation.

As discussed earlier, previous studies (Hitt and Tyler, 1991) show that an executive's educational background, such as Management,

Chemistry or Engineering, is related to what information they focus on and use during their work. Hence, there is a relation between the educational background of women senior managers and their orientation towards effectiveness at work. This concept has been hypothesised in Hypotheses 2. Organisations whose women senior managers have undergone formal management training are more involved in developing organisational effectiveness than those female senior managers have not had such educational background. Based on data analysis the cross-tabulation (contingency) shown in Table 2, related variables consisted of respondents' educational background in management and respondents' orientation toward managerial effectiveness in their organisations, illustrates the strong association between the variables (See Appendix 2).

In supporting these theses the result of Chi-square test (see Table 3) from 35 Romanian women senior managers displays a significant association between the variables, management education and managerial effectiveness, as shown by the p-value (less than 0.05) for Chi-square. Also the contingency coefficient (nominal-by-nominal) value for the variables is 0.460 with 0.007 significance.

In other words, a two way c2 test with data from 35 senior managers, there was a statistically significant relationship between management education and effectiveness at work (Pearson Chi-square  $c^2 = 9.850$ ;  $df = 2$ ;  $p < 0.05$ ). It can be concluded that there is significant association between the variables and management educational background of respondents and their effectiveness at work as shown by the p-value (less than 0.05) for chi-square. Therefore, the Null hypothesis is rejected and the alternative

hypothesis (Hypothesis No. 2) is accepted.

The recent economic changes in Romania have meant that more opportunities have been made available to those who wish to pursue a managerial and administrative career or interests, but still the opportunities are few and far between. Women senior managers were aware of the inadequacy of their educational background and that they had the need for more experience, preferably through management training, for their increased effectiveness. This again supported the thesis that female senior managers are indeed aware of factors that can contribute to their improved performance.

### **6. Managerial Skills**

Moving to the third section of the conceptual framework of the study which indicates the female senior managers' priorities and concern for managerial skills. Women senior managers were asked to suggest between 3 and 5 managerial skills, in order of priority to them, which in their view were essential for ensuring increased effectiveness. A total of 35 different descriptions of managerial skills were provided which entailed almost all aspects of management.

These skills depending on the priority assigned to them by the senior participants were then tabulated and categorised into 3 major skill categories; task-related, people-related, and self and analytical skills. Further data analysis (See Table 4) showed that from amongst a total of 35 abilities, skills and attributes which were reported to be essential for managerial effectiveness, the task and self and analytical categorised received the most attention in that order. It has been discussed that, senior managers in different levels of managerial hierarchy need different managerial

skills. However, they place more emphasis on one, two or a combination of managerial skills in order to increase their effectiveness at work. As it has been hypothesised that (Hypotheses No. 3), female senior managers in Romania are more interested in people and self-development rather than task related skills. However, Romanian female senior managers in order to "increase their effectiveness" at work, ought to place more emphasis on people-related skills rather than self-management and task-related managerial skills. Further data analysis showed that there is no significant relationship between priorities of managerial skills and managerial effectiveness at work.

On the whole, it can be concluded that female senior managers in Romania, placed nearly equal stress on the importance of being able to deal with both the task and self and analytical (developmental) aspects of the job.

### **7. Conclusion**

The topic of effectiveness at work is difficult, if not impossible to measure. At a personal level effectiveness may be different things to different people in different organisations. This study suggests that one of the most important factors of managerial effectiveness is the managerial skills and knowledge of the managers. Langford (1979), Drucker (1989), and Analoui (1997) place emphasis on the ability to manage. However, it is evident from this study that to gain a better understanding of the subject there is a need to place the individual manager in the centre of the analysis. In this way not only the perception of the senior managers concerning their definition of managerial effectiveness was explored, but also the need for becoming effective was identified.

Based on the study, the conclusion reached is that effectiveness should be defined in terms of a function of awareness, self and other organisationally shared value, preferences, constraints, demands and choices and the ability to get the necessary jobs done. It is evident that women managers, because of their position within the organisations, gain a greater degree of awareness of the organisations' objectives, activities, and relationship within its environment. In short, effectiveness is partly determined by the awareness and realisation of the need, skills and knowledge to satisfy the socially agreed upon and maintained standards for organisational effectiveness.

Interestingly, there seems to be no significant association between the variable, age of respondents and their effectiveness at work. In other words, age cannot affect managerial effectiveness. There is however, a correlation between the respondent's age and the years of accumulated work experience. Other variables such as respondents' years of experience, seniority and education are also involved.

There was also a statistically significant relationship between management education and effectiveness at work. And finally, on the whole, it can be concluded that female senior managers in Romania, placed nearly equal stress on the importance of being able to deal with both the task and self and analytical aspects of the job.

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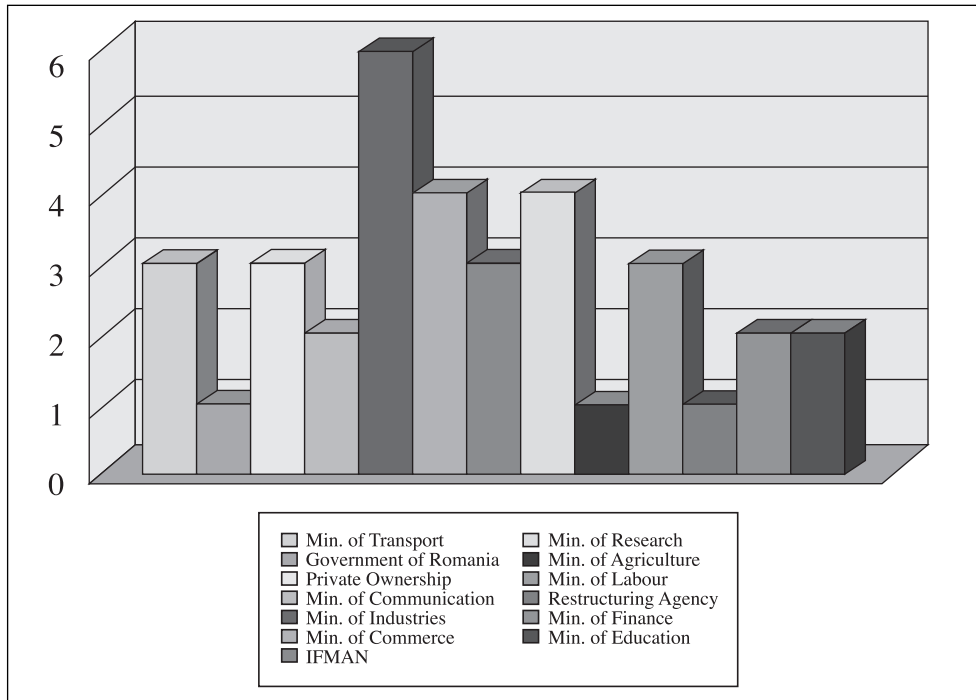
Appendix 1: Cross Tabulation Of Age Of Respondents And Effectiveness At Work

			Respondents And Effectiveness			
			At Work			Total
			low	moderate	high	
Age of Respondents	46 - 50	Count		1	4	5
		% within Age of Respondents		20.0%	80.0%	100.0%
		% within respondents and effectiveness at work		7.7%	33.3%	14.3%
		% of Total		2.9%	11.4%	14.3%
	41 - 45	Count	1	2	3	6
		% within Age of Respondents	16.7%	33.3%	50.0%	100.0%
		% within respondents and effectiveness at work	10.0%	15.4%	25.0%	17.1%
		% of Total	2.9%	5.7%	8.6%	17.1%
	36 - 40	Count	2	5	4	11
		% within Age of Respondents	18.2%	45.5%	36.4%	100.0%
		% within respondents and effectiveness at work	20.0%	38.5%	33.3%	31.4%
		% of Total	5.7%	14.3%	11.4%	31.4%
31 - 35	Count	2	4	1	7	
	% within Age of Respondents	28.6%	57.1%	14.3%	100.0%	
	% within respondents and effectiveness at work	20.0%	30.8%	8.3%	20.0%	
	% of Total	5.7%	11.4%	2.9%	20.0%	
26 - 30	Count	5	1		6	
	% within Age of Respondents	83.3%	16.7%		100.0%	
	% within respondents and effectiveness at work	50.0%	7.7%		17.1%	
	% of Total	14.3%	2.9%		17.1%	
Total	Count	10	13	12	35	
	% within Age of Respondents	28.6%	37.1%	34.3%	100.0%	
	% within respondents and effectiveness at work	100.0%	100.0%	100.0%	100.0%	
	% of Total	28.6%	37.1%	34.3%	100.0%	

## Appendix 2: Cross Tabulation Of Management Training And Managerial Effectiveness

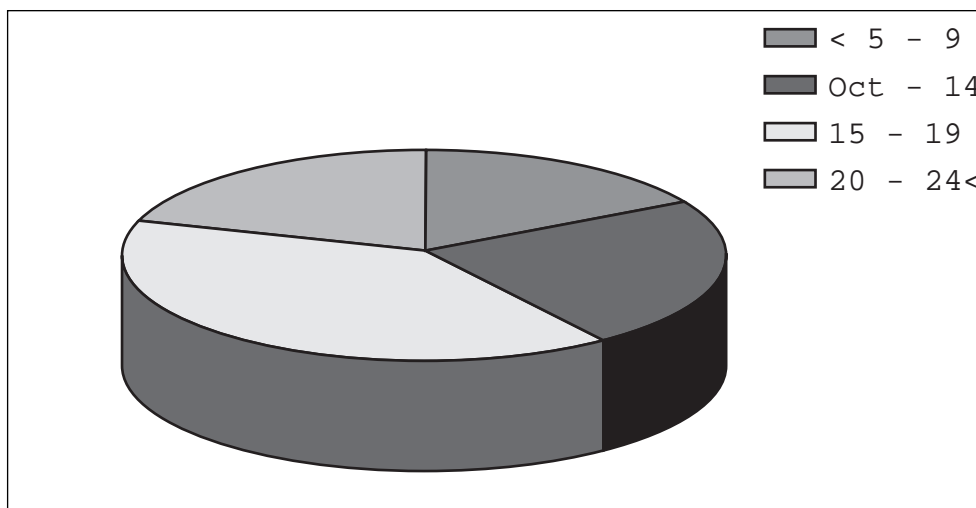
			respondents effectiveness at work			Total
			low	moderate	high	
Management training background of responses	no	Count	8	4	2	14
		% within management training background of responses	57.1%	28.6%	14.3%	100.0%
		% within respondents effectiveness at work	80.0%	30.8%	16.7%	40.0%
		% of Total	22.9%	11.4%	5.7%	40.0%
Management training background of responses	yes	Count	2	9	10	21
		% within management training background of responses	9.5%	42.9%	47.6%	100.0%
		% within respondents effectiveness at work	20.0%	69.2%	83.3%	60.0%
		% of Total		2.9%	11.4%	14.3%
Total		Count	10	13	12	35
		% within management training background of responses	28.6%	37.1%	34.3%	100.0%
		% within respondents effectiveness at work	100%	100%	100%	100%
		% of Total	28.6%	37.1%	34.3%	100.0%

Figure 1: Organisations of Female Senior Managers (Respondents)



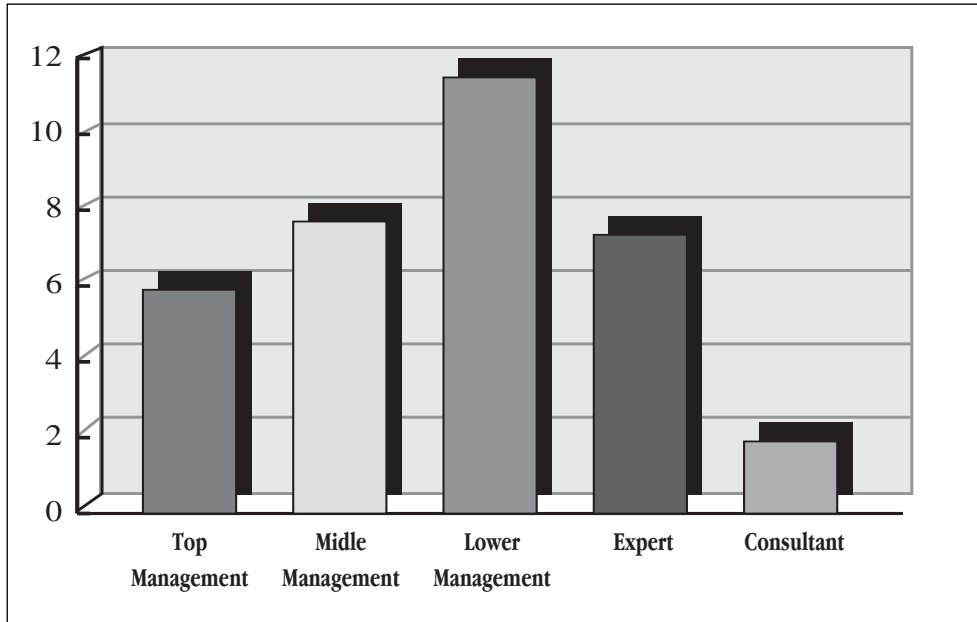
Source: Summary of data analysis

Figure 2: Respondents' Years Of Work Experiences Work Experiences



Source: Data analysis

Figure 2: Respondents' Managerial Position Within Their Organisations



Source: Data analysis

Table 1: Distribution of respondents' position within their organisations and years of work experience (cross tabulation)

		5 or below - 9 years		10 - 14 years		15 - 19 years		20 - 24 or more years	
		Count	%	Count	%	Count	%	Count	%
Top Management	Years of work experience of respondents'	1	16.7	3	50.0	1	16.7	1	16.7
Middle Management	Years of work experience of respondents'	0	0	1	12.5	4	50.0	3	37.5
Lower Management	Years of work experience of respondents'	2	16.7	1	8.3	6	50.0	3	25.0
Expert	Years of work experience of respondents'	3	42.9	2	28.6	2	28.6	0	0
Consultant	Years of work experience of respondents'	0	0	1	50.0	1	50.0	0	0

**Table 2: Chi-Square  $\chi^2$  Test: Age Of Respondents And Effectiveness At Work**

	Value	DF	Significance
Pearson			
Chi-Square	<b>16.862</b>	<b>8</b>	<b>0.032</b>
Likelihood Ratio	17.772	8	0.023
Linear - by - Linear			
Association	12.272	1	0.000
No. of valid Cases	35		

Source: Data analysis

**Table 3: Chi-Square  $\chi^2$  Test: Management Education By Managerial Effectiveness**

	Value	DF	Significance
Pearson			
Chi-Square	<b>9.850</b>	<b>2</b>	<b>0.007</b>
Likelihood Ratio	10.241	2	0.006
Linear - by - Linear	8.552	1	0.003
Association			
No. of valid Cases	35		

Source: Data analysis

**Table 4: Cross Tabulation Of Managerial Skills And Effectiveness At Work**

			Three categories of managerial skills			Group Total
			task related skills	self and analytical skills	people related skills	
respondents	moderate	Count	5	6	2	13
	effectiveness	Table %	14.3%	17.1%	5.7%	37.1%
	at work					
	high	Count	9	2	1	12
		Table %	25.7%	5.7%	2.9%	34.3%
	low	Count	5	4	1	10
		Table %	14.3%	11.4%	2.9%	28.6%
	Group Total	Count	19	12	4	35
		Table %	54.3%	34.3%	11.4%	100.0%

Source: Data analysis



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