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## Introduction

Romania entering the EU Member States marks the beginning of profound changes in administrative structures of the state in which concerns the economic level, but also in which concerns the citizens and their free consented forms of association. The process of preparation for entering into the European Union has already imposed significant changes, but they are considered the minimum necessary to fulfill the three acceptability criteria as a Member State, namely political, economic and legislative and institutional compatibility, strictly necessary to transpose the *acquis communautaire*.

When during the European Council meeting in Copenhagen in 1993 the Heads of State and Government of Member States of the European Union laid down the criteria that a state must meet to join the Union, the attention was directed to democratization and economic recovery of potential candidates that just came out from under the communist regime. Especially the way the first of the criteria was made (subsequently known as the *Copenhagen Criteria*), is strongly marked on the one hand, by the enthusiasm of that period, and on the other hand, by the skepticism about the political stability of the newcomers. After the violent collapse of the former Yugoslav federation starting 1992, of street violence recorded in Romania starting with Tg.Mureș in March 1991, but also the violence and confrontations of lesser intensity recorded in Bulgaria, Czechoslovakia and Poland, Central and Eastern Europe reminded the concern for respecting The minorities' Rights. It was obvious that it was not possible to aspire to political and institutional stability without greatly increasing attention given to minorities.

The expression "... respect for and protection of minorities " out from the first accession criteria formulated in Copenhagen still caused prolonged debates and the formulation of new common position on the minorities' issue even within the European Union.

The first unknown of the problem was to establish a standard against which the candidate States will be monitored on this criterion. After the European Commission took up the task as an institution mandated to build a single framework for accession, to monitor the process and to report to the European Council on the preparedness of candidate countries, it became clear that, the way in which this criterion was formulated, a higher standard in the minorities' rights domain than the one already existing within the EU, was necessary to the potential candidates.

The premise from which it started was that the Member States have not encountered major political mutations mutated during the period after 1950, and through developed economic and social policies, managed to avoid violent ethnic conflict between majority and minorities on their territory. Moreover, the public affairs management experience in a society based on the respect for human rights, allowed in these countries the adoption of special, constructive measures, in the case of some traditional minorities.

Not the same could be said about the candidate states and the measures they needed to take regarding the issue of minorities during the preparation for accession period., were treated as intrinsically linked to the idea of political stability. Therefore, the formation of an institutional framework to ensure respect for minorities, but also the express desire of the candidates to allow the promoting of the ethnic, cultural, religious and linguistic diversity, and also the individual freedom to take on ethnic, religious or linguistic identity, was an important step towards democracy and stability.

Starting 1995, after the ratification of the Framework Convention for Protection of National Minorities, signed at the meeting of the Council of Europe on 1st February 1995 in Strasbourg, Romania began the process of building an institutional and legislative minimum necessary framework to implement the provisions made. Furthermore, because the documents prepared by the Council of Europe in the field of minorities have become the standard for monitoring during the process of EU accession, Romania's actions in this direction in 2001 began to be included in country reports prepared by the European Commission.

The history of the Romanian state relations with the existing 1990s ethnic groups in Romania is very different and the problems these minorities face are also very different.

The first important step made by Romania in the protecting ethnic minorities' direction was to recognize their existence and give them the right to be represented in state institutions. The Constitution adopted in 1991 entitles minority representation in the Chamber of Deputies, based on a more permissive algorithm for calculating the votes.

Because the Framework-Convention ratified in 1995 speaks about "national minorities" and not about ethnic groups in general, the second important step in building a system to protect these minorities, was to find a commonly accepted definition for the term national minority and to formulate criteria for the ethnic groups' inclusion in the category of national minorities.

The criteria were formulated in dialogue with representatives of minorities and refers on the one hand, to the documentary certified age of these minorities' presence in Romania, on the other hand to the numerical representation confirmed by the votes collected in the elections and that have as a result the entrance into the Chamber of Deputies of at least one representative of that minority.

Following this process of simultaneous implementation of the two criteria, in Romania there are 19 national minorities officially declared.

Romania had to find ways quite differentiated in the way of minorities' assistance in order to protect the ethnic identity, but also of the overcoming of some obstacles on their social inclusion in the Romanian society.

Basically, it was acted on three dimensions:

- 1) the adoption of *legislative measures* to provide some specific individual rights, such as the right to identity and the freedom of association and representation;
- 2) the supporting efforts of these minorities to *preserve cultural heritage* and ensure the continuation of the linguistic, cultural and religious tradition, and
- 3) the adoption of *special plans* to reduce the phenomenon of social exclusion based on ethnicity.

If the first two types of measures apply to all national minorities, for the Roma ethnic was necessary to adopt an additional a *Strategy to improve the Roma situation* (2001) and to create a specialized structure for managing the problem (ANR).

The system initiated in 1995 has already significantly contributed to the assertion of ethnic, cultural and linguistic minorities, but, except for the Hungarian minority, all other minorities are still early associative life, often heavily dependent on assistance programs supported by the state's budget or external funders such as European Union, governments of some European countries or of the United States of America but also important private donors such as Open Society Institute or Mott Foundation.

The acceptance of Romania as a EU Member State is also a recognition that things are well enough in the protection of minorities, that there is a sufficiently permissive and stable enough legal framework to make out of the national minorities an equal partner in society.

This recognition will certainly produce a mutation in the funds allocated area, at least by the external funders for programs to promote ethnic identity.

In the particular case of the Roma minority, some problems are still far from being solved and leaving only the society in general to handle their resolution is premature. A recognition of this fact was done by starting at international level of a special assistance program called the *Decade of Roma Inclusion*.

It is a way to recognize that for some minorities, the problems are not only in countries like Romania, which was in the process of accession and that these efforts must continue and involve all major international donors, including the Romanian state.

This great program gives some certainty to the Roma minority that the efforts of emancipation, development of associative life and raising of living level will continue to be supported.

On the other hand, the Hungarian minority in Romania is in a privileged position because, by their own efforts, has consistently managed since 1992 to have parliamentary representation about 7% and strengthen its associative life by creating several NGOs that have developed and carry out projects funded through applications submitted following the public offering announcements. In addition, they benefit from the existence of a significant number of schools, colleges and faculties or departments of some universities with teaching Hungarian which at all times ensure an intellectual elite and renewal of cultural heritage. The Hungarian neighborhood on the other side facilitates the establishing and maintaining of some educational, cultural and economic permanent relationships.

Most of the organizations that represent the interests of national minorities are still early in terms of their ability to assist members and to carry out projects by bidding for funds with other potential applicants, as experienced NGOs, public institutions, local government or educational institutions.

Context's changes require an adaptation of the workings of the society in general and the entry among member countries of the European Union is a major change with profound social implications. It requires a knowledge of this new context, the rules and priorities for action. Moreover, it takes a new form of specialization to recognize opportunities, to assume its role and to be able to provide specialized services in this new context.

The social role that the organizations of national minorities have, is still very important, given that the *acquis communautaire* contains explicit reference to non - discrimination, equal opportunities, social inclusion and linguistic identity. Their fonction significantly changes though, as long as the entire *acquis communautaire* is built on individual and not collective rights. In this new context, the national minority organizations will need to devote more attention to assisting *individuals* who belong to the minority group, to their *individual* representation in relation to public institutions and to the coagulation of some *common positions* to represent some *citizens'* interests against third parties (institutions, companies or other NGOs).

The manual contains the minimum information necessary to start this new way, to create and develop their own capacity to interact with other social factors in the context of the European integration process of Romania, this time as a member state of the European Union.



## Chapter I

# Protection of minorities in candidate countries and EU Member States



## 1.1. Brief history of the European Union <sup>1</sup>

European Union as it presents itself today is the result of a long process, begun in the aftermath of the Second World War and which ran consecutively on two levels, namely *deepening* and *enlargement*.

TREATY OF ROME signed in 1957 by West Germany, France, Italy, Belgium and Luxembourg is the one that lays the foundation of the European Economic Community (EEC) and through which, along with purely economic objectives in the areas of agriculture, trade and transport, the signatories establish a set of principles related to competition, principles that Member States undertake to respect.

For a long enough period, the cooperation between these countries was conducted over three dimensions, namely the European Economic Community and *EURATOM* (European Atomic Energy Community) established under the TREATY OF ROME (March 25, 1957) as well as the *European Coal and Steel Community*, formed earlier by the same countries, by signing the TREATY OF PARIS on 18 April 1951 (the treaty was valid for a period of 50 years and expired in 2001). These forms of cooperation will be defined later PILLAR 1 of the European Union.

Although launched as an open invitation to other countries of Western Europe, CEE receives new members in 1973 only, namely Denmark, Ireland and Great Britain, to which Greece joined in 1983, and in 1986 Spain and Portugal. Because of the mutations made in economic cooperation, the 12 EEC member states decide to *deepen* the process of monetary integration by adopting during the meeting in Milan on 17 and February 28, 1986 a new document, namely the SINGLE EUROPEAN ACT.

*The Single European Act* was signed in order to create "an area without internal frontiers which to guarantee the free movement of goods, persons, services and capital, in accordance with the Treaty's provisions." In practice, this goal involved a very ambitious legislative program which, step by step, would lead to the elimination of all internal barriers to trade between the signatory States. Monetary cooperation was also included in this new area of European competence.

For over more than 40 years CEE countries focused their efforts on one hand, for *DEEPENING* the integration process in an *European Single Market* through economic cooperation and trade liberalization, and on the other hand, for the *EXPANSION* into new countries in Western Europe.

The Meeting of Maastricht in 1992, of the Heads of State and Government of the 12 countries in the European Economic Community (EEC), had to consider the new situation created by the disappearance of the communist bloc in Central and Eastern Europe, as well as the recent decision of the abolition of the Treaty of Warsaw, economic cooperation form of the former communist states, under Moscow's auspices. Decisions have resulted as a new Treaty which proposed the EU constitution.

MAASTRICHT TREATY or the **EUROPEAN UNION TREATY** was signed on 7 February 1992, following that by the entry into force on 1 November 1993 to be ratified by referendum in each Member State. Initially, the MAASTRICHT TREATY was rejected by vote of the citizens of Denmark, which forced the government of Great Britain to postpone its referendum a few months. After a period of intense public debate, and direct further negotiations on the implementation of several provisions, mainly monetary ones, the EUROPEAN UNION TREATY has been ratified by all Member States.

The EUROPEAN UNION TREATY signed at Maastricht in 1992 brings several major changes to the previous cooperation. The first change is the one through which, in Title 2 of the Treaty, the phrase *European economic cooperation* becomes *European community*. It is thus the basis for another new concept, *European citizenship* with all rights and obligations of this quality. Among the rights that a European citizen has

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<sup>1</sup> Official Site of the European Union [www.europa.eu.int](http://www.europa.eu.int)

under the provisions of the Maastricht Treaty, are the right to vote and the right to diplomatic protection on the territory of any EU member state where he/she is, even if not a citizen of that State, but being citizen of another Member State.

Since the stated purpose is to *deepen* economic and monetary union, a very important aspect is the one that provides that within 10 years of the Treaty's signing, respectively 1 January 2002, a single European currency will replace the national currencies of the Member States, based on direct agreements with the EU that will determine the rate of conversion.

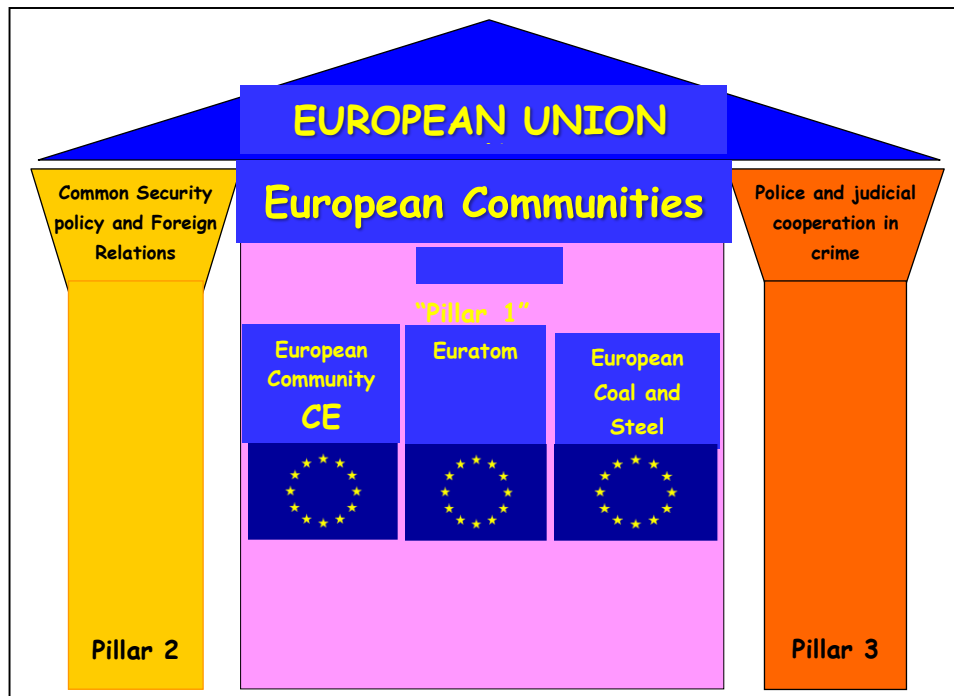
The new currency referred to in the Treaty (later called EURO), is not only one accounting unit to quantify the trade, as it was the ECU.

This was viewed with great suspicion by some countries, especially Great Britain who negotiated the extension of this period, but with great hope also for other countries such as Italy, after the serious financial crisis through which it had passed in the fall of 1992, hoping in a more macro-financial stability by replacing the national currency.

According to the Maastricht Treaty, the EU is organized on three PILLARS:

- **PILLAR 1** is the COMMUNITY PILLAR and includes the forms of cooperation already established by The European Community, EURATOM and the Economic Community of Coal and Steel
- **PILLAR 2** is represented by all common security policies and foreign relations, and
- **PILLAR 3** is defined as all forms of cooperation in justice and Police in crime (justice and home affairs).

The method of decision making and implementation of some measures adopted by EU institutions is different in areas defined as belonging to each of the three pillars.



**PILLAR 1** defines the communitary dimension of the European Union and includes provisions with regard to the *European citizenship*, the *four freedoms (goods, services, people, capital)*, *community policies* and the *economic and monetary union*.

In order to make decisions and to implementate them in areas defined as part of *pillar 1*, the *community method* is used. In other words, all EU institutions are involved in the co-decision process, namely the European Council, European Commission, European Parliament as well as the bodies with advisory capacity as the Economic and Social Committee and the Regions' Committee, and the responsibility for the implementation of regulations belongs to the European Commission.

**PILLAR 2** and **PILLAR 3** are new areas, included in the cooperation and European integration process after 1992, reason for which in order to take joint measurements, the *intergovernmental method* is used.

In other words, in the areas of *security, external relations, justice and crime reduction* can not be adopted general valid regulatory measures for all Member States and the direct and immediate competence of Member States to regulate and take action in these areas, is recognized. By intergovernmental dialogue, common objectives can be formulated, forms of mutual support and general recommendations can be made.

According to THE MAASTRICHT TREATY, the European Union work is supported by the following institutions:

- EUROPEAN COUNCIL with decision role, consisting of all heads of State and Government of the Member States
- EUROPEAN PARLIAMENT, with deliberative role, consisting of representatives directly elected by the Member States' citizens
- EUROPEAN COMMISSION, with executive and decision on certain issues role, consisting of experts nominated by the Member States and confirmed by the Parliament
- EUROPEAN COUNCILS, with deliberative role, consisting of ministers of the States (eg, employment, health, transport, etc.).
- ECONOMIC AND SOCIAL COUNCIL, with advisory role, composed of representatives of trade unions, employers and civil society in Member States
- COMMITTEE OF THE REGIONS, with advisory role, composed of representatives of local elected representatives from all regions of the European Union

*The DEEPENING* of European integration process as well as the implementation of the provisions of the *EUROPEAN UNION TREATY* as adopted at Maastricht, have brought in highlighting the need to strengthen the role of institutions such as the European Parliament.

The Meeting in Amsterdam on 2 October 1997 adopts a new document generically called THE AMSTERDAM TREATY, which brings completions to the EUROPEAN UNION TREATY (EUT), the most significant being the strengthening of the role of the European Parliament in the co-decision system.

In addition, the European Council Amsterdam's meeting adopted a separate document that only covers aspects related to Pillar 1, respectively the *European citizenship*, the *four freedoms (goods, services, people, capital)*, *community policies* and the *economic and monetary union*.

This second document will be referred to as the TREATY OF THE EUROPEAN COMMUNITIES (TEC).

*The EXTENSION* of the European integration process brings among the member states, Austria, Finland and Sweden in 1995 and ten more countries (Cyprus, Estonia, Latvia, Lithuania, Malta, Poland, Czech Republic, Slovakia, Slovenia and Hungary) in 2003.

The TREATY OF NICE signed on 26 February 2001 and entered into force on 1 January 2003, brings completions, explanations and clarifications primarily procedural for the co-decision system of European institutions (Parliament, Commission and Council) but also regarding the representation in these institutions of the new Member States, so as to comply with European Union Treaty. For example, the TREATY OF NICE, by Article 189, limitates the number of MEPs at 732 maximum.

Here the voting manner in the European Council is defined as the *Qualified Majority*. Thus, each member of the Council has awarded a number of votes in proportion to the number of inhabitants of the Member State which is, of the total EU population.

The *Qualified Majority* requires that the vote is given by at least 72.3% of all the States represented in the Council, but who represents at least 62% of the total EU population. Thus, out of 321 allocated votes to Heads of State and Government representing the European Council Member States, for a position proposal to be accepted a minimum of 232 votes is necessary.

Over the 50 years of European construction various normative documents have been developed. These can be divided into two groups:

- *PRIMARY LEGISLATION*, consists of the Treaties signed starting 1951, and
- *SECONDARY LEGISLATION*, consisting of Regulations, Decisions and Directives, but also European's Court of Justice Decisions

All these documents form what we generically call ***Acquis communautaire***.

At Laecken's meeting from 14 to 15 December 2001, the European Council decided that all this legislation to be reviewed and an European Convention to be held later, to try to decide on a unique form in which all documents that are part of the *Aquis communautaire* to be founded.

After a laborious process of consultations and analysis, the European Convention adopts a text called *EUROPEAN CONSTITUTION* on 13 June 2003.

At the meeting of 18 June 2004, the text is adopted by the European Council also and enters the ratification by referendum process in each Member State, so it can enter into force in 2007. The process is though stopped because of the negative outcome of the vote in France, then in Denmark. In both countries, the population rejected by vote the European Constitution. Again the UK sees itself forced to postpone the organizing of a referendum so that, by direct vote, the citizens to speak up on this new document proposed by the European Council.

If the European integration's DEEPENING process has registered a significant failure in 2005, the ENLARGEMENT process registers within the range previously anticipated by the European Council (the meeting of Heads of State and Government of Member States).

Thus, the preparation process that should lead in 2007, at the entrance among EU Member States, of Romania and Bulgaria, and the decision to bring Turkey and Croatia in the European Union in the next decade is reaffirmed.

The Decisions of the Council of Europe from November 2005 reconfirm the intention to include the remaining European countries within the Union, namely Serbia & Montenegro, Bosnia - Herzegovina, the former Federal Republic of Macedonia and even Albania, in a future more or less close. A route that these countries can travel, of treaties and negotiations is already established, and the first steps were already taken for this purpose. With most of these countries, Stabilisation and Association Agreements were already signed, as the first step to formalize the mutual intention to enter among the member countries of the European Union.

## 1.2. Accession criteria and evaluation mechanisms

1989 brings major changes in the pattern of central and eastern European states, the political regimes in these countries and their citizens' stated aspirations on democracy, human rights and relations with western countries of Europe, in particular those part of the European Community.

EEC's democratization and economic development support of countries of Central and Eastern Europe reaction was very prompt. A fund to support efforts, namely the PHARE fund, is immediately established (1989), some economic restrictions are lifted and new import - export facilities are granted and, most importantly, COOPERATION AND COMMERCIAL AGREEMENTS begin to be formulated and ratified with each of these countries, respectively Bulgaria, former Czechoslovakia, Estonia, Latvia, Lithuania, Poland, Romania, Slovenia and Hungary.

As the performance of assistance programs through the PHARE Fund assistance based on regular assessments of the preparedness in order to achieve an acceptable level of entry into the great family of European Community, in the coming years ASSOCIATION AGREEMENTS begin to be concluded with the countries mentioned above.

The EUROPEAN UNION TREATY adopted in 1992 at Maastricht specifies in the *ENLARGEMENT* process of European integration, stated as an open process, including the potential candidates in Central and Eastern Europe. Although the MAASTRICHT TREATY includes for the first time in the history of European community, special reference to fundamental rights, it brings only a vague recognition of minority rights in the Member States, including a general provision whereby they undertake to "*respect the right to national and regional diversity*" (Article 151).

If the Western Europe had at that time sufficient experience in the practice of democracy and freedom and citizens' rights recognized as common values, the new member states came with differentiated experiences and practices baggage, but especially with serious problems to be solved first before entering the European family of consolidated democracies, without bringing prejudices to these values.

The 1993's Copenhagen meeting of the European Council discusses the tendency of the Central and Eastern Europe former communist state to get closer to the European Union and even their desire to become Member States in the shortest possible time.

*Whether* and *how* the entry into the European Union will take place was the main topic on the agenda of the meeting.

The violent conflicts have arisen in some of these countries as a direct expression of the uncertain status of minorities as well as the complaints about the flagrant violations of minority right in virtually all countries of Central and Eastern Europe constant wave, the concerns expressed by various international fora, even on respecting human rights in general, economic and social problems these countries were facing, as well as the rather gloomy estimates about trends and self-regulating capacity of these problems, led the European Council to adopt a document with clear reference to how they may be accepted in the European Union.

The Copenhagen Meeting of the European Council adopted a set of critical decisions to the enlargement process, agreeing upon the fact that "*the associated countries of Central and Eastern Europe that so desire, may become members of European Union*". Starting now the extension was no longer called into question "if", but has become a matter of "when" (this will occur).

Regarding the entrance moment, the European Council *states*: "*The accession process starts as soon as the associated country is able to assume the obligations of membership by satisfying the economic and political conditions required*"<sup>2</sup>

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<sup>2</sup> Final Document of the Copenhagen Meeting of the European Council, 1993

The Council defines the *CONDITIONS* that a candidate country must already meet when the membership quality is granted, as follows:

- Stability of the institutions which guarantee democracy, rule of law, human rights and respect for and protection of minorities;
- The existence of a functioning market economy and the ability to be competitive in a competitive market within the Union;
- The ability to assume obligations as a member, including adherence to political, economic and monetary union's objectives.

The conditions appear in many documents under the generic name of "*COPENHAGEN CRITERIA*".

In conclusion, the document establishes the steps to be taken – association, membership, the Member State - and delegates the responsibility to implement the set to the *EUROPEAN COMMISSION*.

The way to continue the European integration process by *EXTENDING* to the central and eastern Europe is now open.

The *EUROPEAN COMMISSION* is delegated to manage the accession process through individual negotiations, to monitor the process and to inform the *EUROPEAN COUNCIL* about the progresses of each candidate by preparing annual **Reports**.

The document adopted in Copenhagen in 1993, is only a first step towards clarifying the accepting new members into the EU conditions. The *EUROPEAN COMMISSION* is the one that had to identify the means of implementation of the set, but most importantly, had to define the *tools* and *methodologies* to be used for preparation the accession negotiations, as well as monitoring and evaluating the registered progresses.

The *EUROPEAN COMMISSION* has developed a system for assessing the status of the preparations and their monitoring system the preparation stage, in direct relation to each of the three criteria, as follows:

- For Criterion 1, or **POLITICAL CRITERIA**, namely *Stability of institutions which guarantee democracy, rule of law, human rights and respect for and protection of minorities*, a number of minimum requirements is made (elections, voting rights, stability of parliament, local administration directly elected, the right to ethnic identity and the affirmation of this identity) against which the accession states would be monitored
- For Criterion 2 or **ECONOMIC CRITERIA**, namely the *Existence of a functioning market economy as well as the ability to be competitive in a competitive market within the EU*, a serie of minimum requirements are made regarding the state intervention in pricing, the state's ownership percentage in the economy, and how to determine the exchange rate and how the exchanges of capital are done, requirements against which monitoring indicators have been formulated
- For criterion 3 or **ADOPTION OF THE ACQUIS COMMUNAUTAIRE**, ie *Ability to assume obligations of membership including the adherence to political, economic and monetary union aims, the acquis communautaire is chapters structured*, and the work instrument becomes a document called *NEGOTIATION CHAPTERS*.

The second important aspect on which the Commission had to make a point of view was about the *stages* that a state must go through, in order to join the European Union. Steps must be established the way that, on the one hand to offer a real chance to enter the EU on the other hand not to conflict with the documents on which the union was founded and it develops on two levels, namely *deepening* and *expansion* of the integration process.

Based on the proposed work tools, the European Commission has also established the steps to go:

- Step 1 - to conclude an *Association Agreement* with EU
- Step 2 - to express their desire to start training to become a Member State
- Step 3 – to develop a *National Accession Plan*
- Step 4 - to conclude an *Agreement on Accession*
- Step 5 - to negotiate upon *Negotiation Chapters* on how to prepare to meet criterion 3, and the time they consider necessary to meet the EU's minimum standard on each domain and subdomain.<sup>3</sup>
- Step 6 - to close the negotiations on chapters and to establish together with the European Commission the expected date for accession
- Step 7 - to sign the Accession Treaty with the European Union
- Step 8 - the Accession Treaty is ratified by each Parliament of the Member States
- Step 9 - to hold a national referendum in order that the candidate state's citizens to expresses their will regarding the EU accession.

According to the document adopted in Copenhagen in 1993, the European Council as the ultimate decider for of the European Union because it brings together all the Heads of State and Government of Member States must be annually informed about each candidate's readiness for accession.

The information is based on **COUNTRY REPORTS** which record the progresses made to meet the three criteria, in general, but for each indicator monitoring in part. The report is reviewed and the Council estimates whether and how the identified problems could be solved, and decides accordingly. Such a decision was taken after considering the country report in 2001 when, due to very limited progress in the negotiation on chapters, the Council proposed that EU's entry for Romania and Bulgaria can only take place in 2007.

### **1.3. Protection of minorities in the accession process; priorities for intervention**

#### **STANDARD FOR MONITORING**

In the minorities' domain, COPENHAGEN CRITERIA reformulate the principles that were constantly raised by Western countries - Europe during the Cold War as standards against which the communist countries would be obliged to account for how the minorities are treated<sup>4</sup>.

The same principles are founded in the CSCE's (Conference on Security and Cooperation in Europe) *Final Act of the Helsinki Conference of 1975* and later on the CHARTHA OF PARIS<sup>5</sup>.

Compared to previous formulations, the CHARTHA OF PARIS (1990) brings for first time into discussion, the minorities' rights in the sense of "*array of gadgets groups*" and not only of "*people*" who have an ethnic identity distinct from the majority. This approach is applied for the first time when the situation in Yugoslavia was analyzed by the Badinter Arbitration Committee established in 1991 by the European Economic Community (EEC), as a result of the disintegration process triggering of the former federal state.

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<sup>3</sup> A concession to the states in Central and Eastern Europe is that the time to reach the acceptable training level may be significantly longer than the period up to accession. For example, Poland has negotiated a period of 80 years to meet all requirements for agriculture, and Romania has negotiated the extending with several years than 1 January 2007 for some important polluting companies, while they will reach the EU's environmental standards.

James Hughes, Gwendolyn Sasse – *Monitoring the Monitors: EU Enlargement Conditionality and Minority Protection in the CEECs*, London School of Economics and Political Sciences, UK, Issue 1/ 2003, page 8

<sup>5</sup> *Charter of Paris for a New Europe*, adopted at the CSCE meeting, 19 -21 December 1990

The formulation of *COPENHAGEN CRITERIA* in 1993 with reference to minorities is a reconfirmation of minorities as a group approach by the EU, but more than the previous approach of European Union documents, documents that referred only to *the rights of the person* with ethnic identity different from majority. For this reason, the Copenhagen Criteria as they have been formulated require identification outside the *Acquis communautaire* of higher standards in the field of minorities' protection. The most important sources were offered at that time by the ORGANIZATION FOR SECURITY AND COOPERATION IN EUROPE (OSCE) and the COUNCIL OF EUROPE, through the adopted documents, but also by the work experience of these institutions in former communist countries of Central and Eastern Europe.

Although the CHARTER OF PARIS (1990) makes a move to minorities' approach as a group when about rights and gave probably the main inspiration source for the formulation of the political criteria, the *Framework Convention for the Protection of National Minorities* adopted by the COUNCIL OF EUROPE in 1995 returns to the phrase "*persons belonging to a minorities' group*." In addition it introduces the notion of "*national minorities*", without giving a definition for this term.

Another source identified by the Commission is the decisions of the Court of Justice of the European Union, that over the years, was in a position to review complaints of human rights, but also in relation to minorities' rights.

Analyzing all these sources, we conclude that "*minorities' rights are best expressed as human rights, plus some specific rights that can be highlighted only in relation to the concept of national minority*"<sup>6</sup>

## MONITORING

The existing provisions in the *acquis communautaire* at that date referred only to general rights which, at best could be reformulated to include specific elements of minorities. Thus, the right to declare their personal ethnic identity or the right to be represented in elected bodies (Parliament, local and regional Councils) are in fact basic human rights to which minimum elements can be added in order to formulate indicators for monitoring.

On the other hand, the relatively poor standards' offer in the documents adopted in unanimously recognized international fora like the UN, OSCE or Council of Europe, as well as the still open controversy on terms like "*minority*" or "*national minority*" led to the development of some very little developed monitoring mechanisms of how the candidate countries meet first criterion, the political one.

In particular in the protection and promotion of minorities' rights field, the European Commission showed a permanent tendency to rely on third parties for monitoring the candidate. The COUNTRY REPORTS constantly included assessments made by the Council of Europe, OSCE and NGOs representing or working on minority protection domain.

Europe is very diverse ethnically speaking and although subsequent attempts of the First and Second World War focused on the formation of *nation* states, practically all European countries have on their territory many minority ethnic groups. These groups are different when it comes to size and historical background in relation to the majority. More than that, the acceptability of the majority against the existing minorities in each state was at that time strongly differentiated, producing different relationships some of them even conflictly violent.

In this context, the monitoring should have included on the one hand, general aspects related to how minorities are protected and may act within the candidate countries, and on the other hand to give special attention to minorities with whom the majority already recorded strong conflict and even violent episodes.

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<sup>6</sup> James Hughes, Gwendolyn Sasse – *Monitoring the Monitors: EU Enlargement Conditionality and Minority Protection in the CEECs*, London School of Economics and Political Sciences, UK, Issue 1/ 2003, page 11

## STATE'S REPORTS

The annual reports annually made for each state have a common structure that allows the comparisons between candidates on the one hand, and on the other hand they allow an immediate comparison with the COPENHAGEN CRITERIA. As regards the *fulfillment of the political criteria* and in particular in relation to the protection of minorities, the reports are divided into four elements, identified as being of particular interest to the European Union.

**The first element** considered is that, although eight of the countries of Central and Eastern Europe that joined the accession process immediately after the meeting in Copenhagen have a significantly large population entering the category of minorities, only two groups of minority populations were constantly founded in reports.

*The first group* consisted of Roma and Russians considered non-territorial minorities. As such, the Russian minority in Estonia and Latvia as well as the Roma minority in Bulgaria, Hungary, Romania and Slovakia, are constantly monitored.

*The second group* was made up of Hungarians and Turks, considered existing minority on clearly defined geographic territories. Thus, the Hungarian minority is monitored and it appears in the country reports prepared for Romania and Slovakia, and the Turkish minority is monitored and specific reference is made in the reports for Bulgaria. However, in reports to these two minorities is given a considerably less attention than to those of the first group.

**The second element** is given by that the reports were structured such as to provide a review of "*the degree to which the *acquis communautaire* was adopted*"<sup>7</sup>. But as we said before, the COPENHAGEN CRITERIA concerning minorities were not explicitly found in the *acquis communautaire* at that time.

The only reference to ethnicity is included in the EUROPEAN COMMUNITIES TREATY adopted in 1997, where Article 13 stated "*equal treatment between persons no matter the racial or ethnic origin.*" Only in 2000 a new document is adopted by the European Council, namely *Directive No. 43* for implementing the principles of *equal treatment of persons*, no matter the racial or ethnic origin. As the deadline for transposition in each Member State was July 19 2003, only in the case of Romania and Bulgaria, references to the implementation stage still appear after.

**The third element** is given by the fact that the European Union's priority is "to keep open the accession process for countries listed in the conclusions of the European Council in Luxembourg." In other words, it is suggested that reports *should avoid criticism and support the registered progresses* towards integration.

**The fourth definitory element** of the reports is that, essentially they are a *compilation of various documents* prepared on a given problem (in our case on the four minorities), taken from *various sources*, such as the Council of Europe, OSCE, international financial institutions like the World Bank, NGOs, and the assessments made by various European Union member states. How the informations from these sources were processed, is not specified in any of the reports.

The **Issues monitored** and included in the reports can be structured on three levels as follows:

- Identified and the adoption of *changes in legislation* which are considered extremely important for minorities, especially those monitored. The changes mainly relate to citizenship, naturalization, language and electoral rights.
- *Establishment of institutions* to manage the minorities' problems in Parliament, Government, Ministries and local administration
- Launch of *Government programs* to address the problems identified by minorities

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<sup>7</sup> European Council gathering's conclusions, 12 to 13 December 1997

## 1.4. Ethnic minorities in Romania

Ethnic minorities have always represented a significant percentage of the population.

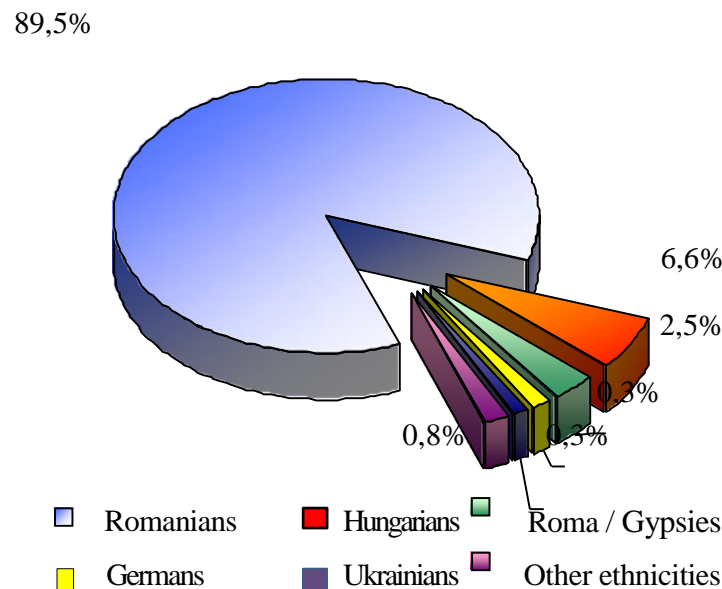
In 1930, the population of Romania (including Bessarabia and Northern Bukovina) was just over 18 million inhabitants, and Romanians accounted for 73% after language and 71.9% by ethnicity.

According to the 1992 census, the population's structure was the following: Romanians (89.4%), [Hungarians](#) (7.13%), [Gypsies](#) (1.80%), Germans (0.52%), [Ukrainians](#) (0.29%), [Russian-Lipovan](#) (0.17%), Serbs (0.14%), [Turks](#) (0.13%), Tatars (0.11%), Slovaks (0.09%), other nationalities Bulgarian, Hebrew, Croats, Czechs, Poles, Greeks, Armenians, etc. (0.3%).

The 2002 Census shows that in Romania the structure by ethnicity of the population is: Romanians (89.5%), [Hungarians](#) (6.6%), [Roma / Gypsies](#) (2.5%), Germans (0.3%), [Ukrainians](#) (0.3%) and other minorities represent (0.8%).

Data regarding the number of Roma / Gypsies living in Romania, however, are controversial. If the census of 1992 and 2002 were based on personal declaration of ethnicity, there are other studies that identified a different number of Roma living in Romania. Thus, *Minority Rights Group* estimated in 1995 the number of Roma between 8.3% and 11.5%, and the *Council of Europe* appreciated in 2003 their number between 5.5% and 10.1% of total population<sup>8</sup>.

### Population structure, by ethnicity (Census 2002)



<sup>8</sup> Romani Criss, documents prepared for the seminar "Roma in the context of European policies: Action Plan for improving the Roma and Sinti situation in the OSCE area", 12 to 13 February 2004 <http://www.romanicriss.org/pdf/newsletter/Table 1 Census 1992 2002.pdf>

## 1.5. Protection of minorities in Romania in the accession to the European Union process achievements and weaknesses

### ABOUT BACKGROUND

The democratization process began in Romania in December 1989 brought to the fore an issue considered by most people as being resolved, that of the status of ethnic minorities. The street violences between Romanians and Hungarians in 1991 from Tg. Mures, and after a series of violent recorded against Roma in rural communities such as Mihail Kogălniceanu or Hădăreni common, showed a surprising facet of relations between majority and ethnic minorities.

The public debates, the views expressed by Romanian intellectuals, and reports of international organizations and bodies constituted an important opportunity for reflection, self-knowledge and finally awareness of the importance of the existence of coherent public policies to allow ethnic minorities to promote their identity and to have their rights recognized and protected. But they also brought to the forefront many prejudices and limits of knowledge regarding the ethnic history of minorities recorded in Romania.

Although a signatory of the CHARTA OF PARIS in 1990 along with other OSCE member states, Romania has undergone a quite difficult and tortuous process in order to change the way it treated its own minorities and how it provided a coherent legal framework to protect their rights.

The registered progresses in this area have been relatively less significant for a long time, but the wish to join the European Union accession process has favored the adoption of several concrete measures, the facilitating of mutual understanding and a greater freedom of expression of the ethnic identity in dealings with society at large.

Signatory of an ASSOCIATION AGREEMENT beginning 1993, Romania registers significant progresses at the institutional level in protecting minority rights field, only after applying in June 1995 for membership of the European Union.

### ACCOMPLISHMENTS

Although ratified in April 1995, the Framework - Convention for the National Minorities Protection<sup>9</sup> produces effects at a slow enough pace regarding the purposes of building a minimum necessary institutional framework in order to implement the provisions assumed. Initially a discussion of ethnic minorities forum is set up, and only through Government Decision no. 17 of 31 January 1997 a DEPARTMENT FOR PROTECTION OF NATIONAL MINORITIES its is created to manage this problem.

When the actual start of the process by signing in 1999 of the ACCESSION AGREEMENT with the European Union, Romania had already taken several steps particularly important in the political criteria, namely the protection of ethnic minorities fulfillment. The first important step was to recognize the existence and importance of ethnic minorities and to give those the right to be represented in state institutions. Constitution adopted in 1991 entitles minorities' representation in the Chamber, based on a more permissive algorithm for calculating the votes.

The Framework- Convention ratified in 1995 speaks about "*national minorities*" and not about ethnic groups in general. Their minorities' Council immediately done after the ratification was involved in formulating the definition of the term and formulation of some criteria for inclusion of ethnic groups in the minorities' category.

The criteria were formulated in dialogue with minorities' representatives and on one hand referred to the documentary attested old age of this minority presence in Romania, and on the other hand to the numerical representation confirmed by the votes collected in the elections and that result into the admission in the Deputies Chamber, of at least one representative of that minority.

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<sup>9</sup> The framework-Convention was completed during the European Council meeting on 1 February 1995 in Strasbourg

Although there was no special law adopted in this regard, the continuous dialogue with minorities' representatives allowed the acceptance of these criteria on consensual basis for identifying national minorities.

DEPARTMENT FOR NATIONAL MINORITIES' PROTECTION later turned into DIRECTION FOR INTERETHNIC RELATIONS<sup>10</sup> allowed the institutionalization of the relation with the 19 national existing minorities, the development of a continuous activity of problems' they face identification, and providing institutional support to overcome these problems.

Many of the problems concern the conservation of ethnic, cultural, religious and linguistic identity. It has already become a constant of the relations between the Romanian Government and national minorities, to provide financial support for protecting this cultural heritage and the continuation of traditions.

For Roma minority, however, the problems go beyond the cultural sphere and the ethnic identity's affirmation, they are often placed in the social field, access to education, public health services and securing employment. Moreover, discrimination occurs most often in relation to the Roma ethnic group.

Thus, Romania had to find differentiated enough ways in the way of assisting minorities firstly to ensure the protection of ethnic identity, and secondly to efficiently and effectively assist, the overcoming of the structural barriers that lead to social exclusion.

Basically, it was acted on three dimensions:

- 1) the adoption of *legislative measures* to provide some specific individual rights such as the right to identity and freedom of association and representation;
- 2) supporting the efforts of *cultural heritage conservation* and of ensuring linguistic, cultural and religious traditions of these minorities.
- 3) the adoption of *specific plans* to reduce the based on ethnicity social exclusion phenomenon.

The first two categories of measures are applicable to all national minorities and for the Roma ethnic it took the adoption of a *Strategy for Improving Roma Situation (2001)*<sup>11</sup>. Given the complexity of the issues to be managed, a specialized structure is created by the Government's Ordinance no.78 / 2004, namely the *National Agency for Roma*, which was in its turn placed under the Government's General Secretariate.

## VULNERABILITIES

The system stated in 1995 has already significantly contributed to the assertion of ethnic, cultural and linguistic identity of the national minorities, and the constitutional provisions for parliamentary representation of minorities, as well as permanent dialogue with national minorities' representatives have led to the institutionalized recognition of some of their associative structures.

With the exception of the Hungarian minorities, all other minorities are still at the beginning of an associative life, they are still in infancy in terms of their ability to assist members and to conduct larger-scale projects with more internal and international partners.

The relationship with local authorities is also differentiated in most cases the protection of minorities being associated only with the possibility of publishing magazines and periodically organizing cultural events. The ethnic and cultural diversity's benefits are still difficult to perceive for many local community members, and the contribution of national minorities in socio-economic development effort is still minimized.

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10. in 2001 is adopted the Law No.90 / 2001 on the organization and functioning of the Romanian Government and the subordinated ministries. Because of the effect of this law, the Department for national minorities problems is re-named the Department for Interethnic Relations and placed in the structure of the SGG.

<sup>11</sup> Government Decision no. 430 / 2001 on the adoption of the *Strategy for Improving Roma situation*.

The entries made in the electoral process by including Law no.67 / 2004 on organization and conduct of local elections, aim just to increase the involvement of national minorities in local socio-economic development. Article 7, Paragraph 1 to 5 grants to national minorities' organizations the right given the right to participate in elections together with political parties.

The way the article 8 assigns seats in local councils to the representatives of these organizations, as well as the inclusion in the organizations' list restrictions (national logos, registration at the central office, etc.), have produced few positive effects and only in very few situations, national minorities are locally represented based upon these special provisions.

Local representation still remains a debate subject and is the basis of many complaints formulated by the national minorities' organizations to international fora.

On the other hand, the application of rules to ensure the right to use mother tongue in school is also difficult in many situations, either because of ignorance of rights even by persons belonging to national minorities, either because of difficulties in enforcement due to poor material conditions of the State's educational system in general.

The social role that the national minorities' organizations have is still very important, given that the *acquis communautaire* contains explicit reference to non - discrimination, equal opportunities, social inclusion and linguistic identity. Even the last Regular Report issued in 2005 shows serious backlogs in the application of the *acquis communautaire's* provisions in the listed areas, especially in the discrimination field and specifically recommends the public administration efforts' focusing in this direction.

Given that Romania will soon become an European Union Member State, the national minorities' organizations must be able to assist *individuals* who belong to the minority group, to represent them in relation to public institutions and to do more towards coagulation of some *mutual positions* to represent citizens' interests in relation to third parties (institutions, companies or other NGOs). Few of the national minorities' organizations have already developed these internal capacities and there are still enough doubts about the role and function changes in this respect.

Some of the registered progresses in the national minorities' protection field, had the time to ensure their stability, but many issues are still supported by a very recent legal framework. There is the risk that some aspects related to general policy i in the protection of national minorities to be passed in the background, since the main focus will be towards individual rights as European citizens.

## 1.6. The *acquis communautaire*'s limits in the field of national minorities' protection

Before adopting the MAASTRICHT TREATY in 1992, the European Union used to condition the entry of new members to respect a minimum standard on human rights and minorities. The conditioning did not exceed the general requirements internationally imposed in this regard. The JOINT DECLARATION ON HUMAN RIGHTS adopted in 1977 by the Council, Commission and European Parliament was regarded as a minimum standard for new candidate countries.

Therefore, when a state declared its intention to join the EU it was asked to firstly ratify the EUROPEAN CONVENTION ON HUMAN RIGHTS (1950) and to accept its citizens' right to petition under this convention.

In other words, the several thousands of pages of EU treaties prior to the European's Council Maastricht meeting in 1992, contained no specific reference to respecting and protecting the rights of national minorities.

The MAASTRICHT TREATY is the first in the history of the European Union that includes in its pages explicit references to fundamental human rights, but in which concerns minorities it requires to the Member States to respect "*national and regional diversity*" (Article 151).

The most active role in formulating express requirements related to the minority's rights had the European Parliament in the early '90s. It constantly urged the European Council, through various resolutions, to provide documents to ensure protection of minorities. To these steps were added a number of decisions of the European Court of Human Rights thus trying to compensate for its limited ability to determine the signatory states of the EUROPEAN CONVENTION OF HUMAN RIGHTS and to respect the promises made and to operate internally legislative changes.

Although in 1993, at the meeting in Copenhagen, the European Council becomes even more clear about minorities' rights and it demands of the new candidate states "to respect and protect minorities"<sup>12</sup>, in subsequent treaties adopted at Amsterdam in 1997, it returned to formulations designed to individual rights only, not group rights.

However, the TREATY OF EUROPEAN COMMUNITIES adopted in Amsterdam 1997 brings a new element, as by Article 13 it requires of the European Council "*to take action to combat discrimination that is based on gender, race or ethnic origin, religion or belief, disability, age or sexual orientation.*" This provision becomes usable in a constructive interpretation also by the European Court of Justice to provide a basis for decisions aimed at protection of minorities.

The provision of Article 13 of the TREATY OF EUROPEAN COMMUNITIES underlies the formulation of the Directive 43/2000 of the European Council which calls on Member States that until 2003 to transpose into internal law the provision that "*everyone to have part of equal treatment no matter the racial or ethnic origin*". The provision restores the minorities' protection at individual, not group level. Any reference to minorities or national minorities is excluded, although this term was used in Copenhagen.

The switching from formula involving the rights of groups to formulations based on individual rights, but also the use of phrases such as minorities, national minorities or, in other normative documents, the ethnic origin, reflects substantial differences even between Member States of the Union Europe when it comes to minorities.

There are countries like Great Britain and Italy that have adopted special regulations for minorities in general and for certain ethnic groups, in particular, but it also exists within the European Union, states that are constituted and function in normative terms, as unitary states ( see France or Greece), and the rights are granted, in the best case, at the level of the person belonging to an ethnic group other than the majority.

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<sup>12</sup> "Copenhagen criteria" for EU accession (1993)

## Chapter II

# Funding opportunities in EU



## 2.1. Financial assistance in EU

### GENERAL CONSIDERATIONS

As required since the Treaty of Rome in 1957, the European Union's purpose is to reduce the economic and social disparities between Member States and between different regions of the Union. The political stability is directly related to the economic one and the approaching process as level of development between different regions of Europe must be supported by joint financial efforts of the Member States. This is the principle behind the European integration process and it is defined in terms of *economic and social cohesion*.

The financial support of local, national and regional development policies is continuously supported by *financial instruments*. The European aid has significantly contributed over the years to stability and it is based on the concept that any intervention in the sense of stability can not be sustainable if it doesn't offer the prospect economic development.

The labor employment policies, policies of sustaining the public participation for formulating local and regional development strategies or equal opportunities and equal treatment must be supported by appropriate financial instruments, which can be accessed by respecting several requirements and general criteria.

The harmonious development throughout the European Union by strengthening the economic and social cohesion is thus the main objective of the union. The Structural and Cohesion Funds have been designed and built to accompany these efforts, along with regulations of the European Single Market and European Citizenship, and represent the foundation of European integration.

The cohesion policies aimed at economic growth through increased investment in the area. They are *not* social policies and are not aimed at increasing consumption, nor income redistribution.

The Cohesion policies' goal is to increase productivity through investment in human resources, infrastructure and innovation capacity. Financial instruments to support these policies for economic and social cohesion are the *structural funds and the cohesion fund*.

A key principle on which such funds can be accessed is the *additionality one*. The projects supported by the Structural Funds must be co-financed with national resources. In other words, structural funds aim to *add themselves* to the the capacity of investment of that country, and *not to replace* this local capacity.

The European Union requires that at local and regional level, the administration establishes goals and priorities for action and to select projects for these actions. This work style has particularly important consequences for the structures of the Member States.

In Greece and in the United Kingdom, for example, this way of working has produced significant changes in the distribution of responsibilities between central and local level, to a responsibilities' transfer to the local level in terms of economic development.

In Greece for example, the formation of committees to monitor programs' implementation was "a very important administrative innovation"<sup>13</sup>.

"For the first time, an authority other than a ministry or public administration, had the responsibility to run a multi – year program, containing several projects. Local representation, geographic decentralization, financial autonomy and the obligation to inform and motivate the local population, all were absolutely new for the way of Greek planning"<sup>14</sup>.

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<sup>13</sup> The European Stability Initiative - *Assistance, cohesion and new boundaries for Europe*, Berlin, 2002, pg.17

<sup>14</sup> Ilias Plaskovitis, EC regional policy in Greece: Ten years of structural funds intervention, in Greece and EC Membership

The same author notes further: "Although the prospect of joining the European Community failed to trigger a revolution in how the Greek government's work, the dynamics of the integration process and, more specifically, the European Community structural policies' implementation, began to force changes in government practices."

It is also an explicit requirement that projects developed with support by the Structural Funds to mobilize *local partnerships*. This principle was gradually reformulated, from the inclusion of local and regional authorities in the years 1989 to 1993, to social partnership in 1994 – 1999, up to including various local groups during 2000-2006.

Where such programs have been implemented successfully, there was an increase in the European Union's image capital among citizens.

## 2.2. Principles of Structural Funds' implementation

The key principles underlying the implementation of these funds are:

1. **CONCENTRATION** of the measures on the **priority objectives** for development
2. **PROGRAMMING**, resulting in multi-annual development programs. This is the result of a process in which decisions are taken in partnership. The process has several steps and the adopted measures are the responsibility of the management's authority.
3. **THE PARTNERSHIP**, which means a cooperation as closely as possible between the Commission and those authorities at national, regional or local level in each Member State of the preparation stage to the measures' implement stage.
4. **ADDITIONALITY**, which means that the Community's assistance complements the contributions of Member States without reducing or substituting them. Except for special reasons, the Member States must maintain public spending on each Objective, at least at the level reached in the previous period.

In addition to the above, the relations between the Commission and Member States are governed by the **subsidiarity principle**, which is provided and supported by the Maastricht Treaty.

In general terms, this means that a higher authority should not and can not act if one of the objectives may be achieved at a lower level. One of the consequences of this principle is that the management authority of the Member State selects the projects to be financed and supervises their implementation.

### THE PROGRAMMING PROCESS

In general, Structural Funds finance development programs which have been allocated an individual budget. These programs are the product of negotiations between national, regional and local authorities, between economic and social partners and other relevant bodies.

Programs may be of two kinds:

**1.Regional development programs** are established and developed under a *national development plan* or a single programming document. These documents must be submitted to the Commission by the Member State no later than four months after having the list of eligible areas established.

*The national development plan* is negotiated with the European Commission and results in a **COMMUNITY SUPPORT FRAMEWORK**. Once the proposed plan, the Commission has 5 months to adopt it. To speed up the process, the proposals for regional programs may be submitted together with the development plan and can be taken at the same time with the Frame.

Any COMMUNITY SUPPORT FRAMEWORK or SINGLE PROGRAMMING DOCUMENT should include:

- priorities for action
- measurable objectives (where possible)
- anticipating financial resources

2. **Community's initiatives programs** are proposed by Member States not later than 6 months after the Commission adopts the guidelines for such programs. The Commission shall have five months to adopt the programs.

## PROGRAMMES IMPLEMENTATION

The regional development programs' implementation or initiative of the Community is the responsibility of management authority of each Member State. It details, in a complement of program, the developed actions at the Member State's level as a result of the allocated financial assistance. The Authority is also responsible for selecting the projects to be funded.

Whether initiated at national or Community's level, all programs partly financed by the Structural Funds are collected in the same document by the invested authorities of the Member States. Once approved and adopted by the Commission, they are implemented by the authorities designated for each program by the Member State.

The project's implementation is supervised by monitoring committees, consisting of representatives of Member States, regions, competent authorities and of the European Commission. The Committees regularly monitor the progress of programs and redirect certain actions, if necessary.

## PROJECT'S PROMOTERS

When the program was adopted, its managers (appointed by the Managing Authority) designated by each Member State are responsible for informing potential promoters of the project, information on available assistance through, for example, public announcements for auctions.

Active in social and economic life organizations (local authorities, associations, businesses, etc..) may propose projects and apply to receive support from structural funds. Projects' selection is done by national and regional competent authorities for each program, and not by the European Commission.

All projects receiving financial assistance from the EU can be also co-financed by other source, either from public or private sector.

In order to guide and assist authorities in the management of Structural Funds as well as for the correct interpretation of the Regulations of the Structural Funds, the European Commission - DG Regional did various working documents (eg working papers on "n +2 rule", the ex - ante and intermediate evaluation, regarding the performance reserve as well as the efficient management of Structural Funds).

All official documents are available in the "Official Text" section of the DG Regio's web site ([http://europa.eu.int/comm/regional\\_policy/sources/docoffic/offi\\_en.htm](http://europa.eu.int/comm/regional_policy/sources/docoffic/offi_en.htm)).

### 2.3. Structural Funds

Article 158 of the EUROPEAN COMMUNITIES' TREATY (2001) defines cohesion - one of the main objectives of the European Union - as being necessary to promote "*the general harmonious development*" of the Community and requires "*reducing disparities between levels of development of different regions and of the lack of development of the disadvantaged regions,*" including for rural areas.

According to Article 159, the Community acts by the Structural Funds, the Cohesion Fund and other financial instruments to help achieving the objectives set out above.

The tasks, the priority objectives and the organization of the Structural Funds are defined by the European Council at the European Commission's proposal and with the consent of the European Parliament.

Thus, the Treaty contains provisions for coordination of economic policies, implementing Community policies, in particular of the Single Market as well as for utilising the existing *Structural Funds* ( The European Fund for Agricultural Guidance and Guarantee, Guidance Section; European Social Fund, European Regional Development Fund and the Financial Instrument for Fisheries Guidance) and of the *Cohesion Fund*.

#### STRUCTURAL FUNDS 2000 - 2006

By the end of 2006 four Structural Funds are operational that allow the EU to provide financial assistance for economic and social problems' solving, each covering a specific thematic area:

- *The European Regional Development Fund (ERDF)*, whose main objective is to promote economic and social cohesion inside EU by reducing imbalances between regions or social groups;
- *The European Social Fund (ESF)*, the main financial instrument allowing the Union to achieve the strategic objectives of the work employment policy;
- *European Agriculture's Guidance and Guarantee Fund (EAGGF - section "Guidance")*, which contributes to the structural reform in agriculture and to rural areas' development;
- *Financial Instrument in Fisheries Guidance (FIFG)*, a specific fund for structural reform of the fisheries sector.

These funds are not the sole source of funding under the EU budget.

The **European Regional Development Fund - ERDF** (European Regional Development Fund) was established in 1975 and became the main instrument of the Community's regional policy.

ERDF's objectives are primarily to promote development and structural adjustment of regions whose development is lagging behind and supporting the economic retraining, development of areas with structural problems, including declining industrial regions, urban areas in difficulties, in crisis areas and areas dependent on fishing or services.

It can finance infrastructure projects, investments that create jobs, ITC investments, local development projects, aids for SMEs, etc.

ERDF resources are used, especially to co-finance:

- productive investments leading to the creation and preservation / maintenance of jobs
- Infrastructure
- local development initiatives and activities of SMEs.

Virtually all development areas are covered: transport, communications technology, energy, environment, research and innovation, social infrastructure, training, conversion of industrial sites and urban reconstruction, rural development, fisheries, tourism and culture.

To reduce the gap between development levels of different regions, the ERDF contributes to harmonious development, balanced and sustainable of the economic activity towards high levels of competitiveness, employment and environmental protection, and to equality between women and men.

To promote regional development, the ERDF contributes to financing the following measures:

- productive investments to create and preserve sustainable jobs
- investments in infrastructure that contributes to development, structural fit and job creation and retention, or in other eligible regions, contributes to diversification, revitalization, improved access and revitalization of the economic and industrial zones which are in decline, urban areas with low activity, rural areas and those dependent on fisheries. Such investments may also be aimed at developing trans-European transport network, telecommunications and energy;
- development of endogenous potential by measures which support local development initiatives and those to create jobs as well as the activities small and medium business; such assistance is moving towards services for enterprises, technology transfer, development of financial instruments, direct aid to investments, provision for the local infrastructure, etc.
- investments in education and health

ERDF's goal can be extended and may overlap with other Structural Funds to cover the necessary measures for the implementation of Community's Initiative programs or pilot projects.

During 2000 – 2006 the innovative measures focus on three priorities:

- regional economy based on knowledge and technological innovation: aid for the less favored regions to increase the level of technology
- informational society in the service of regional development (e - Europe-region)
- regional identity and sustainable development: promoting regional cohesion and competitiveness through an approach that integrates the economic, social and environmental activity.

Implementation of the innovative measures should make it possible:

- improving the assistance's quality in programs were ERDF contributes
- the growth and the strengthening of the public - private partnership
- the exploitation of cooperation between regional policy and other Community policies
- exchanges between regions and collective learning through comparisons and sharing of good practices.

The **European Social Fund** (established in 1958) is the main financial instrument through which EU transpose the strategic policy of employment in action.

Established by the TREATY OF ROME in 1957, is the oldest Structural Fund which, over more than 40 years invested, in partnership with the Member States, in programs for skills development for people and their work potential.

In 2000 a new period for the ESF began, a period ending at 31 December 2006.

During this period the Fund's potential was fully integrated - both in terms of policy and in terms of Managing - as is done in the Member States to implement EUROPEAN STRATEGY FOR EMPLOYMENT. The strategy involves the Member States which together reach to formulate common goals in preparing people for employment and to create a favorable climate for new jobs.

ESF Programs focus on providing to citizens, the skills needed to work and on the social interaction skills development, thus improving their confidence and adaptability to the labor market.

ESF channels its support on long-term strategic programs which help the European regions, especially those who stayed behind, to improve and modernize their labor skills and to support entrepreneurial initiatives. This encourages foreign investment and the national ones in regions, helping them to achieve greater prosperity and economic competitiveness.

The programs are set by Member States together with the European Commission and then implemented by a wide range of organizations providing both in the private and public sectors. These organizations include national, regional and local authorities, educational institutions and training, voluntary organizations and social partners, such as unions and working councils, professional and industrial associations, and individual companies.

ESF acts as a catalyst for new approaches to projects, bringing together all the resources of those involved in the projects' development. It supports partnerships at different levels and encourages the knowledge transfer across Europe, sharing ideas and successful practices, ensuring that the most effective new solutions are incorporated into mainstream policies.

ESF means:

- financial tool key for supporting the EUROPEAN EMPLOYMENT STRATEGY
- investment in people
- greater responsibility to the Member States
- simplifying the administration system
- partnership, local action and evaluation of effectiveness
- encourage the application of local solutions to local problems

**Guidance Section of the European Agricultural Guidance and Guarantee Fund - EAGGF - Guidance**, also founded in 1958, finances rural development measures and aid for farmers, especially in regions with developmental delays. It is meant for the efficiency improvement of production structures, processing and marketing of agricultural and forestry products and also the local potential development in rural areas. The Guarantee Section of the Fund (EAGGF - Guarantee) supports the rural development under the CAP in other parts of the Union.

Fields of application are:

- investment in agricultural properties (modernization, reducing the production costs, the products' quality, environment, etc.)
- aid for young farmers and vocational training
- early retirement support
- compensations for less-favored areas
- environmentally friendly agricultural measures
- processing and selling agricultural products
- development and optimal use of forests
- development of agricultural areas by providing services, support for the local economy, encouraging tourism and craft activities, etc.

As mentioned above, in Objective's 1 regions (with a GDP below 75% of EU average), these measures are financed by the Guidance Section of the Fund, except the compensatory allowances, early retirement support, agricultural measures and measures to protect the environment and the development of forests, which are funded by the Section "Guarantee" of the Fund. Besides the areas belonging to Objective 1 areas, all measures are financed through "Guarantee" section.

**The Financial Instrument for Fisheries Guidance (FIG)**, established in 1993, contributes to the adaptation and modernization of the fishing industry by removing surplus capacity and the industry's orientation to support an integrated development of the coastal regions heavily dependent on fishing.

The Fund supports actions aimed at:

- the reaching of a supported balance between resources and exploitation;
- the promotion of the economically viable enterprises' in the fisheries sector development;
- the improvement of the market supply and the growth of the adding value to fish products and aquaculture through processing;
- the revitalization of industries that depend on fishing and aquaculture.

In addition to financing the fleet's renewal and industrial investments, the fund finances the measures aimed at seeking new markets and alternative sectors of activity.

## **WARNING!**

The Structural Funds do not finance individual separate projects.

They finances multiannual regional development programs pulled together by regions, Member States and the Commission, on the Commission's proposed guidance for the whole EU.

## **The COHESION FUND**

*The Cohesion Fund* was created by the Maastricht Treaty in 1992 to provide the necessary financial contribution to projects in the field of environment and trans-European transport infrastructure.

The Fund is reserved for Member States that have introduced the "convergence program" and whose GDP per capita is below 90% of the Community's average.

Currently it covers Spain, Greece, Ireland and Portugal.

Unlike the above presented Structural Funds, the Cohesion Fund does not co-finances programs, but provides direct funding for individual projects, which are clearly identified from the beginning.

The decision to finance a project is taken by the Commission, in agreement with the beneficiary Member State, while projects are managed by national authorities and supervised by a Monitoring Committee.

An example is constituted by the transport buses including highways, railways or maritime channels considered priorities for the harmonious development within European Union, according to the economic and social cohesion principle underlying the EU Treaties.

## OBJECTIVES FOR ALLOCATION OF FUNDING

The access to structural funds within the EU is differential. Structural Funds are designed to help reduce the disparities between Member States, therefore they are accessible only after including the state / region in one of the three categories based on the level of development.

The main criterion for inclusion is given by the Domestic Product (GDP) of each state, criterion which reflects the ability to generate prosperity for the citizens of that State.

Taking into account GDP, Member States are divided on ALLOCATION OF FUNDS OBJECTIVES. It is even made the difference even between different regions within the same state by including them based on objectives.

### **Objective 1:** *Support development in poorer regions*

Objective 1 of Structural Funds is the main priority of EU cohesion policy. In accordance with the Treaty, the EU strives to "*promote harmonious development*" and aims, particularly, to "*decrease the gaps between levels of development of different regions.*"

Therefore more than two thirds of the Structural Funds (more than 135 billion Euro) are allocated to help areas that are lagging behind in terms of development ("Objective 1"), where GDP is **below 75%** of the Community's average.

All these regions have a number of characteristic economic indicators:

- low investment level
- an unemployment rate higher than the average
- lack of services for business and individuals
- poor basic infrastructure.

About 50 regions representing the area of residence of 22% of the European population are provided for Objective 1 in the programming made for the period 2000 to 2006.

Structural Funds support the start of the economic activities in these areas by providing basic infrastructure they lack, whilst adapting and increasing the level of trained human resources and encourage the investments in business.

The Support for Objective 1 is available from **all four structural funds** and represents almost 70% of the total spent.

### **Objective 2:** *Revitalization of the areas that have structural difficulties*

The Objective 2 of the Structural Funds aims to revitalize all areas facing structural difficulties, whether industrial, rural, urban or dependent on the fishing industry. Though situated in regions whose level of development is close to the EU's average, such areas face different socio - economic challenges that are often the source of a high unemployment rate.

These include:

- the development of industrial or services sectors
- a decline in traditional activities in rural areas
- a crisis in urban areas
- difficulties affecting fishing

Currently, approximately 18% of the EU population is living in Objective 2 areas.

Objective 2 is funded by **two funds, ERDF and ESF**, and receives 11.5% of the total available of these funds, including funds for the transition's support (dedicated to areas which are no longer eligible for structural funds - even if they were in the previous period: for these areas, fundings do not disappear suddenly, they can benefit from a gradual exit, due to special allocations from the Structural Funds for "the output phase").

### **Objective 3: Human Resources Development**

Objective 3 covers the whole European Union's territory, outside the areas covered by Objective 1.

This objective serves as a reference framework for all measures to promote human resources in the Member States.

During 2000 - 2006, Objective 3 supports a number of measures aimed to:

- promote active policies on the labor market to reduce unemployment
- improve the access to the employment market with a particular emphasis on those in danger of being socially excluded
- increase the employment opportunities through continuing education and training programs
- promote measures that enable that economic and social changes to be identified in advance and the necessary adjustments to be done in time
- promoting equal opportunities for women and men.

Objective's 3 budget represents 12.3% of Structural Funds and the Member States' share is mainly based on the size of the eligible population, the employment's situation and the severity of certain difficulties, such as social exclusion, education and training levels, women's participation in the labor market, etc.

### **COMMUNITY INITIATIVE**

The Community Initiatives absorbing 5.35% of the Structural Funds' budget, are aimed at identifying joint solutions to problems affecting the whole Union. They differ from the typical measures of the Structural Funds in that they focus on some common priority objectives identified directly by the European Commission.

In line with the general commitment to concentrate resources for the period 2000 - 2006 there are four such community initiatives, each financed by a single fund.

**Interreg III** is a Community initiative which aims to stimulate interregional cooperation in the European Union. The initiative is funded by ERDF.

This phase of the Interreg initiative is designed to strengthen economic and social cohesion in the EU, by supporting balanced development on the continent through cross-border, transnational and inter-regional cooperation.

Special emphasis was placed on the integration of the distant areas and those that share external borders with candidate countries (see *Internet Resources*).

**Urban II** is the Community Initiative of the ERDF for sustainable development in urban districts of the EU with problems during 2000-2006.

Urban II aims to promote the creation and implementing innovative models of development for economic and social regeneration of urban areas with problems. It also strengthens the exchange of information and experience on sustainable urban development in the EU (see *Internet Resources*).

**Leader +** is one of the four initiatives financed by EU structural funds and designed to help rural actors, taking into account the long-term potential of their region.

Encouraging the implementation of some integrated strategies, original, of high quality for sustainable development, Leader + is focused particularly on partnerships and networks of experience exchanges.

A total of 5 046. 5 millions euro was allocated for the period 2000 – 2006 for the Leader + Initiative, where 2105.1 million Euro is financed by the EAGGF section "Guidance", and the rest from public and private contributions (see *Internet Resources*).

EQUAL Initiative is a laboratory for *new ideas* for the **EUROPEAN EMPLOYMENT STRATEGY** and the social inclusion process. Its mission is to promote a working environment through the fight against discrimination and exclusion based on sex, race or ethnic origin, religion or belief, disability, age or sexual orientation.

EQUAL is implemented in and between Member States and is funded by European Social Fund.

At Equal's basis stands the principle of integration of new ideas and their approach through public policies and practice. To assist this process, Equal provides structures and tools, both at European and national level, to transfer best practices from EQUAL to the policymakers and the most important stakeholders.

All Member States have established mechanisms to assess the relevance of results, identifying the learned lessons and clarifying the essential conditions for achieving results (see *Internet Resources*).

### Distribution of structural funds on objectives and community initiatives

	Objective 1	Regions outside Objective 1	Objective 2	Objective 3	Interreg III	Urban II	Leader +	Equal
<b>ERDF</b>	X		X		X	X		
<b>ESF</b>	X		X	X				X
<b>EAGGF</b>	X	X					X	
<b>FIFG</b>	X	X						

### INNOVATIVE ACTIONS

Because the Structural Funds finances in a limited manner the 'experiments', the innovative actions give the opportunity to test new ideas and approaches for the social and economic regional development.

Their budget (representing 0.5% of the total allocation of the Structural Funds) is financing both the preparation of new strategies and experimental phases of projects. If the initial stage proves satisfactory, projects can then be included in future strategies under different Objectives.

Innovative actions of the European Regional Development Fund (ERDF) are laboratories of ideas for areas in disadvantaged regions, and for 2000-2006 they are focused on three strategic themes:

- ⇒ regional economies based on knowledge and technological innovation;
- ⇒ e-EuropeRegio: the informational society and regional development;
- ⇒ regional identity and sustainable development.

Other innovative actions are carried out for employment and training (financed by the ESF) and the fisheries sector (financed by the FIFG).

## 2.4. Structural Funds in the period 2007 - 2013

For the period 2007 - 2013, the European Commission proposed a budget of 336.1 billion for the economic and social cohesion policy.

The Commission's proposals for the allocation of EU funds strategy, include:

- ⇒ *separation* of the structural funds of the funds allocated to support orientation in agriculture and fishing domains
- ⇒ the building of only *three structural funds*, namely ERDF, ESF and Cohesion Fund
- ⇒ general regulations on a *common set of rules for funding sources for structural actions* (ERDF, ESF and Cohesion Fund)
- ⇒ special regulations for each of the three components: ERDF, ESF, Cohesion Fund
- ⇒ a new set of regulations allowing the creation of *cross-border structures*.

The Reform of the cohesion policy aims

- ⇒ greater focus on less-favored regions while anticipating changes in other EU regions,
- ⇒ a more decentralized implementation process, more simple, transparent and more efficient.

The Strategy and the the cohesion policy's resources will be grouped into three priority objectives for structural actions, namely convergence, competitiveness, territorial cooperation. One of the most important innovations is to reduce number of financial instruments for cohesion from six to three.

### OBJECTIVES FOR STRUCTURAL ACTIONS

#### 1. CONVERGENCE (for the allocation on programs of amounts from ERDF, ESF and Cohesion Fund)

Near the current goal, the purpose of this objective is to speed up the economic convergence of less developed regions, by the following methods:

- ⇒ improvement of growth employment and employment by investing in human and physical capital;
- ⇒ innovation and development of a society of knowledge;
- ⇒ encouraging adaptability to economic and social changes;
- ⇒ improving administrative efficiency.

The CONVERGENCE objective will play a vital role in integrating the new Member States which face European Union with unprecedented development gap.

The objective refers to:

- ⇒ regions whose **GDP is below 75%** of the Union's average, calculated based on data from three years before adopting regulations. In this situation find themselves most new member States.
- ⇒ consolidation of what has been achieved under previous programs
- ⇒ **most remote areas** (Azores, Madeira, Canary Islands, French Overseas Lands) which will receive support under the ERDF
- ⇒ interventions of the Cohesion Fund in the Member States whose gross national income is below 90% of the Union's average and which it aims to help reach the Union's conditions for economic and monetary convergence.

The total amount allocated to this objective is of 264 billion euros, respectively 78.54% of the total of the funds, and which will be distributed as follows:

- ⇒ 67.34% for regions whose GDP is below 75% of EU's average
- ⇒ 8.38% for the regions concerned with "*statistical effect*"<sup>15</sup>
- ⇒ 23.86% for countries benefiting from the Cohesion Fund
- ⇒ 0.42% for the most remote areas

## **2. REGIONAL COMPETITIVENESS AND EMPLOYMENT** (for the allocation on program of the amounts for ERDF, ESF)

For the European Union territories which are **above the average 75% of medium GDP**, a dual approach was proposed when deciding the allocation for programs of the structural funds' amounts.

On the one hand, regional development programs (ERDF) will strengthen regional competitiveness and attractiveness towards such regions by anticipating economic and social changes and supporting innovation, of the knowledge society, environment and risk prevention.

On the other hand, programs at national or territorial level financed by the ESF will help employees and companies, based on the **EUROPEAN EMPLOYMENT STRATEGY**, for adaptation to change and encouraging the development of job markets through which to give priority to social inclusion.

Competitiveness' objective will play a key role in avoiding the emergence of new gaps at the expense of regions which, in the absence of sufficient public support, would experience negative effects and socio - economic unfavorable factors.

### *Eligibility:*

- all regions not covered by the Convergence objective
- Regions that after 2007 will no longer be eligible under the convergence objective, given economic progress reached, but to which will be awarded decreasing funding until 2013

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<sup>15</sup> Some regions under Objective 1 of structural funds' allocation, although not having recorded a significant increase of GDP, will not be placed under 75% of EU GDP average after the entrance of Romania and Bulgaria in the union. These countries come with a much lower GDP than the EU average and they will produce the exclusion from Objective 1 of some countries or regions. This is the situation for regions in East Germany. Such countries / regions are considered victims of "statistical effect" of calculating the allocation of funds.

For this purpose a budget of 57.9 billion euros was proposed, respectively 17.22% of the total amounts allocated by the European Union, which will be distributed as follows:

- 83.44% to regions not currently covered under the Convergence objective
- 16.56% for regions currently under Convergence objective, but are to get out of this target in 2007.

### 3. EUROPEAN TERRITORIAL COOPERATION (for allocation of the amount for programs in ERDF)

Inspired by the experience of the INTERREG Initiative, the purpose of this objective is to strengthen cooperation at three levels:

- ⇒ joint cross-border cooperation through common programs,
- ⇒ cooperation between transnational zones;
- ⇒ networks for cooperation and exchange of experiences across the EU.

Thus, the objective aims to encourage a balanced development, harmonious and sustainable in **all European areas**.

The Objective will cover regions located along the regional borders and some state borders, but also some areas at maritime borders.

The objective will also contribute to creating cross-border components of the future Tool " *Neighbourhood and European Partnership*" and of the " *Instrument for Pre-Accession*"

#### EUROPEAN GROUPS OF CROSS-BORDER COOPERATION

To oversee the implementation of programs under the objective of the cooperation based on agreements between national, regional or local administrations or other public bodies, from which these groups can be formed, special regulations have been proposed which will enable the creation of legal entities, namely CBC Groups.

This is seen as a way to overcome the major difficulties encountered by Member States, regions and local authorities in the conduct of cross-border, transnational and inter-regional cooperation actions, mainly due to the multitude and diversity of laws and national procedures.

Each CBC group will have its own status, bodies and budgetary rules and will conduct tasks set by agreement of its members. This agreement will determine the law that will govern the activities of groups. The existence of these groups will not affect the responsibility of Member States and of other authorities.

The total budget allocated for this purpose is 13.2 billion Euro, ie 3.94% of the total EU budget, and distributed as follows:

- ⇒ 47.73% for the **cross-border cooperation**, of which 35.61% for the two instruments mentioned above, that " *Neighbourhood and European Partnership*" and " *Instrument for Pre-Accession*"
- ⇒ 47.73% for areas of cross-border cooperation within the European Union
- ⇒ 4.54% for European cooperation and supporting the networks of cooperation.

## European Union's funds - differences and similarities

2000 – 2006		2007-2013	
Objectives / Actions	Financial tools	Objectives	Financial tools
Economic and social cohesion	cohesion fund	Convergence	ERDF
			ESF
			The Cohesion Fund
Objective 1 (under 75% of the average GDP in EU)	ERDF ESF EAGGF FIFG		
Objective 2 (Less than 90% of the average GDP in EU)	ERDF ESF	Regional competitiveness and employment  regional level	ERDF
Objective 3 (Over 90% of the average GDP in EU)	ESF	national level (European employment strategy)	ESF
INTERREG	ERDF	European territorial cooperation	ERDF
URBAN	ERDF		
EQUAL	ESF		
Leader +	EAGGF		
Rural development and restructuring of the fishing sector	Guarantee component The European Agricultural Guidance and Guarantee Fund (EAGGF) FIFG - Financial Instrument for Fishing Guidance	Rural development and restructuring the fishing sector	Direct funds allocated by the EU for each state and/or region
<b>Total</b>			
<b>9 objectives</b>	<b>6 tools</b>	<b>3 objectives</b>	<b>3 tools</b>

## 2.5. Examples of structural funds' use in Member States

### URBAN I in Dublin & Cork, Ireland

URBAN I Programme in Ireland focused on Ballmun, Finglas and Darndale areas in the north of Dublin city and also the southern parts of the city as well as on the north of Cork.

The program included a coherent and balanced set of measures of economic development, social integration and protecting the environment on proposals from *local partnerships*.

The main objectives were:

- the ensuance of participation of disadvantaged groups to training and education sessions;
- facilitating business development and providing trained human progress in the labor market;
- providing community infrastructure (eg facilities for sport and leisure);
- promotion of dynamic communities in a environment visibility improved through changes.

Dublin's surrounding areas have a population of 198,500 inhabitants and in Cork the population is of 55 600 inhabitants. The total cost of the program was 21, 1 million Euro, with EU contribution of 15.8 million Euro.

### URBAN I Avilés-Corvera: Spain

In the early 1990s all seemed to be against Corvera region: a high unemployment rate (25%), very young population with high rates of drug use, the lack of urban identity and a worrying level of pollution.

Through the URBAN program proposed for the region Aviles - Corvera ( a population of 100 000 inhabitants), EU's support was requested not only for financial reasons, but also for the positive image that Europe promotes.

The program included seven courses of action, including improving the urban area, initiatives to promote SME development as well as providing social facilities, such as a Community Center and a literary workshop for ethnic minorities.

An urban park was created in Corvera. At the same time, in Aviles activities focused on sanitation, water supply, lighting and paving, infrastructure for the communication networks between the two cities, including the two connecting bridges.

The program's cost was 126 million euros, of which structural contribution was 70%.

## URBAN I in Porto, Spain

URBAN I Programme for Porto had as target area "Vale de Campanha" from the west of the town.

With a population of 11,000 inhabitants, the area is experiencing high unemployment rate, lack of economic potential and social problems.

The program aims to improve living conditions and quality of the environment, but also to strengthen the local civil society.

The "*Azulejaria Comunitaria*" project was one of the key projects of URBAN I Porto program, whose costs were 19.1 million, of which 13.7 million euros was EU's contribution.

The project organized activities in the schools in the area in order to involve young people and children directly in the urban regeneration program.

The children have created panels to decorate and personalize various buildings in the area of building "Bairro de Cerco". Public spaces and green areas were created.

There was a strong participation from the local population, thus revealing a dynamic way of relating people with the environment and their community.

The project demonstrates how regeneration can be combined with the introduction of social activities.

## **Chapter III**

### Partnership



### 3.1. Public - civic – private partnership<sup>16</sup>

#### General considerations

As a concept, the public - civic - private partnership is the sustainable collaboration effort between the public sector - civil society – business sector, in which each part contributes to planning and resources' allocation in order to achieve common objectives.

The three main *groups involved* in the development process and that may bring benefits to the the community are:

- *public sector*,
  - representatives elected and appointed of the local administration
  - Government representatives (prefecture, decentralized services)
- *civil society*,
  - business organizations or associations, clubs, etc..
  - representative personalities for the Community to which they belong
  - church representatives
  - citizens' organizations (NGOs, trade unions)
  - written and audiovisual press representatives
- *private sector*
  - Business People
  - Private entrepreneurs

**Strengths** (complementary) of potential partners in providing quality services to the community:

<b>PUBLIC SECTOR</b>	<b>PRIVATE SECTOR</b>	<b>CIVIL SOCIETY</b>
<ul style="list-style-type: none"> <li>▪ Services, public works</li> <li>▪ Management of land and buildings</li> <li>▪ Legitimacy</li> <li>▪ Credibility</li> <li>▪ Resources (underutilized) infrastructure type (land, buildings)</li> <li>▪ Financial resources (initial capital of investments, loans, assets and guarantees)</li> <li>▪ Legislation (Physical planning, expropriation)</li> <li>▪ Lands (leasehold, concession)</li> </ul>	<ul style="list-style-type: none"> <li>▪ Capital</li> <li>▪ Funds and resources that put to work the underutilized public resources available to the so (capital investments in infrastructure and transport)</li> <li>▪ Marketing Force</li> <li>▪ Loans and guarantees</li> <li>▪ Experience in business professional planning</li> <li>▪ Innovation and creativity</li> <li>▪ Entrepreneurship</li> <li>▪ Competitive attitude</li> <li>▪ Knowledge of projects' Management</li> </ul>	<ul style="list-style-type: none"> <li>▪ Balancing contradictory interests</li> <li>▪ Credibility (to donors, authorities, etc.).</li> <li>▪ Specific knowledge</li> <li>▪ Representation to citizens</li> <li>▪ Skills in mobilizing the relevant urban actors</li> <li>▪ Volunteers</li> <li>▪ Mediators</li> <li>▪ Facilitators</li> <li>▪ Access to specific sources of international funding</li> </ul>

<sup>16</sup> Bădilă Adrian-*Public-private partnership*, Course Notes, FORDOC 2005 (selection)

## The public sector in Romania - the state of preparation for partnership

The entry into the European Union, as well as the prospect of devoting large sums to Romania through structural funds, determine the formulating of the following action priorities for public administration's training:

- increased flexibility of the administration toward change,
- professional managerial approach to modernizing public issues' management,
- providing a genuine local autonomy,
- decentralization of public services,
- simplifying administrative procedures,
- assimilation of clear criteria of efficiency and effectiveness,
- increase transparency towards the public and
- strengthening partnerships with civil society.

In this process of modernization and adaptation, the public administration in Romania faces legislative, informational, and last but not least, mentalities' blockages. Working in partnership is still blocked by the administration's trying to solve all the problems of citizens and local communities, building permanent new bureaucratic structures and / or excessive loading with several tasks, the existing ones.

Although the law on local administration is based on principles of autonomy, subsidiarity, programming, partnership, additionality and co-financing, in practice the public administration's structure is characterized by an incomplete, unstable and relatively opaque legislation.

The trend towards improvement of public administration by automating the data processing is evident, but there is still much work to be done for a management framework which shall facilitate the implementation of the visionary plans and the intention of increasing local autonomy. There is a trend of increasing cooperation with private sector, especially in providing IT services and communications but also for the development of infrastructure works and even to support private alternatives of public services in some local communities.

Civil employees and the community elected (mayors, deputy mayors, local councilors) have the mission to provide quality services to citizens, in this From this perspective, the interest of authorities, especially local ones, is to attract direct and indirect resources that can ensure the implementation of government programs.

### Potential for public - civil society partnership

The Public Administration Reform Policy is intended to be closely related to the integration of Romania into the European Union and its main objectives are:

- improving the regulatory framework,
- modernization of institutional structures,
- changing attitudes and behavior patterns and, last but not least, *establishment of partnerships with civil society*.

To achieve these goals, in practice:

- strategies and action plans of the public administration on partnership with civil society are developed,
- departments of central and local administration are functional in order to manage relationships with relevant NGOs and
- structures of the public administration of the civil society consultation are developed.

Unlike the Anglo-Saxon area (where pooling citizens around a common cause occurs spontaneously), in the Latin world, associations are often designed as extensions of the public domain, serving to cover its shortcomings.

It should be noted that the *nonprofit sector is not only a service provider, it is also the depository of civic values and volunteer spirit.*

In studies that were conducted in Central and Eastern Europe regarding globalization nonprofit sector, the following main tasks, that must be undertaken by civil society, have been identified:

- strengthen the legitimacy,
- capacity building and
- resource development.

Regarding the legislative bottlenecks in terms of development of the civil society, the three essential laws for NGOs (associations and foundations law, the sponsorship law and the law on tax code) are not yet harmonized with the present stimulus requirements and support of the civil society, for involvement in programs in partnership with the public sector; at the same time the legislation on the management of government funds is still incomplete and contradictory.

Given that civil society as a *whole* is viewed as a new concept, not fully digested at the society's level, the concept of public utility association / foundation is even more unclear for the purposes of benefits and obligations of both parties - the public sector and civil society. The Standards and principles of good practice adopted by the international nonprofit sector and recommended in the operation of NGOs are also least known.

There are many ways in which the concept of public – NGOs partnerships can be operationalized. The implementation of the concept, however, depends on:

- the awareness of such needs,
- the degree of understanding and experience,
- the availability and technical support of each potential partner, and
- the clotting of a political will aimed at the completion of such an approach.

### **Potential for public - private partnership**

Since 2002, the legal basis for contracts of partnership between public administration (central and local) and business sector was provided.

In the letter of the law, a *public - private project* is made entirely or mostly with their own financial resources or attracted by a certain investor, based on a public - private partnership model, from which a *public good* will result; the public good can also be achieved through a project company.

#### *Why public - private partnership?*

By developing partnerships with the private sector, the public sector can obtain

- implementation of large projects to meet local development policies
- improvement of the citizens' life quality
- defending public interest
- improving reputation
- reducing expenditure on public services
- capitalization of the existing heritage - buildings and lands
- raising private funds
- obtaining additional revenues to the budget

The private sector can identify its benefits in:

- increasing reputation
- coordination of the project to minimize risks and maximize profits
- equitable distribution of risks
- mobilization of public funds for the project's credibility growth

### 3.2. Success factors for a sustainable partnership

Building of a lasting partnership is a long process that requires a sustained effort from the potential partners and, most often, produces significant changes within the organizations. The changes aim to increase efficiency, improve internal capacity of each partner to plan, monitor and evaluate their own work, and improving the ability to identify and include in their own activity, ideas or innovative approaches.

The process of building a partnership includes several steps:

- the group's organization
- the research of the context and essential data collection for common actions
- identifying key aspects of the joint problem they want to solve, but other further envisaged collaborations
- developing a strategic action plan
- the project's preparation
- analysis of structural options or external resources that can be jointly accessed
- formulating the Partnership Agreement

The main condition for building a partnership is that partners to offer each other time for a real dialogue, to experiment working together, to analyze the obtained results, and how they worked in partnership.

The public - civic - private partnership considers several criteria of success:

- common interest
- facilities
- complementary of partners' roles
- sharing profits / benefits and risks
- joint financing

Building a lasting partnership is a process of gradual knowledge, improvement and *efficiency of the dialogue's* growth, of the *ability to share analysis* and conclusions and, finally, to have increasingly more *confidence* that the one or those with whom you start on the road will carry out the *undertaken tasks*, using *resources* that they promised would share fulfilling the role proposed within the project.

The dialogue and preliminary cooperation to the project, make possible the testing of partners' *management* capabilities. Testing their own management capabilities makes possible the improvement in the aspects found to be deficient.

Not every intention of partnership results in an immediate success! Sometimes there are significant differences in which concerns the partners' *values* or the *organizational culture*. For such situations the training time of the partners is exponentially greater, and although the intention to work together remains, the differential ability to cooperate delays the start of any joint project.

A key success factor is the *formulation of the partnership agreement*. The more this agreement is clear, couched in terms that are understood in the same manner by the partners, includes clear dates and deadlines, as well as obligations and *benefits* properly formulated and estimated, the agreement is more likely to be respected. It is very important that such an agreement includes clear references to *confidentiality and conflict of interests*, to estimate *risks* and to establish *performance measurement indicators*.

Individual responsibilities of the partners, but also the common ones, as well as the roles must be formulated and presented clearly and unequivocally. The agreement will therefore be a source of information to clarify confusing situations and it will not become a source of confusion for partners.

### 3.3. Partnership and Development

Economic and social development is the goal of any human community.

The term "*community*" means a human group is characterized by increased possibility of unit values of its members. In other words, we can speak of a community when those who constitute it share a common set of values and define a series of common aspirations.

In operational terms, the community is recognized by at least one of the following attributes:

- cultural similarity of its members;
- intense interaction between group members;
- status similarity of group members, determined by one or more of the occupation, education, age, location, language, ethnicity, etc. characteristics

To develop a community may choose one of the following two ways<sup>17</sup>:

- **The Use of power** - refers to a situation where a poor community organizes itself and uses or strategies of confrontation, sometimes even violence, in order to demand the removal of status, legal or structural barriers, so as to assure its access to the same type of resources / opportunities as to other communities with a greater influence.
- **The use of programs**<sup>17</sup> - refers to the situation where a poor community cooperates with a provider of resources (government or corporate) in order to develop programs aimed at helping individuals who belong to the poor community.

The two approaches are based on two different theories of social organization. According to the first theory, society is divided between *those who have* and *those who do not*. This forces those *who do not have* to organize and balance the greater political-economic power of *those who have*. The second theory considers that the society should be organized taking into consideration the common interests of all people. *Those who have* political and economic power shall assist the less fortunate members to overcome their problems and to mobilize themselves in order to formulate programs to help improve their economic and social situation.

The development through programs' approach has as a result a constant concern for the development of community groups, and as aim a constant increase of the efficiency with which resources are used.

Although the development through programs' approach is preferable because it produces less conflict situations and the likelihood of violent events is lower, the use of power for accessing necessary resources to development, is still present in contemporary society.

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<sup>17</sup> Stoecker, Randy - *Power or Programs? Two paths to community development*, Keynote speech at International Community Development Conference, Rotorua, New Zealand, pg.19, <http://www.iacdglobal.org/documents/research/kenny.pdf>, 2004

## ETHNIC MINORITIES- ACCESS TO DEVELOPMENT

Fundamental changes in political and social, cultural and values systems, changes recorded in the Romanian society over the past 15 years, have brought in the local communities' life not only the hope for a better life, but also the fear for potential confrontations and conflicts.

Ethnicity brought to the fore differences in perceptions, values, and hostile reactions ranging from discrimination to violence, from ignorance to social exclusion.

The pressures of the international community, primarily the European Union, prompted the adoption by the post-revolutionary governments of several strategic documents and legal rules which state and support the respect for cultural and ethnic differences, but also the concern for groups exposed to social exclusion some way or another.

A legitimate question for finding solutions to the given situation is: "*What can cause a group of citizens to form a coherent and stable political community, and what makes this alliance sustainable?*"<sup>18</sup>

Formulating public policies for solving local social problems and the association of some funding opportunities through programs of poverty alleviation and development, open the way of local communities to resources.

The condition is that they find their own forms of *self-regulation*, to develop mechanisms *to resolve their internal conflicts, to accept the cultural differences* between its members, but also the right to be involved and to get involved in the development plans of the community.

Partnership, local participation or mobilization of social capital are part of all possible schemes of social community or regional intervention, but how these components are combined is the unique and unrepeatable experience of each community.

In localities where compact communities of national minorities live, the way to a real community development is seen as voluntary change in, through and for the community<sup>19</sup> depends heavily on the one hand, on the traditions and the history of the minority community in general, and on the other hand, on the mentality of the majority, expressed through prejudices and preconceptions transmitted through education and previous personal experiences with members of that community.

Where local communities composed of members of some ethnic minorities have a history of a particular type of economic development, where the relationship with the public sector played a secondary role, it takes an conjugate *external* effort, of several factors, on several levels to create communication bridges between different cultures which often perceive eachother as antagonistic.

Other minorities' communities, however, are compact enough to refer through elections, local representatives of their own group and thus to independently establish plans of local economic and social development. Although the community seems mobilized for development, the danger is to come into isolationism and, sooner or later, to record serious backlogs in terms of socio-economic development due to limited resources available and / or to that they have access.

For all these local communities, the main problem is though, to relate with the rest of society, to be included in development plans at a higher level, at least regionally, and to assure itself the access to external resources for development.

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<sup>18</sup> Beiner, R - *Introduction. Why Citizenship Constitutes a Theoretical Problem in the Last Decade of the Century Twentieth. In Theorizing Citizenship*, edit. R. Beiner, Albany: State University of New York Press, (1995) pg.1

<sup>19</sup> Dumitru Sandu - **Community Development**, lecture notes (Master Program Public Administration), The Faculty of Sociology, Bucharest, 2004, pg 1

## INTERVENTION MODEL FOR FOSTERING LOCAL DEVELOPMENT

For the first type of communities, the one where the mobilization for development by building public-civil-private partnership is practically non-existent, the model developed by Claudio Schuftan can be used. He proposes a type of intervention which aims to stimulate development by providing and strengthening the action potential<sup>20</sup>.

The proposed model considers that there are two levels of intervention which should be carried out simultaneously in order to produce the expected impact:

- The *Providing of services*, on the one hand, simultaneously seeking:
  - (a) the respect for local culture and gender equal opportunities;
  - (b) the rationality of providing such services;
  - (c) community's participation in decision making;
  - (d) assuming roles and responsibilities of local actors; and
  - (e) ensuring a permanent exchange of informations between all stakeholders in service delivery or certified by these services.
  
- *Operational local capacity building*, on the other hand, process that includes:
  - (a) increasing local capacity for analysis and synthesis of information about the situation of the community;
  - (b) increasing the ability to include local issues in a broader context;
  - (c) increasing the capacity of legitimate requests community;
  - (d) changing perceptions and reducing prejudices,
  - (e) setting up local representative organizations;
  - (f) developing intervention skills in a given situation,
  - (g) training of local leaders;
  - (h) training of local animators,
  - (i) advocacy and lobbying skills;
  - (j) inducing changes at the mentalities' level; and
  - (k) building the necessary mental infrastructure for social mobilization.

Another model of intervention is ANDEO<sup>21</sup> model which considers that the most important components for community's development are the following:

- 1) *Social Entrepreneurship* where the mission is more important than the profit,
- 2) *Defining the social situation* through dialogue with local people, and
- 3) *Information on opportunities*.

In any of the suggested intervention's model for community development, the *public sector is not and can not be the only actor involved*. Moreover, a socio-economic sustainable development must involve and mobilize as many local actors as possible.

In most cases the role of initiator of the process and catalyst of local human resources, is played by NGOs. By their nature, NGOs are always open to new, promoting new approaches and make permanent pressures on public sector to commitment to those they govern.

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<sup>20</sup> Dumitru Sandu - **Community Development**, lecture notes (Master of Public Administration Program), Faculty of Sociology, Bucharest, 2004, pg.74

<sup>21</sup> ANDEO = entrepreneurship - defining social situations - information about opportunities, proposed by prof. Dumitru Sandu

## NATIONAL MINORITIES' ORGANISATIONS – THE ROLE PLAYED IN LOCAL ECONOMIC AND SOCIAL DEVELOPMENT

The European Union has said from the outset as a union of communities, and its actions are aimed at reducing disparities between regions, in the end among local communities.

Although economic development is the main objective, the social component is always present in EU development policies. Union's first obligation is directed towards its citizens, whose cultural, ethnic and religious diversity is constantly growing with accelerated expansion.

European Union treaties, policies developed to transpose the *acquis communautaire* and, last but not least, the criteria for allocation of funds made available for regional and local development programs, encourage the respect for diversity and provides a coherent framework for minority protection by reference to diversity, non-discrimination, equality of chances, respect for cultural, ethnic and religious differences and proving a real dialogue and partnership relations with civil society.

If in terms of rights these are formulated and there are mechanisms to protect them when it comes to personal level, when talking about development references are made to groups' level and their organization is encouraged to participate actively in the formulation of local development programs and projects.

Structural Funds are a source of funding that can only be accessed based on programs, first formulated at national level, then regional and sub-regional. The allocation of these funds but must be based though, on projects submitted in relation to the strategic objectives of the programs.

While accessing funds by projects can be made by various local actors, among them government or private companies, NGOs are a key factor in the process. They are the voice of the community, are meant to represent the interests of those living in the area and to monitor and assess how the authorities meet their legal commitments (Constitution, domestic specific laws and international commitments), as well as the political ones (election promises, platforms - government program, declared priorities for action upon which they received the citizens' votes).

In addition to economic needs, ensuring work places or access to public facilities at the European level and standard, local communities want and expect that traditional values, culture, habits, language, religion to be protected.

The role of NGOs is to highlight these hopes and aspirations and to create awareness to other local partners - government and business –of the existence and importance of these local values.

NGOs are to some extent responsible for building and maintaining a real local dialogue because the group they represent is in a minor position in relation to society as a whole.

In the process of European integration, national minorities' organizations in Romania have additional responsibilities as the main:

- spiritual restoration of the community,
- identifying ways and means for asserting their ethnic and cultural identity
- providing models of participation in economic and social development of the community.

Initiation and maintaining dialogue with the authorities and business environment is the essential prerequisite for minorities' NGOs to become a sustainable partner in the developing local communities process, both in economic and social.

## Chapter IV

### *Organizational capacity*



#### 4.1. Dimensions of organizational capacity

##### ORGANISATIONAL DEVELOPMENT'S STAGES

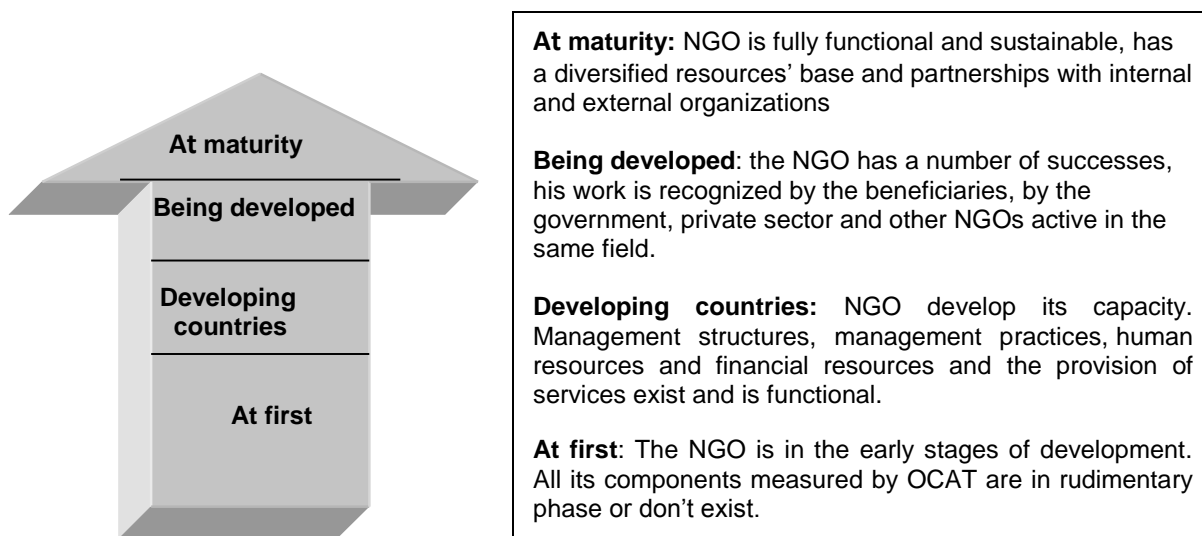
NGOs can be established for various reasons, including:

- compliance with legal provisions
- representation of group interests
- promoting new values, models, theoretical concepts, etc.
- provision of social services not covered by the public system
- formalization of partnerships, etc.

Although they might be built because of diverse motivations, their development in organizational terms, essentially follows the same set of principles and their purpose is to permanently increase the efficiency of using resources for the work they carry out.

PACT<sup>22</sup> classifies the NGOs under the four stages of development described below, depending on their competence in seven areas of organizational effectiveness: leadership, management practices, human resources, material resources, service delivery, external relations and sustainability. Development stages are dynamic and interactive. An NGO is not necessarily on the same stage of development in all components sectors.

##### Stages of organizational development



Each of the four stages include references and feedback from all seven components of the organizational effectiveness, and for each of these components, criteria and performance indicators can be formulated. In other words, we can measure at what stage of development is an NGO using specific tools and with permanent reference to clearly formulated criteria and indicators.

<sup>22</sup> Booth, Willima; Ebrahim, Rady, Morin, Robert - Participatory Monitoring, Evaluation and Reporting, PACT, 1998, pg 15-23

## COMPONENTS OF ORGANIZATIONAL EFFECTIVENESS

<b>Management / Leadership:</b>	providing leadership and direction that the organization must follow
<b>Management practices:</b>	mechanisms designed to coordinate activities and facilitate processes within the organization.
<b>Human resources:</b>	management, staff, members, volunteers, communities, funders and board members who have the skills, motivation and ability to contribute to the organization's development.
<b>Financial resources:</b>	necessary resources to purchase goods and services necessary for achieving the activities of an NGO, registration and accounting of financial transactions and monitoring and reporting financial status. Implies adequate resources and available funds, as well as a variety of resources and long-term plans to meet the need of resources.
<b>Providing services:</b>	programs and services carried out by NGO, which are appropriate, effective and of good quality.
<b>External relations:</b>	interaction between an organization and other development partners in the context in which it develops activities, through which the organization notes and reacts quickly before the social, political, ecological, economic events and other they face.
<b>Sustainability:</b>	continuation of long – term activities, programs or projects of an organisation . Identifies and measures the extent to which local NGO's partners will continue to monitor and support its objectives after the project's done and supposes the continuation of programs, institutions and financing.

An NGO can be in one of the stages of development (beginning, developing, expanding or mature) in respect of any of the components described above, at any time. For example, an NGO can be in the expansion phase in terms of management, but still at an early stage in terms of resource base. Such differences are expected within an organization and a detailed assessment helps identify the performance improvement needs.

Methodologies for assessing stages of development, organizational components and overall organization, ensure that "frames" of an organization at a certain stage of development. Assessment reflects the development when it was made, and to provide a picture of organizational dynamics, the assessment should be repeated at predetermined intervals

Usually an assessment is carried out annually or at times considered key for that organization (change of status impact on policies, strategies, and inclusion of new values or reformulation mission).

Assessment methodologies provide the informations requested by an assessor or by an assessment team to identify the components and performance standards of a non-governmental organizations.

Assessment tools developed under a certain methodology may suffer changes, meaning that is not necessarily they are identically used as by all organizations.

The structure and form are determined primarily by the evaluation's objective, but also the / those who use them and the context in which such assessments are made .

Assessment tools proposed by different methodologies can be fully utilized as a means of achieving a complex diagnosis of an NGO.

But their goal remains the same, namely *to identify the need for training and technical assistance for organizational development.*

### Components of organizational effectiveness



## PERFORMANCE AND ORGANIZATIONAL CAPACITY

Proposals for intervention in organizational development Performance and organizational capacity						
Management	Managerial practices	Human resources	Financial resources	Providing services	External relations	Durability
Steering Committee	Structure and organizational culture	Human resources Development	Accountancy	Sector's expertise	Relations with stakeholders	Durability in the benefits of the program
Mission/Purpose	Information systems	Staff roles	Budgeting	Evaluation	Colaboration with other ONGs	Organization Sustainability
Interest factors	Administrative Procedures	Work organization	Financial control	Stakeholder's engagement	Financers colaborations	Financial Sustainability
Leadership	Personal	Diversity issues	Financial report	Marketing and Promotion	Colaboration with the government	Resources base sustainability
Legal status	Planning	Human resources management	Diversification of revenue base		Public relations	
	Program development				Local resources	
	Reporting in the program				Mass media	
	Risk management					

It should be noted that in order to be effective, any assessment tool must be adapted and interpreted by an evaluation or technical assistance team. The methods of making the assessment and interpretation of results must be agreed by the evaluation team or technical assistance.

The instrument can identify only relative values, and not the absolute ones of the organizational performance. The registered progresses of an NGO in achieving a series of organizational objectives, should be measured according to changes registered from an assessment to another.

To determine the viability and availability of an NGOs to absorb more funds and to expand activities inside programs, recommended or already developed by the funding agency performance measurement tools can be used. If a domestic team inside a non-governmental organization is involved in the evaluation of that organization for educational purposes and to ensure the organization's commitment to achieve change, it is important to reach an agreement before regarding the strengths and weaknesses of the NGO concerned and to agree on *development needs* and on a *plan of action* to address them.

The aim of any assessment tool use is to identify the strengths and weaknesses of an organization at a certain time, in order to then decide what kind of training, technical assistance or other interventions are needed to strengthen the general functioning capacity of the organization in a clear and systematic process.

The obtained information provides infos on the basis of which, the development of an organization can be measured and monitored in time.

## 4.2. Continuous training

Regular assessment of NGOs provide the necessary basis for identifying the training needs and further support of that organization.

**The benefits of training** can be synthesized as follows:

- permanent adaptation to a dynamic external environment
- increasing capacity to access new sources of funding
- improving organizational performances regarding the administrative, financial- accounting, public relations, etc. level.
- specialization of those working in the organization
- the continuous adaptation of language to the external environment and / or potential partners
- improving internal communication
- increasing staff motivation
- increasing members' support
- diversification of services offered by the organization
- increasing the quality of offered services by the organization, etc.

On a market where the training offer is in a continuous growing, both in number and in terms of the proposed topics for training, an efficiency of any organization's efforts towards training for and to support the implementation of their objectives and support activities, is necessary.

**Excessive training** without focusing efforts may produce adverse effects, such as:

- substitution of the organization's declared mission with the "springboard" one, for access to training in various fields;
- frequent change of approaches without leaving time to impact assessment;
- fatigue and disorientation of the ones working for that organization;
- inconsistency in the message and in achieving goals;
- changes in strategic orientation that are not motivated by context and / or relationship with the potential beneficiaries of the respective organization's activity.

### Training / education

The **training** activity is relatively new in Romania and it was introduced after 1990 by various programs or projects initiated by international organizations. The areas covered were very diverse from the beginning, as well as the target groups from which participants were selected for these information, education and training activities.

Although very different from traditional education to which the participants are generally used in high school or college, both in form and the methods used, training activities are constantly rated as useful. This positive assessment is supported by the high dynamism of the Romanian society as a whole.

As a leitmotiv, most of the people participating in seminars and training courses, calls for such activities to continue on other topics of interest for each of the target groups.

In other words, there is a constant concern for specialization in education/ training programs, directly related to the needs identified by participants or organizations from which they come.

### ***What's new in training activity?***

Firstly *interactivity*, the chance to actively participate in running the seminar or course, sometimes to build the course module together with the trainer. Working in groups is to many an absolute novelty.

Secondly *very different methods* of transmission and information fixing. Black painted wood board was replaced with a flip chart, colored drawings with the projector or, more recently, video-projector and the chalk with colorful markers. Many are rediscovering that a game is as interesting and educational as when they were in kindergarten or elementary school and energizing exercises are even fun.

Finally, *condensation of information by refining it*. Training activities have demonstrated how a lot of information, sometimes one of the most as European integration, can become interesting and can be condensed into a 2-day course module. In addition, without making too much effort, I find, as a participant, that after only two days, I am able to operate with new concepts and to synthesize information that previously I was not able to perceive as being directly connected.

### ***Why such spectacular results?***

Training activities are based on the recognition that not everyone receives the information in the same way, they need different time to secure new knowledge and they feel the need to verify the learning in a way that does not affect their self-esteem in a negative manner.

In addition, they have the need to be constantly encouraged and guided in learning, but they are afraid or reluctant to seek guidance / advice, especially if they have not received it previously.

### ***Is there a specific conduct of the trainer?***

Surely yes! The impact of training is very high, whether it is done well - meeting all the pedagogical rules - whether it is done perfunctorily, without a minimum knowledge of them.

A bad trainer is as "efficient" as a good one, only he manages to destroy the desire for knowledge and "builds" the feeling "I can not".

### ***Adult education***

*Adult education* is a part of lifelong learning education and it is a responsibility shared between adults, educators and the community. Adult education programs must be provided to ensure continued progress, taking account the objectives of the adult.

In the context of the conclusions of the European's Union TREATY OF LISBON (2000) and the STRATEGY ON EMPLOYMENT AT EUROPEAN LEVEL, it was asked to the Member States to increase the level of investments in education and training, as a condition of production of *those fundamental changes required by a new approach of the adult education*.

The question is of using innovative teaching methods, for the changing from "**knowledge**" to "**competences**" from teaching to learning and bringing the adult in the spotlight. Using new methods of teaching and learning, changes the traditional roles and responsibilities of teachers, trainers and other educational facilitators.

The technological revolution has produced major changes in education, culture and communication and economics. The process of education is also becoming more affected by these technological changes on the one hand by the expectations of those involved, and secondly by identifying new forms of learning. In other words, methods and new, attractive, interactive forms, must include a number of even more participants, without affecting the quality of learning.

*Computerization of educational process* involves:

- new organizational structures
- new ways of management
- new ways of using ICT

The problem consists of finding optimal solutions for *harmonizing tendencies computerization of teaching / learning / assessment activity*, with specific operations of an instructor:

- definition of educational objectives
- fixing the content
- applying the methodology
- ensuring the educational activity's assessment.

### **Learning in virtual environment**

*Adult learning in the virtual environment* is:

- quality assurance of the training to be effective, efficient, complete and interesting
- targets are set according to the skills of adults
- the learning objectives are made known from the beginning
- the participant's initial knowledge level is checked in order to see if there is the ability of graduation
- the grading is based on the degree of achieving preset objectives
- the learning time is variable, depending on each participant
- the planning involves selective evaluating and optimal procedures for the adult to be assessed compared to the established objective, not to the other participants involved in the process

New technologies' using requires radical changes in the educational process of teaching and training, it has advantages, but also disadvantages.

The main *advantages of learning in a virtual environment* are:

- simultaneous access to more informations
- ensuring better functioning of learning and training activities
- learning through exercise (recurrence of the apprenticeship model)
- increasing creativity
- improveing teamwork (trainer - subject)
- reducing frustration and intimidation among subjects
- richer information environment
- increased flexibility of the content of the materials (can be more easily updated)
- increasing short-term motivation
- the autonomy and the initiative of the adult are respected and encouraged
- adult inclusion in the assessment process
- eliminating the disturbing elements generating human errors in the assessment process
- space constraints are exceeded
- outstanding performance of the communication technologies are used
- interactive way of communication and intervention of the student
- increased quality and quantity of information exchange

The *main weaknesses of virtual learning* are:

- lack of authentic pedagogical relationships
- low inter-human interaction
- decreases long-term motivation
- the need for continuous improvement in technology (special skills)
- high costs in implementation process (large investments in training and resources)
- induce a state of isolation of the learner in the virtual environment
- difficulties in organizing and estimation of time allocation for learning
- more time to prepare materials
- specific health problems are generated among students, depending on how much time they work in front of the monitor, the position at the computer ...

We should also mention several *risks*:

- the tendency to exaggerate the benefits of working in a virtual environment (the experience of the enthusiasm regarding the TV usefulness may repeat itself )
- the attempt to "stay" in the virtual environment, with negative social implications in the real life of the students - the phenomenon of addiction appearance
- the tendency to reject under false pretenses the learning in the virtual environment from some trainers who don't have the needed skills to use new technologies
- the tendency to "*objectified*" the entire learning / training, with the risk of "*dehumanization*" of the trainer - student relation

#### **4.3. The specific of national minorities organizations and organizational capacity**

At any assessment of organizational capacity of a national minorities' NGO, we must consider the following specific features:

- the members' number is relatively high or, in some cases, very large
- the members' number is constantly redefining, according to results / performances of the organization and the legal framework
- their appearance was motivated in many cases by specific legislative provisions
- have the tendency to monopolize inside the ethnic group that is
- they are trying to cover a very wide range of issues in relation to the group they represent

**The main responsibility of the national minority organizations remains though, to promote and protect cultural identity, traditions and customs of the ethnic group they represent. This is happening though in a highly dynamic environment affected by significant political, economic and social changes. If we also add the impact brought by the European integration process, we find that the pressures on NGOs are the most diverse and manifests themselves acutely in a society with a exacerbated dynamism.**

**To meet these challenges, these organizations are in a position to constantly develop their organizational capacity on all seven components listed previously, on the one hand, and on the other hand to be consistently oriented towards members' training.**

## GLOSSARY OF TERMS<sup>23</sup>

### Acquis communautaire

The whole European Union regulations and policies. It contains EU's legislation, consisting of basic treaties (primary legislation) and the documents adopted by EU institutions (secondary legislation). Candidate Countries should harmonize their legislation with the acquis communautaire in order to join the Union. Exemptions are allowed only in exceptional circumstances and are limited as area of application.

### Implementing Agency

The responsible structure for planning, tendering and contracting, respectively the monitoring and implementing the programs funded by the European Commission. For Romania, for the Economic and Social Cohesion Programme, are now included in the area of implementing agencies, General Direction of Regional Development from the Ministry of European Integration and the eight regional development agencies.

### Help for pre - accession

Financial support for the accession candidate countries, in order to ensure adaptation to European standards and harmonizing legislation.

### Cost – benefits analysis

Evaluation comparing the costs and benefits of a project. It is often used to evaluate public sector projects, for which an attempt to quantify social and economic benefits is done.

### Risk analysis

Assessment method of the occurrence's probability of factors that might prevent achieving the results sought through the implementation of projects / actions.

### Socio-economic analysis

Analytical framework that compares costs and benefits to determine whether, given the alternatives, a proposed project will lead or not to a certain progress of the economy and the society.

### Direct beneficiary

State, institution or organization (eg, NGOs, chambers of commerce, public or private institutions) that receive funding directly.

### Indirectly Beneficiar

Person, group of persons or organization that has no direct contact with an action carried out in a project, but that is influenced by its development. The ones who are supported by a project for which they do not receive direct funding, in order to provide better services to the target group, may be defined as intermediate users, or as final beneficiaries those who, beyond the target group, will long-term benefit following the project's implementation, at the society or sector more comprehensive level.

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<sup>23</sup> MEI - Glossary, published by PHARE Program 2002 - Economic and Social Cohesion (selection)

<b>Bidding</b>	Public call for the preparation and submission of projects to be financed from EU funds or funds from the state budget. It is launched by the Contracting Authority and addressed to clearly defined categories of applicants.
<b>European Commission</b>	The European Commission is a body with powers of initiative, implementation, management and control of the community policies. It is the guardian of the Treaties and the expression of the Community interests. The Commission shall be appointed for a term of five years, with the Member States' approval, after approval from the European Parliament, before whom it respond. The Committee members are assisted by an administration composed of DGs and specialized departments, their staff acting mainly in Brussels and Luxembourg. Although they are designated by the Member States, from the validation moment, the members of the European Commission, don't represent anymore the States they are coming from, but the interests of the European Union.
<b>Assessment Board</b>	Group of agreed or designated people by the Contracting Authority, based upon criteria of competence, technical and administrative expertise, objectivity and impartiality, and whose mission is to technically and financially assess the projects submitted by grant seekers.
<b>Conflict of interests</b>	Any event which influences the capacity of a member of the Evaluation Committee, of a candidate, a tenderer or contractor to express an impartial professional opinion, or that prevents him at any time to give priority to the interests of the Contracting Authority. These restrictions also apply to any subcontractor or the candidate's employees, tenderer or contractor.
<b>Contributions in kind</b>	Contribution to the financing of the project represented by buildings, equipment, volunteer work, other goods or services whose value can be assessed. Contribution belongs to grants' applicants.
<b>Own contribution</b>	Completion brought by the beneficiary from its own sources, to the funding received. A project may be financed only in part by the Contracting Authority, the recipient being required to provide its own contribution.
<b>Sustainable Development</b>	Concept that defines a form of economic growth that ensures an adequate level of welfare not only short or medium term but also long term. The development is sustainable if the company's current needs without jeopardizing the prospects for future generations are answered. Sustainable development simultaneously consider economic, social and environmental challenges related to the proposed program.
<b>Rural Development</b>	Concept underlying the measures to raise economic and social development, to improve living and working

	<p>conditions and promoting the principle of equal opportunities in rural areas. Are concerned: retraining, increase jobs' number, increasing safety level and food quality, modernizing and ensuring adequate and stable income for farmers, solving environmental problems.</p>
<p><b>Human resources development</b></p>	<p>Concept that aims to develop the work force skills, in order to become more adaptable to structural changes, according to the skills needs identified in the labor market. It focuses on: developing skills in business management and entrepreneurial development, to encourage future economical growth, facilitating access to the labor market for the ones looking for a job by increasing active employment and developing new skills measures, promoting equal employment opportunities for vulnerable groups (young unemployed, long-term unemployed, young people leaving care institutions, minorities).</p>
<p><b>Grant (non-refundable financial aid)</b></p>	<p>Financial contribution to a project which is offered to the applicant without further repayment obligation.</p>
<p><b>Target group</b></p>	<p>Group / entity who is addressed by the project, estimated to be affected positively by the aims of the project.</p>
<p><b>IFIs (international financial institutions)</b></p>	<p>Institutions / international organizations with grants, loans and / or technical assistance for economic development. The best known international institutions performing programs in Romania are BERD, BEI, World Bank, FMI.</p>
<p><b>Impact</b></p>	<p>Effect (positive or negative) of a project or activity on a certain state of affairs (for example, reducing unemployment in a given region), on an organization (eg, staff development in the citizens advice activities' domain) or physical persons (eg increased awareness of civil rights).</p> <p>When it comes to the impact analysis, the target groups of the project as well as other direct and indirect beneficiaries should be considered.</p>
<p><b>Quality indicators</b></p>	<p>A qualitative expression regarding the description of the objective or the impact of a project that contains informations about:</p> <ul style="list-style-type: none"> <li>➤ Relevance</li> <li>➤ Accuracy</li> <li>➤ Compliance in terms</li> <li>➤ Accessibility and clarity</li> <li>➤ Comparability</li> <li>➤ Coherence</li> <li>➤ Achieving ways</li> </ul>
<p><b>Indicators of amount</b></p>	<p>Numeric expression with the help of which certain economic phenomena are characterized.</p>

## Impact indicators

Numerical or qualitative expression through which the consequences of the program / project beyond its immediate effect on direct beneficiaries, are designated. They reflect long-term effects affecting society (broad or narrow).

## Performance indicators

Also named Key Performance Indicators (KPI) or key success indicators (KSI) represent quantifiable expression used to measure registered progress in meeting project's objectives. Their goal is to measure the effectiveness (outcomes achieved / planned outcomes), efficiency (outcomes / cost) and economy (actual costs / planned costs) associated with the program / project.

## Matrix - logical framework

Tool for structuring a project that presents a set of related concepts which:

- facilitates the development of a Program / Project consistent and realistic;
- works as a guide to managing and implementing the program / project;
- builds the structure of informations necessary to monitor and evaluate the program's/ project's results.

Logical framework summarizes in a table with four columns and four rows, all essential aspects of the program / project development. The four columns of the logical framework of the program / project are:

1. Column objectives, results, activities
2. Indicators for measuring the achieving of the objectives and results
3. Means of verification ( of the indicators)
4. Assumptions (to implement the activities and achieving results).

## Managing the project

The process of supervision and implementation of activities and resources required to implement a project. They must comply with technical specifications, quality, and economic variables developed within the project documentation. Project Management is aimed at achieving the project objectives under deadline and the scheduled budget. The person responsible for monitoring the implementation of a project on behalf of the Contracting Authority is named **project manager / director**.

## National Development Plan (NDP)

Document for strategic planning and financial programming of Romania approved by the Government, developed within a broad partnership, that aims to guide and stimulate economic and social development of the country in order to achieve the objective of achieving economic and social cohesion. Informal Name of "*Practical Guide of contract procedures*" for projects financed from the general budget of the European Communities.

## PRAG (or Practical Guide)

## **Regional Operational Program ROP**

It is a manual published by the EuropeAid Cooperation Office of the European Commission and describes all contractual procedures in the context of external actions financed from the European Communities general budget.

Document, representing a part of the Community Support Framework, which contains development priorities and measures specific to the development areas - consistent with national priorities of regional development - identified and agreed by the eight regional operational sub-programs developed by Regional Development Agencies.

## **Reallocation of funds**

Also known as adjustment program, refers to the possibility that funds could be reallocated from one program to another within the same Financing Memorandum. It is also possible that the funds be reallocated from one subproject to another, within the same project.

## **Ex-Ante Evaluation System**

Prior assessment of the documents, policies, programs or projects, as well as of a situation that caused their formulation.

## **Ex-Post Evaluation System**

Post-factum evaluation of the effects produced by the policies or programs / projects implemented.

## **Decentralised Implementation System (DIS)**

The implementation system through which a part of the management and responsibilities in launching and implementation of projects was transferred to the recipient country, while the Commission has the ultimate responsibility, under the European Treaties.

## **Sustainability**

Ownership of results and effects of a project to maintain for a longer period of time after project completion.



# Annexes

