

## Summary

The Romanian society is in the middle of a transformation process in which all the economic, social, political and civic elements have a new dynamic in the attempt to adapt to the current circumstances. A democratic system can function only when the economy is successful and if a democratic spirit is formed in the mentality of the society. In this transformation of the Romanian society we can no longer ignore the public administration system, the need to introduce the European dimension in this area, in accordance with the values of this administrative space.

The present study intends to offer an approach on these aspects by taking into account the impact of the reform measures of the public administration that have been undertaken in the last period.

The major challenge on short and medium term for the local public administrations is to create the mechanisms to support the integration of Romania in the European Union, to deal with the cultural and economic changes and to be able to administer the European funds, as well as to put in effect the public policies.

But a rational and efficient organization and functioning of the administration can only be achieved by creating certain principles of the public administration, principles of great importance to the entire society. Such an attempt has theoretical and practical applications, because formulating and applying the principles ensure the development as well as the judicious organization and functioning of the administration.

The events of the past century show that the countries of the world can't survive any longer in an isolated manner, that the values supported by the Ancients in regards to the existence of the state can only be promoted in a new European and international context. We can no longer talk of a modern state as an absolute

centralization. The local collectivities are brought out more and more, and the citizen has an essential part to play in the evolution of the modern state.

Therefore, in the first chapter we have shown the steps of the European construction, the impact that the Treaty of Lisbon had on the institutional structure, as well as the European administrative space, in order to show the image of a new administration, even in the absence of a unique law of public administration for the member states of the European Union (EU).

The public administrations of the member states of the EU, even though they have very old structures, have continuously adapted to the modern conditions, including joining the EU. Thus, the notion of European administrative space can be seen through the model of the European economic and social space, being related to the large system of legal cooperation. A common administrative space is possible when a set of legal principles, norms and regulations are uniformly obeyed in a territory covered by a national constitution.

The legal systems of the member states of the EU are in a constant process of approaching, in many different fields, under the guise of the legislation of the community, through the legal activity of the institutions of the community and through the cases of the Court of Justice of the European Union. The legal concepts of the European Commission are introduced in the national systems through directly applicable regulations or through directives that determine the adaptation of the national legislation to the character of the Union. These regulations could have a direct impact on the administrative systems of the member states and could lead to important changes in the legal principles applicable in the public administration. Thus, we find ourselves in the presence of a phenomenon of Europeanization of the administrative space.

In the second chapter we have exposed the principles for the organization and functioning of the Romanian public administration, according to the regulations in force.

As a conclusion of the presented facts, the modernization of the national system is determined by several dominant themes, the analysis of which confirms the impact on all the branches of politics, justice and administration.

Thus, the evolution of the administration will influence with a varying force the organization and dynamic of the constitutional power, the structure and functioning of the services and jurisdictions, the exercise and guarantee of the citizens' freedoms and social rights, the military, financial, technical administrations and the international relationships.

It is our opinion that a special part in the drafting of the theme is played by the principles of the European Charter of Local Self-Government.

Through its apparition, the Charter of Local Self-Government filled a gap of common European norms in this field, a European convention extremely important for the protection of the rights within the member states of the European Council and who gave the citizens the possibility to effectively take part in the decision-making process in local concern issues.

The European Charter of Local Self-Government is, at the same time, the first multi-lateral legal instrument which defines and protects the local self-government, having the allegiance and recognition of those whose actions are vital in defending the local self-government and the autonomy of the democratic states and governments of Europe.

The European Convention of local self-government is, at the same time, the legal instrument containing the definition of another European principle, the principle of subsidiarity, as it is considered by the Romanian and foreign literature.

The notion of subsidiarity is a politico-judiciary philosophy based on the idea that the power of the state must intervene only where the society, as a whole or on various levels (or subsystems) can't satisfy its own needs.

The concept is considered a principle of institutional organization applied first of all to the relationships between the individual and the society and second of all to the relationships between the society and the institutions, with the purpose of handing the competencies on the institutional hierarchy from the base to the top.

On a European level, this concept reappears as stated in the preliminary debates for the signing of the European Union treaty, being equally considered a legal and political principle.

The principle of subsidiarity being thus defined, the institutional organization, which tends to favor the base in regards to subsidiarity, appears as a top general principle.

The principle of subsidiarity, as it is defined by the Charter, can only be interpreted as being meant to favor profoundly the local democracy.

Also, an important aspect that must be stressed is the fact that the Romanian legislation is not completely dedicated to the principle of subsidiarity, and this is obligatory especially since it has expressed the wish to adhere to the European structures, and thus it must embrace these European values, this being the future of Romania.

In order to put the subsidiarity in the legislation, the development of the concept regarding the de-concentration of the public services is auspicious, the law only defining the de-concentration, the de-centralization of the local public services being mentioned in the functioning principles of the local public administration.

Going beyond the general reasons, in this chapter we have underlined the main aspects of the Romanian public administration in the circumstances of the adhesion to the European Union.

It is our opinion that the apparition of the European communities and later their transformation into the present-day European Union has been necessary, especially to bring balance into the international situation, mainly in the economic field. Even though, from a legal point of view, the countries are equal, many differentiations are being made from the economic point of view and one of the characteristics of the international society is the prevailing of the economy over the politics.

No country is capable of leaving the past behind and building the future, especially since now is the moment of unions of any type, and this can be done by the European peoples and governments working together. This is why a united Europe is necessary: we cannot act alone.

The integration requires the entry into a system with its own rules of functioning of the structures that want to adhere to the system. Every system comprises several sub-systems which interact and influence each other. The components of the system have one or several characteristic functions dependent on the structure but contributing to the auto-adjustment of the system through the interactions with the environment.

What the European Union represents is a known fact and analyses have been conducted on various aspects, but we must stress the importance of the legal order of the community. The categories of rules of the community law refer to the exercise of the attributions of the organisms that create the national and administrative policies through the restrictions with the purpose of applying the community law either through actions (annulments, modifications, adoption of new norms) or inactions (not changing the present legislation because it is in tune with

the community laws). The application of the community law in certain fields will be the responsibility of the community structures as well as of the national organisms through normative acts, including those of the organisms with jurisdictional competencies, to a varying extent, depending on the pre-established community objectives.

Is the public administration just an instrument in the hands of the political power, or we can talk, in the present environment, of other concepts too? Has a new administration been established in the new European space? There is a theory that the integration is not complete, that the states have not fully and permanently given up their own sovereignty. Thus, some form of federalization has taken place, controlled by the states that created it. Both the constitutional aspects and the administrative ones are taken into consideration. This construction requiring completions influences the dynamics of the administration.

I believe that such a (complete) integration cannot be accomplished, because it is a matter of sovereignty and the countries rarely give up the prerogatives of their own sovereignty.

A present theme of great importance to the legal and administrative sciences is the good governance in Europe and particularly in Romania, a theme approached in chapter III. We have analyzed the doctrine dissemination of the concept of good governance, analyzing it by referring to concepts such as good administration and democracy.

Thus, we have identified the European dimensions of good governance, by representing the concept of good governance on the European level, in the White Paper of European Governance and the Treaty for the modification of the Treaty of the European Union and of the Treaty for the Instruction of the European Community (The Treaty of Lisbon).

The White Paper of European Governance mentions 5 principles of good governance: openness, participation, accountability, effectiveness, coherence. The implementation of these principles solidifies those of proportionality and subsidiarity. Since the drafting up of the policies until the implementation, the choice of the level where the measures must be taken (from the EU until the local levels) as well as the choice of the instruments used must be proportionate to the objectives pursued.

As a positive remark, we have underlined the fact that the Treaty of Lisbon expressly promotes the good governance within the institutions, organisms, offices and agencies of the Union, by referring to two of its basic principles, participation and transparency. Even though many of the texts in this treaty refer to all the principles of good governance as they are found in the White Paper of the European Governance, we consider that it is necessary to particularly mention good governance in several parts of the treaty, which would have strengthened the force of this concept and would have meant a step forward in reducing the bureaucracy and increasing the transparency of the European governance.

We have also underlined the mechanisms of the principles of good governance in Romania, presenting the premises of good governance in Romania and showing the contemporary implications of the principles of good governance in our country, presenting the role of the civil society.

In the case of Romania, the reform in the public administration started after 1990 proves that without re-considering and correctly defining the new principles for the organization and functioning of the public administration, without the structural changes regarding the categories of authorities, defining the competencies of each on levels of administration, a process of adherence to the European Union cannot be conceived.

The administrative reform in Romania is necessary only if it will be done thoroughly and will have positive effects. Even though the more developed European countries are the models, the reform must not be done just because the European Union says so, but because the Romanians need it.

Despite the policies for the modernization of the public administration, the putting into practice of the principles of good governance is slow. The reform of the public administration in Romania is a difficult process, requiring the participation of all the elements interested in it.

While speaking of good governance we take into account the existence of regulations that ensure the quality of the local governance, as well as the way in which these regulations are obeyed locally, in their letter but most importantly their spirit. Apart from the regulations, we especially take into account the use of good practices which go beyond the application of the legislation and show the real wish of the authorities for good governance.

We have ended the chapter with the causes, manifestations and means of fighting corruption and the efforts that our country makes to suppress this phenomenon, a condition for good governance.

The eradication of the corruption is a necessary condition for good governance, because in Romania the corruption goes over any suspected rigidity, being present in numerous fields, which is an obstacle in the way of the harmonization of the Romanian laws with the European ones.

The corruption seems to be very large, permanent even, in the administration, on the central and local levels, being made worse by the lack of a clear definition of responsibilities, a confusion in the separation of the administrative and political functions and a lack of transparency in the administrative procedures. To this we may add the lack of an adequate legal environment for the effectiveness of the fight against the corruption in the public



administration. At the same time, the institutions involved in the fight against it are still trying to find their own identity, are subjected to reformations arising as consequences of legal revisions and still have that bureaucratic slowness which does not succeed in the fight against the innovative actions of the corruption.

Considering the internal context within the European Union, efforts are needed from every member state to suppress corruption on the national and community levels, the creation of a common policy being needed to coordinate the activities of each state and establish a minimum level of regulation obligatory for ensuring the integrity. The community norms first of all have as a purpose several measures against corruption applicable to the community institutions and the European employees and second of all aim for the harmony of the national legislations in this field.

Even though there are many common elements among the member states, the eradication of corruption must obey the particularities of each national system, in Romania, the corruption had the central spot in the public plans of the past years, in the attempt to find a pertinent solution or to improve the already existing ones.

But every state keeps its traditions and values which can be seen in their attitude in the international space, in general, and the European one in particular. On the other hand, these member states of the European Union have formed the basis of a “culture” still in its first stages. Probably all the national influences will mingle, forming a new model, specific to the European space.

The process of reform of the public administration in any member state or candidate to join the European Union must be a continuous one, in order to deal with the permanent changes that the administration must face and act in agreement with the European context, with the purpose of forming an interface between the national and the super-national.

The main purpose of the local, regional or central administration or of the community structures is to serve the citizen. In conclusion, the international cooperation for reaching this goal must be a central point on the priority list of every national or super-national public authority.

There have always been differences between the member states and the interests of the Union have been mistaken many times for the interests of the states that had the political and especially economic power, precisely so that they could be imposed as purposes of the Union, the interests of the powerful states with experience in signing the adherence contracts. Even though of the 1st of January 2007 Romania became a member of the European Union, its voice will not be as strong as those of the states with a tradition in the European structures. A lot of perseverance will be needed to implement within the Union measures proposed by Romania.