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An Enlarged Europe Policy.  
Evaluation of the Dutch Policy concerning  
the Accession of Central European Countries  
to the EU 1997-2003

# Country Case Study Romania

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**Buitenlandse  
Zaken**



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## Romania

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## PREFACE

European integration is one of the most important policy areas of the Netherlands Ministry of Foreign Affairs. In recent years, the *Explanatory Policy Document* has referred to the enlargement of the European Union with ten new Member States from Central Europe as one of the three main objectives in this area, besides the deepening of European integration and the strengthening of the Union's external policy. Ten new Member States, of which eight Central European countries, have joined the EU on 1 May 2004. Negotiations on the accession of two other Central European countries, Bulgaria and Romania, were concluded at the end of 2004.

The Policy and Operations Evaluation Department (IOB) of the Netherlands Ministry of Foreign Affairs decided to evaluate the Dutch policy on the accession of Central European countries to the EU. Four out of the ten Central European candidate Member States were selected for country case studies. This document contains the results of the evaluation in Romania. The other three country case studies on Hungary, Lithuania and Poland respectively are also published as IOB working documents. The overall evaluation results are presented in the Dutch publication *An Enlarged Europe Policy*. The English version of the main findings of the overall evaluation is presented in the first annex of this report.

IOB publishes these working documents in order to make the products of IOB evaluations accessible to stakeholders, specialists and a wider public interested in foreign policy evaluations. Whereas evaluations of development aid are common, evaluations of foreign policy are still quite new. Through the publication of these country-specific studies IOB hopes to contribute to the further development of foreign policy evaluations.

The country study presented here was carried out by a team of independent Romanian and Dutch evaluators. The Romanian Academic Society (SAR) provided the majority of the Romanian evaluators and played an important role in the organisation of the evaluation in Romania. On behalf of IOB the team was supervised by Anneke Slob, who as an evaluator of IOB is responsible for the overall evaluation of the Dutch policy on the accession of Central European countries to the EU.

More people than can be mentioned here by name have provided indispensable contributions to the execution of this study through their insights, experiences and comments. IOB is grateful to each and every one of them. The final responsibility for the evaluation, however, lies with IOB.

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## ABBREVIATIONS

AALI	Availability and Accessibility of Legal Information
ADEPT	Accession-oriented Dutch European Proficiency Training Programme
CAP	Common Agricultural Policy
CBA	Cost-Benefit Analysis
CDMS	Case and Document Management System
CEE	Central and Eastern Europe
CFSP	Common Foreign and Security Policy
CMO	Common Market Organisation
DFID	Department for International Development (UK)
DG	Directorate-General
DGRB	Directorate-General for Regional and Country Policy (MFA, NL)
DEU	Europe Department (MFA, NL)
DGES	Directorate-General for European Co-operation (MFA, NL)
DGES/AP	Contact Point for European Co-operation (MFA, NL)
DEI	Department for European Integration (MFA, NL)
DIE	European Integration Department (MFA, NL)
DIP	Departmental Initiatives Programme (Pre-accession support programme MFA, NL)
DWM	Western and Central Europe Department (MFA, NL)
DZO/UM	Southeast and Eastern Europe and Matra Programme Department (MFA, NL)
GVA	Gross Value Added
GDP	Gross Domestic Product
GNP	Gross National Product
GST	Matra Municipal International Co-operation Programme
EA	Europe Agreements
EC	European Community
EEA	European Economic Area
EU	European Union
IACS	Integrated Administration Control System
ICEI	Executive Committee for European Integration (ROM)
ICIM	National Research Development Institute for Environmental Protection (ROM)
ICZM	Integrated Coastal Zone Management
IMF	International Monetary Fund
IMPACT	Internships Matra for Pre-accession Training Programme (Pre-accession support programme, MFA, NL)
IOB	Policy and Operations Evaluation Department (MFA, NL)
IPPC	Integrated Pollution Prevention and Control
ISPA	Instrument for Structural Policies for Pre-Accession (EU)
ISCSMS	State Inspection of Seed Quality and Planting Material
JHA	Justice and Home Affairs
LEI	Agricultural Economics Research Institute (NL)
LLDS	Legal Library and Documentation System (ROM)
LNV	Ministry of Agriculture, Nature Management and Food Safety
MATRA	Social Transformation Programme for Assistance to Central and Eastern Europe (Pre-accession support programme, MFA, NL)
MFA	Ministry of Foreign Affairs
MIE	Ministry of European Integration (ROM)

MoU	Memorandum of Understanding
MAFF	Ministry of Agriculture, Food and Forests (ROM)
MAFWE	Ministry of Agriculture, Forestry, Waters and Environment (ROM)
MPAP	Matra Pre-accession Projects Programme (Pre-accession support programme, MFA, NL)
MWE	Ministry of Waters and Environment (ROM)
NAC	National Accession Coordinator (ROM)
NGO	Non Governmental Organisation
NCP	National Contingency Plan
NMCP	Netherlands Management Co-operation Programme
NPAA	National Programme for the Adoption of the Acquis
NUFFIC	Netherlands Organisation for International Co-operation in Higher Education
PA	Pre-Accession
PAA	Pre-Accession Advisor (EU Phare projects)
PPS	Purchasing Power Standard
PSO	Economic Transformation Programme (Netherlands Ministry of Economic Affairs)
PSO PA	PSO Pre-Accession
PUA	Matra short mission programme (Programma Uitzending Ambtenaren)
OCMPR	Operative Commandment for Marine Pollution Response (ROM)
ODA	Official Development Assistance
OECD	Organisation for Economic Co-operation and Development
PAC	Project Advisory Committee
PHARE	Poland and Hungary: Aid for Economic Restructuring (EU's transformation and pre-accession support programme)
ReREP	Regional Environmental Reconstruction Programme
RIKZ	National Institute for Coastal and Marine Management (NL)
RIZA	Institute for Inland Water Management and Waste Water Treatment (NL)
SAPARD	Special Accession Programme for Agriculture and Rural Development (EU)
SAR	Romanian Academic Society
SCJ	Supreme Court of Justice (ROM)
SCM	Superior Council of the Magistracy (ROM)
TFU	Enlargement Task Force (NL)
ToR	Terms of Reference
UAA	Utilised Agricultural Area
UN	United Nations
UNDP	United Nations Development Programme
USAID	United States Agency for International Development
VAT	Value Added Tax
VNG	Association of Netherlands Municipalities
VROM	Ministry of Housing, Spatial Planning and the Environment (NL)
V&W	Ministry of Transport, Public Works and Water Management (NL)
WB	World Bank
WFD	Water Framework Directive

# 1 Introduction

This report presents the findings of the case study on Romania, which took place within the framework of the IOB evaluation of the Dutch policy on the accession of Central European countries to the European Union. This country case study is one out of four, the others being Hungary, Poland and Lithuania. These studies form building blocks for the overall policy evaluation as described in the Terms of Reference (see annex 2). The criteria to select the four countries for case study include a balanced representation of countries with which negotiations were launched at different times (1998 for the Luxembourg group and 2000 for the Helsinki group), differences in economic background and performance, and a mix of small and large countries. These criteria are described in detail in the Terms of Reference. The focus of this case study is on the implementation of specific Dutch policies for the accession of Romania to the EU. Hence, the Romanian accession process to the EU provides the context in which Dutch policy is analysed, but is not the object of analysis itself. The four country case studies are published as separate IOB working documents in addition to the final overall evaluation report in which the findings of all case studies are combined.

## *Scope of the country case study*

The scope of this country case study was limited in various ways. First, the evaluation focused on the period from 1997 (when the European Commission presented its *Avis* on twelve applications for membership and the Luxembourg European Council decided to start negotiations with six candidate countries) until December 2003. Initially, the year 2003 was not included in the period of evaluation, but during that year important developments took place that could not be left out of the analysis. Relevant events in 2004 such as the actual enlargement of the EU with ten new Member States on 1 May 2004 are mentioned in this report, but do not form an integral part of the analysis. The same applies to relevant events related to Romania's accession process in 2004. They are mentioned but are not part of the analysis.

Secondly, not all sectors and activities with Dutch involvement have been studied. This study focuses on three sectors i.e. agriculture, justice and home affairs, and environment (including water management). Within these sectors various aspects of Dutch policies and pre-accession activities were assessed.

Thirdly, the Dutch government has set up more than ten different pre-accession support programmes, which are all active in Romania. In this case study an attempt has been made to list all pre-accession support activities with Dutch involvement in the three selected sectors in Romania, in order to assess possible linkages. Connections to traditional transformation assistance were also taken into account. However, only the main bilateral pre-accession projects (MPAP and PSO PA) that started well before 2003, were assessed with regards to effectiveness and efficiency (see annex 9 for project evaluation methodology and detailed project assessments).

## *Limitations of the evaluation approach*

Four different Dutch policy channels concerning accession and enlargement are distinguished in the evaluation:

- a. Dutch policy on EU enlargement;
- b. Bilateral and regional policy: Accents and priorities for the Central European region;
- c. Pre-accession assistance policy: Dutch assistance to help Central European countries to fulfil accession requirements;
- d. Sector policies: policies of the Dutch line ministries for Central Europe in the context of the accession process.

Ideally all these general Dutch policies should be combined in a country-specific policy. This was not the case and no country-specific policies were developed. Hence, policy implementation in Romania, but also in the other acceding countries, is a rather scattered process with many different actors present. In order to address the coherence question attention was necessarily and mainly given to inventorying specific policy instruments and their deployment, including pre-accession assistance activities. The effectiveness and efficiency of only a limited number of activities could be assessed. As the number of activities per country is quite limited and spread across many sectors, only partial answers to the three main evaluation questions on coherence, effectiveness and efficiency of Dutch policy (see annex 2, Terms of Reference) can be provided.

The Dutch contribution to Romania's accession process can hardly be disentangled from that of the EU and other donor countries. The evaluation is thus confronted with an attribution problem, limited at individual project level, but substantial at aggregate levels where Dutch contribution to sector and country development can hardly be measured.

No separate analyses of the outcome of enlargement negotiations within the EU and those between the EU and Romania itself were carried out. Nevertheless, because this context is required to answer the key questions, the evaluation of implementation of Dutch policies in Romania is placed within the wider context of negotiations on the accession process to the EU.

#### *Evaluation process*

The joint Dutch-Romanian evaluation team which carried out the research for this country report consisted of: Anneke Slob and Sorin Ionita (general policy evaluation and bilateral relations); Elvira Balahur and Siemen van Berkum (Agriculture); Bogdan Chiritoiu and Gerard van der Zwan (Justice and Home Affairs); Victor Platon and Bas Limonard (Environment). Alina Mungiu-Pippidi contributed to the draft texts on general policy and justice and home affairs.

The structure of the country case studies is similar for all four studies, consisting of the following steps:

#### *Preparation:*

- Survey of bilateral relations, made in the Netherlands, consisting of an overview of Dutch policy documents, pre-accession assistance, other policy instruments, project files, etc.;
- General overview of the accession process and of the three sectors selected by country researchers;
- Workshop at the start of the joint country research: presentation of preparatory documents by researchers, discussion, methodology to assess projects, checklist for interviews, logistics, presentation by the Dutch Embassy of main issues;

*Interviews:*

- Interviews by various sub-teams according to the checklist: policy level, programme level and activity level (with often additional interviews by individual researchers in the Netherlands and selected countries). See annex 10 for the list of interviewed persons.
- Round-table discussion at the end of the field research with the Ambassador and staff of the Dutch embassy in Bucharest, to discuss preliminary findings and main issues.

*Report:*

- Draft country report according to standard format (introduction, overview of accession process, Dutch policy and bilateral relations, three sector chapters, and conclusions);
- Discussion of the draft country report with Dutch embassy staff in the selected countries;
- Discussion of the draft country report with the reference group and IOB peer reviewers;
- Submission of the draft country report for comments by main stakeholders;
- Finalisation of country case studies and publication as IOB working documents.

Field research in Romania took place in the period 8 to 12 December 2003 (see annex 2 and 3 for details). The list of interviewed persons is presented in annex 10.



## 2 THE CONTEXT: ROMANIA'S ACCESSION PROCESS

### 2.1 Introduction

This chapter describes the process of Romania's accession to the EU during the research period, which ended in 2003. As the decision on the date of Romania's accession had not yet been taken, the process can only be partially described. The result provides the background for evaluating Dutch accession policies toward one specific country.

The mechanisms and procedures of EU enlargement by Central European countries are described in the main evaluation report. The major elements of Romania's accession process can be summarised as follows:

- 1993: the Copenhagen European Council formulated three formal accession criteria: political and economic criteria and adoption of the *acquis communautaire*;
- 1991-1996: Association or Europe Agreements signed with all ten Central European countries (Romania signed this in February 1993, coming into force in February 1995);
- 1994-1996: Submission of accession applications (Romania: 22 June 1995) followed by accession partnerships (October 1999 – revised February 2000 – and November 2001);
- From 1998: Drafting of first National Programmes for the Adoption of the Acquis (NPAA) (Romania since March 1998 annually);
- July 1997: Publication of the European Commission's opinion (*Avis*) on all membership applications;<sup>1</sup>
- December 1997: Decision of the Luxembourg European Council to start accession negotiations with five Central European countries and Cyprus;
- December 1999: Decision of the Helsinki European Council to start accession negotiations with six other countries (five Central-European countries, including Romania, and Malta);
- December 2002: Decision of the Copenhagen European Council to close accession negotiations with ten countries (eight Central-European countries – not including Romania – as well as Malta and Cyprus) and prepare the enlargement for 1 May 2004;
- April 2003: Signing of the Accession Treaty followed by ratification procedures in all acceding countries (including referenda) and EU Member States;
- May 2004: Actual enlargement of the EU from 15 to 25 Member States and continuation of accession negotiations with Romania and Bulgaria.

Romania thus belonged to the so-called 'Helsinki group', the second group of five Central and East European Countries with which the EU decided to start negotiations.<sup>2</sup> The negotiations on Romania's EU accession were officially launched on 15 February 2000, on the occasion of the Intergovernmental Conference on Accession, and were closed in December 2004.

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<sup>1</sup> Commission of the European Communities, *Agenda 2000 – Commission Opinion on Romania's Application for Membership of the European Union*, DOC/97/18, Brussels, 15 July 1997.

<sup>2</sup> The Helsinki group consisted of Bulgaria, Malta, Latvia, Lithuania, Slovakia and Romania. The EU had already begun accession negotiations in 1998 with Cyprus, the Czech Republic, Estonia, Hungary, Poland and Slovenia.

## 2.2 Institutional Arrangements

In order to provide the institutional and organisational base for Romania's integration into the European Union, Romania set up a Department for European Integration in 1993, under the direct authority of the Prime Minister. In December 1999, when Romania was invited to start negotiations, this department was merged with the EU Affairs Office in the Ministry of Foreign Affairs, in an attempt to facilitate co-ordination and earnestly start work on the nuts and bolts of EU integration. This co-ordination structure changed when, after the elections in November 2000, the new social-democrat government established a Ministry of European Integration (MIE) by merging the former Department of European Integration with the National Agency for Regional Development. In general MIE performed three basic functions:

- It negotiated on the *acquis* chapters, by acting as driving force, co-ordinator and/or interface for the line ministries concerned.
- It co-ordinated the adoption of *acquis* in Romania and was in charge of legislative harmonisation. In doing so, it evaluated and co-ordinated the accession preparations, and drafting of the programming documents, as well as of the progress reports on the preparation for accession.
- It co-ordinated all foreign assistance from the EU, multilateral and bilateral donors, in accordance with the *National Program for Accession 2002-2005*.<sup>3</sup>

This three-fold mission was reflected in the structure of the MIE. The first function was supervised by the chief negotiator who also had ministerial status as a member of the Romanian cabinet, alongside the Minister of European Integration. A separate State Secretariat for legal Harmonisation performed the second function, while the third was shared between the State Secretariat for Assistance and the Department for Regional Development.

Apart from these standing departments, the Minister of European Integration chaired the Interministerial Committee for European Integration, made up of the state secretaries for European Integration from the line ministries, or their counterparts from relevant agencies. The committee was expected to meet regularly and discuss all documents and strategies related to EU accession. The Romanian government also set up an Executive Committee for European Integration (ICEI). Its members were the Prime Minister, the chief negotiator and the Ministers of European Integration, Foreign Affairs, Finance, Administration and Internal Affairs, and the secretary-general of the government. Weekly meetings were scheduled (Tuesdays, before the full cabinet meeting held on Thursdays) and served as a cabinet sub-committee for screening policies and making strategic decisions on all issues related to EU accession.

## 2.3 Progress of the Accession Process

### *Political criteria*

In its opinion (*Avis*) on Romania's application for EU Membership of July 1997 the Commission concluded that Romania met the political Copenhagen criteria. Romania's new institutions were democratic and their stability seemed guaranteed. They needed however to be anchored by greater respect for the primacy of law at all

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<sup>3</sup> Since April 2004, a special division within the Ministry of Public Finance is in charge of the co-ordination of pre-accession assistance.



levels of the state apparatus. Additionally the Commission found that, even though steps were taken in the right direction, there were still a number of shortcomings with regard to respect for fundamental rights.

In principle, applicant countries had to meet the political criteria to be eligible for starting accession negotiations. The European Commission however continued to monitor the political criteria after negotiations were opened. In 2003 the Commission concluded that “Romania continues to fulfil the political criteria” and “a number of positive initiatives have been launched [...] to reform the political administration and the judiciary. However, the reform process is at an early stage.”<sup>4</sup> Although events in 2004 are beyond the evaluation period, the publication in February 2004 of a highly critical report by the Foreign Affairs Committee of the European Parliament on the state of democracy and the rule of law in Romania deserves mention. This was the first time that a candidate country was criticised for its record on political criteria. The European Parliament adopted the report on 11 March 2004 by a vast majority. The Parliament however did not request the suspension of accession negotiations as initially called for. The Parliament recommended that the European Commission and the Council ‘re-orientate’ Romania’s accession strategy and give more attention to existing deficits in political criteria such as anti-corruption measures, independence and functioning of the judiciary, freedom of the media and human rights. As the Parliament is no direct actor in the accession negotiations no immediate effect was expected and the European Commission would continue to monitor political criteria and report on progress made and still to be made. The Romanian government immediately stressed that it would make the necessary efforts to resolve the problems pending.<sup>5</sup>

#### *Economic criteria*

Romania had at the end of 2003 not yet fully received the status of a functional market economy, and was in 2003 the only candidate country which lacked this. The Commission stated that “Romania can be considered a functional market economy once the good progress made has continued decisively”.<sup>6</sup> The Commission agreed that basic market institutions exist and that free prices play their role in allocating resources. The general opinion in Romania was that a functioning market economy was in place and economic performance had improved substantially in recent years. The Commission recognised these improvements, but pointed at the need for a “vigorous and sustained implementation of the structural reform programme in order for Romania to cope with competitive pressure and market forces within the Union in the near term”. Problems that remained to be tackled were poor financial discipline, weak enforcement of market regulations, and an unfinished privatisation agenda. The legal framework for a market economy had been strengthened, but further improvements in the efficiency of the judicial system and public administration were required according to the Commission in 2003. In its monitoring report of October 2004 the Commission considered Romania a functioning market economy for the first time.

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<sup>4</sup> Commission of the European Communities, *Regular Report on Romania's Progress Towards Accession*, Brussels, October 2003, p. 32.

<sup>5</sup> The negotiations on the acquis chapters were closed in December 2004, under the Dutch Presidency.

<sup>6</sup> Commission of the European Communities, *Regular Report on Romania's Progress Towards Accession*, Brussels, October 2003, p. 44.

### *Romania's accession negotiations*

The accession negotiations dealt with the third Copenhagen criterion i.e. the obligation to adopt, implement and enforce the *acquis communautaire*. For this purpose the *acquis communautaire* was divided into 31 chapters. In general, the 'easier' chapters (e.g. chapter 17 on science and research and chapter 20 on culture and audio-visual policy) were opened and provisionally closed in the first stages of the negotiations while the complicated ones followed at a later stage. Romania was no exception to this general rule (see annex 4). An important guiding principle was "nothing is agreed until all is agreed". Hence, as negotiations with Romania continued in 2004, the partial agreements reached during the negotiation process could be revised in a later stage if deemed necessary.

To engage in negotiations, each applicant had to formulate its position on each of the 31 chapters, while the Commission formulated draft negotiation positions after screening the situation in the applicant country. These draft positions had to be approved by the Council, and were presented by the Presidency of the Council of Ministers during the negotiation process. The Presidency was thus an important actor.

In the first half year of 2000, during the Portuguese presidency, Romania opened and provisionally closed five chapters (see table 1 and annex 4 for more details). In June 2000, on the occasion of the second accession conference, Romania stated that eight more chapters were ready for negotiation. The European Council, at the proposal of the Commission, decided to open only four additional chapters during the French presidency.

**Table 1 Progress of accession negotiations 2000-2003<sup>7</sup>**

<i>Time Period and Presidencies</i>	<i>Number of chapters opened (cumulative)</i>	<i>Number of chapters provisionally closed (cumulative)</i>
<b>1<sup>st</sup> half 2000 Portuguese presidency</b>	5	5
<b>2<sup>nd</sup> half 2000 French presidency</b>	9	6
<b>1<sup>st</sup> half 2001 Swedish presidency</b>	14	7
<b>2<sup>nd</sup> half 2001 Belgian presidency</b>	17	9
<b>1<sup>st</sup> half 2002 Spanish presidency</b>	26 (including free movement of goods and persons, justice and home affairs)	12
<b>2<sup>nd</sup> half 2002 Danish presidency</b>	30* (including agriculture, free movement of services)	16
<b>1<sup>st</sup> half 2003 Greek presidency</b>	30	19 (including free movement of goods and capital)
<b>2<sup>nd</sup> half 2003 Italian presidency</b>	30	22 (including free movement of persons)

See annex 4 for specification

\* There were no issues for Romania in chapter 31 'Miscellaneous'

<sup>7</sup> European Commission, *Enlargement of the European Union. Guide to the Negotiations. Chapter by Chapter*, Directorate-General Enlargement, Brussels, website: <http://europa.eu.int/comm/enlargement/negotiations/chapters/index.htm>

After this relatively slow start, the new Romanian government took the necessary administrative and legislative measures and established a Ministry of European Integration and a National Delegation for the negotiations in 2001 to speed up its accession process. This National Delegation comprised sector delegations for every chapter of the negotiations. In order to contribute to the structural functioning of the market economy, the National Delegation prepared the position papers on the economic chapters regarding the internal market and company law, main economic sectors such as transport, and employment and social policy. Furthermore, a strategy was designed to proceed on the most difficult chapters such as environment, agriculture, regional policy, financial control, and financial and budgetary provisions. Thus in 2001 31 position papers were drawn up and officially forwarded to the EU Council.<sup>8</sup>

In January 2002 Romania adopted an Action Programme for Intensifying Preparation for Accession with a view to opening all negotiation chapters in 2002. As a consequence, 13 chapters were opened in 2002 and 7 chapters were provisionally closed during that year. At the end of 2003 Romania had 30 chapters opened, of which 22 were provisionally closed.

The European Commission's conclusions in its 2003 Regular Report on Romania's progress towards accession were mostly positive.<sup>9</sup> It pointed at the steady pace of adoption of the acquis. Nevertheless, the Commission also stated that "the overall capacity for programming, operational management and financial control remains insufficient". The strategy paper suggested that the accession treaty should be signed at the latest in 2005 in order to allow Romania and Bulgaria to become members by 2007. On 13 December 2002, the EU leaders at the Copenhagen summit re-emphasised the Union's intention to welcome Romania as member in 2007 – "depending on further progress in complying with the Membership criteria". According to the 2003 Commission's Regular Reports, Bulgaria was slightly more advanced on the reform path than Romania, with more negotiations chapters concluded. However, at the Thessaloniki summit of June 2003 the year 2007 was set as a target date for both countries.<sup>10</sup> The Brussels summit of December 2003 stated that "Welcoming Bulgaria and Romania in January 2007 as member of the Union, if they are ready, is the common objective of the Union of 25".<sup>11</sup>

## **2.4 Factors Influencing the Accession Process**

The accession process cannot be analysed in isolation, but is part and parcel of the overall historical, political, economic and social developments of the acceding country. Moreover, the accession process is also influenced by developments within the EU and its Member States. Some of the most important factors influencing Romania's accession process are presented below.

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<sup>8</sup> This concerned new position papers for 17 chapters, revised position papers for 4 chapters, complementary position papers for 8 chapters and 2 papers regarding the 2000 community acquis.

<sup>9</sup> Commission of the European Communities, *Continuing Enlargement. Strategy Paper and Report of the European Commission on the progress towards accession by Bulgaria, Romania and Turkey*, Brussels, October 2003.

<sup>10</sup> European Council, *Conclusions of the Greek Presidency*, Thessaloniki, 19-20 June 2003.

<sup>11</sup> European Council, *Conclusions of the Italian Presidency*, Brussels, 12-13 December 2003.

### *Historical and political developments*

Of all the accession countries, Romania is probably the one where communism managed to modify the social structure most intensively. After the fall of the Ceaucescu regime both a political and societal transformation had to take place. Legacies of the past (both communist and pre-communist) with a negative impact on the quality of Romanian democracy are not eliminated easily. The implementation of the *acquis* or any other legislation can in itself not solve all these problems. This reflects differences between Romanian society and those of the EU, rather than between democratic institutions alone. To become a modern European society, Romania needs sufficient time. Just as other acceding countries, the political situation in Romania was characterised by frequent government changes. Not all governments gave equal priority to accession issues, but of late their importance was stressed by all governments and accession negotiations given priority.

### *Socio-economic situation*

In the following tables some key socio-economic indicators on Romania are presented.

**Table 2** Socio-economic data on Romania, the Netherlands and the EU, 2003

	<i>Romania</i>	<i>The Netherlands</i>	<i>EU15</i>	<i>EU25</i>
<b>Population x 1,000</b>	21,734	16,256	382,424	456,583
<b>GDP per capita, Volume index (EU-15 = 100)</b>	9.5	114.8	100	87.7
<b>GDP per capita, PPS* index (EU-15 = 100)</b>	27.2	109.1	100	91.7
<b>GDP per capita, market prices</b>	2,318	27,946	24,345	21,386
<b>GDP Growth % national currency (1995 prices)</b>	25.0 (4.9)	2.0 (-0.9)	3.1 (0.9)	3.3 (1.0)
<b>Unemployment %</b>	6.6	3.8	8.1	9.1

Source: Commission, *Statistical Annex of European Economy*, DG Economic and Financial Affairs, Autumn 2004, ECFIN/173/2004-EN, Brussels, 18 October 2004

\* PPS = Purchasing Power Standard

GDP in PPS per capita was only around a quarter of the EU average, but economic growth was above EU average with 4.9 % (in 1995 prices), while unemployment is below average with 7.3 % (2003). Corruption in Romania was rooted in a social structure with a weak middle class and networks of individuals with disproportionate influence. International reports and surveys indicated that corruption continued to be widespread and affected all aspects of society. It undermined the effectiveness and legitimacy of state institutions and restricted Romania's economic development. Although significant efforts were made during the period of evaluation to intensify the fight against corruption, there had been no reduction in perceived levels of corruption and successful prosecutions were still few.

### *Administrative capacity*

Romania had made substantial progress in adopting new legislation in line with the EU *acquis*, but the main problem was capacity to implement new laws. There was a growing gap between the transposition of EU legislation and the limited capacity of the public administration to implement and enforce it. This represented a major

constraint on Romania's accession preparations. To address this a comprehensive, structural reform of the public administration system would be required. These concerns extended beyond the adoption of the *acquis* and also applied to the management of EU financial assistance. The quality of the legal transposition of the *acquis*, due to weaknesses in the legislative process was also mentioned in the Commission reports. In some cases revisions were needed before laws could be implemented. The political will to address administrative reform existed and a number of positive initiatives were launched in 2003. The Civil Servant Statute, for example, was revised. The reform process however was still at an early stage. The Romanian civil service remained characterised by cumbersome procedures, and limited transparency and capacity for policy execution.

#### *Transformation and accession*

Not all problems of Romanian society were addressed in the accession process, but they nevertheless influenced it. The process of transition to a fully-fledged democratic state and functioning market economy on the one hand and the adoption and implementation of the EU *acquis* on the other, are two processes that should strengthen each other. However, the ambition to meet EU requirements as soon as possible necessitated a thorough preparation of, and debate on legislation. This resulted in a shift of focus away from sectors important for social and democratic transition but less relevant for the EU *acquis*, such as social sectors.

Therefore, Romania faced a twofold problem. First, the EU *acquis* was conceived as a tool for nation-wide alignment of institutions, not necessarily as an agenda for growth. Since in a poor society the trade-offs between growth and other social values (job protection, redistribution, natural conservation) may be different than in a rich one, the Romanian authorities needed not only capacity to negotiate these trade-offs, but also capacity to produce their own coherent agenda in the first place. Both kinds were in short supply and, as a result, it is possible that in some respects the *acquis* adopted in haste will function as a straightjacket later on. Secondly, but related to the first point, the shortage of domestic policies becomes apparent in non-*acquis* but nevertheless crucial social sectors: pensions, health care, and most of the education and welfare support systems. With 6 million pensioners and 4 million official employees, the Romanian welfare state is probably the most overstretched in Europe. Health is under-financed and plagued by misallocation of public resources.

The narrow but important issue of international adoption of Romanian children (orphaned or abandoned) is a perfect illustration of such policy dilemmas. While the Commission had been agonising for years on what recommendations to give Bucharest on this non-*acquis* policy, the Romanian government was caught between critics in the European Parliament who wanted international adoption suspended, and the European and US national governments who wanted the cases of their co-nationals solved expeditiously.

In short, Romania's constraints were far greater than those of its partner accession countries. Nearly all progress in (formal) democratisation that could be made quickly and by solely institutional means has been achieved. The remainder will probably lag behind until the long and painful transformation process is completed.

#### *Foreign assistance to the accession process*

From the early nineties onwards the EU, EU Member States and other countries and donors such as the World Bank, IMF and UN organisations assisted Central

European countries in their transformation process. The EU developed the PHARE programme for assistance. From 1998 onwards this programme became almost exclusively accession-oriented and concentrated on adoption of the *acquis* with 30% of the budget earmarked for institution-building and 70% for investment support. Moreover, in 1999 the EU started two other support programmes: ISPA (Instrument for Structural Policies for Pre-Accession) to address environmental and transport infrastructure priorities and SAPARD (Special Accession Programme for Agriculture and Rural Development). These programmes are part and parcel of the EU's accession strategies.

From 2000 onwards EU pre-accession aid to Romania is distributed by the three main instruments of Phare, ISPA and SAPARD. The total volume of pre-accession assistance available to Romania is substantial (around € 700 million per year). This represents an important financial resource to Romania, equal to around 1,4% of GDP, 4.4% of consolidated budget revenues, or 36% of investment expenditures in the national budget.<sup>12</sup> As a result of the first wave of enlargement the Copenhagen European Council decided in December 2002 to increase EU assistance to Romania by 20% (over 2003 levels) in 2004, 30% in 2005 and 40% in 2006.

**Table 3 EU grant aid to Romania in 2003**

<i>Programme</i>	<i>Budget</i>	<i>% of Total</i>
<b>PHARE</b>	€ 273 million	40%
<b>ISPA</b>	€ 255 million	37%
<b>SAPARD</b>	€ 150 million	23%

Source: Commission's website: ([www.europa.eu.int](http://www.europa.eu.int))

The Phare programme committed around € 2 billion in total to Romania during the 1992-2002 period and € 265.5 million in 2002. Phare provides support for institution building, investment to strengthen the regulatory infrastructure needed to ensure compliance with the *acquis*, and investment in economic and social cohesion. Phare also helps candidate countries develop mechanisms and institutions that will be needed to implement Structural Funds after accession and supports this by a limited number of measures (investment and grant schemes) with regional or thematic focus. Romania also benefits from Phare funded multi-country and horizontal programmes such as TAIEX (technical assistance on the approximation of EU legislation) and SIGMA (Support for Improvement in Governance and Management).

ISPA programming is governed by national strategy papers for transport and environment which Romanian authorities finalised in 2000. Strategies for the environment and transport sectors were under revision. In 2002, € 256.5 million was made available to Romania under ISPA, in 2003 € 255.1 million. Strategic objectives in the field of transport are intended to address serious weaknesses in the network of roads and railways and focus on modernisation of trans-European corridors crossing the country. Other priorities deal with increased traffic levels around urban areas and developing the use of waterways.

The Commission approved the Romanian SAPARD programme in November 2000. The financial allocation from the Community for SAPARD in Romania for 2003 is € 162.2 million. Four main themes of intervention have been identified in 2000:

<sup>12</sup> Commission's website ([www.europa.eu.int](http://www.europa.eu.int))

- improving competitiveness in food processing,
- rural infrastructure,
- development and diversification of the rural economy, and
- development of human resources.

Since August 2003 the SAPARD Agency approved 518 projects involving € 389.2 million of public support (of which the EU is contributing € 292 million).

The other EU institution that is actively involved in Romania is the European Investment Bank (EIB) which provides large scale loans to projects aimed at the transition to a market-based economy and meeting the acquis. EIB action is co-ordinated with the PHARE programme, as well as with EU Member States' financing institutions and the European Bank for Reconstruction and Development. Since 1990, the EIB has granted loans to a value of € 3 billion. Three quarters of this funding has been reserved for investments in the transport sector.

## **2.5 Conclusions**

This chapter described the characteristics of the Romanian accession process so as to explain the context in which Dutch policy towards its accession is analysed.

Being a country where the communist era left deep traces in society, the social transformation process needs a lot of time. Ideally, the accession process and the transformation process should run parallel to and reinforce each other. However, not all transition issues such as social sector reform and reform of the public administration are addressed in the accession process. In other words, many challenges faced by Romania are more of a transformation than an accession nature.

Romania belonged to the second wave (Helsinki group) of Central European countries with which negotiations on accession were opened in 2000. However, together with Bulgaria, it did not belong to the countries that acceded to the EU in May 2004. As the adoption and implementation of the Union's acquis were formidable challenges for Romania, monitoring political criteria also continued in 2004. Romania achieved the status of a functioning market economy in October 2004. Having started with negotiations in 2000, Romania was quick to open negotiation chapters, but had greater difficulty in closing them. Despite several obstacles during the accession process, Romania was at the time of writing well on its way towards the planned accession in January 2007.





## 3 Dutch Policy on Romania's Accession

### 3.1 Introduction

This chapter describes the status of Romania within the Dutch bilateral and pre-accession policy framework. Further, taking into account the availability and deployment of Dutch policy instruments, it will clarify how Dutch-Romanian relations at central government level took shape in practice. The focus in this chapter is on the implementation of general policies of the Dutch Ministry of Foreign Affairs.

According to the methodological framework for this evaluation three different policy channels can be distinguished in the Ministry of Foreign Affairs as regards the accession of Central European countries to the EU: a) Dutch policy on EU enlargement, b) Dutch bilateral policy, and c) Dutch pre-accession assistance policy (see also chapter 1). A methodological problem was already mentioned in the introduction of this report: the absence of country specific policies complicates the assessment of policies at country level.

### 3.2 Dutch Policy: Romania as a Special Case

#### *Dutch policy on EU enlargement*

The Dutch position on enlargement from the beginning has been characterised by two factors: 'speed' and 'quality'. This position acknowledged the need to maintain the momentum of the accession, whilst also emphasising the need for the Copenhagen criteria to be fully met before a country could become an EU Member State. The 'quality' approach implies strict monitoring of the adoption and implementation of the *acquis* by candidate Member States.

The speed condition was especially visible in the Dutch document *Helsinki and how to proceed* of November 1999, which urged the EU to establish a road map and accession dates for the candidate countries at that time.<sup>13</sup> The Dutch government expected Romania to take as soon as possible steps to meet the political criteria required for opening accession negotiations and in December 1999 the Helsinki European Council decided that accession negotiations would open with Romania and five other countries.

#### *Bilateral policy*

The policy document *Accents in a wider Europe* of 18 November 1999 was the first attempt of the Dutch government to formulate an overall strategic view on bilateral relations with Central European countries in the context of the planned EU enlargement.<sup>14</sup> No explicit policy objectives were formulated, but our policy analysis reveals that two were pursued:

- to assist Central European countries in the accession process i.e. to meet the Copenhagen criteria; and
- to strengthen bilateral relations with candidate Member States.

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<sup>13</sup> Netherlands Ministry of Foreign Affairs, *Helsinki en hoe verder*, Tweede Kamer 1999-2000, 21 501-20, nr. 101, The Hague, 15 november 1999.

<sup>14</sup> Netherlands Ministry of Foreign Affairs, *Accenten zetten in Midden-Europa*, Tweede Kamer 26 800 V, nr. 20, The Hague, 18 November 1999.

The Accents policy document distinguished three groups of candidate countries granted different priority status. The classification of Central European countries to each group was based on a combination of political factors (political importance, safety interests), economic factors (volume of Dutch exports and investment, intensity of economic relations) and affinity (established contacts, historical relations and perceptions). The assessment of the intensity of overall political, economic, cultural and historical bilateral relations served as an indicator to attach different priorities to countries. The classification was also based on the priority Dutch line ministries attached to various Central European countries. The group with the highest priority included the Czech Republic, Hungary, Poland and Slovakia. Romania was classified into the second group, together with Bulgaria. It was expected that they would not accede to the Union for a while, but could play an important role in the region due to their geographical location (neighbouring the Balkans). In addition, these countries belong to the Dutch electoral group within the IMF and World Bank. The third group of countries, with lowest priority, included the Baltic states and Slovenia.

In the policy document *New Accents in a wider Europe* of 27 February 2002 new 'accents' were developed.<sup>15</sup> According to this document co-operation with Romania and Bulgaria would be intensified with the aim to assist these countries in catching up in the accession process. Reference was made to the possibility to start partnerships, but this was not elaborated in more detail (see also section 3.3). The three priority groups of countries remained unchanged.

It is remarkable that in Dutch bilateral policy documents Romania and Bulgaria were treated more or less as 'twins'. Their relative priority status was the same and no distinction was made between the two countries.

#### *Pre-accession assistance policy*

In 1997 the Dutch government decided to set up new bilateral pre-accession programmes, to complement the existing ones, for social (Matra) and economic transformation (PSO). All countries applying for EU Membership would be eligible for pre-accession assistance, including Romania. No country-specific guidelines were formulated. In 1998 and 1999 Dutch pre-accession programmes were elaborated upon and implementation started.

Dutch pre-accession assistance programmes had the same objectives as the bilateral policy:

- to contribute to the adoption and implementation of the *acquis communautaire*;  
and
- to strengthen bilateral relations.

The Matra programme was originally directed at strengthening non-governmental organisations and local government in the post-communist states of Central and Eastern Europe. When the pre-accession component was added, the Matra programme (referred to as Matra 'classical') continued to be implemented in acceding countries in addition to pre-accession programmes. In most candidate states economic transformation assistance through the PSO programme was terminated when economic pre-accession assistance started. This however was not the case for Romania and Bulgaria. The decision to end economic transformation assistance was

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<sup>15</sup> Netherlands Ministry of Foreign Affairs, *Nieuwe Accenten in een groter Europa*, Tweede Kamer 23 987 nr. 12, The Hague, 27 March 2002.

based on an assessment of the economic situation and the need for such assistance. As Romania did not yet acquire the status of 'functioning market economy' (see chapter 2) it seemed logical to continue this aid.

The Matra pre-accession component consisted of various sub-programmes (see table 2 in the ToR, annex 2). Each sub-programme delivered a specific product, such as bilateral projects through short missions by Dutch civil servants helping Central European administrations (PUA), professional training for Central European civil servants in the Netherlands (ADEPT), or internships for Central European civil servants in Dutch governmental institutions (IMPACT). Each programme was implemented by a different Dutch agency.

### **3.3 The Use of Bilateral and Pre-Accession Policy Instruments**

#### *Use of bilateral policy instruments*

Bilateral policy instruments are communication-oriented, mostly aiming at dialogue with bilateral partners. In Dutch-Romanian relations extensive use was made of this kind of instruments, including bilateral partnerships.

- **The Netherlands Embassy in Romania**

The Netherlands is represented in Romania by its embassy in Bucharest. It is a middle-sized embassy with five divisions: political affairs, economic affairs (also responsible for environmental issues), general and consular affairs, defence and agriculture. An agricultural and a defence attaché are posted at the Embassy. The placing of a police liaison officer was planned for the end of 2004.

- **Memoranda of Understanding**

Many forms of co-operation in numerous fields exist between the governments and non-governmental organisations of the two countries. Governmental forms of co-operation are often laid down in bilateral Memorandums of Understanding (MoU). These for instance have been signed in the fields of agriculture (chapter 4), environment and water management (chapter 6), pre-accession assistance and one regarding a 'practical partnership' between the Netherlands and Romania.

- **Bilateral Political Visits**

The frequency of bilateral political visits to and from Romania is comparable to those with e.g. Poland and Hungary. They are highest in the sectors Foreign Affairs, European Affairs and Economic Affairs, as well as between Prime Ministers. Ministers of most line departments pay each other only sporadically official visits, but sometimes meet bilaterally during multilateral meetings. Some visits fit into a pattern of regular consultations, such as agriculture and economic affairs, but this is not the overall case. Several Romanian ministers have indicated interest to visit the Netherlands, but did not receive a positive reply. A somewhat higher frequency of visits can be noticed at the end of 1999 and early 2000. The Helsinki Summit took place in December 1999, where the decision was taken to start accession negotiations with Romania. The number of visits was also high in 2002 and 2003 (see annex 5 for specification). The friendly ties between the countries were confirmed by state visits to Romania by Queen Beatrix (November 2001) and Prime Minister Jan-Peter Balkenende (November 2003).

**Table 4** Bilateral political visits to and from Romania 1997-2003

	<i>To Romania</i>	<i>From Romania</i>
<b>1997</b>	1	2
<b>1998</b>	2	2
<b>1999</b>	2	4
<b>2000</b>	4	3
<b>2001</b>	1	2
<b>2002</b>	3	4
<b>2003</b>	2	5

Source: Netherlands Ministry of Foreign Affairs

- The 'practical partnership' between the Netherlands and Romania  
On 26 February 2002, during a visit of Prime Minister Nastase to the Netherlands, the Dutch State Secretary for European Affairs and the Romanian Minister of European Integration signed a bilateral Memorandum of Understanding (MoU), meant to establish a practical partnership between the two countries. In October 2000 Romania already informally expressed interest in a more structured and privileged co-operation with the Netherlands, modelled on the format of the 'Utrecht-Conference' (a special framework for bilateral co-operation between the Netherlands and Poland). The Romanian Embassy in The Hague also actively advocated the establishment of such a partnership. In November 2001 when the Dutch Ministry of Foreign Affairs was preparing a new policy document on relations with candidate Member States, the Romanian Minister of Foreign Affairs formally asked the Dutch State Secretary for European Affairs for an intensification of bilateral relations. The establishment of new partnerships with Romania and Bulgaria was actually considered along side already existing ones with the four Visegrád countries. These new partnerships would also correspond more to the model of thematic partnerships such as those with Hungary, the Czech Republic and Slovakia, because the Utrecht Conference with Poland was meant to maintain an exclusive character.

The MoU states that "a renewed emphasis will be placed on existing co-operation. The aim is to lend further support by the Netherlands to Romania in implementing the '*acquis communautaire*', taking into account ongoing accession negotiations and already existing bilateral pre-accession assistance. To this end a practical partnership will be developed consisting of exchange of experts, monitoring, assistance and regular meetings between competent institutions, *inter alia* aiming at further development of an efficient Romanian administrative capacity to ensure an effective integration into the EU." The partnership would be achieved by focusing on sector issues that are within the remit of the ministries concerned. Hence, the line ministries of both countries would take the lead, appoint liaison officers and initiate activities. The line ministries of Romania would inform their co-ordinating Ministry of European Integration. In the Netherlands line ministries would inform the Ministry of Foreign Affairs. These co-ordinating ministries would annually review the partnership to which end a consultative meeting would be held. Initially, the Netherlands made no extra budgetary means available. Only since 2004 the budgetary 'partnership facility' can be used for further development of the partnership between Romania and the Netherlands.<sup>16</sup>

<sup>16</sup> Netherlands Ministry of Foreign Affairs, *Memorie van Toelichting bij de Vaststelling van de Begroting van het Ministerie van Buitenlandse Zaken (V) voor het jaar 2004*, Tweede Kamer 2003-2004, V, nr.2, The Hague, 16 September 2003, p. 77.

The Romanian side, in particular the Ministry of European Integration (MIE), was clearly from the beginning interested in having a special partnership with the Netherlands. MIE was looking for a situation where sector links could be consolidated and ministries would be able to access Dutch technical assistance directly, according to their own strategic needs. The perceived quality of received Dutch technical expertise by Romania within Matra and PSO, and the flexibility and informality of Dutch partners represented a good starting point. The fact that MIE received assistance through two Matra pre-accession projects also led to the idea that (i) formally, the MoU would be a natural follow up of the two projects, and (ii) even more importantly, the Romanian government informally thought that such a partnership with the Netherlands would automatically imply political support from The Hague in the difficult process of concluding acquis negotiations (meaning a more friendly attitude and, possible, waivers on some issues). In this respect, Romania was so eager to establish such a partnership that the form of co-operation was of lesser importance. Moreover, by taking the initiative, the position of MIE vis-à-vis other ministries would be reinforced as the ministry was in a 'natural' position to establish initial contacts with foreign partners. The Romanian Ministry of Foreign Affairs and other ministries supported the plan to establish a special partnership with the Netherlands. The Netherlands considered the signing of the partnership as a political gesture of goodwill towards Romania.

Immediately after the signing of the MoU, the Romanian Minister of European Integration sent a 'Proposal for strengthening the Co-operation between Romania and the Netherlands in the field of European Integration' to The Hague. This proposal contained a number of ideas to enhance the bilateral dialogue on 9 of the 31 accession chapters. Later it became clear that MIE had actually not consulted line ministries on this initiative, but nevertheless proposed ideas on their behalf. The Netherlands Ministry of Foreign Affairs decided to organise an interdepartmental consultation round to prepare a reaction to the Romanian proposal. This meeting took place on 2 May 2002 and the integrated Dutch response to the Romanian proposals was returned on 17 May. In general the proposals "correspond to existing plans and activities of several Dutch ministries" and the idea was to start with specific projects in all relevant ministries, preferably with a specific time frame and strict agenda. Both the Romanian proposals and the Dutch reaction were very general in nature. It moreover became clear that no additional financing would be made available to implement the MoU as no clear intensification of relations with Romania was identified in the new Dutch policy document. In hindsight it can be concluded that soon after signing the MoU the opportunities for implementation started decreasing and the Dutch side lost momentum.

Meanwhile Romania continued to work on implementing the MoU. In August 2002 the Romanian Minister of European Integration sent a long list with contact persons and co-operation proposals to the Netherlands, where a new governing coalition had taken office. The Ministry of Foreign Affairs decided to again consult the line ministries and intended to create possibilities for the additional funding of implementation. The Dutch reaction was sent to Romania at the end of November 2002. It listed ongoing activities and new possibilities for each ministry, but no contact persons. It was stated that since February, "there have been many developments, not least in the field of bilateral co-operation. More Dutch ministries are now interested in intensifying co-operation with Romania. This is evidence of the fact that the MoU is already bearing fruit, albeit not always as visibly as we would like." In fact one can

wonder, firstly, whether and where such intensified co-operation took place and secondly, if so, whether this could be attributed to the MoU.

In February 2003 the Romanian Embassy in The Hague contacted the Netherlands Ministry of Foreign Affairs with specific questions on the implementation of the MoU, such as the names of Dutch contact persons and the planning for the agreed annual assessment meeting. During the visit of the Dutch State Secretary of European Integration to Bucharest in February 2003 further discussions took place. As a result it was decided that the co-director of the Dutch Taskforce for EU-enlargement would visit Bucharest for three days, to give insight into Dutch national procedures, the procedures and the workings of several EU meetings and consultation mechanisms. He would further brainstorm on the incorporation of the new acquis after chapter closure and monitoring of Romanian commitments. This Dutch offer of assistance could also be seen as a gesture to compensate for the rejection of a third Matra pre-accession project to strengthen the capacity of the Romanian Ministry of European Integration (after implementation of two prior projects). The visit took place in March 2003.

In general, in the period 2002-2003 only a very limited number of bilateral activities were related to the MoU. The visit by the Dutch co-director of the Taskforce for EU-enlargement was one of the most concrete activities thereof. No clear link existed between the bilateral activities developed by ministries and the 'practical partnership' envisaged in the MoU. In fact, no such practical partnership was established until almost two years after signing the MoU. Intensified bilateral dialogue neither seems to have taken place as a result of the partnership. Factors explaining the low level of interaction are a lack of additional finance for the implementation, limited capacity and interministerial co-ordination at both the Dutch and Romanian side.

Overall, it appears that the MoU was considered as a new umbrella for already existing bilateral forms of co-operation by the Netherlands whilst Romania read more into it than was on offer. Romania was looking for more resources and visibility, as well as an intensified dialogue on accession. The Netherlands probably aimed to gain more results for the same resources committed. In 2004 – two years after the signing of the MoU – a new budgetary 'partnership facility' was created which also provides funding for activities under the Dutch-Romanian partnership.

#### *Dutch assistance to Romania*

No complete overview of all Dutch support to Romania can be given. The Dutch government is not fully informed about charity, which started in the early nineties and continues. Charity focuses especially on social sectors, such as orphanages. Until 1997 Romania was eligible for Official Development Assistance (ODA). Thereafter the Netherlands provided bilateral economic and social transformation assistance. From 2000 onwards pre-accession support was added, accounting for some € 2 million per year during 2000-2003. Matra social transformation support is estimated at another € 3.5 million annually, and Romania has also been one of the largest recipients of economic transformation support through PSO (average annual allocations to Romania during the period 1998-2002 € 6 millions). Furthermore, in 2002 the Dutch government gave € 3.5 million bilateral balance of payment support, as Romania is part of the electoral IMF/World Bank group. In 2001, The Netherlands co-financed a World Bank project to the amount of € 2.8 million. Moreover, a separate environmental facility has been created under PSO (see chapter 6). Hence, total Dutch annual assistance to Romania is estimated at about € 12-15 million. The

total amount of support, however, is unknown, as not all contributions of line ministries could be calculated. It was possible that economic transformation assistance would be phased out when Romania receives the status of a functioning market economy, while other programmes probably would continue. The Netherlands was among the most active EU Member States in Romania, alongside France, the United Kingdom, Germany, Spain and, to a lesser extent, Italy.

#### *Main bilateral pre-accession programmes*

In the evaluation emphasis is given mainly to the assessment of the Matra and PSO pre-accession projects programmes MPAP and PSO PA, as they form the core of bilateral pre-accession assistance. Both programmes had a demand driven design and were implemented by Senter, an agency of the Netherlands Ministry of Economic Affairs. The Romanian Ministry of European Integration co-ordinated the demand for support among line ministries. The MIE made a preliminary selection of project proposals submitted by the line ministries, after which Senter chose those eligible for implementation after consultation of all stakeholders.

**Table 5 Overview of pre-accession support activities in Romania 1999-2003**

	<i>Average project/activity budget</i>	<i>Agriculture</i>	<i>Justice and Home Affairs</i>	<i>Environment and Water Management</i>	<i>European Integration</i>	<i>Total no. of projects over all sectors</i>
<b>MPAP projects</b>	€ 356,000*	-	1	2	2	11
<b>PSO PA projects</b>	€ 435,000**	1	-	1	-	8
<b>Phare twinning projects with Dutch participation</b>	€ 1,000,000	3 (leading) 2 (junior)	1 (leading)	-	-	17
<b>Adept courses</b>	€ 4,230	7 courses, 13 Romanian participants		9 courses, 28 Romanian participants	2 courses, 12 Romanian participants	45 courses, 160 Romanian Participants
<b>PUA missions (2000-2002)</b>	€ 4,860	2	18	-	1	45

\* Average project budget for all countries: € 325,000

\*\* Average project budget for all countries: € 353,000

Table 5 shows that in all four selected sectors a range of pre-accession support programmes were used. The intensity with which the different programmes were utilised clearly varied per sector. For instance, in environment and water management most projects were undertaken within the framework of the two bilateral pre-accession support programmes (MPAP and PSO PA), while in agriculture mainly the EU financed Phare Twinning programme was applied. Usage of MPAP and PSO PA partly depends on the quality of submitted project proposals, and the subsequent selection process by Senter (see annex 6 for an overview of project proposals).

Respondents from Romanian line ministries indicated that the application of selection criteria for proposals by both MIE and Senter were not entirely clear. Therefore the selection round of 2003, for which all information was easily available, was analysed

in more detail. As agreed with Senter, MIE performed the initial screening of project proposals. From the 81 project applications submitted in 2003 MIE dropped 51 proposals and 26 were sent on to Senter, however in the project application guidelines to the Romanian line ministries the initial screening phase by MIE was not mentioned. The evaluation team studied all 81 project proposals and concluded that the screening by MIE was sound and objective, and in line with programme guidelines. The second step in the process, final selection of eligible projects, is performed by Senter. The result of this selection process is documented in a so-called 'products plan' which is then submitted for approval to the Ministry of Foreign Affairs (in the case of MPAP) and the Ministry of Economic Affairs (in the case of PSO PA). The Netherlands Embassy in Bucharest too received all information on this screening process.

Although the Senter products plans mentioned the proposal selection criteria, their application was not always completely clear to Romanian applicants. The quality of most project proposals submitted by the various ministries was often disappointing, especially in the period 1999-2000. This was also confirmed by other donors and MIE itself. Because of the large number of assistance programmes and many challenges of acquis alignment, proposals were often very general in nature and based on a vague idea of where assistance might be useful. Because of their unspecified character the proposals were developed further after approval, taking into account ideas of the relevant Dutch ministry. This makes it sometimes hard to see why some project proposals, for reasons of quality, were rejected while others were approved but reformulated. Furthermore, due to the fact that Romania still faced many challenges in social and economic transformation, projects that were not strictly acquis-related often seemed to have more added-value for Romania's accession process than projects assisting in implementing a narrow directive.

Questions were raised by the Netherlands Embassy in Romania on the 2003 selection process, as it did not understand why three MPAP projects, all in the area of waste management (waste recovery and recycling, radio active waste management and recycling of batteries) were approved. According to the Embassy some proposals in the social sector should have been approved as they addressed more urgent problems. In addition the selected projects were originally submitted under the PSO PA programme, but finally approved as MPAP projects. According to Senter there were not enough eligible proposals for MPAP and the proposals in the social sector did not receive support of relevant Dutch ministries. After the 2003 selection round, Senter and the Netherlands Embassy discussed the selection problems and agreed upon better communication in future.

The large number of Dutch bilateral assistance programmes challenged co-ordination capacity on both sides. It is extremely hard to know exactly which projects are proceeding, let alone co-ordinate and prioritise them. Equally, projects were sometimes not well staffed due to overload. A certain fatigue amongst Romanian officials occurred, similar to other countries.

- Dutch involvement in Phare Twinning in Romania

In 1999 an initiative was launched to establish a National Contact Point for Twinning at the Netherlands Ministry of Foreign Affairs to stimulate and co-ordinate Dutch participation in the Phare Twinning programme, which until then was well behind expectation. According to the design of this programme ministries of EU Member States compete for implementation of pre-accession projects. Their counterparts in



acceding countries decide on the selection of proposals. This programme could thus play an important role in intensifying of bilateral relations.

Until end 2003 the Netherlands was selected for 17 Phare Twinning projects in Romania, with a budget of slightly over € 17 million. It was leading partner in 9 of the projects and junior partner in 8 (see annex 7). Most Phare Twinning projects with Dutch involvement were in agriculture including health and consumer protection, where the Netherlands took the lead in three projects and three in a junior role.

- General pre-accession support to MIE

Two MPAP projects were directed at strengthening the capacity of the Romanian Ministry of European integration. The first project started in 2000, before the actual establishment of MIE, and initially focused on the Department of European Integration within the Ministry of Foreign Affairs. The second project started in 2002 (see project assessments in annex 9). MIE was interested in a third project, but after consultations the Netherlands made clear that this would not be accepted. Nevertheless, a compromise was proposed by the Netherlands, consisting of an offer to provide specialised assistance for parts of the negotiations, to be carried out under the practical partnership (as described above). In the second MIE project, this transfer of specialised expertise was a key activity. To continue this type of co-operation in the context of the practical partnership was quite logical. However, because of problems specific to this partnership co-operation did not evolve as well as anticipated. Notably, Romanian and Dutch persons involved in the first project later jointly developed a project proposal for “Strengthening the Institutional Capacity of the Presidential Administration” funded under the Matra transformation programme.

### **Box 1 Assessment of general pre-accession support to MIE**

The two Matra pre-accession projects were more or less jointly developed by the Netherlands and Romania. The first project proposal, created by the Romanian Department of European Integration, was reformulated several times by the Netherlands. When the department was replaced by a Ministry of European Integration (MIE), this newly established ministry was not very pleased with the project approach. It was then agreed to follow a ‘leaner’ approach with fewer seminars and short term experts. The so-called Letter of Satisfaction by MIE made clear that they were not very satisfied with the outcome, but were interested in a new focused project to provide more direct assistance to the negotiating process. The second project was jointly formulated at the request of MIE.

At least three Phare projects overlapped with the first. The Letter of Satisfaction from MIE pointed at the large amount of assistance received. Any overlap would better be addressed in the second project which identified specific *niches* where Dutch assistance could add value. In fact, the kind of expertise offered did not necessarily require a tight project framework.

#### *Effectiveness*

Given the central and co-ordinating role of MIE in the accession process (see chapter 2) it is clear that strengthening its capacities was highly desirable. In both projects an effective approach was followed. In hindsight however, one can conclude that the first was perhaps over-ambitious in its desire to solve problems. One can also wonder whether the typical consultants approach was most suitable under the circumstances. The Letter of Satisfaction from MIE stated that given the small size of the project, expectations were probably too high.

Despite the claim of persons involved in the early phases of the first project that the main result was the set-up of inter-ministerial mechanisms for European Integration, it is not clear to what extent this institutional arrangement can be attributed to the project. The first project was not very effective, neither in contributing to Romania’s accession process nor in strengthening bilateral relations. The second project was more effective in, partially, realising both objectives. It also lay some groundwork for the practical partnership. The typical consultants approach did not contribute to the intensification of bilateral relations at central government level.

#### *Efficiency*

The costs of projects were relatively high, nor were they executed very efficient. Moreover, frequent institutional changes within MIE and very high turnover of staff had a negative impact on efficiency.

The PUA programme also tried to offer such short-term and specialised expertise on demand. Transfers were quite active at the institutional level for European Integration as at least six missions were sent to the European Institute of Romania, which is directly linked to MIE. However, their effectiveness was questionable as attendance was extremely low and occasionally selected participants did not meet criteria.

#### *Dispersion of activities*

With regards to the implementation of Dutch pre-accession sub-programmes in Romania, some remarks concerning their coherence are in order. Execution was rather dispersed, which was inherent in their design. Dutch agencies responsible for the identification, formulation and monitoring of activities all had different working methods. Four of the sub-programmes (MPAP, PSO PA, PUA and ADEPT) had the same Romanian counterpart i.e. MIE. In theory this contributed to a better informed Romanian party and improved possibilities for co-ordination. The Netherlands Embassy in Romania and the ministries in the Netherlands had a strong advisory role in most important sub-programmes, but did not explicitly define co-ordinating tasks. Information was often dispersed and not always country-specific. The embassy expressed particular concern about the scattering of bilateral assistance, and its co-ordinating task was not clearly defined. Complete information on Matra sub-programmes activities was not available. In 2003 an effort was made by the embassy to streamline information on assistance programmes and stimulate exchange of information. Still, the design of the Dutch pre-accession instruments seems to have been sub-optimal, especially as regards the realisation of the second policy objective, the strengthening of bilateral relations.

### **3.4 Bilateral Relations**

According to the Netherlands Ministry of Foreign Affairs bilateral relations between Romania and the Netherlands were 'good',<sup>17</sup> according to the Netherlands Embassy even 'excellent'.<sup>18</sup> Many forms of co-operation exist between both government and non-governmental organisations. The Netherlands has over the last decade also been among the most important foreign investors in Romania. The (growing) Dutch business community in Romania took an active role in strengthening bilateral relations in both the private and public sector. This was visible in the strong support for the Romanian initiative for a bilateral partnership to align both official and economic relations.

The Dutch government supported the decision taken at the Helsinki Summit to start accession negotiations with Romania. From the start of negotiations Romania showed an interest in intensified relations, given the substantial transformation assistance it already received and increasing Dutch investment. In general the Dutch government agreed with the observations made by the Commission in its regular reports, and also supported some important decisions concerning Romania, such as the removal of visa requirements for its citizens early 2002.

<sup>17</sup> Netherlands Ministry of Foreign Affairs, *Country fiche Romania*, BZ-intranet, 2003.

<sup>18</sup> Royal Netherlands Embassy in Bucharest, *Annual Plan 2003*.

The year 2002 was a politically turbulent year for the Netherlands. The changing Dutch public and political debate on EU enlargement at certain times affected relations. During a debate in the Second Chamber (the Dutch Lower House of parliament) in October 2002, one of the largest parties (and member of the governing coalition) pleaded for the reintroduction of visa requirements for Romanian citizens, a position that was also upheld in a letter published in a Dutch newspaper. The immediate cause was extensive media-coverage of the eviction of a group of Romanians (and Bulgarians) from the Netherlands. The Dutch government, however, did not support this stance. In the same debate a resolution was adopted to urge the government to exert influence on the European Council, to not specify an accession date for Bulgaria and Romania.<sup>19</sup> According to the resolution this would arouse false expectations. Parliament wanted to follow a careful accession process where accession of candidate Member States depends on meeting necessary criteria. The government willingly accepted this resolution. Romania was concerned that this would set a trend for other governments. However, it did not affect European decision-making as the Copenhagen European Council targeted Romania's and Bulgaria's accession for 2007. The 2002 annual report of the Netherlands Embassy in Bucharest mentions the pressure on bilateral relations during that year due to Dutch media attention to the eviction of illegal Romanians and the above-mentioned parliamentary resolution. According to the embassy's report 'damage control' efforts were required.

The MoU on a 'practical partnership' has thus far not resulted in strengthening bilateral relations or intensified dialogue. Additionally, projects carried out within the framework of Dutch bilateral pre-accession support programmes have only strengthened bilateral relations at the sector level. The implications will be discussed in chapters 4, 5, and 6.

### **3.5 Conclusions**

In absence of country-specific policies, Dutch policy towards Romania is not elaborated upon in the various policy documents. Instead, the Netherlands identified three groups of countries with different priority status. The Visegrád countries (Poland, Hungary, Slovakia and the Czech Republic) constitute the group of Central European countries with highest priority for the Netherlands. Romania and Bulgaria together compose the second, due to the fact that both countries are members of the Dutch electoral group of the World Bank and IMF. It is not clear, however, what this meant in practical terms. Notably, no differentiation is made between Romania and Bulgaria in Dutch bilateral policy documents.

Because of the Dutch government's opinion that the social and economic transformation process in Romania and Bulgaria was still ongoing, assistance in these areas was continued in parallel to bilateral pre-accession assistance. Assistance has been substantial, with an annual amount varying between € 12 and € 15 million during the past few years. This support, however, was scattered over a large number of sectors and different programmes. Their design did not directly intensify bilateral relations at central government level, one of the policy objectives. The most relevant Dutch actors in this respect, i.e. the embassy in Bucharest and line

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<sup>19</sup> Motie van de leden Verhagen en Zalm, Tweede Kamer 2002-2003, 23 987, nr. 25, The Hague, 23 October 2002.

departments, were involved only in an advisory capacity. In the coming years there seems to be ample room for streamlining Dutch pre-accession assistance.

The Memorandum of Understanding that established a 'practical partnership' between the two countries was concluded at Romania's request and can be considered a Dutch political gesture. Romania was interested in a more structured and privileged form of co-operation, preferably modelled on the format of the 'Utrecht Conference' between the Netherlands and Poland. The initial Dutch attitude towards such a partnership was moderately positive, but the Utrecht Conference had to remain a unique concept reserved for Poland. The partnership with Romania was intended to be of a more practical nature. Two years after the signing of the MoU only few practical results can be attributed to it. Initial interest to create more momentum in bilateral relations seemed to have disappeared and the partnership was considered to be an umbrella for existing collaborative activities. Consequently an intensification of political dialogue on accession, which the Romanians were interested in, did not materialise.

Bilateral relations between the Netherlands and Romania were at some times challenged. The 2002 Dutch resolution aroused concern in Bucharest. Parliament called on government to prevent the setting of an accession date for Romania (and Bulgaria) by the Copenhagen European Council. According to the Netherlands Embassy, damage control measures were required.

## 4 AGRICULTURE

### 4.1 Introduction

In this chapter a sector-specific analysis of the Dutch-Romanian relations in agriculture will be presented. First, Romanian agricultural conditions at the start of accession negotiations will be depicted, followed by a description of negotiations on the agricultural chapter and specific issues that needed to be addressed. The focal point of the chapter concerns the development of Dutch-Romanian agricultural bilateral relations in light of Romania's accession to the EU, taking into account the role played by bilateral policy and assistance instruments. Next, bilateral pre-accession projects in the agricultural sector will be assessed. This chapter will form one of the building blocks for the Agriculture chapter of the final evaluation report.

### 4.2 Main Issues of Romania's Accession in the Field of Agriculture

More than two years after the start of accession negotiations, the chapter on agriculture was opened. Negotiations on sanitary-veterinary and phytosanitary legislation and on horizontal issues started on 1 October 2002, the common market organisation and rural development and forestry on 20 December 2002. At the end of 2003 the chapter on agriculture was not yet finalised (see chapter 2).

According to the Romanian government in November 2003 "Agriculture represents a priority sector of the national economy."<sup>20</sup>

#### *Role of agriculture in the Romanian national economy*

Although decreasing since 1996, the agricultural contribution to Gross Domestic Product (GDP) remained very high in comparison with the EU15 average. In 2001 it accounted for 12.8% of GDP while for the EU15 the average was 1.7%. In 2002 the percentage continued to decrease to 11.7 % of GDP. Contribution to the creation of Gross Value Added (GVA) also showed a decreasing trend, from 19.1% in 1997 to 14.6% in 2001 and 13% in 2002.<sup>21</sup>

As a result of the industrial restructuring and privatisation process, many plants were closed down or staff reduced. Many returned to rural areas to make a living in agriculture. In 1989, 27.5 % of the total national labour force was working in agriculture but in recent years this increased to around 40%, very high compared to the EU average.<sup>22</sup>

After the collapse of communism, land was restored to the private sector, resulting in more than 4.7 million owners sharing an area of 11.92 million hectares (ha). The fact that 40-45% of landowners lived in urban areas and did not earn their living in

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<sup>20</sup> Government of the Republic of Romania, *List of priorities in the European Union Pre-accession Process for the period December 2003-December 2004*, Bucharest, November 2003.

<sup>21</sup> See Commission of the European Communities, 2003 *Regular Report on Romania's Progress towards accession*, Brussels November 2003.

<sup>22</sup> See for instance, for 1994-2001: Commission of the European Communities, *Agricultural Situation in the Candidate Countries*, EC-DG for Agriculture, Country Report on Romania, Brussels, July 2002; for 2002: Commission of the European Communities, *Regular Report on Romania's preparations for Membership*, Brussels, 5 November 2003.

agriculture may be a future advantage due to increased land transfers to people wanting to develop commercial agricultural holdings.

Official data referred to an average area or holding of 2.3 ha, very low in comparison to the EU15. Of a total 3.9 million holdings in Romania 40% (1.6 million) consisted of less than 1 ha.<sup>23</sup> The large number of mainly subsistence farms and land fragmentation were serious constraints in developing a modern, efficient agricultural sector.

The utilised agricultural area (UAA) was 14.8 million ha, consisting of 63.2% arable land, 33.4% grassland and 3.4% orchards and vineyards. The UAA represented 62.1% of total Romanian surface,<sup>24</sup> again high compared to the average of 40.6% in the EU.

The Romanian agriculture had the following main features:

- A large number of small farms, mostly producing for own consumption;
- Small-scale holdings, often fragmented in more plots;
- Rapid soil degradation due to erosion, draught, inadequate working methods, etc.;
- Lack of financial resources and limited credit accessibility;
- Poor technical endowment;
- Poor technical knowledge by many agricultural producers; and
- Limited entrepreneurial and managerial skills.

These factors led to low labour and capital productivity, low returns, poor quality of agricultural products and limited competitiveness. The perspective of EU integration speeded up the much needed transformation process and adjustment of production, processing and market structures.

#### *Agricultural development strategy*

The Romanian government elected in November 2000 assigned priority to the development of agriculture. With this increased emphasis, especially in view of future EU Membership, Romania increasingly acknowledged the need for foreign assistance to support accession preparations.

Taking into account EU accession Romanian authorities formulated an agricultural development strategy in 2002. The strategy focused on objectives similar to those at the core of the Common Agricultural Policy:

- to promote balanced, integrated rural development and diversification;
- to support the development of sustainable, market-oriented agricultural and food sectors;
- to enhance the quality and safety of the food chain;
- to improve animal health and welfare;
- to protect the environment and biodiversity;
- to enhance social stability in rural areas; and
- to ensure that opportunities and benefits resulting from EU accession are open to all.<sup>25</sup>

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<sup>23</sup> Commission of the European Communities, *Agricultural Situation in the Candidate Countries*, DG Agriculture, Country Report on Romania, Brussels, July 2002.

<sup>24</sup> The real UAA may only be calculated after the data of the 2002 Agricultural Census are published; meanwhile the indicator used is the total agricultural area.

<sup>25</sup> Government of the Republic of Romania, *Romania's Agricultural and Rural Strategy for Accession to the European Union*, Bucharest, February 2003.

While most Romanians expected economic and financial gains from access to the common market, the gap between Romanian and EU agricultural development levels raised concerns about Romanian producers. Romania was confronted with a trade deficit with the EU. It was highly probable that this deficit would deepen in the future unless Romania was granted a longer time period to reduce quality differences between domestic and EU agricultural products.

Due to a lack of financial means and limited access to bank loans, a relatively large number of farms did not have the necessary investment funds to develop or comply with EU standards. Pre-accession funds, such as those of the SAPARD programme, require substantial co-financing and prepayments, which makes them less accessible to smaller farmers.

#### *Accession negotiations*

Negotiations on the agricultural chapter started only end 2002 and were expected to be closed by end 2004. In trying to meet EU concerns, the Romanian government in November 2003 distinctly included “the strengthening of administrative capacity to implement the *acquis communautaire* in agriculture and environment protection” in its *List of priorities in the Pre-accession Process*. The agriculture negotiation chapter included five topics addressed in the government’s priority focus:

- Horizontal issues, such as an organised, accredited and fully operational Paying and Intervention Agency by 2006; data collection according to EU requirements and a new and coherent state support policy will be established in line with EU rules on state aid.
- Common Market Organisation issues, such as enforced legislation and introduction of EU quality criteria.
- Rural development issues, such as accrediting SAPARD measures, improvement of absorption capacity for SAPARD funds, and enforcement of legislation and agri-environmental measures.
- Veterinary and phytosanitary issues, such as improvement of implementation capacity by veterinarian authorities, continuing of identification and registration of staff for animal training in food industry, and upgrading of laboratories with testing responsibilities in the said fields.
- Food safety issues, such as the setting-up of, and equipment for reference laboratories to be accredited for control of agri-food products, and an operational National Food Safety Agency.

In its position paper presented to the *Accession Conference* in 2002, Romania requested production quotas and several transition periods especially directed at veterinary standards. An initial request for a 5-year safeguard against agricultural products from Member States if market distortion occurred was withdrawn in August 2003. Romania requested production quotas of 500,000 tons of white sugar and 5 million tons of milk for 2007. It furthermore asked for a direct payment scheme for 6.9 million ha. In April 2003 a complemented position paper with changes in sanitary-veterinary and phytosanitary issues was presented.

#### *Foreign assistance*

Of the three financial instruments to support Central European candidate Member States in preparing their economies and compliance requirements for EU Membership (Phare, SAPARD and ISPA), the first two instruments apply to the agricultural sector (see chapter 2). In addition, the World Bank is, after the EU, the second largest provider of financial resources to Romania. Financial commitments

(loans and grants) to agricultural projects already implemented or under implementation amounted to \$ 627 million. The largest World Bank projects focused on land registration, rural development and financing.

Romanian Ministry of Agriculture (MAFWE<sup>26</sup>) officials interviewed were unable to provide the evaluation team with the complete overview of all pre-accession assistance offered by various countries necessary to monitor projects and differentiate between support for institution building and accession preparations, and private sector development. This situation was partly due to the fact that projects related to EU accession issues were co-ordinated by the Ministry of European Integration. The representatives of the Department for Strategies, European Integration and International Relations in the MAFWE mentioned that Romania received bilateral assistance from the Netherlands, Germany, France, Denmark, United Kingdom, Greece and Spain. However, no amounts could be specified.

The lack of a clear overview of financing opportunities and ongoing projects raises concerns about the mechanisms used by the Romanian authorities to co-ordinate the various assistance initiatives and avoid overlap. In practice, however, donors wishing to overcome potential duplication inform each other.

### **4.3 Use of Policy and Assistance Instruments in Agriculture**

#### *Background and bilateral policy instruments*

Bilateral relations between the Netherlands and Romania gradually intensified during the second half of the nineties. Before 1998 bilateral agricultural issues were dealt with by the agricultural attaché in Budapest. In 1998 an agricultural attaché was posted to the Netherlands Embassy in Bucharest due to growing Dutch agri-business interest in Romania. Within a few years the Netherlands became a major investor in Romanian agri-business. Increased political stability, expectations of future EU membership and a relative large market (a population of 22 million people, rather poor but with prospects for growth) were important factors driving this development.

The Romanian government was also keen to strengthen bilateral relations with the Netherlands (see also chapter 3). Agricultural relations became more visible when the Romanian Minister of Agriculture Sarbu visited the Netherlands in October 2002 and signed a working programme with his Dutch counterpart. The Netherlands Ministry of Agriculture offered technical assistance and training to the Romanian ministry in order to advance the pre-accession process. The budget came partly from the Dutch Ministry itself,<sup>27</sup> but the use of other bilateral and communitarian pre-accession instruments was also envisaged. The working plan built on contacts established after the office of the agricultural attaché was set up in 1998. The list of activities was based on Romanian assistance requests. The working programme

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<sup>26</sup> In February 2003 the Ministry of Waters and Environment (MWE) and the Ministry of Agriculture, Food and Forests (MAFF) were merged into the Ministry of Agriculture, Forests, Waters and Environment (MAFWE). In April 2004 the Ministry was split again.

<sup>27</sup> There was no specific (pre-determined) budget allocated to the bilateral working programme signed in October 2002. In autumn 2003, the Netherlands Ministry of Foreign Affairs (BuZa) informed the Netherlands Ministry of Agriculture (LNV) about the fact that a budget of € 100,000 could be made available for assistance to the Romanian Ministry of Agriculture. After consultations between LNV and the Romanian Ministry of Agriculture (intermediated by the Office of the Agricultural Attaché) a list of priorities for bilateral co-operation was drawn up, a detailed plan (including cost break-down for each foreseen activity) was elaborated and submitted for approval to BuZa. In March 2004 no reply was received yet.



however clearly consisted of activities that were Dutch government priorities in the field of agriculture – namely food safety, veterinary and phytosanitary requirements, and common market organisation. This implies that assistance was not considered an ad-hoc activity but fitted into a larger framework.

#### *Assistance instruments*

An overview of assistance programmes supporting Romanian agriculture is presented in table 6 below. It shows that most assistance was provided through projects supporting Dutch-Romanian business relations: 13 PSO economic transformation projects, in various sectors, with a budget of almost € 8 million have been implemented since 1999. This illustrates the increasing interest by Dutch agri-business. However, pre-accession assistance through PSO has been relatively meagre. In the years 1999-2001 only one PSO PA project proposal was submitted and accepted. Another three pre-accession projects were accepted in 2003 and will start early 2004.

**Table 6 Project overview of Dutch assistance to Romania in agriculture, food industry and nature management related subjects, 2000-2003<sup>28</sup>**

<i>Name of Programme</i>	<i>Number of projects</i>
Phare Twinning	5
PSO (economic transformation)	13
PSO PA	3
PUA/PUM (short term mission by former civil servants and retired company managers)	27
Courses (mainly MATRA-ADEPT)	14
Export Promotion activities	9
MATRA-PIN/KNIP (nature conservation projects)	16 small

The reasons for this relatively small number of bilateral pre-accession projects is found in (mis)communication between the Romanian Ministry of Agriculture and the Ministry of European Integration (MIE) on procedures for submitting and selecting proposals. MIE is the national co-ordinator of the PSO PA project proposals submitted by Romania and makes a first selection before sending proposals to Senter (see chapter 3). In previous years proposals in the field of agriculture were not forwarded to Senter as they did not pass the first internal (Romanian) selection round. MAFWE staff complained that the priority setting, selection criteria and deadlines for proposal submission were not clear and that communication on these issues was insufficient. The previous Dutch agricultural attaché agreed that selection procedures were not transparent. However, in 2003 the Romanian Ministry of Agriculture managed to have three proposals on nature conservation, agri-environment, and milk quality improvement accepted for the PSO PA programme. This 'success' may be attributed to the changing priorities of the then Romanian government (focusing more attention on agriculture than the previous government) and increased involvement by the Romanian Ministry of Agriculture in the PSO PA process for submitting proposals. The MAFWE seemed much more alert to take the opportunities offered by the Dutch PSO pre-accession assistance programme.

The Matra Pre-Accession Projects programme (MPAP) supported pre-accession activities in non-economic sectors and/or institutions responsible for the execution of government tasks. As the programme focused on non-economic sectors, proposals

<sup>28</sup> Source: based on *Project Overview Netherlands' assistance to Romania in the 21<sup>st</sup> century*, Office of the Agricultural Attaché, Royal Netherlands Embassy, Bucharest, update October 2003.

from the agricultural sector would only be approved if complying with strict criteria. The only project submitted for selection under the MPAP programme was submitted in 2001 (on integrated rural development and land consolidation), but not accepted (see table 7).

**Table 7 Requests for bilateral assistance and realised projects at the end of 2003**

<b>Requests for assistance</b>	<b>Projects realised at the end of 2003</b>
Phytosanitary issues	PSO PA: Strengthening administrative capacity for seeds and planting material; Phare Twinning: Enforcement of the phytosanitary acquis on prevention of introduction and spread of injurious (micro) organisms; Development and strengthening of Romanian phytosanitary administration.
Veterinary issues	Phare Twinning: Strengthening capacity to manage the veterinary acquis; Development and strengthening of administrative capacity to take over and implement the acquis in the field of animal nutrition.
Establishing a paying agency	No project(s) realised yet.
Agricultural policy	Phare Twinning: Agricultural and rural policy at national and regional level.
Institutional capacity building	No project(s) realised yet (PSO PA 2001 project proposal on producer groups in the fruit & vegetable sector not accepted).
Rural development	No project(s) realised yet (MPAP 2001 project proposal not accepted).

The Netherlands Ministry of Agriculture also offered several courses to Romanian experts (amongst others, through the Matra ADEPT Programme). Yet the biggest channel for Dutch pre-accession support was the EU funded Phare Twinning programme. Dutch involvement in Phare Twinning concentrated on veterinary and phytosanitary issues, two important elements of Dutch assistance policy towards all Central European candidate Member States. That the Netherlands was a leading partner in four Phare Twinning projects was, amongst others, clearly due to Dutch experts being available for posts abroad as long-term consultants. In addition the relatively active participation in EU Phare Twinning projects can also be attributed to the strong intermediary and supportive role played by the agricultural attaché in bringing partners together. So far, MAFWE interviewees evaluated Twinning projects with Dutch involvement as very positive.

Dutch support to the Romanian agricultural sector was substantial and the Netherlands was probably the largest bilateral donor in this sector. However, with respect to pre-accession, many other countries played a role, e.g. Denmark, France, Greece, Germany and Spain.

#### *Thematic clustering of activities*

Assistance within the framework of the bilateral working programme consisted of continuing collaboration in the phytosanitary and veterinary sector, as well as in the field of agricultural policy. The programme also held out the prospect of initiating new collaboration on the organisation of the ministry, organisation and operation of the Integrated Administration Control System (IACS), the fruit and vegetable sector, and Commodity Boards (Interprofessional Organisations). The list of activities was based on requests for assistance submitted by Romania. The working programme, however, clearly consisted of activities that were priorities in the field of agriculture for the Dutch government – namely food safety, veterinary and phytosanitary requirements, and common market organisation.

Bilateral assistance projects focused largely on veterinary and phytosanitary issues (see table 7). In addition Dutch support mainly focused on issues of institutional capacity building for agricultural policy and rural development.

At the end of 2003, the Romanian Ministry of Agriculture intended to draft a multi-year action plan to get ready on time for accession. MAFWE interviewees indicated that the main topics, as well as more detailed subjects and assistance needs were identified. This plan would form the base for Romanian requests for external help, either from the EU or from individual Member States. Food safety would be a main subject in the coming round of accession negotiations with the EU. As zero tolerance was the message sent out by the European Commission, the Romanian Ministry acknowledged that work in this field must be given priority. This matched perfectly with Dutch priorities and as such the Netherlands was willing to play an important role in assisting Romania to comply with the *acquis*. This was demonstrated by active participation in late December 2003 of Dutch experts in drafting proposals for a World Bank project, aiming amongst others at the establishment of a Food Safety Authority in Romania.

### *Conclusion*

Bilateral agricultural relations between the Netherlands and Romania intensified after the posting of an agricultural attaché in Bucharest in 1998. After a preparatory period – end of which is marked by the visit of the Romanian Minister of Agriculture to the Netherlands in 2002 – bilateral pre-accession co-operation speeded up. However, most Dutch involvement came through EU financed Phare Twinning projects. These projects fitted very well with Dutch priorities for agricultural assistance to candidate Member States. Co-operation between the countries during the research period focused on phytosanitary and veterinary issues, and also on agricultural policy, all priorities for the Romanian government during the accession process.

## **4.4 Assessment of the Bilateral Pre-accession Project**

Only one Dutch PSO pre-accession project in the agricultural and rural development area was accomplished in the period 1999-2003: the project 'Strengthening administrative capacity for seeds and planting material'. This project is evaluated in this section. The State Inspection for the Quality of Seeds and Planting Material (ISCSMS) of the Romanian Ministry of Agriculture and Forestry was the main beneficiary. After having studied and evaluated the relevant documents and interviews with key persons, following are main elements of the evaluation.

### *Background of the project*

In 1999 the Romanian Ministry of Agriculture submitted the project proposal to Senter, without contacting the Dutch counterpart. The State Inspection of Seed Quality (ISCSMS) was already working on the transposition of EU legislation with respect to seed and planting material when in 1999 the head of the Inspectorate was asked to join in a proposal for improving the capacity of the Inspectorate, to be submitted for Dutch funding through PSO PA. The State Inspection influenced the project proposal as presented in the ToR by communicating its needs to the Netherlands Embassy in Bucharest and Senter. Before the latter formulated the project in more detail, a preparatory mission went to the countryside to see relevant institutions, which proved to be important in getting a thorough understanding of sector needs.

In 1997 Romania started adjusting its inspection services in accordance with EU requirements, i.e. by following the *National Programme for the Adoption of the Acquis* which indicated what legal changes had to be implemented for compliance with EU *acquis*. Several Romanian laws had already been adjusted to OECD standards, but

at the start of the project further updating was necessary to comply with more recent requirements. Moreover, Romania started implementing a seed certification system before the bilateral project was launched. State Inspection made a complete analysis of relevant issues, indicated a need for further improvement and adaptation. The most pressing issues were institutional reorganisation, both at central and regional level, and technical activity implementation in the field of seed certification.

Very little foreign assistance had been offered in this field before this project started and at the time of its launch there were no overlapping projects. The project made use of ongoing efforts of ministerial staff to harmonise Romanian legislation with EU acquis requirements and modify and improve the administrative structures of the state seed inspection system. There was another PSO ('classical') project dealing with (seed) potatoes (PSO99/RM/1/2), i.e. the establishment of an ELISA facility for virus identification in Brasov. As part of that project attention was given to quality control of potatoes.

#### *Effectiveness A: support to Romania's accession*

The project contributed to Romania's effort to comply with the EU acquis. Objectives were realised and planned outputs were realised, some even exceeding targets. The beneficiary (ISCSMS) expressed satisfaction with the results. All relevant national legislation was harmonised with the acquis in 2002, two pilot test laboratories were completed successfully and structural reorganisation initiated.

The project produced considerable spin-offs. After the formal ending of the project in 2002, Romania continued to invest in laboratory equipment, IT soft- and hardware and training (the state budget and the Inspectorate's own means) with the aim to further improve laboratories throughout the country and update the system technically. Furthermore, as the project trained staff to carry out adequate audits and quality control, Romania is no longer dependent on foreign expertise for accreditation of the labs. Romanian partners trained by Dutch experts are now trainers themselves.

#### *Effectiveness B: strengthening bilateral relations*

Dutch and Romanian experts met each other incidentally, but whether this development can be attributed to the project is questionable. Similarly, it is difficult to say whether the project strengthened commercial relations. Some Dutch companies are active in seed multiplication in Romania. Their presence can be explained by the fact that there is enough seed testing capacity in the country, and that Romanian legislation concerning seed quality, registration and control now complies with EU regulations. The legal framework is in force, creating conditions for further agri-business investment. At ministerial official level the project did not establish structural contacts.

#### *Efficiency*

The beneficiary of the project was very satisfied with the way support was given. Communication within the project was excellent. The experts turned out to be very knowledgeable in their field and were highly committed. The flexibility of the project to address changing needs was deeply appreciated.

## **4.5 Conclusions**

Agriculture is a priority sector for Romania, as it accounts for about 40% of the national labour force. Set against the accession context, the gap between the level of

Romanian and EU15 agriculture raised concerns about the situation of Romanian producers. The Romanian government intended to finalise accession negotiations end 2004. At the end of 2003 the chapter on agriculture still needed to be provisionally concluded.

In its 2003 Regular Report on Romania's progress towards accession, the Commission pointed at the quick pace of *acquis* adoption. However, there were also many concerns about insufficient management and administrative capacity to implement and enforce newly adopted legislation, among others in the field of agriculture. On all agricultural topics for accession – horizontal issues, common market organisations, rural development, veterinary and phytosanitary, and food safety issues – Romania needed additional effort to complete preparations for accession. In reaction to the Commission's assessment, Romania's government made strengthening of administrative capacity to implement the *acquis* in agriculture a top-priority.

The Netherlands took special interest in veterinary and phytosanitary issues, as well as in food safety and agricultural policy. According to the policy document of the Netherlands Ministry of Agriculture, these were major priorities for pre-accession support to Central Europe, which largely took the form of Phare Twinning projects. Assistance through PSO PA was limited to one project until 2003, after which additional projects were started. This late start was also due to Romanian priority setting, which gave little attention to the agricultural sector up to 2001.

Bilateral relations in agriculture were further visibly strengthened after the visit of the Romanian Minister of Agriculture to the Netherlands in 2002. On that occasion a first bilateral working programme was drafted, in which the Netherlands offered support on issues of veterinary, food safety and phytosanitary requirements, common market organisations, rural development and institutional capacity building. The Romanian Ministry intended to use Dutch bilateral pre-accession assistance in addition to EU support much more intensively in future in order to mobilise all assistance available for the timely completion of *acquis* preparations.

One PSO PA project was assessed in this evaluation: 'Strengthening the administrative capacity for seeds and planting material'. The proposal submitted to Senter was drafted independently by the Romanian Ministry, but a Dutch mission visited the Romanian institution before the project was formulated in more detail. The project contributed effectively to Romania's compliance with the *acquis* in the area of State Inspection of the seeds and planting material quality. In strengthening bilateral governmental relations the project was less effective. This contrasts with contacts between agricultural experts and companies, which increased. The project was executed fairly efficiently, and especially its flexibility in adapting to changing needs was appreciated by Romania.



## **5 JUSTICE AND HOME AFFAIRS**

### **5.1 Introduction**

This chapter presents an analysis of Dutch-Romanian relations in the justice and home affairs sector. First, the conditions of this sector prior to the accession negotiations, to which transformation and accession issues are intimately related, will be discussed. Then a survey of negotiations on the justice and home affairs chapter, including issues of particular importance to Romania, will be presented. The development of Dutch-Romanian bilateral relations and the use of available policy and assistance instruments is the focus of this sectoral chapter. One bilateral assistance project was implemented during the evaluated period, and it is evaluated in the next section (see also annex 9). This chapter will form a building block for the Justice and Home Affairs chapter of the final evaluation report.

### **5.2 Main Issues of Romania's Accession in the Field of Justice and Home Affairs**

#### *Transformation and reform in the field of Justice and Home Affairs*

After the fall of Nicolae Ceaucescu, Romania in 1991 adopted a new Constitution endorsed by referendum, providing for a variety of human rights. Both communist and pre-communist legacies however left deep traces on the functioning of the Romanian judicial system, making the establishment of a full-fledged democratic state under the rule of law an enormous challenge. Reform of the judicial system did not require institutional restructuring, but required a change in norms and values. The process of judicial reform in Romania more or less overlapped with the requirements of the European Union.

- **Judicial Independence**

Of paramount concern was the intrusion of the Executive in judicial affairs, violating the principle of judicial independence. As the courts were strongly tied to the Ministry of Justice (financially and as regards the appointment of judges), they were not completely free from political influence. The main goal for international donors assisting judicial reform in Romania was to transfer oversight from the Ministry of Justice – which directly controlled judges and participated in their appointment – to the Superior Council of the Magistracy (SCM). In October 2003 constitutional reform passed a referendum on the issue. The amended Constitution opened the door for this transfer. It was however still unclear how the Council should be appointed to insulate it from political intervention. To accomplish the reorganisation of the Judiciary three laws were prepared, then at different stages of approval by Parliament (the draft law on the organisation of the judiciary, the statute of magistrates, and the organisation and functioning of the Superior Council of the Magistracy). These draft laws intended to pass control from the Ministry of Justice to the Superior Council of the Magistracy. However, their adoption by itself does not yet guarantee true independence for the judiciary.

- **Judicial Efficiency**

In addition, poor working conditions of many judges – due to a lack or inadequate conditions of buildings, office space and court rooms, lack of computers, equipment, legal materials, literature, and (legally trained) support staff – hampered the efficiency

of judicial procedures. At the same time, courts were overloaded by property lawsuits resulting from contradictory restitution legislation.

- Extraordinary appeal

Initially an exception, 'extraordinary appeal' by the general prosecutor during the past decade became the norm in challenging final judicial rulings favouring former owners of nationalised real estate. In practice this meant that an owner turned to the courts after waiting in vain for the return of property, confiscated by the communist regime. The courts ruled mostly in favour of owners. In most cases the government appealed, and the case eventually went to the Supreme Court, which followed prior adjudications. But then the general prosecutor would appeal, and a second panel of judges from the Supreme Court would rule in favour of the government. Many of these cases subsequently reached the European Court of Human Rights in Strasbourg. In 2003 the Romanian government lost all cases before this court. Pressed hard by the European Commission, the World Bank and many donors, the Romanian government promised that it would reduce the practice of extraordinary appeal. This option for civil cases was eliminated in 2003. Furthermore, the Ministry of Justice elaborated a draft Law amending the Code of Criminal Procedure in order to repeal the provisions regarding extraordinary appeal in criminal matters, which was adopted in 2004.

- Corruption

In 2003 Romania featured as the most corrupt of the EU accession countries in the survey of Transparency International.<sup>29</sup> Some steps were taken to fight administrative and petty corruption. Implementation of the new 2001 Freedom of Information Act, an accountability act asking for the first time for reports on how public money is spent, progressed slowly. A comprehensive anti-corruption law was adopted in April 2003. It was a package of laws including, among other things: asset and interest disclosure requirements for top dignitaries and civil servants; measures to enhance the anti-corruption institutional framework; the creation by the government of a special prosecution office to deal with major cases; and a new civil service law. The latter attempted to better define the scope and status of the civil service in Romania, and raised the threshold in the process of de-politicisation, by transferring a number of top appointed positions to a special class of higher civil servants. Special attention would be given by the Romanian government to the application of measures contained in the 'Action Program against Corruption in the Public Administration', as well as the implementation of the 'National Program for Preventing Corruption' and the National Action Plan against Corruption. A large majority of laws required for the reform of justice was due to be adopted by the Parliament in Spring of 2004.

- Discrimination

In 1996 Romania's new penal code came into force, whilst debates were raging over a controversial provision making homosexuality illegal. In 2000, the chamber of deputies overturned the latter provision. In practice however the new laws changed very little. In criminal cases, there was evidence that suspects and prisoners were beaten and abused – especially when crimes related to homosexuality were at issue. Although the rights of minorities were constitutionally protected discrimination was still evident, particularly toward the Roma population. This was also an issue of concern to the EU.

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<sup>29</sup> See: [www.transparency.org/cpi/2003/cpi2003.en.html](http://www.transparency.org/cpi/2003/cpi2003.en.html)



### *EU accession requirements in the field of justice and home affairs*

Romania's EU accession in the field of JHA was primarily covered by negotiation on chapter 24 (JHA), as well as meeting the political criteria concerning the judicial system. In general, the justice and home affairs chapter stood out in being comparatively small with regards to the *acquis* to be transposed, but significant in terms of needed investment (for the Schengen *acquis* or physical installation of external borders) and social-cultural changes required to achieve results (anti-corruption and anti-drug measures, transformation of the judicial system). In its 1997 *Avis* the Commission highlighted that the Amsterdam Treaty, which incorporated the Schengen *acquis* into the framework of the European Union, "binds any candidate for EU Membership to accept that *acquis* in full" prior to Membership. Because of continued development of the Schengen *acquis*, meeting the justice and home affairs *acquis* as set in the document for Romania, was in a sense a 'moving target'. This problem was not specific to Romania but applied to all candidate Member States. In the Commission's monitoring of political criteria for accession, transformation issues such as judicial reform, anti-corruption measures, adoption of the new Code of Criminal Procedure and ensuring its due implementation, training of specialised judges and prosecutors, improving working conditions of courts, widening the availability of legal aid and reducing backlog of cases, were all addressed.

The Romanian government submitted its negotiation position paper on the justice and home affairs chapter on 12 December 2001, followed by the opening of negotiations during the first half of 2002, under Spanish presidency. In this position paper the government stated that "Romania fully accepts the *acquis communautaire* in force on 31 December 2000, does not request any transition periods or derogations, and will be able to fully implement the *acquis* by the date of its accession to the European Union". Romania unilaterally assumed the date of 1 January 2007 as a working hypothesis for the conclusion of the preparations necessary for accession to the European Union.<sup>30</sup> The Romanian government aimed to close the chapter in 2004, but faced great difficulty implementing the JHA *acquis*.

The main Romanian institutions involved in negotiation of the chapter were the Ministry of Administration and the Interior (which recently incorporated the Department of Public Administration) as the integrating institution on chapter 24 JHA issues, and the Ministry of Justice. The Ministry of European Integration (MEI) assumed a co-ordinating role at government level, as it did for all 30 negotiation chapters.

The *acquis* alignment of Romania on some important issues within the JHA chapter is described below, as well as progress on political criteria concerning judicial reform and corruption. The information was mainly derived from the Commission's Regular Report on Romania's accession of October 2003, and thus mostly describes developments in 2002.

- Visa Policy

As far as visa policy is concerned, the 2003 Regular Report of the Commission acknowledged some legislative developments, amongst others special provisions for EU citizens, but there were still problems with nationals exempted from visa

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<sup>30</sup> Government of the Republic of Romania, *Position Paper of Romania Chapter 24 Justice and Home Affairs*, CONF-RO 47/01, Brussels, 12 December 2001.

requirements. Romania was still aligning with the *acquis* with regard to the list of countries whose nationals require a visa to enter the EU. The Commission's report discussed the lack of risk analysis and technical facilities for consular and embassy services as problematic.

Romania was the last applicant to have visa restrictions for its nationals lifted by the Schengen countries in 2001. The decision came only after the government convinced its European partners of its ability to secure external borders and had accepted the repatriation of asylum seekers expelled from Germany. However, problems showed up soon. Western media presented the situation of Romanians working in the black economy, at times under the control of criminal gangs, quite negatively. Romanians also appeared to be involved in human trafficking and prostitution. Another widespread activity reported consisted of criminal networks robbing shops and warehouses and re-selling products in Eastern Europe.

According to the statistics, the results of the visa-free regime for Romanian nationals introduced in January 2002 by Schengen Member States were rather mixed. According to the Commission's report, the number of Romanians returning from Schengen states increased, despite the fact that fewer Romanians left the country in 2002 compared to 2001. More importantly, there was an almost eighteen-fold increase in the number of Romanians not permitted by border guards to exit the country compared to previous years. One explanation might be departure control. While in 2001 all Romanians travelling to EU countries had to obtain a visa, from 2002 the only Romanian restrictions were a check on financial means, health insurance, a two-way ticket and the number of days.

Romania took back all illegal migrants expelled by EU Member States. They were banned from travelling abroad and in some cases even prosecuted. An Emergency Ordinance was issued, establishing appropriate penalties for Romanians committing criminal acts abroad – with up to seven years in prison.<sup>31</sup> The success of the self imposed punishment of citizens involved in criminal activity abroad in retaining such persons within Romania was not clear, as the number of returned Romanians increased and, more worryingly, a few Member States started talking about tougher action, including the reintroduction of visa requirements.

- Immigration

Romanian authorities took legislative and institutional measures on immigration. A new Aliens Law was issued, and the directorate for Aliens and Migration Issues, the central co-ordinating body, was nominated as the Aliens Authority. According to the European Commission progress was made towards migration, resulting in a sharp decline in the number of foreign nationals attempting to illegally cross the Romanian border.

- External Borders

Another serious issue tackled by the Commission was border security. There was no lack of strategies: two plans were domestically created, and a third 'imported' one

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<sup>31</sup> The Romanian specialised authorities can dispose temporary suspension measures against Romanian citizens to use their passport from 1 to 15 years. A Romanian citizen or the alien with Romanian residence who illegally enters or exits a foreign state border, recruits, guides or accompanies one or more persons in order to illegally cross-border or organises one or more illegal activities is incriminated and punished with prison from 2 to 7 years. He will not receive or is not allowed to use his passport for a 5 year period.

(the Schengen Action Plan) was adapted to local conditions. But there were serious shortcomings such as shortage of personnel and above all, lack of adequate training (in 2003 the training system of the Border Police was revised with the support of a Phare Twinning project with Spain).

The Commission's progress report refers to the reorganisation of the General Border Inspectorate and the removal of conscripts from border police. Agreements and protocols with Bulgaria and Russia were ratified. Another unresolved problem was built into the strategies: different institutions were involved and necessitating better co-ordination and co-operation. An obstacle that might be overcome with the right amount of money was lack of equipment. The Commission's report took note of progress made in this area, but the shortcomings in material infrastructure and equipment were striking – e.g. vehicle fuel appeared to be lacking. Investment was particularly needed in surveillance equipment on blue borders, communication equipment for all borders and at newly opened air and land border crossing points. The level of concern in the EU was however not matched by assistance, no additional financial resources were provided for border security in the next assistance package.

- Human trafficking

One of the most serious issues highlighted by the Commission's report was trafficking of human beings: "Romania remains seriously affected by trafficking in human beings and it is a country of origin, transit and destination for victims". Romania was actually at the crossroads of two major trafficking routes: one starting in Russia, Moldova, Ukraine or Romania, and then on to the EU; the other was the southern route from Turkey, Bulgaria and Romania. Even if progress could be reported on the legislative level, this did not lead to a noticeable improvement. Institutionally, the Romanian authorities established a new structure to control these activities, and two other working groups were set-up. An inter-ministerial working group for co-ordination and evaluation of the prevention and combat of trafficking in human beings was set up in February 2003. From October 2002 onwards, the National Refugee Office started to provide direct assistance to trafficked women. Thereafter the number of crimes detected increased by 76%, and the number of persons investigated increased considerably. Given the co-operation agreement between Romania and Europol which recently entered into force, the basis for better valorisation of local potential in countering this type of crime was established.

### **5.3 Use of Policy and Assistance Instruments in Justice and Home Affairs**

#### *Home Affairs*

Within the Netherlands Ministry of the Interior and Kingdom Relations a specialised division dealt with the enlargement of the Union. However no explicit policy towards accession countries (except for Visegrád countries) was formulated. The relations between the Dutch and the Romanian Ministry of the Interior gradually became more intensive. These relatively recent contacts (the visit of State Secretary Alexandru Farcas to the Netherlands in May 2003 and the recent visit of the Romanian Minister of Administration and the Interior to The Hague, as well as the numerous exchanges and visits at expert and decision making level) led eventually to the signing of a Memorandum of Understanding (MoU) on co-operation between Romanian and Dutch police services. Furthermore, a police liaison officer was appointed in May 2004 at the Netherlands Embassy in Bucharest.

During the research period the Netherlands Ministry of the Interior was not involved in any MPAP, PSO PA or Phare Twinning project. However a large number of different, mainly small-scale Dutch assistance projects were undertaken. In the years 2001 and 2002 no fewer than 18 PUA pre-accession missions to the Romanian Ministry of Administration and the Interior were carried out (see also annex 8). These projects addressed both transformation and accession issues. The activities started in 2001 with the preparation of seminars on necessary changes for the top management of the Ministry of Administration and the Interior. In the seminars, which took place in 2002, subjects such as performance indicators, workload, leadership and planning and priorities were discussed. In 2003 workshops were held for 'the grass roots police level'. These projects addressed part of the soft acquis such as corruption, and were linked to political accession criteria. These projects mainly focused on decentralisation of management, and were more transition than accession oriented. A large number of Matra social transformation projects related among others to human rights were implemented.

### *Justice*

The relations between the Netherlands Ministry of Justice and its Romanian counterpart were quite intense. Regular bilateral visits took place between the respective ministers. In November 1999 the ministries signed a bilateral Memorandum of Understanding for co-operation in the field of legislation, penitentiary administration and training of judges and civil servants. In 2003, the General Prosecutor's Offices of the Netherlands and Romania signed another MoU. In October 2000 the Dutch Minister of Justice paid a visit to Romania and in 2002 the Romanian Prime Minister and the Minister of Justice participated in the Global Forum Against Corruption held in the Netherlands.

The Netherlands Ministry of Justice deployed various support instruments to assist Romania in both its transformation and accession process. It is especially noteworthy that in the area of justice much use was made of the EU financed Phare programme, but hardly of the bilateral pre-accession programmes MPAP and PSO PA. The Netherlands was the leading partner in one Phare Twinning project in Romania and in three Phare Horizontal projects, whilst only one project was undertaken under the Matra Pre-Accession Projects programme (MPAP) entitled: 'Accessibility and availability of legal information at the Supreme Court of Justice of Romania'. This project is evaluated in section 5.4 (see also annex 9). As shown in annex 6, there were five project proposals in the sector Justice for MPAP in 2002.<sup>32</sup> Initially one project was selected for implementation by the Senter Agency. However, at a later stage it was abandoned as Senter, in contrast to the Netherlands Ministry of Justice and the Commission, perceived overlap with a Phare Twinning project also to be executed by the Netherlands. This created disappointment on the Romanian side. Ten Matra transformation projects, focusing on human rights and non-discrimination, co-operation between prisons and the rule of law were carried out. One ADEPT course on drugs policy was executed (see also annex 8). In addition, an important number of Matra social transformation projects was implemented.

Although bilateral relations in the field of justice were mainly assistance-related, a discussion in Dutch Parliament during October 2002 on visa had a direct impact on these relations. In 2000, the abolition of visa requirements by the Schengen countries for Romanian and Bulgarian citizens was widely discussed in the European Union.

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<sup>32</sup> Two proposals were submitted by the Romanian Ministry of the Interior for projects that are within the responsibility of the Netherlands Ministry of Justice.

Although both countries were treated similarly, abolition for Bulgarians occurred sooner than for Romanians. The reason was that Romania has borders with Moldova, Ukraine and Russia. These countries were known for transfer of illegal immigrants and asylum seekers. Romania invested in border control, and the fight against organised crime and human trafficking. After visa requirements for Romania were abolished in 2001, one of the coalition parties (VVD) in Dutch parliament in 2002 suggested the reintroduction of visa for Romania and Bulgaria (see also chapter 3). This debate remained without consequence but created negative sentiments in Romania. There was no link between the Dutch position in accession negotiations and assistance projects.

*Thematic clustering of activities:*

Dutch-Romanian activities in the field of justice and home affairs can be clustered around various themes.

- Police co-operation

Although co-operation between the Interior ministries was initially not intensive, the police forces of both countries already for many years worked together. This collaboration often took place as part of co-operation between cities (local authorities co-operation or city twinning). The police forces covered the costs (mainly travel related) themselves. Amsterdam and Bucharest police forces, for instance, often worked intensively together. Also various Dutch projects for police training were carried out. They were more transition – i.e. transforming police from a centralised military organisation to a decentralised and demilitarised organisation – than accession-oriented. Such projects were not assessed in detail by IOB, but were appreciated by the Romanian partners. The professionals involved shared a common background, and costs were relatively low.

- Border control

Specific co-operation took place in the area of border management. Romania had to improve its border control and received substantial aid in this respect from the European Union. Germany and Spain were heavily involved. Police forces and border control worked together. The Netherlands was also interested in border control issues because of the fight against illegal immigration, human trafficking and drug and weapon smuggling. Control not only existed at Romanian land borders, but also on the shores of the Black Sea at the Danube delta. In this respect the co-operation and special relations between the cities of Constanta and Rotterdam deserve mention.

- Human rights and non-discrimination

In the framework of the Matra transformation programme, several projects related to human rights and non-discrimination were executed. Themes addressed by the projects were human rights in Romanian prisons, support to gay organisations and four projects aimed at the integration of and creating opportunities for Roma.

- Rule of law

The Netherlands acted as the leading partner for all acceding countries in the Phare Horizontal project 'Reinforcement of the rule of law'. In the first phase a description of the main problems of each candidate was presented, and accompanied by recommendations. In the second phase the following activities for Romania took place: 'Support to Superior Council of Magistrates', 'Elaboration of a system of workload management' and 'Implementation of the legislation on free legal aid'. Other Phare Horizontal projects with the Netherlands in a leading role were: 'Synthetic

drugs' and 'Phare Anti Money-Laundering'. The Netherlands also headed the Phare Twinning project 'Further development of the National Institute of Magistrates and the Training Centre for Clerks', started in 2004. Under the Matra transformation programme one project focussed on strengthening the training capacity of the National Institute of Magistrates and another one on the constitutional impact of accession at national level (a project for all candidate countries).

- Prison co-operation

In addition to the already mentioned project on human rights in Romanian prisons, two other Matra transformation projects focused on prisons in Romania i.e. 'a twinning between penitentiary Toorenburg in the Netherlands and Craiova Prison in Romania' and 'Introducing Probation in Bucharest'.

A brief analysis of the Matra transformation projects and an extensive analysis of the pre-accession projects show that especially in the field of justice and home affairs a clear distinction between transformation and pre-accession issues is hard to make. In fact some transformation projects had a stronger pre-accession content than the formal pre-accession projects.

Co-operation between Romania and the Netherlands in the field of justice and home affairs was appreciated by the Romanian partners. Countries like France – with various historical ties with Romania – and Spain were the Member States most active in justice and home affairs.

#### **5.4 Assessment of the Bilateral Pre-Accession Project**

This section evaluates the Dutch pre-accession bilateral project 'Availability and accessibility of legal information (AALI) for the Supreme Court of Justice in Romania', implemented under the MPAP programme.

##### *Background of the project*

The project proposal was submitted by the Romanian Supreme Court of Justice (SCJ). The project was related to the reform strategy formulated by the leadership of the Supreme Court and the overall strategy of the government for judicial reform – itself driven by negotiations for EU accession. In September 2003 a Judicial System Reform Strategy was adopted by government decision. It aimed to address the weaknesses within the judicial system. Objectives included ensuring legal conformity with the EU *acquis* and European Court of Human Rights decisions, improving the quality of judgements, and enhancing judicial independence from the executive. As the ultimate interpreter of the law in judicial procedures, and hence the ultimate institution assessing compatibility between Romanian and EU law, it was important that the Supreme Court of Justice was well informed on Romanian and international literature (EU related and other international conventions). An up-to-date SCJ, signalling incompatibilities during its regular sessions would provide a strong force to bring Romanian and EU law closer together. Commitment by the Supreme Court to this project was shown by a proposal for follow-up.

The EU's Phare programme financed the projects 'Legal Library and Documentation System' (LLDS) and 'Case and Document Management System' (CDMS) as part of the assistance program to the Romanian Ministry of Justice. The MPAP project aimed at complementing these projects. Due to budgetary reasons the LLDS could not be installed at the Supreme Court. The LLDS and CMDS projects were started

under Phare '97. However due to various delays in the programme, the MPAP project was developed first, and as stand-alone. Ultimately it was considered as a pilot project for the two bigger Phare projects, and as such successful. The Phare 2000 programme envisaged the purchase of equipment for data management systems. It included an investment component dedicated to the development of the CDMS. The beneficiaries of the system were courts, prosecution offices, and penitentiaries. The contract finished mid 2003 and all equipment was delivered. The Romanian government later extended the system nation-wide.

#### *Effectiveness A: support to Romania's accession process*

Improvement of the speed and quality of judicial rulings was quite a relevant factor in Romania's accession. Although there was no specific acquis, the Commission in her annual progress reports pointed to the need for reducing workload and improving working conditions at Romanian courts, including the Supreme Court of Justice.

The project's objectives were reached: The SCJ acquired a well functioning, accessible documentation and information centre and an internet connection allowing it to consult EU official publications and other resources. The staff were trained in the use of most equipment. From a long term point of view, the project established the technical conditions for integration of the SCJ in the European circuit.

#### *Effectiveness B: strengthening bilateral relations*

The project established contacts between Dutch and Romanian non-governmental institutions, but these contacts did not extend beyond it. During her visit to Romania in November 2001 Queen Beatrix of the Netherlands visited the Supreme Court to see the results of the project, but structural relations at the level of Romanian and Dutch government officials were not established by the project.

#### *Efficiency*

The project progressed without significant delay, after a relatively long gestation period created by uncertain developments in Phare '97 projects. There was only a one month delay in project execution. Some overlap occurred between activities planned for the design phase and the implementation and training phase. Permission was asked for one month extra time to assist in cataloguing. The project costs remained within budget limits. The procurement phase should have begun earlier, to allow for more training of especially the system manager.

## **5.5 Conclusions**

In general, but even more so for Romania, it is virtually impossible to separate the transformation from the accession process in the field of justice and home affairs. This is evident from close monitoring of the political accession criteria up till the late negotiation stages. The challenge for Romania was not the adoption of the acquis in the field of justice and home affairs, but the building of administrative and judicial capacity for implementation and enforcement. Despite many legislative changes and the abundance of policies, Romania had still considerable progress to make in the field of justice and home affairs. Various technical issues were not yet addressed, such as problems of co-operation between different agencies, co-ordination of strategies, and training of personnel. In addition a number of justice related issues which did not require complicated or expensive solutions were not resolved due to continuing control of the judicial branch by the executive.

Given Dutch concerns about justice and home affairs in Romania, intensive relations between the ministries of the respective countries could be expected to solve these problems. The Dutch approach was characterised by a clear separation between on the one hand negotiations – in which it insisted on strict monitoring – and on the other hand the development of bilateral relations and assistance.

Only recently did the Netherlands Ministry of the Interior and Kingdom Relations start to become more interested in co-operation with its Romanian counterpart, despite many Dutch PUA (short mission) and Matra transformation projects directed at the management of the Romanian Ministry of Administration and the Interior. These projects were more transition than pre-accession oriented. Notably, co-operation between police forces was extensive, and often took place as part of co-operation between cities. In general this co-operation was also more transition than pre-accession oriented.

Co-operation between the Dutch and Romanian Ministries of Justice was more intensive. Various projects related to judicial reform were implemented, for instance in prison reform. However, most co-operation projects in which the Netherlands Ministry of Justice was involved were, again, more transformation than pre-accession-oriented. There was no direct link between Dutch assistance projects and the Dutch position in accession negotiations.

Relations between the Netherlands and Romania in justice and home affairs developed mainly through professional organisations, for example police forces and penitentiary organisations. Activities were mostly transition oriented, but gradually developed to a higher level as the international fight against crime increased in importance. This led to the signing at government level of a MoU on police co-operation.

Dutch assistance in the field of justice and home affairs tended to focus on the following themes: human rights and non-discrimination (gays, the Roma), police co-operation, organisational development of the Romanian Ministry of Administration and the Interior, judicial reform and prisons.

One bilateral pre-accession project was evaluated. This MPAP project aimed to improve the availability and accessibility of legal information to the Supreme Court of Justice. It addressed concrete needs in preparing Romania's judicial system for EU membership. At the same time the project had as much a transition as a pre-accession focus. Project objectives were achieved, hence helping Romania to meet accession criteria. The goal of strengthening bilateral relations in the field of justice and home affairs was not visibly addressed. The project was executed quite efficiently, with a minor delay only.



## 6 ENVIRONMENT

### 6.1 Introduction

This chapter presents an analysis of Dutch-Romanian relations in the environmental sector. It starts with an overview of the challenges faced by Romania in the accession process in the field of environment, followed by a description of how negotiations developed during the research period. In the following section, the use of pre-accession assistance instruments by the Netherlands is analysed (see annex 8 for an overview of activities). Three bilateral pre-accession assistance projects (1 PSO PA and 2 MPAP) in the field of water management are evaluated in the last section.

### 6.2 Main Issues of Romania's Accession in the field of Environment

The environmental acquis covers a wide range of measures, mostly in the form of directives. In broad terms EU legislation covers environmental quality protection, decreasing pollution, production processes, procedures and procedural rights as well as products. Apart from horizontal issues (environmental impact assessments, access to environmental information, combating climate change), quality standards were set for air, waste management, water, nature protection, industrial pollution control, chemicals and genetically modified organisms, noise and nuclear safety and radiation protection (safety issues arising from the use of nuclear energy are part of the energy chapter). The environmental acquis was still under development. The *sixth Community Environment Action Programme (2002)* identified the following priorities: water quality, air quality, climate change, control of industrial pollution, waste and chemical management, nature protection, soil and forest protection.<sup>33</sup>

In general, candidate countries had to transpose and implement Community framework legislation (including access to information and environmental impact assessment); measures relating to international conventions to which the Community was party; reduction of global and cross-boundary pollution; nature protection legislation (aimed at safeguarding bio-diversity), and measures ensuring the functioning of the internal market (e.g. product standards). A strong and well-equipped administration is required for the application and enforcement of the environmental acquis. Moreover, in line with article 6 of the EC Treaty, integration of environmental protection requirements in other policy areas should be aimed for to contribute to sustainable development.

In October 2001 Romania delivered its negotiation position on chapter 22 and opened negotiations in March 2002.<sup>34</sup> According to the position paper, Romania accepted the acquis communautaire in the field of environmental protection as in force on 31 December 2000. It would implement the acquis communautaire in the field of environmental protection at the date of accession, with the exception of eleven requested transition periods. These transition periods applied to air quality (one request), waste management (three requests), water quality (four requests, of which two for a period of 17 years for urban wastewater treatment, and one transition

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<sup>33</sup> Commission of the European Communities, *Sixth Community Environment Action Programme*, Decision No 1600/2002/EC of the European Parliament and of the Council, Brussels 22 July 2003.

<sup>34</sup> Government of the Republic of Romania, *Position Paper of Romania Chapter 22 Environmental protection*, CONF-RO 37/01, Brussels, 30 October 2001.

period of 15 years for the quality of water for human consumption), and industrial pollution control and risk management (three requests). The many requests for often long transition periods indicated the environmental problems Romania was facing (see box 2).

## **Box 2            Some of Romania's pressing environmental problems**

### *Air Pollution*

Romania's economy is based primarily on heavy industry. Despite the fact that emissions in Romania have decreased in recent years, air quality in the most polluted regions has not notably improved. Lower energy demand and a fall in overall production, together with the gradual introduction of abatement measures, were the main reasons for the decline in emissions. Obsolete technologies and equipment date back to the period before 1990. The recovery and development of the industrial sector is also the basis for the country's further development. The need for sustainability is broadly recognised at the political level, and this favours the introduction of cleaner technologies and primary pollution prevention measures.

### *Water Management*

Romania's water system is broadly developed. Its water resources are sufficient to cover its water demand. In some places, however, water resources are badly affected by pollution. About 9% of the river stretches that are monitored are excessively polluted. The degradation of river water quality has been caused mainly by untreated waste-water discharges from municipalities: only 18% of municipal waste-water is treated properly. The degradation of groundwater is caused by heavy farming practices, in particular incorrect manure spreading and over-fertilising of the fields (pollution by nitrates). Accidental pollution from industrial tailing ponds is also a serious problem.

Excessive per capita water consumption is a big problem in Romania. Because of the recession and the collapse of irrigation systems, water consumption by industry and agriculture has fallen considerably over the past ten years. Nevertheless, industry (including energy production) is still responsible for 60% of water demand. An effort should be made to reduce this consumption firstly by closing cooling loop systems.

Even worse is the demand for drinking water for household purposes. The lack of individual water meters, the very bad state of household plumbing, the cuts in water supply and the irrational consumption by the people themselves are all causes of this over-consumption. The consequence is a correspondingly excessive volume of waste-water generated by the users, leading to a need for a correspondingly oversized sewage network and waste-water treatment facilities, and unnecessary investment.

### *Waste Management*

The recycling or reuse of industrial waste is a real problem that should be solved at national, regional and local levels. Most industrial waste is dumped at landfills together with municipal waste or stored separately at the industrial facilities. Some landfills are equipped with a waterproofing system or drainage, safety gutters and monitoring wells. The government and industry have made considerable efforts to increase the recycling and use of waste as secondary raw materials. However, at present the share of recycled or reused waste is very small. Special developments are required for the reprocessing of ash and slag from thermal power stations.

Almost all municipal waste is disposed of at landfills. There are very limited or no facilities for the separation, sorting, treatment and recycling of municipal waste. Most landfill sites for municipal waste disposal breach sanitary and hygiene norms and standards. Landfills do not have any insulating plastic lining to protect groundwater against the leaking of hazardous substances. Virtually none of the landfills have a drainage system or existing equipment is obsolete or faulty. At present about 5% of municipal waste is incinerated. There are no facilities for municipal waste incineration on an industrial scale.

Source: United Nations, *Environmental Performance Review of Romania*, Economic and Social Commission, as discussed and approved by the eight session of the Committee on Environment Policy, Geneva, 25-26 September 2001.

In 2002 the EU responded to the Romanian negotiation position with a *Draft Common Position* on the Environmental Chapter.<sup>35</sup> This document stated that Romania had provided relatively scarce information on implementation measures planned and taken. Therefore more information was required to fully assess the position of Romania in relation to individual directives. It was considered that none of the eleven

<sup>35</sup> Commission of the European Communities, *Draft Common Position on Romania's Common Position on Chapter 22*, Brussels, 21 January 2002.

requests for transitional measures at that stage (in 2002) were sufficiently specified and substantiated to be acceptable. However, it was said that all requests would be negotiable on the basis of additional specification and justification. Detailed transposition and implementation plans with cost assessments and sources of financing, timetables and milestones for the physical implementation (investments) were asked for. In November 2003 a revised Position Document on chapter 22 was produced by the Romanian authorities and sent for comments to the EU. These comments were expected in February 2004.

Chapter 22 was an important chapter in Romania's accession negotiations, due to the enormous amount of investment needed for compliance with the *acquis* (estimated around € 27 billion). However, there was no special importance attributed to the environmental chapter in Romania's *National Programme for the Adoption of the Acquis* (NPAA). In addition no clear priority-setting took place within the different sub-sectors of chapter 22.<sup>36</sup> It was too early to assess whether there were real bottlenecks in the negotiations on this chapter. Romanian authorities made serious efforts to respond to all questions raised by the EU with regard to the position paper. There was no information on the granting of the requested transition periods.

Most of the environmental *acquis* was addressed in chapter 22, with the exception of those related to energy that was dealt with in chapter 14. The area of energy is therefore not taken into account in this chapter, although some Dutch activities in this field are referred to.

Directives related to water quality and water management were an important part of the negotiation chapter on environment, such as the directive on urban waste water, the drinking water directive and the water framework directive (WFD). The WFD was particularly demanding in requiring (future) Member States to achieve 'good ecological status' and 'good chemical status' for all surface and ground water by 2010. The directive lays down procedural requirements to be applied in future for integrated water resources management on the basis of river basins. River basin authorities are required to monitor water quality and quantity, set quality standards, establish rules for water abstraction and waste water discharge permits, and develop action plans to ensure that agreed quality objectives are met. Public participation in the process is essential. Romania was very ambitious to accept and implement the water framework directive and did not ask for transition periods related to implementation. However, on four other directives transition periods were asked for. Clearly, water quality seemed to be a very substantial problem caused by pollution and aggravated by the lack of treatment plants.

As regards implementation capacity, the EU *Draft Common Position* took into account Romania's intention to strengthen some existing institutions and establish new ones. However, frequent reorganisations and staff cuts created problems. A Ministry of Environment was created for the first time in 1990, and in 1992 it was transformed into the Ministry of Forests, Waters and Environment. The Ministry and its subordinated 42 county agencies enjoyed a stable situation until 2000, when these agencies were reformed into 'inspectories' and the directors replaced. In 2003, the inspectories were changed again back into agencies. Moreover staff cuts at local level took place. At central level, in 2001 the Forestry Department was transferred to the Ministry of Agriculture and in June 2003 the Ministry of Agriculture and Forestry

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<sup>36</sup> Government of the Republic of Romania, *National Programme for Accession of Romania to the European Union*, Bucharest, June 2002.

also incorporated the remaining Water and Environment departments. However, already in February 2004 these two departments were again separated to make up the Ministry for Environment and Water Management.

The central authorities responsible for environmental protection and water management were the environmental protection and water management departments within the Ministry of Environment and Water Management.<sup>37</sup> The Ministry of Economy and Trade (until June 2003 'Industry and Trade'), apart from its responsibilities for energy, also took on other roles in environment such as in the area of waste management.<sup>38</sup> Finally, the Ministry of Transportation, Constructions and Housing included a department dealing with Maritime Transport, including sea pollution. Hence, the institutional picture in the environment sector was rather complex and strengthening of the implementation capacity at both central and local level was required to implement and adopt the environmental acquis.

### **6.3 Use of Policy and Assistance Instruments in Environment**

Similar to Romania, environmental policy in the Netherlands was not the exclusive competence of one ministry. The Netherlands Ministry of Housing, Spatial Planning and Environment (VROM) was the central authority for environmental policy. However, the Netherlands Ministry of Economic Affairs was responsible for Energy policy, and, while drinking water was the responsibility of the Ministry of VROM, waste water and water management, was the responsibility of the Netherlands Ministry of Transport, Public Works and Water Management (V&W). Nature conservation was dealt with by the Netherlands Ministry of Agriculture, but is not taken into account in this study. The differences in mandates and responsibilities of the ministries responsible for environmental issues in both countries complicated the development of bilateral relations at sector level. Moreover, frequent institutional changes on the Romanian side since 2000 created additional complications. Three different aspects of environmental policy (environmental protection, water management and energy) are dealt with according to the mandates of the various ministries, which, however are not comprehensive.

#### *Environmental Protection*

In its policy towards the accession countries, the Ministry of Housing, Spatial Planning and Environment (VROM) gave priority to co-operation in environmental inspectorates, air quality and waste management. It signed MoUs with all Central European candidates except Estonia, Latvia and Slovenia, but gave highest priority to Poland, Hungary, the Czech Republic and Slovakia.<sup>39</sup> The Dutch Minister of VROM, during a visit to Bucharest, signed an MoU with the Romanian Ministry of (then) Forestry, Water and Environmental Protection on 3 March 1997, which now has expired. Activities to be undertaken under this MoU focus on:

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<sup>37</sup> The Environmental Department has three divisions: a division for waste management and dangerous substances, a division for pollution control, air quality and bio-diversity, and a division for monitoring and permitting. The Water Department has also three divisions: a division for co-ordination, regulations and water protection, a division for floods prevention and the Water Inspectorate. There are two other divisions within the Ministry with environmental attributions: a division for environmental integration and another division for Environmental Projects.

<sup>38</sup> There is a division for Quality, Standards and Environment that is responsible for co-ordinating and drafting regulations for industry; and a National Commission for Recycling with the main objective to draft strategies and plans in recycling solid waste for industry.

<sup>39</sup> According to the government's note *Accents in Central Europe* of November 1999.

- Harmonisation of Romanian environmental protection policies with the standards and policies of the European Union;
- Public participation;
- Setting up a legal and institutional framework and use of economic instruments for the implementation of environmental objectives at national, regional or local level.

The Minister of VROM again visited Bucharest on 3 February 1998, where she signed a working programme for the MoU and a Letter of Intent concerning the Joint Implementation of the Kyoto protocol (see below). Most of the bilateral environmental activities were initially financed through the PSO and Matra transformation programmes, and later pre-accession programmes were added. It is difficult to assess what role the MoU has played in the development of bilateral environmental activities, as most programmes were demand-driven and the Dutch ministry was only involved in an advisory role. Unlike, for example, the Ministry of Agriculture which was actively involved in the identification of projects (see chapter 4), the Ministry of VROM seemed not to have taken up this role. Annual consultation by ministry officials took place on issues concerning the acquis and there was extensive e-mail contact between the Dutch and Romanian side. Contacts were said to be more difficult during the period that the Romanian environmental department belonged to the Ministry of Agriculture. Bilateral discussions between the two ministries on specific environmental accession issues seem to have been limited. However, in November 2003, the Romanian chief negotiator visited the Netherlands and joined a meeting at the Ministry of VROM.

The MoU, with an annual budget of € 50,000, expired in March 2002. Romania wanted to sign a new MoU on environmental co-operation that would include the ministries in Romania and the Netherlands with responsibilities for aspects of environmental policy. In the Netherlands, however, the line ministries dealing with environment did not agree on a common approach. Moreover, the signing of the MoU on the practical partnership between Romania and the Netherlands in February 2002 (see chapter 3) was thought to create an umbrella for inter-ministerial activities, and another such agreement on environment looked superfluous. A new MoU between the Ministry of VROM and the Ministry of Environment and Water Management was signed in April 2004.

The Ministry of VROM did not elaborate specific policy documents towards candidate countries in Central Europe. Even so, the ministry was quite active in creating specific environmental facilities and activities for acceding countries, including Romania. For example the Ministry of VROM organised annual workshops on environmental themes in the Netherlands, where it invited civil servants of counterpart ministries from all ten Central European candidate Member States.<sup>40</sup>

Most of the bilateral environmental projects were implemented through the Matra and PSO transformation and pre-accession programmes (see chapter 3), but some additional environmental facilities and programmes were created. The following bilateral programmes to finance environmental activities in Romania can be listed (see also annex 8):

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<sup>40</sup> Themes included Integrated pollution and prevention control (IPPC) (2000), Waste treatment (2001), Intergovernmental co-operation (2002) and 'How to survive in Brussels (2003).

- Matra social transformation programme: 5 projects with a specific focus on strengthening environmental NGOs, community involvement in environmental issues and environmental education.
- PSO economic transformation programme: focus on 'hard-ware' solutions for some environmental problems.<sup>41</sup>
- Matra pre-accession programme (MPAP); no projects were undertaken during the research period in the area of environmental protection. In 2004 three new projects on waste management would start with the Ministry of Economy and Trade as counterpart.
- PSO pre-accession programme (PSO PA); only one project proposal related to environment was formulated and was accepted, i.e. a project on technical assistance to the standardisation body of the Romanian Ministry of Industry and Trade.
- Several courses were also provided in the Netherlands under the ADEPT programme in the field of environment. These courses were attended by civil servants from all candidate Member States, including Romania. Subjects of the courses were: Environmental Issues and European Policies on Agriculture, ISPA/CF Environment, and Environmental issues and water management.
- In 2002 an environmental facility was added by the Ministry of VROM to the PSO programme, with half of the annual budget of € 6 million reserved for pre-accession assistance (implementation of directives) and the other half for PSO economic transformation projects (to stimulate protection of the environment by end users). As with PSO programmes and MPAP, Senter manages this facility. In 2002 a project was initiated on the 'Implementation of EU approximated legislation in the field of dangerous substances and preparations' and in 2003 a project proposal on 'The implementation of the EU Nature Conservation Legislation in Romania' was accepted.

Moreover, the Netherlands contributed to the Regional Environmental Reconstruction Programme (REReP), the main environmental component of the Stability Pact for South-Eastern Europe,<sup>42</sup> and to projects of the European Bank for Reconstruction and Development and the World Bank. Romania participated in all projects financed by the Netherlands. During the research period the Ministry of VROM did not express much interest in tendering for a role in one of the many Phare Twinning projects in the environmental sector. The ministry often considered its chances too low and the costs of drafting a proposal too high. The emphasis seemed mainly placed on financing of environmental activities through various bilateral and multilateral programmes and facilities. In general, the Dutch Ministry was not intensively involved in project implementation or monitoring due to capacity constraints in contrast to some other ministries.

An overview of the environmental projects and programmes with Dutch financial involvement provides a rather scattered picture. There is no clear thematic focus.

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<sup>41</sup> Projects under this programme included: Development of the Port of Constanta/Improved waste management; Improvement of waste water infrastructure in Tirgu Mures; Sustainable stabilisation of tailing dams in the mining region of Baia, Mare, Maramures district; Flood protection project Suceava County; Waste water treatment in Romania; Establishment of a project on flood management related to an integrated approach on water management and rehabilitation of the water infrastructure in the municipality of Sacele.

<sup>42</sup> This facility was set up by the countries in the region themselves – including Albania, Bosnia and Herzegovina, Bulgaria, Croatia, FYR Macedonia, Romania, Serbia and Montenegro and Kosovo. The Netherlands Ministry of Foreign Affairs contributes to the budget, while the Ministry of VROM coordinates the activities.

Moreover, the differences between the various bilateral programmes were not always clear. Especially the selection criteria for the three bilateral programmes, financing environmental pre-accession activities (PSO PA, the PSO environmental facility and MPAP), and all implemented by Senter, seem to overlap. This became evident in the 2003 pre-accession project selection round when three environmental projects proposed under the PSO PA and PSO Environmental facility were approved by Senter, but shifted to the MPAP programme.<sup>43</sup> According to Senter the other MPAP project proposals were of insufficient quality and priority projects had been selected. Nevertheless, the environmental priority of some of these selected projects, e.g. the battery-recycling project, is questionable, in view of Romania's vast environmental challenges. This state of affairs can be attributed to both Dutch programme design and Romania's difficulty to formulate demands based on clear priorities. The level of consultation between Dutch and Romanian ministries was insufficient to overcome this shortcoming.

Interviews revealed that line ministries in Romania were left uncertain as to why project proposals were approved or rejected by the co-ordinating Ministry of European Integration, and subsequently by Senter (see also 6.4 under 'Efficiency'). All bilateral pre-accession projects approved in 2003 were submitted by the Ministry of Industry and Trade, while none were submitted by the Ministry of Agriculture, Forestry, Waters and Environment.

#### *Water Management*

In the Netherlands the Ministry of Transport, Public Works and Water Management (V&W) is responsible for Water Management. Important motives for co-operation with Central European countries were the positioning of Dutch water-related firms on the Central European Markets, improvement of water management in these countries and stimulating the adoption and implementation of the *acquis*. The thematic focus was on sustainable development, an integral approach to water systems and chains, and on contributing to a proper legal and administrative system. Priority countries for the Ministry of V&W were Poland, Hungary, Slovakia, Romania and Estonia. Although the others were important too, the ministry did not pro-actively pursue them.<sup>44</sup> In 1992 the Ministry of V&W signed a *Letter of Intent* that established first official contacts with the Romanian Ministry of Water and Environment. A MoU on 'integral water management' was signed in 1995, renewed in 1999 and again in April 2004. Bilateral contacts in the area of water management gradually intensified over the years. Regular bilateral political visits contributed to strengthening relations and increased momentum. The Dutch minister responsible for water management visited Bucharest in April 1999, when she signed the renewed MoU on integral water management. In May 2002 another visit was paid to Romania and next in April 2004. The visit of Prime Minister Kok to Romania in June 2000 included a visit to the Dutch project for improvement of the Prut River, a typical water management project. During the visit of the Romanian Minister of Water and Environmental protection to the Netherlands in April 2002 special attention was also given to water management.

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<sup>43</sup> This concerned three proposals by the Romanian Ministry of Industry and Trade: 1. Packaging and waste packaging recovery and recycling system; 2. Technical assistance for establishment of a Romanian radioactive waste management organisation; and 3. Collection and recycling system for used batteries and accumulators.

<sup>44</sup> Netherlands Ministry of Transport, Public Works and Water Management, *V&W en het Waterbeheer in Midden- en Oost-Europa*, The Hague 2001, p. 9-10.

More or less the same bilateral instruments to finance environmental protection activities mentioned above were available for water management activities, with the exception of the PSO PA environmental facility. Three projects in the field of water management were implemented (see also 6.4). Next to the PSO and Matra programmes there is another specific world-wide framework for co-operation in the water sector, i.e. the 'Partners for Water' programme in which Dutch government (various ministries) and business work together. This partnership is global, but candidates for EU membership have priority. Co-operation is however not necessarily pre-accession oriented. Moreover, the water management MoU with Romania has an annual budget of € 100,000 from the Ministry of V&W, and is used for small low-key projects aimed at knowledge transfer through exchange of experience and study visits. Finally, the ADEPT courses on 'Environmental Issues and European Policies on Water Management' and 'River Basin Management' included various participants from Romania. The Netherlands were not involved in Phare Twinning projects for water management in Romania, but three ISPA projects in this area were executed.

Since the early nineties various practical bilateral contacts developed in the area of water management through various projects and other activities, especially between the Netherlands Institute for Inland Water Management and Waste Water Treatment (RIZA)<sup>45</sup> and the Romanian Department of Water. Not only Romania benefited from Dutch experience, but also the Dutch gained from co-operation due to the opportunity to study ecological recovery and water quality processes. Gradually co-operation shifted towards pre-accession assistance and helping Romania to meet the acquis communautaire in water management. In pre-accession assistance, implementation of the water framework directive (WFD) played a pivotal role. Romania was specifically interested in Dutch support for implementing the WFD, because of Dutch expertise and good contacts. A more detailed assessment of bilateral pre-accession projects in the area of water management is presented in section 6.4. Romania seemed to be doing rather well in the implementation of the water framework directive and no transition periods were requested.

The Ministry of V&W has developed clear thematic and country priorities concerning water management. The ministry established close contacts with its Romanian counterpart, signed MoUs and made good use of the programmes under which co-operation activities could be undertaken. It felt that co-operation was of mutual interest as expertise was shared and Dutch water related business promoted in Romania. With regards to the establishment of strategic bilateral relations we note that within the Netherlands Ministry of V&W the Directorate-general dealing with water in Brussels negotiations was separated in 2002 from the Directorate-general for Public Works and Water Management, which runs projects in Central Europe. Consequently, no contacts were established between the Romanian Water Department and the Dutch Directorate-general for Water.

### *Energy*

Energy was often considered an important area in environmental policy, especially in Central Europe. However, energy was a separate negotiation chapter (chapter 14) and the responsibility of the Ministry of Economic Affairs in the Netherlands (with other ministries in a supportive role), and the Ministry of Economy and Trade in Romania. Therefore, energy policy is not an integral part of this evaluation. For reasons of completeness some important activities are mentioned.

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<sup>45</sup> RIZA is part of the Directorate-general for Public Works and Water Management of the Netherlands Ministry of Transport, Public Works and Water Management.



In bilateral relations pertaining to energy the agreements on 'Joint Implementation' of the Kyoto Protocol attracted most attention. The Romanian Minister of Industry and Trade signed a MoU on the Joint Implementation of the Kyoto protocol (CO<sub>2</sub> reduction) during his visit to The Hague in November 1999. The Erupt programme was established, and implemented by Senter which buys carbon credits from energy saving investments in the Central and Eastern European countries. This facilitates the joint implementation of CO<sub>2</sub> reduction in compliance with the Kyoto protocol, as agreed upon in the MoU between Romania and the Netherlands already mentioned. According to this agreement, € 8 million would become available to Romania.

### *Conclusion*

It is extremely difficult to acquire an overall picture of Dutch-Romanian relations and activities related to environmental accession issues and to assess their coherence. It is even impossible to provide a complete overview of all activities. However, if a distinction between sub-areas is made, the picture becomes clearer. In the field of water management intensive and practical working relations developed. Political visits further contributed to the strengthening of relations in this particular area. There was a clear strategy for the development of bilateral co-operation in water management.

In the field of environmental protection many joint activities were developed. However, developing bilateral relations proved difficult due to the different mandates of ministries in the two countries, and frequent institutional changes on the Romanian side. In general the financing of various bilateral and multilateral environmental projects through a large number of instruments seems to have been the dominant approach followed by the Netherlands Ministry of Environment (VROM). It was not actively involved in priority setting for the projects, but left the initiative to others and played an advisory role. Hence, priority setting on bilateral environmental activities was hardly addressed in bilateral contacts. Because few projects were generated under the 1997 MoU, the Ministry of VROM decided not to exclude other sub-sectors. Bilateral relations mainly focused on practical issues. It was felt that a more strategic focus would narrow down fields of co-operation and hamper identification of co-operation activities. In energy joint implementation of the Kyoto Protocol received most attention.

## **6.4 Assessment of Bilateral Pre-accession Projects**

One PSO PA and two MPAP projects have been assessed, all in the area of water management and marine pollution:

1. Implementation of the water framework directive (WDF) and related legislation in the Mures and/or Olt river basins (MAT01/RM/9/1);
2. Technical Assistance to support Romania in the Implementation of the Water Framework Directive (WDF) and the Integrated Coastal Zones Management (ICZM) in transitional and coastal waters (MAT02/RM/9/1);
3. System management in case of accidental or deliberate marine pollution with harmful substances (PPA02/RM/7/7).

More detailed project assessment can be found in annex 9. A fourth environmental pre-accession project 'Technical assistance for the Romanian standardisation body' (PPA00/RM/9/1) was not assessed, as it did not appear to be an environmental project due to the Romanian Ministry of Industry and Trade appearing as counterpart.

### *Background of the projects*

All three projects were demand driven, as Romanian ministries submitted the proposals to Senter – through the Romanian Ministry of European Integration. In two cases there were however prior contacts between the Netherlands and Romania. Close relations were already established between the Department of Public Works and Water Management of the Netherlands Ministry of V&W and the Department for Water of the Romanian Ministry of Water and Environmental Protection, due to earlier co-operation in economic transformation projects. For the first project (implementation of the WFD in Romania) the Netherlands not only suggested the project, but also helped its Romanian counterpart in drafting the proposal because it was not sufficiently aware of the opportunities for pre-accession support or how to prepare an eligible proposal. The Netherlands suggested to submit a proposal for the Coastal Zone project, which was then drafted independently by Romania. The third project was a completely independent initiative by the Romanian Water Department. The commitment for the projects was high due to Romania's ambition to implement the water acquis on time.

There is no Romanian overview of the many international activities in the field of water management. In the past attempts were undertaken to co-ordinate donor activities, resulting in only one donor meeting organised by the UNDP in 2002, with no subsequent follow-up. It was the responsibility of the Romanian water department to avoid overlap between projects. For the assessed projects no actual overlap with other donor activities could be established. The Dutch projects were linked to other EU assistance efforts (mainly Phare and ISPA), especially for implementation of the water framework directive. The bilateral project to implement the WFD in the Mures river basin was a pilot which resulted in a Phare Twinning project for implementing the WFD at national level. The project was granted to the same Dutch consultant. The project on the national contingency plan (NCP) for harmful substances is related to other projects and initiatives, such as the NCP for marine pollution by oil substances. In the field of water management and especially marine pollution, there were also several related initiatives, not only focusing on Romania but on the entire Black Sea area. Another aspect of complementarity mentioned by Romanian respondents was that the bilateral projects were smaller than Phare Twinning projects and could be developed faster. Moreover, they could play a pilot role as mentioned above.

### *Effectiveness A: support to Romania's accession*

The three projects certainly focused on implementation of the EU acquis. Two aimed at implementing of the EU's water framework directive,<sup>46</sup> and the third project assisted Romania in developing a national contingency plan (NCP) in case of marine pollution with harmful substances, in line with EU Decision 2850/2000/EC. Romania was very keen to implement the water framework directive in time. In the case of marine pollution, it is surprising that Romania was willing to implement the (recent) acquis ahead of most EU Member States (including the Netherlands). As the first project ended in December 2003 and the final report was not yet drafted at the time of writing, the assessment of effectiveness is necessarily general and tentative. It can however be stated that the three assessed projects seem to contribute to the adoption and implementation of the acquis in the field of water and environment.

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<sup>46</sup> The purpose of the WFD is to establish a framework for the protection of inland surface water, transitional waters, coastal waters and groundwater. The environmental goal is to obtain "good status" of all ground water and surface water within 15 years after entry into force of the Directive.

### *Effectiveness B: strengthening bilateral relations*

Even before the start of the three projects, good contacts between the Department of Public Works and Water Management of the Netherlands Ministry of V&W and the Department for Water of the Romanian Ministry of Water and Environmental Protection had been established. Strengthening of bilateral relations at governmental level cannot be attributed to individual projects, as they involved almost exclusively professionals and technical experts. More generally, continued co-operation through these projects may have consolidated already intensive contacts. With a view on future coalition building it is however notable that the Dutch Directorate-general for Water, responsible for policy in Brussels, is separate from the Directorate-general for Public Works and Water Management and not involved in bilateral co-operation with Romania.

### *Efficiency*

The projects were characterised by speedy implementation after partners agreed upon priorities. According to persons interviewed no communication problems emerged. Neither the Netherlands nor Romania mentioned implementation bottlenecks. Moreover the flexibility, adaptability, expertise and preparation of the Dutch partner was emphasised. The active role of the Netherlands Embassy in Bucharest, considered very efficient in supporting and promoting the projects, was appreciated. However, one specific problem not related to project efficiency, but rather related to programme efficiency, was mentioned in various interviews. Potential applicants had no clear idea of the respective role of the different parties, such as the Netherlands Embassy, Senter, the Romanian Ministry of European Integration and Dutch line ministries in various assistance programmes, nor how criteria for selecting or rejecting project proposals were applied.

## **6.5 Conclusions**

The acquis in the field of environmental policy was extensive and required enormous investments by all candidate countries. Romania opened negotiations on environment chapter 22 in March 2002. It requested eleven transition periods, in some cases 17 years after the expected date of accession (2007). Romania was asked to redraft its position, especially requests for transition periods. Although in many environmental areas transition periods were requested, none was requested for the important water framework directive.

The fact that both in the Netherlands and in Romania environmental policy was the responsibility of various ministries complicated the development of bilateral relations. Three important sub-areas in bilateral environmental relations can be distinguished: environmental protection, water management and energy. The area of energy has not been analysed in detail. The bilateral agreement on Joint Implementation of the Kyoto protocol attracted most attention.

In the field of environmental protection bilateral relations developed through a large variety of different projects financed by bilateral and multilateral programmes and facilities. The difference between various bilateral programmes was not always clear to potential applicants. There is no systematic overview of all pre-accession activities in the field of environment. In general the focus of most projects seems to have been on environmental transformation problems. These were all addressed with equal attention, i.e. not prioritised. The MoUs signed between the Ministry of VROM and the

Romanian Ministry of Water and Environmental protection (in 1997 and 2004) did not set priorities for co-operation and thus provided little strategic focus.

Over the years bilateral relations in the area of water management intensified. Transformation assistance was gradually replaced by pre-accession assistance. A coherent strategy was followed to strengthen bilateral relations through the signing of MoUs (1995, 1999, and 2004) and regular political visits. A large number of assistance projects strengthened contacts and also served Dutch economic interests. Three bilateral pre-accession projects, all in the area of water management and marine pollution, were considered. The assessment of these projects is positive, as they contributed to Romania's accession and were implemented efficiently. They were jointly developed by the Netherlands and Romania, and fitted into the overall strategy to strengthen bilateral relations.

## 7 CONCLUSIONS

Romania belonged to the so-called Helsinki group, the second group of Central European countries that opened accession negotiations in early 2000. After a relatively slow start, negotiations started to speed up. In the second half of 2002 all negotiation chapters had been opened. At the end of 2003, 22 out of 31 negotiation chapters were provisionally closed, though most of the more complicated ones were still open. It was not the adoption of EU legislation, but the capacity to implement it that posed an enormous challenge to Romania. Problems regarding implementation capacity were related to the deeply-rooted historical legacy of (pre-)communist rule. Especially in Romania, transformation and accession processes were intertwined. Criticism on Romania by the Commission and European Parliament focused on transformation problems reflected in political criteria for accession such as the political independence of the judiciary, public administration reform, anti-corruption, media independence and child adoption. These ongoing transformation problems raised concern in the EU Member States as well and seemed to feed increasing 'enlargement-fatigue'. Romania and the EU planned to sign the accession treaty in 2005, for Romania to become an EU member in 2007.

Bilateral relations between Romania and the Netherlands were good and attempts were made to intensify them. The Netherlands put Romania in the second group of priority countries. Many bilateral MoUs were signed between ministries and political visits took place on a regular basis. A bilateral 'practical partnership' agreement was signed in February 2002, meant to be the designated instrument for intensification of bilateral relations. However, in practice few concrete actions resulted from this partnership, partly because no financial means were made available during the studied period. In fact, the partnership appears to act mostly as an umbrella for activities that anyway would have been undertaken. By the end of 2003 intensification of dialogue, which the Romanians were interested in, had not yet taken place.

The initial Dutch enthusiastic support to the speedy EU accession of Romania was gradually replaced by increasing emphasis on close monitoring of all accession criteria, especially the political ones. Although criticism of Dutch parliamentarians and media must be separated from official Dutch government position, it is clear that since 2002 the latter also adopted a more critical attitude towards Romania's accession. End 2002 a resolution to not set a specific date for EU accession by Romania and Bulgaria was adopted by parliament and accepted by the Dutch government. This had a negative effect on bilateral relations but remained without further consequence, as the final decision of the European Council was contrary to the Dutch position.

The Netherlands gave substantial transformation and pre-accession support to Romania. In some sectors and segments this support was very visible. Still, Dutch support was quite scattered and dispersed, due to Romania's eligibility for assistance from over 25 bilateral assistance instruments. The average annual amount of Dutch support to Romania probably varied between € 12-15 million, but no complete overview is available.

Over the last years bilateral relations in the agricultural sector were visibly strengthened. Dutch agri-business has gained territory in Romania. Moreover, the Netherlands supported Romania's agricultural accession and transformation process.

The posting of a Dutch agricultural attaché in 1998 contributed to intensification of relations. Initially attention was focused on project support. In 2002, during a visit of the Romanian Minister of Agriculture to the Netherlands, a bilateral working programme was signed in which co-operation on veterinary, food safety and phytosanitary issues, common market organisations, rural development and institutional capacity building was agreed.

In justice and home affairs relations between Dutch and Romanian line ministries were not very intensive, although in some areas such as police co-operation, prison reform and rule of law more rigorous contacts between professionals developed. These contacts often developed in projects that especially focused on transformation issues. The Netherlands posted a police officer at its embassy in Bucharest. More generally, the Netherlands critically observed Romania's compliance with the political Copenhagen criteria and the negotiations on chapter 24 on justice and home affairs. The Netherlands raised concern about insufficient border control, illegal immigration, human trafficking, drugs and weapon smuggling, and general rule of law issues. These concerns were only indirectly reflected in bilateral contacts between ministries, and in the number and type of bilateral justice and home affairs projects.

Finally, in the environmental field a distinction can be made between environmental protection and water management. As regards the latter, the development of bilateral relations through a rather coherent strategy shows similarities with the approach in the agricultural sector. Good contacts developed, benefiting both countries. Projects were developed jointly and contributed to strengthening of bilateral relations in the area of water management. In other environmental areas the picture of bilateral contacts is rather scattered. This is in the first place due to differences in ministerial mandates for environmental policy, and frequent institutional changes in Romania. Secondly, the Netherlands did not develop a clear strategy to address environmental issues. Emphasis was mainly put on development of a large number of programmes and facilities eligible for environmental projects, but some overlap occurred. Priority setting in bilateral relations on environment was considered to be premature.

Bilateral relations between the Netherlands and Romania with regard to the latter's EU accession had two faces. One reflected the support role of the Netherlands in assistance provided to Romania's transformation and accession process through various programmes. The other side showed the Netherlands as critical observer of Romania's accession process. In some sectors these roles reinforced each other, as was the case in agriculture and water management. In these sectors strategic choices were made to assist Romania in adopting and implementing the acquis, while at the same time Dutch interests were addressed. In other sectors however, either the assistance approach prevailed and insufficient attention was given to priority setting, or the Netherlands took the role of critical observer. Frequent Romanian institutional changes as well as capacity problems complicated the development of bilateral relations. The embassies of both countries encouraged intensification of relations, but played an intermediary role only. Line ministries in both countries were responsible for sector relations, but the co-ordinating ministries of Foreign Affairs and/or European Integration had a stimulating function. At this level further improvements in streamlining assistance and giving more systematic attention to Dutch strategic interests were certainly possible.

## ANNEX 1 MAIN FINDINGS AND ISSUES FOR THE FUTURE

### *Background*

The enlargement of the European Union (EU) has been an important issue in Dutch politics and policy in the past few years. The enlargement was one of the main EU policy objectives of the Netherlands Ministry of Foreign Affairs. Besides Cyprus and Malta, eight Central European states joined the EU on 1 May 2004. In 2007 two more Central European countries, Romania and Bulgaria, will also accede to the Union. Since 1990 the Netherlands has been supporting these ten former communist countries, first in their transformation and then in their accession process. During that same period, bilateral relations with these countries have gradually grown closer. In view of the political, social and policy-related importance of this accession process, the Policy and Operations Evaluation Department (IOB) decided to evaluate the Dutch policy on the accession of Central European states to the EU during the period 1997-2003.

Dutch policy in this area is complex, as the title of this publication, 'An Enlarged Europe Policy', suggests. The Netherlands Ministry of Foreign Affairs co-ordinates the Dutch policy as a whole and each of the line ministries is responsible for developing and implementing sectoral policy. The policy consists of four components:

- a. the Dutch policy on EU enlargement;
- b. bilateral policy on accession;
- c. pre-accession assistance policy; and
- d. sectoral policy.

The research questions focus on the cohesion, co-ordination, effectiveness and efficiency of policy. Due to the complex nature of the policy area, not all the components were studied separately. The analysis does not describe how the Netherlands negotiated enlargement within the EU. Because, as the analysis shows, the questions on effectiveness and efficiency cannot be answered for the policy as a whole, the study of those aspects focuses on the pre-accession assistance policy pursued in the Dutch pre-accession programmes. The total expenditure on those programmes from 1997 to 2003 was € 96 million. During that period, the Netherlands was also involved in the implementation of 112 EU pre-accession projects (Phare Twinning) with a total budget of € 108 million.

For this evaluation, IOB conducted research in four of the ten candidate Member States in Central Europe: Hungary, Lithuania, Poland and Romania. In each country, IOB examined three sectors: agriculture, justice and home affairs (JHA), and a third sector (social policy in Hungary, health care in Lithuania, transport and water in Poland and environment in Romania).

### *Main findings*

#### **1. The coherence of the policy was limited due to compartmentalisation**

Initially (1997-1998) the Netherlands Ministry of Foreign Affairs pursued a coherent policy vision. The policy-making process was politically driven during that early period. The Netherlands felt it was important for the candidate countries to achieve compliance with the stringent requirements for accession quickly. Actively assisting these countries also served Dutch interests, notably by creating goodwill that would benefit coalition forming in the enlarged EU. The Netherlands' efforts therefore

focused on the transformation of the candidate countries and on compliance with the accession requirements.

The original coherent nature of the policy was gradually lost. This is most evident from the fact that the policy principle of country differentiation was never developed into concrete guidelines. When assistance was divided up among the candidate countries, the country priorities were ignored. Poland, by far the largest of the ten countries and the highest priority in Dutch bilateral policy, received no more pre-accession assistance from the Netherlands than, for example, Slovakia or Bulgaria.

The coherence that had once characterised the policy disappeared as the three policy divisions of the Netherlands Ministry of Foreign Affairs and the line ministries continued to develop and implement the four policy components. The focus of the political steering gradually shifted towards the EU-level negotiations on enlargement, i.e. to only one of the four policy components. After 1999 bilateral policy and pre-accession support received little political attention, which resulted in disharmony among the policy components.

The loss of coherence between the policy components was not merely due to the limited management of the policy area as a whole. Compartmentalisation also played a role. This applied first and foremost to the policy divisions within the Netherlands Ministry of Foreign Affairs, which failed to work together sufficiently and were never forced to do so. They each concentrated on their own policy component. It also applied to the relationship between the line ministries and Foreign Affairs. Each of the parties was pursuing different interests and all were convinced of the necessity of coherent policy, but there were no standards or mechanisms in place to achieve it. There was a decided lack of management.

## **2. The co-ordination of bilateral policy and Dutch pre-accession assistance was unsatisfactory**

The Netherlands Ministry of Foreign Affairs is responsible for co-ordinating policy. Each of the three policy divisions, which fall under two Directorates-General within the Ministry, bears individual responsibility for the interministerial co-ordination of its policy component. Around 2000, the Netherlands Ministry of Foreign Affairs observed a lack of internal harmonisation and co-ordination. Organisational changes were made in 2000 and 2001, but the division for pre-accession assistance was left out of consideration, in part because of the Ministry's policy of distinguishing between diplomatic work (enlargement negotiations and bilateral policy) and assistance management (pre-accession support and transformation assistance).

The interministerial co-ordination of the first policy component, the EU-oriented policy on enlargement, was based on clear procedures that were followed in specific consultation committees. The Netherlands Ministry of Foreign Affairs also co-ordinated the Dutch participation in the EU pre-accession programme Phare Twinning. That co-ordination task was performed well and in accordance with clear procedures. The line ministries appreciated that, particularly because they had a clear decision-making role in these processes.

By contrast, the interministerial co-ordination of the other policy components, and in particular pre-accession support, was minimal. The line ministries defended their policy autonomy and were not always willing to harmonise or set joint strategic priorities, and Foreign Affairs had no adequate response to that.



The large number of Dutch programmes providing support to the Central European countries complicated co-ordination. The line ministries were involved in an advisory rather than a decision-making capacity, and co-ordinating assistance had been a low priority at Foreign Affairs for some time. This was one of the main reasons why the overlaps between the accession-oriented programmes and those aimed at social transformation remained undetected. Most of the overlaps arose in the areas of justice, home affairs and health care.

### **3. The effectiveness and efficiency of the policy as a whole cannot be assessed because the policy was not formulated in a result-oriented way and implementation was highly fragmented**

No clear objectives for the bilateral policy or the accession support policy were laid down in writing. The policy reconstruction shows that, in fact, two general objectives were pursued: a) supporting the accession process and b) strengthening bilateral relations in order to serve Dutch interests. Since no concrete targets were set for these objectives, the parties involved were at liberty to interpret them in their own way.

The bilateral policy relied on communicative policy instruments, such as visits by ministers and civil servants, diplomatic representation, agreements for specific sectors or themes, and partnerships. Under the pre-accession assistance policy, ten support programmes were established and implemented by numerous different bodies. This led to a highly fragmented process, undermining efficiency at the policy level. It is difficult to assess the impact of this policy because of the large number of small-scale, heterogeneous interventions, many of which were not clearly related to the policy objectives.

The findings described below show that it was possible to determine the extent to which the two policy objectives were achieved for a few of the components and sectors.

### **4. The pre-accession programmes brought about virtually no demonstrable change in bilateral relations**

The policy objective of strengthening bilateral relations with the new Member States at the level of central government was barely pursued. Opinions on whether this objective was achieved vary, but are not substantiated by concrete indicators. Optimists claim that the Netherlands generated goodwill by providing bilateral assistance and making other efforts. Sceptics argue that there is no evidence that any goodwill was created or that the Netherlands' prospects for forming coalitions with the new Member States have improved.

Because this objective was not actively pursued it is difficult to demonstrate whether the various instruments helped to strengthen bilateral relations. When concrete indicators such as the frequency of contact, intensity and nature of bilateral relations are examined, there is little evidence to suggest that bilateral relations at the central government level have improved as a result of the assistance efforts. The partnership with Poland, the 'Utrecht Conference', has proved that certain interventions can indeed foster more frequent and closer relations at central government level.

Dutch assistance contributed to the formation of several professional networks between implementing bodies in the candidate countries and the Netherlands. It was

not possible, however, to determine the extent to which these contacts helped to improve bilateral relations in certain sectors within central government.

**5. At the activity level, the Netherlands made a positive contribution to the accession process involving the candidate countries, but in most cases that contribution is not visible at national or sectoral level**

The Netherlands made a positive contribution to the accession process of the candidate countries by conducting activities geared towards amending legislation, establishing new institutions, and helping institutions that implement the *acquis communautaire* (EU legislation) to function more effectively. In many cases, the Netherlands was only one of the many donors involved. Effectiveness at activity level varied from over 60% to 90% for the programmes that were evaluated.

In view of the sheer magnitude of the changes required, the Dutch contribution towards helping the candidate countries through the process was obviously limited. In most cases, its support was too small-scale and fragmented to allow for aggregation at country or sector level (less than 1% of the total aid to candidate countries, spread over nearly all of the sectors).

**6. The efficiency with which the activities were carried out was satisfactory**

Approximately two-thirds of the assistance activities were carried out efficiently. The factors that aided efficiency were the flexibility of the Dutch effort, which was mentioned by several respondents in the countries concerned, and the fairly low cost of many of the activities. The factors that impeded efficiency were mainly related to institutional problems in the candidate countries, such as reorganisations within recipient organisations. The activities suffered due to the lack of commitment and responsibility in the candidate countries, frequent staff changes and absorption problems.

**7. A coherent policy was pursued in the agriculture sector. This produced good results that were also visible at the sectoral level in the candidate countries**

The agriculture sector pursued a uniquely coherent accession policy. When the policy was developed, the line ministry took the lead and the Netherlands Ministry of Foreign Affairs played a modest role. There are economic reasons – notably the expansive Dutch agricultural industry's interest in ensuring it is competing with Central Europe on a level playing field – for the highly active role the Netherlands played in the agricultural accession processes. The line ministry's long experience in EU matters was also an important factor. The agriculture sector took a proactive approach, thanks to the efforts of the line ministry, which had access to sufficient resources and capacity. Most of the other line ministries did not meet this precondition.

*Issues for the Future*

The issues for the future ensue from the main findings:

**1. Clarity regarding policy coherence and the required management**

In complex policy areas in which the individual components are interrelated, policy management needs to be given adequate attention. For the EU negotiations, this management was determined at both political and official level. However, this was not done for the other policy components or for the policy area as a whole. The strategic planning of the Dutch effort in the new Member States and the candidate countries, in

consultation with those countries, remains largely undeveloped. There are opportunities to make improvements by setting clear priorities in order to develop more country-specific and sector-specific policies.

## **2. Development of better co-ordination mechanisms, not just for EU negotiations, but also for bilateral policy and the pre-accession and transformation support**

The co-ordination mechanisms used for the EU policy could be applied to the bilateral policy and the assistance policy for Central Europe, possibly after some adjustment if necessary. Careful harmonisation and co-ordination on many levels are essential in this complex policy area in which many parties are active. All the parties involved have policy autonomy in their own area, but they also have an interest in achieving harmonisation and co-ordination because this will increase the effectiveness and efficiency of the policy. The Netherlands Ministry of Foreign Affairs should take the lead in shaping these mechanisms.

## **3. For policy to be result-oriented, clear objectives, consistent prioritisation, the logical use of policy instruments, proper steering and monitoring are required**

When new policy is being developed, the 'what question' (What is the aim of the policy?) should precede the 'how question' (How can it be achieved?). New policy should be developed on the basis of policy objectives, rather than the existing set of instruments. When priorities are set, for instance, they need to be incorporated into the set of instruments. When the policy objectives are put into practice, indicators can be identified and used to evaluate the execution of the policy, which can then be adjusted if necessary.

## **4. Learning from positive examples (best practices), such as the co-operation in the agricultural sector**

The agricultural sector stood out in a positive sense, in part because the line ministry had more capacity than others. This gave the sector a head start, but the advantage should not stop others from learning from the experiences gained here. Other sectors (e.g. water and social dialogue) also did well, but on a more limited scale. This shows that with the right priorities and the right set of policy instruments, good results can be achieved in various areas.

## **5. Streamlining the support programmes and preventing overlap**

The fragmentation of the Dutch assistance to Central Europe into a large number of programmes undermined effectiveness and efficiency. The programmes need to be streamlined, and the first step in that direction has already been taken. This applies not only to the pre-accession and post-accession programmes, but also to the transformation support.



## ANNEX 2 GENERAL TERMS OF REFERENCE

### *Terms of Reference, final version*

## **Evaluation of the Dutch policy concerning the accession of countries from Central Europe to the European Union**

IOB, 16 September 2003

### **1. Introduction**

European integration is one of the Ministry of Foreign Affairs' most important policy areas. In recent years, the *Explanatory Policy Document* has referred to the enlargement of the European Union to include ten new members in Central Europe as one of the three main objectives in this area, alongside the deepening of integration and the strengthening of the Union's external policy. Ten new Member States will join the EU in May 2004. The decision-making process regarding their accession is complete, and the process of ratification is now in progress, so this is a good moment to assess Dutch policy on the accession process in order to draw lessons for future enlargements, and for our relations with the new Member States.

### **2. Background**

#### **The accession process**

The fall of the Berlin Wall in 1989 not only brought the Cold War to an end. It also heralded a new era in which confrontation made way for co-operation between the European Union and Central Europe. One co-operation proposal tabled in the early days was that the countries of Central Europe should join the European Union. The Copenhagen European Council in 1993 drew up criteria with which candidate Member States would have to comply to qualify for membership of the EU. The Copenhagen criteria state that new Member States:

- *must have achieved stability of institutions guaranteeing democracy, the rule of law, human rights and respect for, and protection of minorities (political criteria);*
- *a functioning market economy as well as the capacity to cope with competitive pressure and market forces within the Union (economic criteria);*
- *an ability to take on the obligations of membership, which means among other things that they must have adopted and implemented the *acquis communautaire* by the time of their accession.*<sup>47</sup>

In 1997 the European Commission issued an opinion (*Avis*) on the possible accession of each country that had applied to join the EU. These *Avis* assessed the countries on the basis of the Copenhagen criteria. The Luxembourg European Council in 1997 decided that at that time accession negotiations could be launched with six countries: five in Central Europe (Estonia, Hungary, Poland, Slovenia, the Czech Republic) and Cyprus. The 'Luxembourg six', with which negotiations had

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<sup>47</sup> The EU also stipulated that the Union itself must have the capacity to absorb the new Member States, which in the literature is referred to as the fourth (informal) Copenhagen criterion.

already been opened, were joined in 1999 by the 'Helsinki six' – another five countries in Central Europe (Bulgaria, Latvia, Lithuania, Romania and Slovakia) and Malta. Turkey was also confirmed as a candidate Member State at the Helsinki meeting. In the end of 2004 the EU will decide on when to start the negotiations with Turkey. Croatia submitted an application for EU membership in 2003. The European Commission is preparing an 'Avis' on its application.

The accession negotiations cover the adoption and implementation of the *acquis communautaire* – the entire corpus of legislation and agreements that the EU Member States have put in place since the beginning of European co-operation, plus the case law of the Court of Justice. The *acquis* comprises over 80,000 pages of legislation and is constantly being amended and revised. For the purposes of accession, the *acquis* is divided into 31 chapters covering different themes, including the free movement of goods, persons, services and capital; competition (the foregoing all concern the internal market); agriculture; and justice and home affairs. The European Commission and the Member States are monitoring the adoption and implementation of the *acquis communautaire* chapter by chapter. They are also monitoring the candidate Member States' compliance with the Copenhagen criteria.

On the basis of progress reports issued by the Commission, the European Council in Brussels decided in October 2002 that ten candidate Member States would be expected to be ready to join in 2004. These countries are Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovenia and Slovakia. At the Copenhagen European Council in December 2002 the accession negotiations with these ten countries were officially closed, and an accession date of 1 May 2004 was set. Negotiations are continuing with Romania and Bulgaria. The accession treaty was signed in Athens in April 2003, and is awaiting ratification by the Member States. Procedures for the ratification of the treaty have been launched in the Netherlands. The Council of State has already issued an advisory report on the treaty. The accession treaty itself, the accompanying explanatory policy document, the Council of State's advisory report and a further report were submitted to parliament before the summer recess.

### **Details of the 2004 enlargement**

The planned enlargement to 25 Member States in 2004 is the fifth enlargement in the EU's history. Previous enlargements since the start of European co-operation in the 1950s occurred in 1973 (when Denmark, Ireland and the United Kingdom joined), 1981 (Greece), 1986 (Spain and Portugal) and 1995 (Finland, Austria and Sweden). The forthcoming enlargement differs significantly from these earlier enlargements, however. First and foremost because of the large number of countries joining, but also because of the major income differences between the current Member States and the ten candidate Member States in Central Europe (CE), which are former Communist countries.<sup>48</sup> Although the population of the EU is set to rise by 28% when they join, GNP will increase by barely 5%.

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<sup>48</sup> Cyprus and Malta have an entirely different history and their economic and geographical position is also different. These two countries will therefore not be considered here.

	<i>Population in millions</i>	<i>Per capita GNP</i>	<i>Inflation (%)</i>	<i>Unemployment (%)</i>
<b>EU 15</b>	378.4	22520	2.1	8.2
<b>10 CE candidate countries</b>	104.4	3600	16.6 (8.6 without Romania)	12.7
<b>Bulgaria</b>	8.2	1600	10.0	16.4
<b>Estonia</b>	1.4	3800	4.0	13.7
<b>Hungary</b>	10.0	5000	9.8	6.4
<b>Latvia</b>	2.4	3300	2.6	8.0
<b>Lithuania</b>	3.7	3300	1.0	15.4
<b>Poland</b>	38.6	4400	10.1	15.0
<b>Romania</b>	22.4	1800	45.7	10.8
<b>Slovenia</b>	2.0	9800	8.9	7.0
<b>Slovakia</b>	5.4	3900	12.0	18.6
<b>Czech Republic</b>	10.3	5400	3.9	8.8

Source: WRR working document 131, Hobza, October 2002.

There are also considerable differences between the candidate Member States. Poland has a population of 39 million, followed by Romania with 22 million, but four of the countries (Estonia, Latvia, Lithuania and Slovenia) have fewer than five million of a population. Income is highest in Slovenia (GNP: €9,800 per capita), followed by the Czech Republic (€5,400) and Hungary (€5,000), with Romania (€1,800) and Bulgaria (€1,600) bringing up the rear. The ten countries' accession processes have also differed. This is the first enlargement that has been so extensively and consistently monitored.

### **Dutch policy**

Dutch policy on the enlargement of the European Union is reflected in a number of documents. The positions the Netherlands has taken as a member of the EU in the negotiations on enlargement are part of its multilateral policy. Shortly after the fall of the Berlin Wall a debate began in the European Union about its relations with the countries of Central Europe. In the early 1990s the Netherlands opted for both 'widening' of the Union – enlargement to encompass the countries of Central Europe – and 'deepening' – closer co-operation between the Member States and the completion of the internal market, Economic and Monetary Union and the Common Foreign and Security Policy (CFSP), among other things. Since the start of the accession negotiations, the Netherlands has *'always called for speed and quality to go hand in hand in the enlargement process'* (State of the European Union, 17 September 2002).

As has been said, the Dutch position in its multilateral policy and in the accession negotiations has always been that speed and quality are equally important; bilateral policy also has the same emphasis. The Netherlands therefore developed instruments at an early stage for helping the candidate Member States meet the conditions for accession. This policy of support was launched in the regional policy document on Central Europe and discussed with the Permanent Committees of the parliament on Economic Affairs and Foreign Affairs in 1997. It announced the creation of a set of pre-accession instruments. These were worked out in further detail in 1998, and most of the actual programmes were launched in 1998 and 1999 (see page 5 for details). The bilateral pre-accession instruments can be regarded as an extension of bilateral policy. To enhance the consistency between multilateral policy and bilateral accession support, special policy documents (the 'accents policy

documents') were drawn up in 1999 and 2000. They took stock of the Dutch contribution to the EU enlargement process from a bilateral point of view.

Policy on the enlargement of the EU and pre-accession policy are devised and implemented through four channels:

1. *Multilateral*

Letters and policy documents from the Minister of Foreign Affairs and Minister for European Affairs on the enlargement of the European Union and the Netherlands' viewpoint: amongst others six policy documents between November 1999 and October 2002, prepared by the European Integration Department (DIE) of the Directorate-General for European Co-operation (DGES).

2. *Bilateral and regional*

Letters and policy documents on regional policy, such as the 1999 accent policy document and 'New Accents in an Enlarged EU', drafted in 2002 by the regional department, currently the Directorate-General for European Co-operation's Western and Central Europe Department (DWM), previously the Central Europe Department (DEU/ME) of the former Directorate-General for Regional and Country Policy (DGRB).

3. *Assistance*

Letters and policy documents on the progress of pre-accession programmes, often combined with progress reports on traditional transformation programmes, such as the Matra policy letter of 2000, and the progress report on the implementation of the Matra programme 1999-2001, 8 January 2002, drafted by the Directorate-General for Regional and Country Policy and Consular Affairs' Southeast and Eastern Europe and Matra Programme Department, which is responsible for Matra (formerly DEU/UM at the former DGRB).

4. *Individual ministries*

Letters and policy documents drawn up by the other ministries concerning their role in the enlargement of the EU. They refer to their part in the accession negotiations, bilateral relations with counterparts in the candidate Member States and the pre-accession aid in which they have been involved.

The Ministry of Foreign Affairs bears official responsibility for co-ordinating the Dutch contribution to European decision-making. According to the Explanatory Memorandum, this includes interministerial co-ordination on issues related to European integration. The European Integration Department (DIE) plays an important role in this. Since 1997 it has been responsible for co-ordinating the work of the individual ministries related to EU enlargement, and regularly chairs meetings of the Enlargement Task Force (TFU). Since 2000 the regional department (first DEU, later DWM) has co-chaired the Task Force. The Matra department (DZO/UM) regularly holds talks with the various ministries that have an advisory role in the different programmes running under Matra. Since 1999 DZO/UM has regularly convened meetings to discuss Matra pre-accession activities which are attended by the organisations implementing the programmes. Most of the ministries concerned have set up divisions that focus on enlargement and/or pre-accession assistance. Some have their own budget, but most of them are dependent on the Ministry of Foreign Affairs' and the Ministry of Economic Affairs' pre-accession programmes and the Community programmes.



### **Pre-accession programmes**

Since 1998 the Dutch government has supported candidate Member States through a number of pre-accession programmes. They are intended primarily to support candidate Member States' efforts to adopt and implement the *acquis communautaire*. Their second objective is to enhance bilateral relations. These programmes are:

- **the Matra pre-accession instruments**, special programmes specifically geared towards accession under the Social Transformation Programme for the non-economic sectors (via the Ministry of Foreign Affairs, total expenditure 1999-2002 €31.7 million);<sup>49</sup>
- **the Eastern Europe Co-operation Programme (PSO) pre-accession instruments**, a continuation of the traditional economic transformation programme for the economic sectors geared specifically to accession (via the Ministry of Economic Affairs, total expenditure 1998-2002 €39.5 million).<sup>50</sup>

A number of Matra pre-accession programmes have a broader aim, in that they are intended to promote good governance as well as help prepare countries for accession.

Matra and PSO pre-accession programmes consist of the following:

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<sup>49</sup> The Matra programme itself, which traditionally focuses on strengthening civil society, has also been continued in the candidate countries, with the exception of Slovenia.

<sup>50</sup> The PSO itself ceased operations in most candidate countries when the pre-accession PSO was launched, except in Romania and Bulgaria.

Type of activity	Name of programme	Implementing agency	Expenditure 1998-2002 (in million €)
<b>Matra Pre-Accession:</b>			<b>31.7</b>
Projects (mainly technical assistance)	Matra Pre-Accession Projects Programme (MPAP)	Senter	16.7
Training	Accession-oriented Dutch European Proficiency Training Programme (ADEPT)	Cross	6.9
Local authority co-operation	Local Authority Co-operation with Candidate Countries Programme (GST)	VNG (Association of Netherlands Municipalities)	3.3
Internships	Internships Matra for Pre-accession Training Programme (IMPACT)	NUFFIC	0.9
Secondment of Dutch former civil servants	Advisory Missions to Governments Programme (PUA)	NMCP	1.2
Partnerships	Partnership funds	Ministries and DWM	0.2
Departmental initiatives	Departmental Initiatives Programme (DIP)	Ministries and DWM	1.9
Various (including support desk, to promote and co-ordinate Dutch participation in Phare Twinning programme)	Various	DGES/AP and others	0.6
<b>PSO Pre-Accession</b>			<b>39.5 *</b>
Projects (mainly technical assistance)	PSO Pre-Accession Programme (PSO PA)	Senter	33.2
Exchange of expertise through working visits, conferences etc.	PSO short	Senter	3.6
<b>TOTAL PRE-ACCESSION</b>			<b>71.2</b>

\* Including €2.7 million for PSO PA in 1998.

Most activities are very small-scale (such as internships lasting a few days or a week, a few days' training, secondment of a civil servant for a few weeks, a workshop etc.) and spread among eleven countries (i.e. the ten countries in Central Europe plus, since 2001, Turkey) and across eleven different sectors.<sup>51</sup> By way of comparison: the EU gave a total of some € 13.6 billion in pre-accession aid to the candidate Member States over the same period. It is therefore difficult to evaluate the Dutch effort in the light of the complex system of accession aid and the huge EU efforts in this area. The projects financed through MPAP and PSO PA and some ADEPT courses are larger in scale (with average expenditure of approx. € 350,000). A total of 70 MPAP projects and 81 PSO PA projects were undertaken in 1999-2002.

Alongside the bilateral instruments, there are also specific Community pre-accession programmes such as the Phare Twinning programme (since 1998), ISPA (since

<sup>51</sup> Cyprus and Malta do not receive Dutch support under the bilateral pre-accession programmes.

2000, structural instrument to help with preparations, particularly in the fields of transport and environment) and SAPARD (since 2000, to help with structural adjustment in the agricultural sector). The Phare Twinning programme is a continuation of the Phare transformation programme in the form of pre-accession aid for the candidate Member States. It involves institutional support to help them adopt and implement the *acquis communautaire*. National governments in the Member States can register for Twinning projects, after which the candidate Member States select partners. The Netherlands has been involved in the implementation of 88 of the 687 Phare Twinning projects to date (as leading partner in 55, and co-operating partner in the other 33). Dutch efforts in the framework of the Twinning programme are co-ordinated and supported by a support desk set up especially for the purpose at the Ministry of Foreign Affairs (DGES/AP).

From the moment they accede, the pre-accession programmes and transformation programmes for the first group of acceding countries will be phased out over three years. In other words, no new projects will be approved and existing projects will be implemented as stated in the contract. The EU is to make a Transition Facility available to the new Member States for the first three years after accession to help them tackle any final problems and to consolidate the institutional strengthening they have already achieved. The debate on a new form of bilateral 'post-accession' co-operation or a transitional fund is already under way, but no decisions have yet been made.

#### *Evaluation of pre-accession programmes*

The PSO and Matra pre-accession projects programme (PSO PA and MPAP) are the subject of a joint, decentralised evaluation by the Ministry of Economic Affairs and the Ministry of Foreign Affairs. IOB is involved in an advisory capacity, as a member of the supervisory committee. Its remit is to safeguard standards in terms of the ToR, the tendering procedure, prior communication with those implementing the projects, and assessment of the inception report, interim reports and the final report. This evaluation has already been seriously delayed and the results are unlikely to become available in 2003.

IOB is evaluating the international activities of the Association of Netherlands Municipalities (VNG) and individual local authorities in the Netherlands funded through the Ministry of Foreign Affairs. The evaluation is also considering local authority co-operation under the Matra pre-accession programme, and is expected to be complete before the end of 2003.

An evaluation of the secondment of civil servants under the PUA programme began in June 2003. IOB was involved in the design of the evaluation and is monitoring its quality. The results should be available well before the end of the year.

Fairly detailed self-evaluations of the Matra training programme ADEPT and internship programme IMPACT are available.

The Phare Twinning programme was evaluated in 2000. The evaluation looked at a selection of projects approved in 1998, and focused on methodology and on the registration and implementation process. It looked to a lesser extent at the effectiveness of the programme. No new evaluation of this programme is planned.

### 3. Objective and key questions

This evaluation is taking place at a strategic moment, just before ten new Member States join the EU in May 2004, and at a time when the existing Member States are in the process of ratifying the Treaty of Accession. Referendums approving accession have been held in most candidate Member States. Further enlargement is likely in the future, when Romania and Bulgaria – with which negotiations continue – join the EU. Negotiations have not yet started with Turkey, and Croatia has submitted an application. The evaluation of the Dutch policy concerning the accession of Central European countries to the EU should allow us to draw important lessons for our relations with the new Member States, including any post-accession aid, and for any reorientation as regards ongoing and future accession processes. This can be regarded as the functional aim of this evaluation.

The following key questions will be addressed during this evaluation:

1. What coherence is there between the Dutch policy on the accession of Central European countries, our bilateral relations with those countries and the pre-accession aid supplied by the Netherlands?
2. How effective has the policy been? In other words, to what degree has the Netherlands helped the candidate Member States adopt and implement the *acquis communautaire* and strengthened its relations with those countries?
3. How efficiently has the policy been implemented? In other words, how do the results relate to the costs and the resources deployed?

#### 1. Coherence

The policy itself clearly states the need for coherence between the four channels of policy and the actors associated with them (multilateral and bilateral policy, policy on accession aid and the policy of individual ministries). A key element of this evaluation will therefore be the assessment of coherence in policy and its implementation. A number of indicators will be used. They have largely been drawn from the policy documents themselves, and concern:

- The number and substance of references to other policy channels in the policy documents.
- Information on decision-making in the EU regarding accession and changes to Dutch policy in response to these decisions.
- The form and frequency of consultations within and between ministries on matters related to enlargement.
- Co-ordination procedures and compliance with them.
- Ministry of Foreign Affairs co-ordination activities and the Ministry's actual input.
- Regular exchange of general information between the main Dutch actors concerned with accession.

#### 2. Effectiveness

The assessment of the effectiveness of policy will focus mainly on bilateral policy on enlargement, including pre-accession aid, and will be concerned with the degree to which the results of activities have helped achieve the specified policy objectives. Appendix 1 contains an evaluation matrix of indicators for pre-accession activities and their outputs and effects. The decision-making on the accession of ten new Member States is more or less complete, a signal that a judgement has been made as to their ability to meet the requirement that they adopt and implement the *acquis* in 2004. However, the debate on the safeguard clauses continues, and this indicates the extent to which problems remain with the adoption and implementation of the

*acquis*. It is no simple matter to determine in retrospect what contribution the Netherlands has made to the accession process with its support for pre-accession activities. After all, it is not easy to distinguish the Netherlands' efforts from those of the many other donors, particularly the EU itself. To assess the Netherlands' contribution to the adoption and implementation of the *acquis*, attention will first be focused on the effectiveness of the activities. In other words: were pre-accession activities geared to problems the European Commission (in the *Avis* and progress reports) and/or the governments of the candidate Member States (*National Plans for the Adoption of the Acquis*, and their response to the progress reports) regarded as priorities at that particular point in time? After the relevance of the activities has been assessed, the effects of the Dutch effort on the accession process can be evaluated (see evaluation matrix in appendix 1).

The evaluation matrix also contains indicators of effects related to the second policy objective – the strengthening of bilateral relations.

The matrix does not include any indicators of impact, as it is too early to assess this. However, the study will consider whether impact indicators can be identified so that it can be measured in two or three years' time. The present evaluation could then serve as a baseline measurement.

### 3. *Efficiency*

The assessment of efficiency will focus on the degree to which the results achieved are proportionate to the costs of the resources chosen, and particularly the way in which they were deployed. It will consider the choice of pre-accession programmes, the management of these programmes, and co-ordination between them, and between bilateral and Community pre-accession programmes.

## 4. **Scope and representativeness**

The preliminary study showed that there is no shortage of written material about enlargement. This, and the plethora of information available, mean that the scope of the evaluation has to be clearly defined. Its added value must therefore lie in increasing knowledge and understanding, with a focus on the Dutch perspective.

There are various ways of defining the scope of an evaluation. The first explicit choice was *not* to restrict the evaluation to one area of policy, but in fact to study the multilateral and bilateral aspects of policy *in conjunction with* pre-accession aid. At the same time the choice has been made to study all four policy channels and their coherence, while *no* separate analysis will be made of the course of the negotiation process within the European Union and the Dutch position in these negotiations. After all, these negotiations take place in another arena - that of the current EU15 - and these negotiations do not directly concern the Dutch relations with the new Member States. Yet, the key questions concerning coherence, effectiveness and efficiency can only be answered if they are placed within the wider context of the outcomes of the negotiations and the Dutch positions in these negotiations. In short, the outcomes of the negotiations will serve as the framework for the answering of the key questions, while the negotiation process itself within the European Union will be left out of consideration. The scope of the evaluation has furthermore been limited in other ways: time period, countries, sectors and pre-accession programmes.

## Period

Although the accession process officially began in 1993, when the Copenhagen criteria were laid down, it was not until 1997 that further steps were taken towards launching accession negotiations with a small number of candidate Member States. The evaluation will therefore focus on the period from 1997 (when the Luxembourg European Council took the decision to start negotiations with six candidate Member States) to 2002 (when the Copenhagen European Council decided that ten new Member States should accede in May 2004). Developments prior to 1997 and new developments in 2003 will of course be mentioned where relevant.

## Countries

The selection of countries for field studies was based on a number of considerations. Negotiations have been held with twelve countries in recent years – ten countries in Central Europe, Cyprus and Malta. Dutch policy on Cyprus and Malta has clearly been less intensive than that on Central Europe. Cyprus and Malta have received no bilateral pre-accession aid, for example. These two countries will not, therefore, be included in the evaluation. The two countries with which negotiations have not yet started (Turkey and Croatia) will also be excluded. The choice of countries in which to conduct a field study was made from the remaining ten, based on the following criteria:

- a balanced representation of countries with which negotiations were launched at different times – the Luxembourg six from 1997 and the Helsinki six from 1999. Without Cyprus and Malta, only five remain from each group;
- a balanced representation of countries with different economic backgrounds and performances (with per capita GNP, economic growth and unemployment as indicators);
- a balanced selection of small and large countries (with population as indicator);
- at least one country with which negotiations have started but which will not join in May 2004 (Romania or Bulgaria);
- a preference for countries with which the Netherlands has close cooperative ties in several areas and/or on specific themes (with partnerships, and number of MPAP, PSO PA and Phare Twinning projects as indicators) and/or where IOB has carried out previous evaluations;
- a balanced selection of countries with which negotiations progressed differently (with rate at which chapters opened and closed, and transitional arrangements as indicators);
- the opinion of stakeholders (policy departments and/or individual ministries).

The following four countries were selected on the basis of these criteria (see appendix 2):

- *Poland*, one of the Luxembourg six, the largest country acceding to the EU, mediocre economic performance, special co-operative ties with the Netherlands via the Utrecht Conference, fairly difficult negotiation process.
- *Hungary*, also one of the Luxembourg six, fairly good economic performance, medium-sized in relation to the other candidate Member States, previous field study as part of the IOB Matra evaluation, smooth negotiation process.
- *Lithuania*, one of the Helsinki six, mediocre economic starting position, reasonably good progress with negotiations, most populous of the Baltic states, preferred by stakeholders.

- *Romania*, one of the Helsinki six, will not join in 2004, poorly performing economy, very difficult negotiation process, preferred by stakeholders.

Strangely enough, the 'close cooperative ties with the Netherlands' criterion had little bearing on the choice, except in the case of Poland, as a result of the Utrecht Conference. A number of projects are being carried out in all the countries, and there are no country priorities in the bilateral programmes. There is therefore little variation in the distribution of bilateral pre-accession activities among the ten countries. In several cases stakeholder preference and previous IOB evaluations therefore determined the choice between virtually equally eligible countries (Hungary or the Czech Republic, Lithuania or Latvia, Romania or Bulgaria).

### **Areas/sectors**

Given the huge range of subjects covered by the negotiations, as illustrated by the 31 chapters in the *acquis*, two areas or sectors have been selected for further analysis in the four country studies. These are the Common Agricultural Policy (CAP) and Justice and Home Affairs (JHA). The CAP is an important part of the *acquis* on which the Netherlands has very definite views, and has also been the subject of many pre-accession projects. JHA gained more and more importance during the negotiations, and new *acquis* has also been created in this area. Both agriculture and justice and home affairs are suitable for further analysis in each of the four countries selected. The possibility of adding one more sector to each of the country studies is being considered.

### **Pre-accession programmes**

The final narrowing down involves the selection of pre-accession programmes that can be evaluated separately and in more depth. Given the scale and diversity of these programmes (not so much in financial terms, more in terms of the number of activities in different countries and sectors), it will not be possible to examine them all in detail. The two biggest MPAP and PSO PA programmes are currently the subject of a joint evaluation under the direction of an independent supervisory committee on which IOB is represented. This initiative runs parallel to this IOB evaluation of the Netherlands' role in the enlargement of the EU, but could be effectively tied in with it. IOB will therefore use the findings of these programme evaluations. The two other evaluations of Matra programmes – PUA and GST – are not of immediate importance to the research questions, given the scale and significance of these programmes. The fact that both these evaluations were undertaken for other reasons does not, however, mean that they cannot provide input for the IOB evaluation. These three programme evaluations together cover 85% of expenditure on bilateral pre-accession activities.

The Netherlands has also provided substantial input to the Phare Twinning programme. For IOB to conduct a separate evaluation of the effectiveness and efficiency of this input would be problematic not only in methodological terms, it would also be beyond its mandate. However, it will be considered in the assessment of whether policy and policy implementation have been coherent.

### **Representativeness**

The area to be studied is huge, and the design of the study combines a broad-ranging consideration of policy with more in-depth field studies. It has been decided that the in-depth studies should be systematically narrowed down to a particular time (1997-2002), and to four countries, two sectors and a number of specific

programmes. This combination of broad-ranging and in-depth studies, which will be examined in more detail in the next section, gives a sufficiently representative view of the object of the evaluation to be able to address the research questions.

## 5. Strategy and phasing

Three studies are planned, combining an analysis of policy and the negotiations with in-depth studies designed to provide an actual insight into the implementation of policy and the results achieved. The first will look at Dutch policy and the accession negotiations, outlining the context for the implementation of policy and providing hypotheses that will be examined further in the implementation studies. The other two studies will look at the implementation process from two different perspectives: the country and the programme. The table below shows which of the studies will address the key questions outlined above.

Study → Key issue	Analysis of policy and negotiations	Country studies	Programme evaluations
1. Coherence	X	X	---
2. Effectiveness		X	X
3. Efficiency		X	X

The table shows that each of the key questions will be addressed on the basis of the findings of at least two studies. In only one case will a key issue explicitly be overlooked in one of the studies; the programme evaluations will not look at the issue of coherence. The table does not indicate the more indirect relationships between the studies and the key issues. For example, it will be possible to assess effectiveness and efficiency as part of the country studies only on the basis of the analysis of multilateral and bilateral policy. These links will become apparent when the studies are planned in more detail. The final report will of course elaborate on the links between the findings of the studies.

### Study 1: Analysis of policy and accession negotiations

This study consists of a policy analysis of the four policy channels described before. The main issue examined here will be coherence, though the study will also provide material for the assessment of effectiveness and efficiency in the country studies (study 2) and the programme evaluations (study 3).

The study will take the form of a retrospective process evaluation, examining the coherence between multilateral policy, bilateral policy, policy on accession aid and the policy of the individual ministries concerning accession. It will therefore look not only at the different elements of policy, but also, and more especially, at the methods applied, including the way in which the Ministry of Foreign Affairs played its co-ordinating role. The reconstruction of the policy will also set out the main assumptions underlying policy so that they can be verified in the country studies and, to some extent, in the programme evaluations. This study also involves a reconstruction of the intervention logic of the pre-accession instruments.

The methodology will be as follows:

- Analysis of bilateral policy on acceding countries, including priorities in terms of countries, themes and/or sectors and interaction between the ministries;



- Analysis of policy on pre-accession aid, with a reconstruction of the intervention logic;
- Analysis of multilateral policy and interaction between ministries.
- Institutional analysis;
- Compilation of a database on pre-accession activities for the selected countries and for the selected sectors or themes;
- Formulation of hypotheses to be tested in interviews conducted in the Netherlands and during field studies.

### **Study 2: Four country studies**

The table shows that the country studies are key to the study design, because they will provide a partial answer to the three main questions to be addressed in the evaluation. Each of the four studies – in Hungary, Lithuania, Poland and Romania – will follow roughly the same pattern. The country studies will focus particularly on coherence in the implementation of multilateral EU policy, bilateral relations and pre-accession aid policy. They will be based on insights and information acquired during the first, policy-oriented study and will test the hypotheses formulated. To this end, against the background of the outcomes of the negotiations, the process of policy implementation and interaction between the actors will be examined for each of the four selected countries. The focus will be on the candidate Member States' perception of the Dutch position in the negotiations, the policy pursued by the Netherlands and pre-accession aid. There will be a more specific focus on agriculture, justice and home affairs and a third sector to be chosen specifically for each country. IOB will draw up specific terms of reference for each country study.

The four country studies will consider the following:

- Inventarisation of the outcomes of the accession negotiations and relevant European decision making. The focus will be on the system of opening and closing the various 'negotiation chapters', in general and for each of the four countries. There will also be made an inventory of specific Dutch positions concerning certain chapters, which can be derived from Dutch multilateral policy;
- The progress of the accession negotiations with the country in question, from the perspective of the candidate Member State;
- Bilateral contacts in connection with accession (e.g. reciprocal visits by ministers, conferences, regular meetings);
- Pre-accession activities with Dutch input (both bilateral projects and Phare Twinning projects run by the Netherlands).

Given the diversity and generally limited scale of pre-accession activities, it will not be possible to fully assess their effectiveness in this study. They will therefore be examined from a thematic perspective (CAP, JHA and a third sector), which will limit the scope of the assessment of their effectiveness and efficiency. Particular attention will be given to typical bilateral activities such as partnerships (Utrecht Conference with Poland, thematic partnerships with Hungary). In terms of the effectiveness of policy, the focus will be on the extent to which the various activities have helped build up bilateral contacts that will benefit European decision-making and coalition-forming in the enlarged EU. The study will also look at the extent to which the activities really have helped the candidate Member States adopt and implement the *acquis*. The evaluation matrix in appendix 1 contains indicators for measuring such effects. The third study will assess the overall effectiveness of selected pre-accession programmes.

### **Study 3: Programme evaluations**

The design of the country studies means it will not be possible to assess the effectiveness and efficiency of the various programmes for pre-accession aid in a sufficiently representative way. A separate programme evaluation would be desirable, certainly for the biggest of the pre-accession programmes (MPAP and PSO PA), to allow the issues of effectiveness (particularly their contribution to the adoption and implementation of the *acquis*, see evaluation matrix) and efficiency to be thoroughly addressed. Three separate programme evaluations are planned, covering five bilateral pre-accession programmes mentioned above:

- A joint decentralised evaluation of the Matra Pre-Accession Projects programme (MPAP) and the PSO pre-accession instruments (PSO PA and PSO short).
- A decentralised evaluation of the Matra Advisory Missions to Governments programme (PUA).
- A central IOB evaluation of the GST programme.

IOB will be involved in the first two in an advisory capacity. This will allow it to co-ordinate the decentralised evaluations with its own policy evaluations. The programme evaluations will also be based on the evaluation matrix in appendix 1. One methodological complication lies in the fact that a number of Matra pre-accession programmes such as PUA and GST have a broad objective – to promote good governance and transformation (in both central and local government), including institutional capacity-building and the adoption and implementation of the *acquis communautaire*. The programme evaluations will be based on this broad objective, but this IOB evaluation will be limited to the objectives more specifically connected with pre-accession.

## **6. Organisation**

IOB-evaluator Anneke Slob will be responsible for designing the study, supervising its implementation and producing the final report. Together with Anneke Slob, IOB-evaluator Gerard van der Zwan and research assistants Merel Wielinga and Bas Limonard will form the core team for this evaluation.

Researchers from the selected countries will be taken on for the four country studies. Along with the Dutch researchers, they will bear joint responsibility for the analyses at country level.

A reference group of external experts and stakeholders, representing Ministry of Foreign Affairs policy departments and other ministries, will meet several times to monitor the progress of the evaluation and comment on the draft final report. The members have already provided comments on the draft terms of reference.

## **7. Products**

The final report, incorporating the results of all the individual studies, will be submitted to parliament in accordance with the usual procedures.

The individual studies themselves will culminate in interim reports: policy analysis and four country studies, that might be published as an IOB working document.

If there is sufficient response to the publication of the report, IOB will organise a workshop to explain its findings.

## 8. Planning

IOB aims to publish the final report of this evaluation before the new members actually accede on 1 May 2004. This is a fairly ambitious target and whether it is achieved will depend to some extent on other actors. The third individual study is to comprise two decentral programme evaluations, whereby IOB will be responsible for monitoring quality. The most important of these – the evaluation of MPAP and PSO PA – has already been delayed, and it is unclear when the results will be available. If the programme evaluations experience further delay, and additional research becomes necessary to guarantee sufficient quality, IOB might consider producing a working document on policy analysis before May 2004. The publication of the full final report would then have to take place later in 2004 according to a revised timetable.

The current timetable is as follows:

	July 03	Aug. 03	Sept. 03	Oct. 03	Nov. 03	Dec. 03	Jan. 04	Feb. 04	Mar 04	April 04
TOR	X									
Study 1 Analysis of policy and negotiations	xxx	xxxX policy	xxxxx	xxxxx	xxxX					
Study 2 Poland			xx	xxxxx	X					
Study 2 Hungary		xx	xxxxx	X						
Study 2 Lithuania					xxxxx	xxX				
Study 2 Romania				xx	xxxxx	X				
Study 3 Programme evaluations	xxx	xxxxx	xxxxx	xxxX GST ?	xxxX PUA ?	xxxxx	X PSO and MPA P?			
Final report						xxxxx	xxxxx xx	X draft		X final
Reference group						x		x		

X Document: TOR, interim or final report  
 x implementation of research activity

**Appendix 1. Evaluation matrix for assessment of pre-accession activities in studies 2 and 3**

	<b>Type</b>	<b>Indicator</b>	<b>Methods and sources</b>
<b>Activities</b>	Experts for long and short term, secondments, training, internships, workshops, courses, conferences	Number and duration of activities, number of participants	Desk study, database of Dutch pre-accession activities (MIDAS)
<b>Outputs</b>	Transfer of knowledge on adoption and implementation of <i>acquis</i>	Workshops and conferences: agenda, quality and participation, focus on <i>acquis</i>  Courses: type, content and participation, focus on <i>acquis</i>  Experts: length of secondment, job description, expertise, recipient organisation  Internships: background of interns, content of internship and recipient organisation, focus on <i>acquis</i>  Courses, publications: content, standard, focus on <i>acquis</i>	Desk study Interviews
<b>Effects</b>	Positive impact on accession process  Intensification of bilateral contacts	New legislation: adoption of <i>acquis</i>  Enhancing capacity to implement <i>acquis</i> : <ul style="list-style-type: none"> <li>- Knowledge/advice translated into plans of action;</li> <li>- Commission progress reports: identified improvements in implementation;</li> <li>- References to Dutch recommendations in reports and documents;</li> <li>- Contribution to functioning of new institutions;</li> <li>- Improvements in working methods of existing institutions</li> </ul> Contact/consultation with NL on specific accession issues raised during negotiations  Contact/consultation with NL on decisions concerning future of Europe and constitution (IGC etc.)  Contact/consultations with NL on future operations of candidate Member States in Brussels  Participation in international knowledge network	Desk study Interviews
<b>Impact</b>	Functioning of candidate Member States as fully-fledged Member States and functional bilateral relations comparable to those with other Member States	None  Possible identification of impact indicators that can be used in a follow-up study in 2-3 years, with this evaluation as baseline measurement	

## Appendix 2. Indicators for choice of countries

	<b>Bulgaria</b>	<b>Estonia</b>	<b>Hungary</b>	<b>Latvia</b>	<b>Lithuania</b>
Inhabitants (millions) <sup>1</sup>	8.2	1.4	10.0	2.4	3.7
Per capita GNP 2000 <sup>1</sup>	€ 1600	€ 3800	€ 5000	€ 3300	€ 3300
Econ. Growth (% , 2001) <sup>2</sup>	4	5.4	3.2 (2002)	7.6	5.5 (2002)
Unemployment (% , 2001) <sup>2</sup>	17	12.6	5.8 (2002)	7.7	11 (2002)
Start of negotiations	Helsinki 1999	Luxembourg 1997	Luxembourg 1997	Helsinki 1999	Helsinki 1999
Accession	January 2007?	May 2004	May 2004	May 2004	May 2004
Progress of negotiations <sup>3</sup>	-	+	++	+	-/+
No. of MPAP projects <sup>4</sup>	8	6	9	3	6
No. of PSO PA projects <sup>5</sup>	7 (+1)	9	7 (+1)	6 (+1)	7(+2)
Country study for evaluation of MPAP and PSO PA	yes	yes	no	no	no
No. of Phare Twinning projects with Dutch involvement <sup>6</sup>	8 (5)	5 (4)	12 ( 6)	2 (2)	4 (3)

	<b>Poland</b>	<b>Romania</b>	<b>Slovenia</b>	<b>Slovakia</b>	<b>Czech Rep.</b>
Inhabitants (millions) <sup>1</sup>	38.6	22.4	2.0	5.4	10.3
Per capita GNP 2000 <sup>1</sup>	€ 4400	€ 1800	€ 9800	€ 3900	€ 5400
Econ. Growth (% , 2001) <sup>2</sup>	1.1	4.4	3.1 (2002)	3.3	3.6
Unemployment (% , 2001) <sup>2</sup>	16	6.6	11.5 (2002)	18.6	8.5
Start of negotiations	Luxembourg 1997	Helsinki 1999	Luxembourg 1997	Helsinki 1999	Luxembourg 1997
Accession	May 2004	January 2007?	May 2004	May 2004	May 2004
Progress of negotiations <sup>3</sup>	+/-	-	++	-/+	+
No. of MPAP projects <sup>4</sup>	8	5	4	10	5
No. of PSO PA projects <sup>5</sup>	11 (+1)	6 (+1)	8 (+2)	9 (+1)	7
Country study for evaluation of MPAP and PSO PA	no	no	no	yes	no
No. of Phare Twinning projects with Dutch involvement <sup>6</sup>	20 (11)	13 (6)	5 (3)	8 (6)	13 (9)

1 Data from WRR, *CEE Countries on the Way to the Eurozone*, 2002.

2 Data from Ministry of Foreign Affairs website, country files.

3 Preliminary IOB analysis based on quick scan of files.

4 Number of Matra pre-accession projects (MPAP) 1999-2002.

5 Number of PSO PA projects 1999-2002, with number of Ministry of Housing, Spatial Planning and the Environment pre-accession projects developed in 2002 in brackets

6 Number of Phare Twinning projects 1999-2002 with Dutch involvement, at 22 January 2003, with number of projects where the Netherlands is leading partner in brackets (no short-termers included).



## **ANNEX 3    TERMS OF REFERENCE ROMANIA**

### ***IOB - Evaluation of the Dutch Policy concerning the Accession of Countries from Central Europe to the European Union Terms of Reference for the Country Study Romania***

**November 2003**

#### ***Background***

The design for the overall evaluation is presented in the general Terms of Reference. Four country case studies are planned for which specific Terms of Reference will be drawn. This document contains the Terms of Reference for the country study Romania. The general Terms of Reference are attached in annex 2 and form an integral part of this document.

#### ***Design of the country study***

The country studies will seek to provide an answer to the three main research questions to be addressed on coherence, effectiveness and efficiency. Three sectors in each country are selected in order to answer these research questions. In Romania the following sectors have been selected:

- Agriculture;
- Justice and Home Affairs (JHA);
- Environment.

Next to the general overview of the Romanian accession process and an overview of Dutch policy and the Dutch-Romanian bilateral relations, for each sector the Dutch supported pre-accession activities in Romania will be listed and a selection of these activities will be assessed in detail. An overview of Dutch supported pre-accession activities is provided in annex 8.

#### ***Approach***

A joint Dutch-Romanian team of independent evaluators will carry out the evaluation. The country case study will start with preparatory research in the Netherlands and in Romania. At the start of the field research all information will be put together, hypotheses for the field research will be formulated and the methodology will be elaborated in detail. On the basis of the preparatory reports and the results of the joint mission a concise case study report will be prepared and submitted for comments to the main stakeholders. During all phases of the research communication and interaction with the stakeholders are the key to a successful outcome of the evaluation.

#### ***Research activities***

##### ***Preparations in the Netherlands***

##### ***IOB/Dutch researchers:***

- Provide a general overview of the Dutch policy concerning EU enlargement including hypotheses to be tested during field research;
- Provide an overview of major developments in the bilateral relation (list important Dutch political visits to Romania and vice-versa during the period 1997-2002);

- Provide an overview of Dutch pre-accession activities and projects in Romania in the three selected sectors (see annex 2);
- Make a preliminary analysis of selected activities to be included in the evaluation project fiche for each of the selected activities);
- Hold interviews with main stakeholders in the Netherlands (Ministries, Romanian Embassy);
- Hold interviews with pre-accession programme and project contractors.

### *Preparations in Romania*

#### *IOB:*

- Make a preparatory visit to select Romanian researchers and to discuss the research with the Embassy.

#### *Romanian researchers:*

- Provide an overview of the main issues in the Romanian accession negotiations from the Romanian perspective (approximately 5 pages);
- For each of the selected sectors: provide an overview of the main accession issues for Romania in the chapters concerned (approximately 5 pages for each sector);
- Provide an overview of general pre-accession support to Romania by the European Union and the most important EU Member States in order to assess the importance of the Dutch contribution;
- For each of the selected sectors: list the contribution of the EU and EU Member States to Romania's preparation for accession.

#### *Joint field research IOB/Dutch researchers and Romanian researchers:*

- Hold a workshop for all researchers to discuss results of preparations and formulate hypotheses to be tested during final research; elaborate methodology in detail;
- Hold interviews with Dutch Embassy;
- Hold interviews with the Romanian pre-accession coordinator, MFA, Ministry of Justice, Ministry of Interior, Ministry of Agriculture, Ministry of Environment
- Hold interviews with PAA's a.o.;
- Hold interviews with delegation of the EU and representatives of other member states;
- Hold interviews with research persons;
- Debriefing at the end of the mission at the Embassy.

#### *Report*

At the end of the research a country case study report for Romania (approximately 40 pages) will be made by the research team and submitted to the main stakeholders and the reference group for comments.

#### *Organisation and responsibilities*

IOB bears the overall responsibility for the evaluation. Anneke Slob, IOB-evaluator, coordinates the evaluation, including the Romanian case study. The Dutch core team for the evaluation is involved in the preparations in the Netherlands. The following Dutch researchers will participate in the Romanian case study: Anneke Slob (general



policy), Gerard van de Zwan (JHA), Siemen van Berkum (agriculture) and Bas Limonard (environment).

Researchers of the Romanian Academic Society (SAR) will also participate in the research. They will cover the following areas: Alina Mungiu-Pippidi (general policy and JHA), Sorin Ionita (general policy), Victor Platon ( Environment) and Bodgan M. Chiritoiu (JHA). The study on Agriculture is executed by Elvira Balahur.

***Planning***

Preparations will take place during the end of October and November 2003. The preparatory visit to Romania by Anneke Slob has taken place in mid-October 2003. The joint field research is planned from 8 to 12 December. The draft country case study report for Romania should be available end of January 2004.



#### ANNEX 4 SURVEY OF THE ACCESSION NEGOTIATIONS (UNTIL JUNE 2003)

<i>Chapters</i>	<i>Opened</i>	<i>Status</i>	<i>Transitional arrangements</i>
<b>1. free movement of goods</b>	March 2002	provisionally closed in June 2003	None
<b>2. freedom of movement for persons</b>	March 2002	Provisionally closed in December 2003	One, of 5 or 7 years, requested by the EU for all Candidate Member States, except for Cyprus and Malta
<b>3. freedom to provide services</b>	December 2002	Open	-
<b>4. free movement of capital</b>	spring 2001	provisionally closed in June 2003	- a five-year transitional period for the acquisition of land for secondary residences, excluding EU and EEA citizens residing in Romania from the scope. - a seven-year transitional period for the acquisition of agricultural and forestry land, excluding self employed farmers residing in Romania from the scope.
<b>5. company law</b>	March 2001	provisionally closed in December 2001	None
<b>6. competition policy</b>	November 2000	Open	-
<b>7. agriculture</b>	November 2002	Open	-
<b>8. fisheries</b>	May 2001	provisionally closed in June 2001	None
<b>9. transport</b>	June 2001	provisionally closed in December 2003	None
<b>10. taxation</b>	October 2001	provisionally closed in June 2003	- Turnover threshold to exempt SMEs from VAT set at about € 35,000 - VAT exemption for international passenger transport - Special excise regime for fruit growers' distillation for personal consumption - Lower excise duty rates on cigarettes until 31 December 2009
<b>11. economic and monetary union</b>	June 2002	Provisionally closed in June 2002	None
<b>12. statistics</b>	October 2000	provisionally closed in December 2000	None
<b>13. employment and social policy</b>	October 2001	provisionally closed April 2002	None
<b>14. energy</b>	first half of 2002	Open	-
<b>15. industrial policy</b>	Second half of 2002	provisionally closed in July 2002	None
<b>16. small and medium sized enterprises</b>	May 2000	provisionally closed in May 2000	None
<b>17. science and research</b>	first half of 2000	provisionally closed in May 2000	None

<b>18. education and training</b>	first half of 2000	provisionally closed in May 2000	None
<b>19. telecommunications IT and postal services</b>	November 2000	provisionally closed in November 2002	None
<b>20. culture and audio-visual policy</b>	October 2000	provisionally closed in December 2002	None
<b>21. regional policy and co-ordination of structural instruments</b>	March 2002	open	-
<b>22. environment</b>	March 2002	open	-
<b>23. consumer protection</b>	July 2001	provisionally closed in July 2001	None
<b>24. justice and home affairs</b>	April 2002	open	-
<b>25. customs union</b>	May 2001	provisionally closed in November 2002	None
<b>26. external relations</b>	first half of 2000	provisionally closed in first half of 2000	None
<b>27. common foreign and security policy</b>	first half of 2000	provisionally closed in first half of 2000	None
<b>28. financial control</b>	first half of 2002	Provisionally closed October 2003	None
<b>29. finance and budgetary provisions</b>	December 2002	open	-
<b>30. institutions</b>	first half of 2002	provisionally closed	To be addressed later, as appropriate
<b>31. others</b>			

## ANNEX 5 OVERVIEW OF BILATERAL POLITICAL VISITS

### Bilateral political visits from and to Romania 1997-2003

<i>Date</i>	<i>Visit by</i>
05-03-1997	Romanian State Secretary Ciasu
20-05-1997	Romanian Prime Minister Ciorba
05/06-03-1998	Romanian President Constantinescu and Minister of Foreign Affairs Plesu
09-12-1998	Romanian State Secretary of Foreign Affairs Ungureanu
09/10-03-1999	Romanian Minister of Defence Babiuc
09/10-11-1999	Romanian Minister of European Affairs Herlea
16-11-1999	Romanian Minister of Justice Stoica
22/24-11-1999	Romanian Minister of Industry and Trade Berceanu
05/07-04-2000	Romanian Under Secretary of Industry and Trade Berinde
22-09-2000	Romanian chief negotiator Ciobanu-Dordea
26-10-2000	Romanian Under Secretary of Industry and Trade Berinde
10-05-2001	Romanian Minister of Defence Pascu
26-06-2001	Romanian Minister of Foreign Affairs Geoana
16/19-04-2002	Romanian Minister of Water and Environmental protection Lificiu
26/27-02-2002	Romanian Prime Minister Nastase and Minister of Foreign Affairs Geoana, (joined by the Romanian Ministry of Justice)
-10-2002	Romanian Minister of Agriculture Sarbu
29-11-2002	Romanian chief negotiator Puscas
13-05-2003	Romanian State Secretary of Justice Farcas
02-06-2003	Romanian Minister of European Integration Puwak
24-06-2003	Romanian Minister of Finance Tanescu
14/15-10-2003	Romanian Minister of Foreign Affairs Geoana
19-11-2003	Romanian Minister of Economy and Trade Dijmarescu
28/30-09-1997	Dutch State Secretary of European Affairs Patijn
02/03-02-1998	Dutch Minister of Housing, Spatial Planning and the Environment De Boer
08/11-11-1998	Dutch State Secretary of Economic Affairs Ybema
06/08-04-1999	Dutch Minister of Transport, Public Works and Water Management Netelenbos
13-07-1999	Dutch Minister of Foreign Affairs Van Aartsen
2000	Dutch Minister of Justice Korthals
12/13-04-2000	Dutch State Secretary of Economic Affairs Ybema
18/19-04-2000	Dutch Minister of Defence De Grave
27/27-06-2000	Dutch Prime Minister Kok and State Secretary for European Affairs Benschop
13/15-11-2001	Dutch State Secretary of European Affairs Benschop (accompanying Queen Beatrix on State visit)
25/25-03-2002	Dutch Minister of Defence De Grave
29/30-05-2002	Dutch Minister of Transport and Water Management Netelenbos
28/29-05-2002	Dutch State Secretary of Economic Affairs Ybema
16/18-02-2003	Dutch State Secretary of European Affairs Nicolai
25/26-11-2003	Dutch Prime Minister Balkenende and State Secretary of European Affairs Nicolai

Source: Netherlands Ministry of Foreign Affairs



**ANNEX 6 OVERVIEW OF MPAP AND PSO PA PROJECT PROPOSALS 1998-2003**

**Project identification MPAP, 1999-2003**

	Agriculture	Environment and Waters	Education	Labour and Social Affairs	Justice	Interior	Health and Family	Public Works and transports	Industry and Resources	Development and Prognosis	M/E	Other	TOTAL
<b>1999</b>													
proposals	-	1	-	-	4	-	-	-	-	-	1	1	7
accepted	-	-	-	-	1	-	-	-	-	-	1	-	2
rejected	-	1	-	-	3	-	-	-	-	-	-	1	5
<b>2000</b>													
proposals	-	2	1	2	3	-	-	2	-	-	-	2	12
accepted	-	-	1	-	1	-	-	-	-	-	-	0	2
rejected	-	2	-	2	2	-	-	2	-	-	-	2	10
<b>2001</b>													
proposals	1	1	-	-	-	-	-	-	-	-	1	-	3
accepted	-	1	-	-	-	-	-	-	-	-	1	-	2
rejected	1	-	-	-	-	-	-	-	-	-	-	-	1
<b>2002</b>													
proposals	-	2 <sup>52</sup>	1	1	3	2	-	-	-	-	-	1	10
accepted	-	1 <sup>52</sup>	-	-	0	-	-	-	-	-	-	1	2(3)
rejected	-	-	1	1	3	2	-	-	-	-	-	-	6
<b>2003</b>													
Proposals	-	-	-	2	-	-	3	2	3	1	1	-	12
Accepted	-	-	-	-	-	-	-	-	3	-	-	-	3 <sup>53</sup>
Rejected	-	-	-	2	-	-	3	2	-	1	1	-	9
<b>TOTAL</b>													
Proposals	1	6	2	5	10	2	3	4	3	1	3	4	44
Accepted	-	2(3)	1	-	2	-	-	-	3	-	2	1	11(12)
Rejected	1	3	1	5	8	2	3	4	-	1	1	3	32

<sup>52</sup> These two project proposals were merged into one.

<sup>53</sup> The three accepted proposals were originally submitted to the PPA program and the Dutch Department of Housing, Regional Development and the Environment's facility of PPA. These proposals were then transferred by Senter to the MPAP program, because they fitted in with the MPAP program and because in this way, according to Senter, Romania's budget could be used optimally.

**Project identification PSO PA, 1999-2003**

	<i>Agriculture</i>	<i>Environment and Waters</i>	<i>Industry and Resources</i>	<i>Communication and IT</i>	<i>Transport and Infrastructure</i>	<i>Tourism</i>	<i>Small &amp; Medium Enterprises</i>	<i>Finance</i>	<i>Other</i>	<i>TOTAL</i>
<b>1999</b>										
proposals	1	-	-	-	-	-	-	-	-	1
accepted	1	-	-	-	-	-	-	-	-	1
rejected	-	-	-	-	-	-	-	-	-	-
<b>2000</b>										
proposals	-	-	-	-	-	-	-	-	8	8
accepted	-	-	-	-	-	-	-	-	1(3) <sup>54</sup>	1(3)
rejected	-	-	-	-	-	-	-	-	5	5
<b>2001</b>										
proposals	1	-	5	4	2	-	-	8	-	20
accepted	-	-	1	-	-	-	-	1	-	2
rejected	1	-	4	4	2	-	-	7	-	18
<b>2002</b>										
proposals	-	1	7	1	6	1	-	-	-	16
accepted	-	0(1) <sup>55</sup>	2(3) <sup>56</sup>	-	-	-	-	-	-	2(4)
rejected	-	-	4	1	6	1	-	-	-	12
<b>2003</b>										
proposals	2	-	2	-	1	-	3	-	3	11
accepted	2	-	-	-	-	-	-	-	-	2
rejected	-	-	2	-	1	-	3	-	3	9
<b>TOTAL</b>										
proposals	4	1	14	5	9	1	3	8	11	56
accepted	3	0(1)	3(4)	-	-	-	-	1	1(3)	8(12)
rejected	1	-	10	5	9	1	3	7	8	44

<sup>54</sup> These three project proposals were merged into one single project during the identification phase by Senter.

<sup>55</sup> This project was selected but transferred to the PSO environmental facility.

<sup>56</sup> Two project proposals were merged into one.



**ANNEX 7 OVERVIEW OF PHARE TWINNING PROJECTS WITH DUTCH PARTICIPATION 1998-2003**

**Phare Twinning projects in Romania in all sectors with The Netherlands as leading/junior partner**

	<i>Agriculture</i>	<i>Fisheries</i>	<i>Health and consumer protection</i>	<i>Justice and home affairs</i>	<i>Employment and social affairs</i>	<i>Taxation and customs union</i>	<i>Internal Market</i>	<i>Enterprise</i>	<i>Transport and energy</i>	<i>Public administrative reform</i>	<i>Miscellaneous</i>	<i>Total</i>
<b>1998</b>												
leading	-	-	-	-	-	-	-	-	-	-	1	1
junior	-	-	-	-	-	-	1	-	-	-	-	1
<b>1999</b>												
leading	-	-	-	-	-	-	-	-	-	-	-	-
junior	-	-	-	-	1	-	-	1	-	-	-	2
<b>2000</b>												
leading	-	-	1	-	-	-	-	-	-	-	-	1
junior	1	-	1	-	-	-	-	-	-	-	-	2
<b>2001</b>												
leading	-	-	-	-	-	-	-	-	-	-	-	-
junior	-	-	1	-	-	-	-	-	1	-	-	2
<b>2002</b>												
leading	-	-	1	1	-	-	-	-	-	-	-	2
junior	-	-	-	-	-	-	-	-	-	-	-	-
<b>2003</b>												
leading	-	-	1	2	-	1	-	-	-	-	-	4
junior	-	-	-	1	-	-	-	-	-	1	-	2
<b>Total</b>												
leading	-	-	3	3	-	1	-	-	-	-	1	8
junior	1	-	2	1	1	-	1	1	1	1	-	9

## ANNEX 8 OVERVIEW OF ACTIVITIES IN THE THREE SELECTED SECTORS 1998-2003

*In italics: Activities not included in the evaluation of effectiveness and efficiency*

	<b>AGRICULTURE</b>	<b>JHA</b>	<b>ENVIRONMENT</b>	<b>GENERAL</b>
<b>Phare Twinning and horizontal (NL leading partner)</b>	<p>RO00/IB/AG-03 <i>Improvement of capabilities at central and regional level to enforce and observe the new, harmonised, veterinary norms</i></p> <p>RO01/IB/AG-01 <i>Develop and strengthen Romanian phytosanitary administration capacity</i></p> <p>RO02/IB/AG-01 <i>Development and strengthening of the administrative capacity to take over and implement the community acquis in the field of animal nutrition.</i></p>	<p>Phare Horizontal: <i>Reinforcement of the Rule of Law</i></p> <p><i>Synthetic Drugs Phare Anti-Money Laundering</i></p> <p>RO02/IB/JH-10 <i>Further development of the National Institute of magistrates and the Training Centre for Clerks</i></p>		
<b>Phare Twinning (NL Junior Partner)</b>	<p>RO00/IB/AG-01/02 <i>Implementation of Agricultural and Rural Policy at National Level</i></p> <p>RO00/IB/AG-05 <i>Enforcement of the Phytosanitary acquis on prevention of introduction and spread of injurious (micro) organisms</i></p>			
<b>PSO PA</b>	<p>PSO99/RM/9/1 <i>Strengthening the administrative capacity of seeds and planting materials</i></p>		<p>PPA00/RM/9/1 <i>Technical assistance for the Romanian standardisation body</i></p> <p>PPA02/RM/7/7</p>	

<b>MPAP</b>		MAT0/RM/9/2 Availability and accessibility of legal information for the Supreme Court of Justice	System management for contingency in case of marine pollution MAT01/RM/9/1 Technical Assistance related to support Romania with the implementation of the Water Framework Directive (WDF) and the related legislation in Mures and/or Olt river basins MAT02/RM/9/1 TA related to support Romania with the Implementation of the Water Framework Directive (WDF) and Integrated Coastal Zones Management (ICZM) in transitional and coastal waters PPA02/RM/7/7 <i>Implementation of EU approximated legislation in the field of dangerous substances and preparations</i> PPA03/RM/7/5 <i>The implementation of the EU Nature Conservation Legislation in Romania</i>	Mat99/RM/9/1 Strengthening the Capacity of the Ministry for European Integration (MIE) to coordinate the pre-accession process MAT01/RM/9/2 Strengthening the capacity of the Ministry of European Integration
<b>PSO Environmental (VROM) facility</b>				
<b>PUA</b>	2 Missions to the Ministry of Agriculture, Food and Forestry (22203; 24668)	18 Missions to the Ministry of the Interior		1 Mission to the Office for European Affairs (22990)
<b>ADEPT</b>	1 Course on Chain Management in Agriculture (2001) 2 Courses on Food Safety First (2000, 2001)	1 Course on Drug Policy in the European Context (2001)	2 Courses on Environmental Issues and European Policies on Agriculture (1999/2000 and 2000/2001) 2 Courses in the ISPA/CF Funding and challenges for Candidate Countries (2002 and 2003)	

	<p>2 Courses on Environmental Issues and European Policies on water Management (1999/2000 and 2000/2001)</p> <p>2 Courses on River Basin Management (2001/ 2002 and 2003)</p>				
<b>IMPACT</b>	<p>1999 Romanian Ministry of Agriculture, Forestry and Environment (15 days)</p> <p>IMPACT 016/02</p> <p>Internship of 3 person to the Ministry of Transport and Water Management., Public Service for Road Transport (implementing directives on gaseoses emissions by cars)</p>				
<b>Partnerships</b>					Special partnership (MoU signed February 2002)
<b>DIP</b>					
<b>PSO economic transformation projects</b>	<p>PSO97RM32</p> <p>Development of the Port of Constanta/ Improved waste management</p> <p>PSO97RM41</p> <p>Improvement waste water infrastructure in Tirgu Mures</p> <p>PSO0RM432</p> <p>Sustainable stabilisation of tailing dams in the mining region of Baia Mare, Maramures district</p> <p>PSO01RM31A</p> <p>Flood protection Romania</p> <p>PSO01RM31</p> <p>Pilot Flood Protection Project Suceava County</p>				

				<p>PSO03RM42 Waste water treatment in Romania</p> <p>PSO03RM391 Establishment of a project on flood management related to an integrated approach on water management</p> <p>PSO03RM390 Rehabilitation of the water infrastructure in the municipality of Sacele</p> <p>PSO96RM41 Emission reduction at power plants</p> <p>PSO98RM21 Sustainable rehabilitation of printing process at Textila Dacia</p> <p>PSO98RO22 Reduction of CO2 at SC Rafo Refinery (Jl)</p> <p>PSO99RM33 Application of low-emission road transport technology in public transport in Bucharest</p> <p>PSO99RM48 Waste wood boiler furniture industry</p> <p>PSO99RM411 Emission reduction in Romania</p> <p>PSO99RM112 Organic Agriculture</p> <p>PSO99RM216 Collecting and Recycling of Domestic Solid Waste</p> <p>PSO0RM422</p>
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<p><b>Matra social transformation projects</b></p>	<p>RO012701 Rural Development in Romania</p>	<p>RO002602 Promotion of Human Rights in Romanian Prisons RO009801 The TATRA-project, a twinning between PJ Toorenburg and Craiova Prison Romania RO010501 Strengthening the training capacity of the National Institute of Magistrates RO01902 Introducing Probation in Bucharest</p>	<p>Reduction of energy consumption in Romania by the introduction of saving energy lamps PSO0RM215 Conversion of sunflower seed into a fuel for steam production PSO01RM224 Energy conservation through demand side management in the city of Sibiu RO006701 Science Shop in Baccau RO006801 Nature Conservation-education and practice Ro007001 Bacau: Environmental Management in Regional Environmental protecting agencies RO008201 Visibility and sustainability of Romanian Environmental NGO's RO009102 Community involvement in separate waste collection in Brasov County RO013801 Safe Drinking Water – Catalyst for Citizen's involvement in Romania</p>	
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## ANNEX 9 PROJECT EVALUATION METHODOLOGY AND PRE-ACCESSION PROJECT EVALUATIONS

### Methodology

#### *Selection of Pre-accession Activities and Projects*

For this country case study an overview of all pre-accession activities with Dutch involvement in the three policy sectors was compiled. This overview serves two purposes:

1. Insight in the concentration of policy instrument deployment in various sectors for the purpose of coherence analysis;
2. Selection of activities to assess effectiveness and efficiency.

The following criteria were applied for selection of pre-accession activities for the evaluation:

- Countries

Only activities in the four countries selected in the ToR.

- Sectors

Activities fitting in the sectors that were selected in the ToR as well as activities that go beyond and are focused on bilateral co-operation and/or the accession process in a more general sense.

- Suitability for evaluation in relation to the sub-programme

Minor activities such as certain internships (Impact programme) or two week courses (ADEPT programme) have not been evaluated, because measuring their effectiveness is virtually impossible. Phare Twinning projects with Dutch participation have also not been evaluated, because this falls outside the mandate for IOB. For the evaluation three sub-programmes have been selected: MPAP, PSO PA and Partnerships (for Romania only the first two).

- Finalised or nearly finalised activities

Activities just started or at their height of implementation did not qualify for selection.

For Romania seven projects (five MPAP and two PSO PA) have been assessed in terms of effectiveness and efficiency.

	<i>Agriculture</i>	<i>JHA</i>	<i>Environment</i>	<i>General</i>
<b>PSO PA</b>	1		1	
<b>MPAP</b>		1	2	2

#### *Criteria en indicators*

Appendix 1 of the ToR for the general study already contained an evaluation matrix with indicators to measure effects. These indicators are related to two policy objectives: contribution to the accession of candidate Member States and strengthening bilateral relations. This matrix also forms the basis for evaluation. In the assessment of projects and partnerships, effectiveness of each policy objective has been measured using a four-point scale. Two points on this scale qualify as 'sufficiently effective' and two as 'insufficiently effective'. Initially the criterion of pre-

accession relevance was also assessed. However, this partly coincided with the assessment of the policy objective concerning contribution to the accession process of the candidate member state. Consequently, projects not relevant for accession were considered 'not effective', even when objectives were realised.

Furthermore, for each project demand and supply conditions and possible overlap with other projects were checked. No scores were attached to these factors. Because of time and scale related problems it is not possible to assess the impact of the activities.

In the assessment the following definitions and scores were applied:

- Effectiveness A: support to the accession process

In the evaluation matrix attached to the ToR several indicators are defined to measure contribution to the adoption and implementation of the acquis. Score 1 activities have visibly contributed to the adoption (e.g. new legislation) and/or their implementation (e.g. new institutions, better functioning of institutions). Score 2 activities have contributed to a lesser extent and follow up is necessary. Score 3 projects have contributed to a limited extent. Score 4 activities have not visibly contributed to this policy objective.

- Effectiveness B: strengthening bilateral relations

Score 1 activities have clearly contributed to strengthening bilateral relations at government level, and concrete examples of the intensified relations are given. Score 2 projects are characterised by intensive dialogue between professionals of the two countries supported to some extent by their central government organisations. In score 3 projects central government organisations are not involved, although exchange between professionals of both countries may be quite intensive during and after the finalisation of the project. Score 4 projects have not led to professional or government contacts after finalisation of the project. Exchange of views between professionals remained limited to the project period.

- Efficiency

Also here a four-point scale has been applied. Indicators for efficiency of activities relate to planning (time and finance), costs and changes in the project team. Score 1 projects have been very efficient, i.e. no time delays have occurred, the outcome is reasonable in relation to the costs, technical assistance has been used in a flexible way, intermediate project results were clear and the project was well planned. Score 2 projects do also well on these indicators, but to a lesser extent. In Score 3 projects, some important efficiency problems have occurred related to one or more of the mentioned indicators (e.g. either time delays, technical assistance was not perceived to be flexible, the absorption capacity of the recipient organisation was problematic, etc.). Score 4 projects show important problems on two or more efficiency indicators.



**Strengthening the Administrative Capacity of Seeds and Planting Material – State Inspection for the Quality of Seeds and Planting Material (ISCSMS), Ministry of Agriculture and Food (MAA)**

**PSO PA, Agricultural Sector**

**PROJECT SYNOPSIS**

<b>Project title</b>	Strengthening the administrative capacity of seeds and planting material – State Inspection for the Quality of Seeds and Planting Material (ISCSMS), Ministry of Agriculture and Food (MAA)
<b>Programme</b>	PSO PA
<b>Project number</b>	PSO99/RM/9/1
<b>Budget and expenditures</b>	Budget NLG 940.000 (€ 427,000) Expenditures (Insufficient budget for project management)
<b>PA-objective</b>	To bring Romania's institutional infrastructure related to inspection and control of seeds and planting material and variety protection in compliance with EU standards
<b>Counterpart</b>	Romanian Ministry of Agriculture and Food
<b>Beneficiary</b>	ISCSMS (mainly) and State Institute for Variety Testing and Registration (ISTIS)
<b>Executing agencies</b>	FAPS (project management), with executing partners NAK, NAK-tuinbouw and CPRO (PRI)
<b>Duration</b>	1 January 2000 – 30 April 2002
<b>Project objectives</b>	<ol style="list-style-type: none"> <li>1. Strengthening the institutional Romanian infrastructure related to the inspection and control of seeds and planting material and variety protection in compliance with relevant Directives of the European Union;</li> <li>2. Implementation of organisational and technical adaptations at national and regional level according to EU-rules and optimising the efficiency of operations;</li> <li>3. Initiation of sustainable relationships between public and private Dutch and Romanian organisations.</li> </ol>
<b>Planned activities</b>	Short term missions of Dutch experts; training; legal, organisational and financial advice; study trips; purchase of laboratory equipment and computers; organising meetings and preparing materials for dissemination of project results.
<b>Realised activities</b>	All activities planned were realised. Some revisions were made in the programme; the most important one has been the shift from support to the Pitesti Fruit Research institute to a laboratory set-up, used for virus tests.
<b>Planned outputs</b>	<p>Project outputs were planned on three levels:</p> <ol style="list-style-type: none"> <li>1. Legislation and procedures <ul style="list-style-type: none"> <li>• result in a draft legislation fully harmonised with EU directives and within these limits be adapted to Romanian conditions;</li> <li>• produce procedures and standards for accreditation of seed producers;</li> <li>• develop procedures for the certification of fruit crops and introduce an efficient labelling system that can be applied with available (printing) equipment as much as possible;</li> <li>• review procedures in testing of varieties for Plant Variety Protection and train 4 staff members in The Netherlands.</li> </ul> </li> <li>2. Management and administration <ul style="list-style-type: none"> <li>• assist the Head ISCSMS in the development of the new organisation and present reports on strategic and financial management options;</li> <li>• produce a computer network that connects different regional and central units in order to streamline seed lot administration;</li> <li>• report on a test for the use of field computers in current Romanian conditions, using software compatible with the current Foxpro programme;</li> <li>• optimise relations with important partners in the system, such as Plant Protection (quarantine), ISTIS (post control) and others, where these relations appear to obstruct an optimal operation of seed quality control (in Arad and Arges);</li> <li>• encourage a long-term relationship between relevant Romanian and Dutch institutions.</li> </ul> </li> <li>3. Technical implementation <ol style="list-style-type: none"> <li>(a) implement the rules for fruit crop certification in Arges ICSMS (Pitesti) in close co-operation with the Fruit Crops Research Institute. A report and national</li> </ol> </li> </ol>

	<p>meeting will present the system and illustrate its application for vines, ornamentals and forest trees;</p> <p>(b) establish close contacts between forage seed inspectors (at all levels) in Arad ICSSMS and The Netherlands and report on differences in operation that may affect harmonisation or overall efficiency. The results will be extrapolated to other field crops and presented to inspectors from other parts of Romania;</p> <p>(c) disseminate experiences gained in forage seed crops to other crops in the district;</p> <p>(d) develop at least one demonstration on accreditation in Arad district and support such developments in Brasov and Alba Iulia districts;</p> <p>(e) Advise and train staff of ISTIS in pre/post control and testing of varieties for Plant Variety Protection.</p>
<b>Realised outputs</b>	All outputs planned were realised, except the technical implementation of rules for fruit crop certification in Pitesti.
<b>EU-accession related effects</b>	EU legal requirements according to the acquis have been met. The Project Completion Report formulates the overall effect of the project as follows: The capacity of the agricultural and horticultural sector in Romania to produce plant propagation material (seeds and plants) of a quality level which need to be competitive with EU market level has considerably been strengthened.
<b>Effects related to strengthening of bilateral contacts</b>	Not identifiable
<b>Bottlenecks during implementation</b>	Activity and responsibility of the beneficiary was not clearly understood by the Ministry's management; Project manager claims that Senter procedures of writing quarterly detailed work plans and the requirement to have Senter's agreement on inevitable alterations (due to the detailed work plan) frustrated the progress of the project execution.

The project synopsis is prepared by the evaluation team. It is based on available documentation and interviews with stakeholders. It reflects how the evaluators understand the intervention logic of the project.

Main documents: ToR for the project, Letter of Support, Inception report, minutes PAC-meetings, Final report, Letter of Satisfaction

### **Background of the project**

In 1999 the Romanian Ministry of Agriculture submitted the project proposal to Senter, without contacting the Dutch counterpart. The State Inspection of Seed Quality (ISCSMS) was already working on the transposition of EU legislation with respect to seed and planting material when in 1999 the Head of the Inspectorate was asked to join in a proposal for improving the capacity of the Inspectorate, to be submitted for Dutch funding through PSO PA. The State Inspection influenced the project proposal as presented in the ToR by communicating its needs to the Netherlands embassy in Bucharest and Senter. Before the latter formulated the project in more detail, a preparatory mission went to the countryside to see relevant institutions, which proved to be important in getting a thorough understanding of sector needs.

In 1997 Romania started adjusting its inspection services in accordance with EU requirements, i.e. by following the *National Programme for the Adoption of the Acquis* which indicated what legal changes had to be implemented for compliance with EU acquis. Several Romanian laws had already been adjusted to OECD standards, but at the start of the project further updating was necessary to comply with more recent requirements. Moreover, Romania started implementing a seed certification system before the bilateral project was launched. State Inspection made a complete analysis of relevant issues, indicated a need for further improvement and adaptation. The

most pressing issues were institutional reorganisation, both at central and regional level, and technical activity implementation in the field of seed certification.

Very little foreign assistance had been offered in this field before this project started and at the time of its launch there were no overlapping projects. The project made use of ongoing efforts of ministerial staff to harmonise Romanian legislation with EU acquis requirements and modify and improve the administrative structures of the state seed inspection system. There was another PSO (economic transformation) project dealing with (seed) potatoes (PSO99/RM/1/2), i.e. the establishment of an ELISA facility for virus identification in Brasov. As part of that project attention was given to quality control of potatoes.

#### **Effectiveness A: support to Romania's accession**

The project contributed to Romania's effort to comply with the EU acquis. Objectives were realised and planned outputs were realised, some even exceeding targets. The beneficiary (ISCSMS) expressed satisfaction with the results. All relevant national legislation was harmonised with the acquis in 2002, two pilot test laboratories were completed successfully and structural reorganisation initiated.

The project produced considerable spin-offs. After the formal ending of the project in 2002, Romania continued to invest in laboratory equipment, IT soft- and hardware and training (the state budget and the Inspectorate's own means) with the aim to further improve laboratories throughout the country and update the system technically. Furthermore, as the project trained staff to carry out adequate audits and quality control, Romania is no longer dependent on foreign expertise for accreditation of the labs. Romanian partners trained by Dutch experts are now trainers themselves.

#### **Effectiveness B: strengthening bilateral relations**

Dutch and Romanian experts met each other incidentally, but whether this development can be attributed to the project is questionable. Similarly, it is difficult to say whether the project strengthened commercial relations. Some Dutch companies are active in seed multiplication in Romania. Their presence can be explained by the fact that there is enough seed testing capacity in the country, and that Romanian legislation concerning seed quality, registration and control now complies with EU regulations. The legal framework is in force, creating conditions for further agri-business investment. At ministerial official level the project did not establish structural contacts.

#### **Efficiency**

The beneficiary of the project was very satisfied with the way support was given. Communication within the project was excellent. The experts turned out to be very knowledgeable in their field and were highly committed. The flexibility of the project to address changing needs was deeply appreciated.

## Availability and Accessibility of Legal Information for the Supreme Court of Justice in Romania

### MPAP, Justice and Home Affairs Sector

#### PROJECT SYNOPSIS

<b>Project title</b>	Availability and accessibility of legal information (AALI) for the Supreme Court of Justice in Romania
<b>Programme</b>	MPAP
<b>Project number</b>	MAT0/RM/9/2
<b>Budget and expenditures</b>	Budget: € 322.500 Expenditure: within the limits of the overall budget
<b>PA-objective</b>	The objective is to make Romanian and international literature accessible to improve the quality of jurisdiction.
<b>Counterpart</b>	Romanian Ministry of Justice
<b>Beneficiary</b>	Supreme Court of Justice (the SCJ)
<b>Executing agencies</b>	T.M.C. Asser-instituut and ROI
<b>Duration</b>	1 January 2001 – 31 January 2002
<b>Project objectives</b>	<ol style="list-style-type: none"> <li>1. A well functioning and accessible Documentation and Information Centre for the Supreme Court of Justice in the field of European and international legislation and related documentation;</li> <li>2. To enable the Supreme Court to consult the Internet, in particular the EU Official Publications Ability of the SCJ to consult the EU Official Publications through internet;</li> <li>3. To train staff in the use of the equipment.</li> </ol>
<b>Planned activities</b>	<ol style="list-style-type: none"> <li>1. To assess the needs for and purchase: LLDS connections and software and additional IT infrastructure;</li> <li>2. To assess the definitive needs of the SCJ's library for and purchase: Romanian law and jurisprudence (books and subscriptions to periodicals on paper and/or CD-ROM), library management system (including bar-code programme, printer and readers), integrated software for books, client and lending administration, copier, scanner, CD rewriter, furniture and small office equipment;</li> <li>3. To ensure (the approval of) connection with the MoJ library;</li> <li>4. To provide support to the SCJ's library with classification and marking (bar coding) new and existing materials;</li> <li>5. To analyse definitive hardware needs and purchase: 12 computers with software, one server with network operating system (internet connection), 3 network printers;</li> <li>6. To support the development of a SCJ web site and SCJ library web site;</li> <li>7. To analyse training needs related to the use of procured equipment (including library system) and the use of the Legal Library and Documentation System as it will be established by the CDMS and LLDS project;</li> <li>8. To prepare a training plan;</li> <li>9. To organise a training programme.</li> </ol>
<b>Realised activities</b>	According to reports, objectives were met, with the exception of training of the system manager in Windows 2000 Server and Tinlib Server.
<b>Planned outputs</b>	<ol style="list-style-type: none"> <li>1. An operational network providing and facilitating normal office functions, such as file- and printer-sharing, word-processing, data-communication (E-mail, Internet);</li> <li>2. Technical and functional staff trained in the maintenance of the network;</li> <li>3. An efficient and modern library and documentation service, including: an up-to-date collection of materials on European Integration, EU and international law, Romanian law, Library Management system, Library staff trained in the Library Management system and in efficient retrieval of sources of international and European Law;</li> <li>4. Internet access;</li> <li>5. Website of the SCJ.</li> </ol>
<b>Realised outputs</b>	According to the final report the objectives were met, with the exception of training of staff.
<b>EU-accession related effects</b>	The SCJ only had access to EU Romanian Regulation and Jurisprudence. For the accession of Romania it is necessary that the SCJ has entry to European Regulations and Jurisprudence of the European Court.
<b>Effects related to strengthening</b>	The opening by Queen Beatrix on 13 November 2001 of the newly established library and documentation centre.

<b>of bilateral contacts</b>	
<b>Bottlenecks during implementation</b>	After a relatively long inception period due to uncertain developments within Phare 97, the project took its own momentum and progressed without too much delay. In retrospect the procurement phase should have started earlier, which would have given more room for training, especially of the system administrator.

The project synopsis is prepared by the evaluation team. It is based on available documentation and interviews with stakeholders. It reflects how the evaluators understand the intervention logic of the project.

Main documents: ToR for the project, minutes PAC-meetings, Final report, Letter of Satisfaction

### **Background of the project**

The project proposal was submitted by the Romanian Supreme Court of Justice (SCJ). The project was related to the reform strategy formulated by the leadership of the Supreme Court and the overall strategy of the government for judicial reform – itself driven by negotiations for EU accession. In September 2003 a Judicial System Reform Strategy was adopted by government decision. It aimed to address the weaknesses within the judicial system. Objectives included ensuring legal conformity with the EU *acquis* and European Court of Human Rights decisions, improving the quality of judgements, and enhancing judicial independence from the executive. As the ultimate interpreter of the law in judicial procedures, and hence the ultimate institution assessing compatibility between Romanian and EU law, it was important that the Supreme Court of Justice was well informed on Romanian and international literature (EU related and other international conventions). An up-to-date SCJ, signalling incompatibilities during its regular sessions would provide a strong force to bring Romanian and EU law closer together. Commitment by the Supreme Court to this project was shown by a proposal for follow-up.

The EU's Phare programme financed the projects 'Legal Library and Documentation System' (LLDS) and 'Case and Document Management System' (CDMS) as part of the assistance program to the Romanian Ministry of Justice. The MPAP project aimed at complementing these projects. Due to budgetary reasons the LLDS could not be installed at the Supreme Court. The LLDS and CMDS projects were started under Phare '97. However due to various delays in the programme, the MPAP project was developed first, and as stand-alone. Ultimately it was considered as a pilot project for the two bigger Phare projects, and as such successful. The Phare 2000 program envisaged the purchase of equipment for data management systems. It included an investment component dedicated to the development of the CDMS. The beneficiaries of the system were courts, prosecution offices, and penitentiaries. The contract finished mid 2003 and all equipment was delivered. The Romanian government later extended the system nation-wide.

### **Effectiveness A: support to Romania's accession process**

Improvement of the speed and quality of judicial rulings was quite a relevant factor in Romania's accession. Although there was no specific *acquis*, the Commission in her annual progress reports pointed to the need for reducing workload and improving working conditions at Romanian courts, including the Supreme Court of Justice.

The project's objectives were reached: The SCJ acquired a well functioning, accessible documentation and information centre and an internet connection allowing it to consult EU official publications and other resources. The staff were trained in the

use of most equipment. From a long term point of view, the project established the technical conditions for integration of the SCJ in the European circuit.

**Effectiveness B: strengthening bilateral relations**

The project established contacts between Dutch and Romanian non-governmental institutions, but these contacts did not extend beyond it. During her visit to Romania in November 2001 Queen Beatrix of the Netherlands visited the Supreme Court to see the results of the project, but structural relations at the level of Romanian and Dutch government officials were not established by the project.

**Efficiency**

The project progressed without significant delay, after a relatively long gestation period created by uncertain developments in Phare '97 projects. There was only a one month delay in project execution. Some overlap occurred between activities planned for the design phase and the implementation and training phase. Permission was asked for one month extra time to assist in cataloguing. The project costs remained within budget limits. The procurement phase should have begun earlier, to allow for more training of especially the system manager.

## Strengthening of the Department for European Integration (DEI)

### MPAP, General Sector

#### PROJECT SYNOPSIS

<b>Project title</b>	Strengthening of the Department for European Integration (DEI)
<b>Programme</b>	MPAP
<b>Project number</b>	MA99/RM/9/1
<b>Budget and expenditures</b>	Budget € 429.000
<b>PA-objective</b>	To strengthen capacities of the central government body in Romania responsible for the accession process
<b>Counterpart</b>	DEI, under Prime Minister; since 2000 DEA under Ministry of Foreign Affairs; since 2001 Ministry of European Integration
<b>Beneficiary</b>	Idem
<b>Executing agencies</b>	ROI in collaboration with NIIR Clingendael and TNO
<b>Duration</b>	1 January 2000 – 31 December 2001
<b>Project objectives</b>	<ol style="list-style-type: none"> <li>1. Clarify responsibilities of separate units within the governmental institution and relations between them;</li> <li>2. Strengthening administrative capacity of the governmental institution to monitor and co-ordinate the pre-accession process;</li> <li>3. Clarify the relations and responsibilities of the governmental institution vis-à-vis other ministerial and governmental institutions;</li> <li>4. Enabling the governmental institution to draft necessary pre-accession documents such as National Programme for the Adoption of the Acquis.</li> </ol>
<b>Planned activities</b>	<p>Short-term missions of Dutch experts, training, organisational advice. Core of the approach was the launching of a continuous improvement methodology for quality management.</p> <p>N.B. the original project proposal from DEI asked for a curricula with 18 training modules plus materials to be used for self-study, procurement of documentation and procurement of computers.</p>
<b>Realised activities</b>	Most of the planned activities were realised, but the approach had to be changed several times due to institutional changes and absorption problems. The approach became 'leaner' with fewer short-term experts and seminars.
<b>Planned outputs</b>	See project objectives
<b>Realised outputs</b>	The project objectives were 'approximated' according to the final report, but not fully realised because of frequent institutional changes and ownership problems on Romanian side.
<b>EU-accession related effects</b>	<p>The final report of the project (written by the executing consultants) states that the first project objective "to clarify responsibilities of the separate units within the governmental institution and relations between them" was already very ambitious from the start and management of the institution showed no interest. On the second objective "to strengthen the administrative capacity of the governmental institution to monitor and co-ordinate the accession process" the same report concludes implicitly that this objective was not realised, because the whole organisation should have participated and not only lower levels. The third objective "to clarify relations and responsibilities of the governmental institution vis-à-vis other Ministerial and government institutions" is seen as a major achievement in the final report, as the concept of the "European Integration corporate organisation" was introduced. However, it is not clear to what extent this concept has really been adopted and if this is the case to what extent it can be attributed to the project. As regards the fourth objective "to enable the governmental institution to draft necessary pre-accession documents such as NPAA" the consultants point at the statement of the Commission in 2001 that the administrative machinery has improved, but that this success cannot be solely attributed to the Matra project.</p>
<b>Effects related to strengthening of bilateral contacts</b>	One cannot state that bilateral relations have been strengthened as a result of this project. Nevertheless, the Romanian counterpart and beneficiary MIE were interested in Dutch assistance and submitted a second project proposal.

<b>Bottlenecks during implementation</b>	<p>Frequent institutional changes and absorption problems negatively affected effectiveness and efficiency. Other projects of the same department / Ministry or related institutions such as EIR:</p> <p>Phare 97: Training in European Affairs  Phare 97: Technical assistance to the EIR  Phare 98: Support to DEA  Phare 99: Pre-accession impact studies, also with EIR</p> <p>From the letter of satisfaction: "In the Ministry we receive much assistance from many donors; money wise this project was a relatively small one, so perhaps expectations of all of us were too high"</p> <p>Moreover, the Minister of European Integration expressed her dissatisfaction with the project in a bilateral meeting. Issues raised during this meeting were: lack of flexibility, too frequent calls by the consultants upon the political level of MEI, lack of efficiency, too many seminars outside Bucharest, too many political opinions on Romanian policy by the consultants</p>
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The project synopsis is prepared by the evaluation team. It is based on available documentation and interviews with stakeholders. It reflects how the evaluators understand the intervention logic of the project.

Main documents: ToR for the project, Letter of Commitment, Final Report, minutes PAC-meetings, Letter of Satisfaction.

### **Background of the project**

The Romanian Department for European Integration (DEI) formulated an initial project proposal and submitted it to Senter for approval. The proposal consisted of a curriculum with 18 training modules for self-study. The Terms of Reference (ToR) for this project, drafted by Senter with the participation of the beneficiary, set other more institutional priorities than the original project proposal that mainly focused on training. The project was reformulated a few times, partly because of reorganisations on the Romanian side, but also because the Netherlands played an important role in project (re)formulation. In fact, during the implementation of the project it became clear that ownership on the Romanian side was problematic. After the reorganisation of the former Department of European Integration and establishment of a Ministry for European Integration, the newly established ministry was less happy with the project approach. During implementation, it was decided to follow a 'leaner' project approach with fewer short-term experts and seminars.

In the ToR for the project the existence of other (Phare) projects was mentioned, but insufficient attention was given to overlap. From the project files it is clear that the various projects did not complement each other, which caused considerable problems in the already overburdened counterpart institution suffering from many reorganisations.

### **Effectiveness A: support to Romania's accession process**

Given the central and co-ordinating role of DEI (and later MIE) in the accession process and the institutional problems with its functioning, the objectives of the project were definitely pre-accession relevant. In hindsight it might be questioned whether the right approach was adopted to address the problems, especially in view of the Phare project targeted at the same institution. The project was over-ambitious given the limited project scope in relation to the identified problems.

Effectiveness as regards contribution to Romania's accession process is at best limited. In fact, although some concrete project outputs were realised, it is not clear to what extent the already rather ambitious intermediate project objectives were realised. Visible strengthening of the capacity of DEI was an almost impossible task



given the circumstances. The final letter of satisfaction by Romania is, in a diplomatic way, critical about the project achievements, which was already indicated during project implementation. However, it has to be said that the Romanian counterpart became more critical after the reorganisation of DEI into MEI, which appointed new people. The evaluators conclude that no important project results improving the functioning of MIE in the accession process have been achieved. Hence, the project was not effective.

### **Effectiveness B: strengthening bilateral relations**

Because of the design of the Dutch pre-accession programmes, Dutch government officials were not necessarily involved in project implementation, thus hampering possibilities to strengthen bilateral relations at the level of officials. In practice, the Netherlands Embassy in Bucharest tried to closely monitor the project and assist in its implementation and reformulation wherever possible. However, one cannot state that bilateral relations have been strengthened as a result of this project. Nevertheless, Romania and MIE were interested in Dutch assistance and submitted a second project proposal. This project was approved, because the Dutch felt that they had to compensate for the not very positive experience in this project (see the following project assessment).

The formulation of a Matra social transformation project 'Strengthening the institutional capacity of the presidential administration' started in 2001 can be considered as a direct spin-off of this project. The Dutch consultant responsible for the implementation of this project developed a good working relation with an important Romanian DEI-official. After the establishment of MEI this official became an advisor to the Romanian President and invited the Dutch consultant to jointly develop a new project to be submitted for Matra social transformation assistance.

### **Efficiency**

Given the limited results and many reformulations compared to the still considerable costs the project is not assessed as efficient. Important time was lost in the many reformulations, while in the end results remained meagre. This is due to weaknesses both on the Dutch and Romanian side. The Netherlands followed a typical consultant's approach with a type of blueprint for quite some time, while it could have been clear from the start that this approach was not suitable. Insufficient attention was paid to specific Romanian circumstances. On the Romanian side commitment to the project was not always clear. Institutional changes and very frequent changes of staff hampered project implementation.

## Strengthening the Capacity of the Ministry of European Integration (MIE)

### MPAP, General Sector

#### PROJECT SYNOPSIS

<b>Project title</b>	Strengthening the capacity of the Ministry of European Integration (MIE)
<b>Programme</b>	MPAP
<b>Project number</b>	MAT01/RM/9/2
<b>Budget and expenditures</b>	Budget € 204.500
<b>PA-objective</b>	To strengthen the role of MEI in the accession process
<b>Counterpart</b>	MEI
<b>Beneficiary</b>	Idem
<b>Executing agencies</b>	ROI in collaboration with Gijbels Communicatie & Advies BV, T.M.C. Asser Institute and NIIIR Clingendael
<b>Duration</b>	1 January 2002 – 31 December 2002 (realised 31 January 2003)
<b>Project objectives</b>	Strengthening the capacity of two departments (Department of Harmonisation of Legislation-DHL and the Department of Negotiations-DN)
<b>Planned activities</b>	<ol style="list-style-type: none"> <li>15 missions for on-the-job training of 50 MEI-experts on 4 chapters (2,3,7 and 21)</li> <li>development of guidelines for the preparation of laws</li> <li>establishment of an e-mail helpdesk</li> </ol>
<b>Realised activities</b>	<ol style="list-style-type: none"> <li>provision of legal expertise for three chapters: 2 (free movement of persons), 7 (agriculture) and 3 (freedom of services);</li> <li>development of a practical planning guide;</li> <li>transfer of sector expertise for three chapters: 3, 7 and 21 (regional development), not only to MEI but also to supporting integrator ministries.</li> </ol>
<b>Planned outputs</b>	<ol style="list-style-type: none"> <li>Improved process of dossier preparation;</li> <li>Enhanced quality of European dossiers;</li> <li>An effective corporate organisation for European integration;</li> <li>Coherent and effective communication with European organisations;</li> <li>Establishment of an e-mail helpdesk.</li> </ol>
<b>Realised outputs</b>	<ol style="list-style-type: none"> <li>Improved internal and inter-Ministerial co-ordination of legal approximation;</li> <li>Improved know-how on acquis;</li> <li>Increased planning capacity.</li> </ol> <p>The realised output mentioned in the final report differs substantially what was planned. The main output seems to be the transfer of specific know-how and for the remaining output no clear indicators are presented.</p>
<b>EU-accession related effects</b>	The final report on the project by the consultant claims that results were achieved on both levels. However, it is not clear to what extent the workflow and procedures have really improved as a result of the project. The frequent changes of staff since the end of the project make it impossible to trace back this result. On the other hand, Romanian staff, especially in line ministries, are still aware of the working sessions and practical knowledge transferred, which was of benefit in negotiations. Hence, the project can be characterised as partially effective in its contribution to Romania's accession process.
<b>Effects related to strengthening of bilateral contacts</b>	The project contacts led to an increased interest on the Romanian side to intensify bilateral relations. One idea was to have a third bilateral project, in which the Netherlands was however not interested.
<b>Bottlenecks during implementation</b>	Flexible approach followed during implementation and changes to original planning at the demand of MEI. The project was far more appreciated than the previous, because it was more demand-driven and focused on the transfer of specific expertise.

The project synopsis is prepared by the evaluation team. It is based on available documentation and interviews with stakeholders. It reflects how the evaluators understand the intervention logic of the project.

Main documents: ToR for the project, Letter of Approval, Inception report, minutes PAC-meetings, final report, Letter of Satisfaction.

### **Background of the project**

The Romanian Ministry of European Integration submitted a proposal for a new MPAP project to Senter as it was not very satisfied with the previous MPAP project. This time it wanted a project better modelled to its own needs. The Netherlands felt somewhat embarrassed by the problems in the previous project – which could partially be attributed to struggles on the Romanian side – and decided to grant a second project, somewhat smaller in size. The set-up of the project was jointly formulated. The relevance of this project for Romania's pre-accession process lay in the fact that Romania still had problems in co-ordinating the European integration process and wanted specific expertise required for the negotiations on specific chapters. Therefore, legal expertise for approximation of legislation regarding three specific chapters was central to this project proposal. The project approach was better geared to solving problems than the previous project. Because the project focused on specific areas and did not target MIE as a whole, overlap with other projects did not occur and the project was complementary to earlier ones.

### **Effectiveness A: support to Romania's accession**

The project focussed on strengthening the role of two MIE departments: the Department for Legal Harmonisation and the Department for Negotiations. This was to be achieved at two levels: 1) formally through missions of Dutch consultants to discuss the workflow and procedures and to make suggestions for change, and 2) informally in working sessions on technical issues where knowledge was transferred. The final report by the consultant claims that results were achieved on both levels. However, it is not clear to what extent the workflow and procedures have really improved. Frequent changes of staff since the end of the project make it impossible to trace back this result. On the other hand, Romanian staff, especially in line ministries, are still aware of the working sessions and practical knowledge transferred, which was of benefit in the negotiations. Hence, the project can be characterised as partially effective in its contribution to Romania's accession process.

### **Effectiveness B: strengthening bilateral relations**

The second policy objective of strengthening bilateral relations was not very well built in as a project objective. Some minor results can be reported. Project contacts led to an increased interest on the Romanian side to intensify bilateral relations. One idea was to have a third bilateral project, in which the Netherlands however was not interested. The idea for a 'practical partnership' was followed-up, but this cannot be completely attributed to this project.

### **Efficiency**

The efficiency of the project is not assessed positively. The costs to transfer specific knowledge on the acquis, the most visible outcome of the project, have been relatively high. In fact, the fixed project format for bilateral pre-accession projects with a lot of formal procedures was probably not the best for the more ad-hoc type of missions required. In the context of the practical partnership one high-level Dutch mission followed the same approach, but at much lower costs.

## Implementation of the Water Framework Directive in Romania

### MPAP, Environment Sector

#### PROJECT SYNOPSIS

<b>Project title</b>	Implementation of the Water Framework Directive in Romania
<b>Programme</b>	MPAP
<b>Project number</b>	MA01/RM/9/1
<b>Budget and expenditures</b>	Budget NLG 950,000 (€ 430,000)
<b>PA-objective</b>	To assist Romania with its compliance efforts in relation to the acquis communautaire in the water management sector and thus facilitate the country's accession to the EU
<b>Counterpart</b>	Ministry of Water and Environmental Protection
<b>Beneficiary</b>	National Water Company of Romania (Apele Române)
<b>Executing agencies</b>	Arcadis Euroconsult BV (in collaboration with ICIM and RIZA)
<b>Duration</b>	1 January 2002 – 31 December 2003
<b>Project objectives</b>	To support at national level the Ministry of Water and Environmental Protection and National Company Apele Române and at regional level Directorate Mures Branch in Tirgu Mures with the implementation of the Water Framework Directive.
<b>Planned activities</b>	<ol style="list-style-type: none"> <li>1. River basin management plan <ul style="list-style-type: none"> <li>• Activate sub-committee of the River Basin Committee Mures, (convene first open plan session, kick-off workshop);</li> <li>• Characterise river districts;</li> <li>• Identify human impacts;</li> <li>• Identify protected areas;</li> <li>• Define monitoring;</li> <li>• Define environmental standards;</li> <li>• Carry out cost-benefit analysis;</li> <li>• Draft River Basin Management Plan.</li> </ul> </li> <li>2. Romanian legislation and the institutional structure <ul style="list-style-type: none"> <li>• Analysis of WFD requirements;</li> <li>• Analysis of Romanian situation;</li> <li>• Identification of required changes;</li> <li>• Identification of options for change;</li> <li>• Analysis of pros and cons and feasibility.</li> </ul> </li> <li>3. Monitoring and Assessment <ul style="list-style-type: none"> <li>• Evaluation and assessment of present monitoring system;</li> <li>• Recommendations integrated network;</li> <li>• Purchase and installation;</li> <li>• Training and public awareness;</li> <li>• Training needs assessment;</li> <li>• International study tour for policy makers;</li> <li>• Open planning workshops and training of trainers;</li> <li>• Workshops on monitoring and assessment;</li> <li>• Workshops on legislation and institutional structure;</li> <li>• International training;</li> <li>• Increase public awareness through publications, internet sites.</li> </ul> </li> </ol>
<b>Realised activities</b>	<ol style="list-style-type: none"> <li>1. River Basin Management Plan <ul style="list-style-type: none"> <li>• Characterisation of surface water body types;</li> <li>• Identification of Pressures;</li> <li>• Assessment of impacts;</li> <li>• Register of protected areas;</li> <li>• Evaluation of the existing Surface Water Monitoring program;</li> <li>• Environmental objectives.</li> </ul> </li> <li>2. Romanian Legislation and the institutional structure <ul style="list-style-type: none"> <li>• Workshop 'Options for Romanian River Basin Management Planning according to the WFD' ;</li> </ul> </li> <li>3. Monitoring and assessment strategy <ul style="list-style-type: none"> <li>• Purchase and use of official equipment.</li> </ul> </li> </ol>

	<ol style="list-style-type: none"> <li>4. Training and public awareness <ul style="list-style-type: none"> <li>• International Study Tour for Romanian policy makers;</li> <li>• Training Programmes by the Union of Water boards (UvW) in the Netherlands;</li> <li>• Launch of a Newsletter and project website;</li> <li>• Several workshops in Romania.</li> </ul> </li> </ol>
<b>Planned outputs</b>	<ol style="list-style-type: none"> <li>1. River Basin Management Plan prepared and recommendations on implementation in the Mures river that can be used as an example on a wider scale in Romania (for the Olt basin in particular).</li> <li>2. Shortcomings identified and proposals developed for remediation in Romanian legislation and the institutional structure in the field of water management, which hamper smooth implementation of the Water Framework Directive in Romania.</li> <li>3. Monitoring and assessment strategy defined, according to the requirements of the Water Framework Directive (article 4 and 8) for the Mures River Basin and Romania.</li> <li>4. Improved knowledge of EU legislation in general and the Water Framework Directive in particular and its implementation by the institutions dealing with integrated river basin management, including public participation.</li> </ol>
<b>Realised outputs</b>	<ol style="list-style-type: none"> <li>1. River Basin Management Plan <ul style="list-style-type: none"> <li>• Advice provided to a working group of relevant regional and local authorities</li> <li>• Guidelines for the preparation of a River Basin Management Plan regarding the contents and the (open planning) process;</li> <li>• A RBMP for the Aries, a tributary of the Mures;</li> <li>• Trained staff in the drawing up of key elements of the RBMP, including the associated open planning process completely in line with the Water Framework Directive (WDF)</li> </ul> </li> <li>2. Romanian legislation and the institutional structure <ul style="list-style-type: none"> <li>• The workshop assisted senior government officials from the Ministry as well as from National Administration Apele Române Bucharest to agree on a uniform approach throughout Romania for WDF implementation.</li> </ul> </li> <li>3. Monitoring and assessment strategy <ul style="list-style-type: none"> <li>• Evaluation and assessment of current monitoring activities;</li> <li>• Recommendations for an integrated network for monitoring water quantity and quality in compliance with WFD</li> <li>• Proposal for immediate upgrading of the existing quantity network;</li> <li>• Preparation of a tender and contract for the supply and installation of monitoring equipment.</li> </ul> </li> <li>4. Training and public awareness <ul style="list-style-type: none"> <li>• Romanians were familiarised with EU legislation in general and the Water Framework Directive in particular and its implementation by the institutions dealing with integrated river basin management, including public participation.</li> </ul> </li> </ol>
<b>EU-accession related effects</b>	The project supported Romania in fulfilling the obligation of complying with the Water Framework Directive, as part of the acquis communautaire.
<b>Effects related to strengthening of bilateral contacts</b>	The project established excellent co-operation between Rijnland and Mures water boards.
<b>Bottlenecks during implementation</b>	<ul style="list-style-type: none"> <li>• Goals of the project were scaled down over time, because the project had to function as a pilot and thus an example for Romania, complying with Romanian rules and regulations and compatible with other Romanian river basins. It was decided not to proceed with a full RBMP as the appropriate data could not be collected and processed in time.</li> <li>• Input from RIZA in the project was not as high as expected, due to obligations of RIZA personnel concerning WFD implementation in the Netherlands.</li> <li>• ICIM was supposed to second one of its experts to the project. This appeared not to be feasible. Instead the contractor and ICIM opted for engagement of study teams for the drafting of various reports.</li> </ul>

The project synopsis is prepared by the evaluation team. It is based on available documentation and interviews with stakeholders. It reflects how the evaluators understand the intervention logic of the project.

Main documents: ToR for the project, Inception Report, minutes PAC-meetings, Quarterly progress reports, 2<sup>nd</sup> draft Final report.

### **Background of the project**

It was in fact the Netherlands (the Institute for Inland Water Management and Waste Water Treatment, RIZA) who took the initiative for the project, although there was certainly demand from Romania for a project on the implementation of the Water Framework Directive (WFD). RIZA already had a good relationship with the Romanian Ministry of Water and Environmental Protection, because of earlier co-operation. This ministry was not sufficiently aware of the possibilities offered by Dutch pre-accession programmes and certainly not aware of how to draft a proposal. Thus, RIZA provided assistance in drafting this project proposal to improve the chances of success in the selection process.

The purpose of the WFD is to establish a framework for the protection of inland surface water, transitional waters, coastal waters and groundwater. The environmental goal is to obtain 'good status' of all ground and surface water within 15 years after entry into force of the directive. Furthermore the WFD obliges Member States to establish a programme or programmes for the monitoring of water status to establish a coherent and comprehensive overview of water status within each river basin district, including ecological and chemical status and ecological potential. Although guidelines have been given by the Commission on how to implement water management, national governments have the responsibility to develop their structures for river basin management. It was felt that the implementation of the EU Water Framework Directive in Romania would give both opportunities and challenges to develop an integrated water management plan on the Mures river basin and, later on, at national level. This required efforts in developing an integrated policy, planning, controlling implementation of EU regulations, reporting, involving and informing a wide range of parties including civilians, industry, municipal and basin authorities etc. Institutional and human capacities have to be developed and/or strengthened to be able to deal with the new responsibilities and meet the standards of the new WFD.

The project was directly related to pre-accession efforts made by Romanian authorities. The water sector is one of the most important in the environmental acquis and Romania had to make enormous efforts to implement it. Keywords are integrated water management, river basins and public participation.

The project to implement the WFD in the Mures river basin was meant to serve as a pilot project and an example for other river basins, while complying with Romanian rules and regulations and being compatible with other Romanian river basins. In the same year as the MPAP project started, a Phare project on the WFD started, focusing on the Somes and the Arges basins. For the Somes basin a river basin management plan was prepared, and for Arges basin a cost evaluation methodology for water quality monitoring was elaborated on. This project had a substantial budget for the procurement of monitoring equipment. Other relevant EU activities were the ISPA funded projects for the improvement of sewerage systems, to improve the quality of waste water flowing into the Mures river. Furthermore, USAID supported local NGOs in the Mures basin with small budgets through partnership funds in their efforts towards wetland restoration and creating public awareness on environmental issues. A Matra funded 'micro regional sustainable development project' had one of its four NGO partners in the Mures basin, with activities upstream of the basin, in Sibiu and further downstream in Alba. This project, implemented by 'Milieu Kontakt Oost-Europa', ran from June 2001 to July 2003.

The Dutch contractor of the MPAP project regularly met with the Head of the European Integration Office (NAAR Bucharest) and the Environment Officer of the European Commission delegation in Bucharest to obtain information on related projects.

#### **Effectiveness A: support to Romania's accession**

The project certainly contributed to Romania's efforts in complying with the EU Water Framework Directive. With study visits, workshops and training courses, Romanian officials and personnel of the water company were familiarised with aspects of integrated water management and an open planning process of preparing and implementing a River Basin Management Plan (RBMP). Technical equipment was purchased and donated by the Dutch water board. However the goals of the project were scaled down from preparing a full RBMP for the Mures river basin to a review of the key RBMP building blocks for the Aries river, a tributary of the Mures. Already in the inception report it was stated that result 1 as formulated in the ToR – the preparation of a RBMP and recommendations on implementation in the Mures river area – was too ambitious. The directive requires a plan to be drawn up on the basis of full knowledge of the actual situation in each river basin in terms of water quality and factors influencing the current status. Where Member States need some nine years to prepare such a plan, it was clearly impossible to do this within two years in Romania. The Romanian Ministry of Water and Environmental Protection issued a ministerial order in 2001 that set a timetable for the drafting of guidelines and organisations required to allow the WFD to become operational in Romania. The Mures pilot project had to adjust its activities with these guidelines and to take care only for the first phases of the drafting of a RBMP.

#### **Effectiveness B: improving bilateral relations**

The project itself has not visibly contributed to new intergovernmental relations. Contacts however were established between the Rijnland and Mures water boards, but there are no indications of continued co-operation.

#### **Efficiency**

The project was implemented within the budget and the 24 months period, but the goals of the project were (realistically) scaled down. Some bottlenecks were however mentioned on the Dutch side. It appeared to be difficult to realise to the full extent the role designated to RIZA. This was chiefly attributable to high demands placed on RIZA staff with regard to WFD implementation in the Netherlands. Expected inputs of the four-person review team responsible for internal co-ordination and mobilisation of RIZA expertise did not materialise. In accordance with the ToR, ICIM was supposed to second one of its experts to the project. This appeared unfeasible. Instead the contractor and ICIM opted for engagement of study teams for the drafting of various reports. The budget provision for procurement of equipment was in the end deemed insufficient to install all necessary monitoring items in fulfilment of WFD monitoring procedures. In interviews, the flexibility, adaptability and expertise of the Dutch partners were emphasised. Training and knowledge transfer was found very efficient by Romania.

## Implementation of the Water Framework Directive (WFD) and Integrated Coastal Zone Management (ICZM) in transitional and coastal water in Romania

### MPAP, Environment Sector

#### PROJECT SYNOPSIS

<b>Project title</b>	Implementation of the Water Framework Directive (WFD) and Integrated Coastal Zone Management in transitional and coastal water in Romania
<b>Programme</b>	MPAP
<b>Project number</b>	MAT02/RM/9/1
<b>Budget and expenditures</b>	€ 503,000
<b>PA-objective</b>	To assist Romania with its compliance efforts in relation to the <i>acquis communautaire</i> in the water management sector and thus facilitate the country's accession to the EU
<b>Counterpart</b>	Ministry of Water and Environmental Protection
<b>Beneficiary</b>	National Company Apele Romane
<b>Executing agencies</b>	Royal Haskoning BV
<b>Duration</b>	1 January 2003 – 31 December 2004
<b>Project objectives</b>	To support the Romanian Government with the implementation of the Recommendation of the European Parliament and of the Council concerning the Implementation of Integrated Coastal Management; and the Water Framework Directive with special emphasis on coastal issues.
<b>Planned activities</b>	<ol style="list-style-type: none"> <li>1. Coastal zone issues in relation to the requirements of the Water Framework Directive identified and assessed. <ol style="list-style-type: none"> <li>1.1 review of past and on-going relevant (inter)national activities in the field of ICZM;</li> <li>1.2 geographical demarcation of coastal area for which ICZM will apply;</li> <li>1.3 problem description and definition of environmental objectives;</li> <li>1.4 characterisation of the water bodies, including the definition of coastal and transitional water bodies, rivers, lakes and artificial and heavily modified surface water bodies, identification of reference conditions, and review of the environmental impact of human activity and preparation of an economic analysis of water use;</li> <li>1.5 preparation of a register of protected areas;</li> <li>1.6 identification of all water bodies used or to be used for abstraction of water;</li> <li>1.7 comparison of present monitoring of surface water, groundwater and protected areas; and</li> <li>1.8 assessment in how far recovery of costs for water services is realised and identify and propose steps to come closer to the "user pays principle".</li> </ol> </li> <li>2. Framework conditions in relation to the ICIM Recommendations for ICZM strategy development identified: <ol style="list-style-type: none"> <li>2.1 National and Regional Stocktaking exercise. Analyse which major actors, laws and institutions influence the management of their coastal zone;</li> <li>2.2 identify appropriate mix of instruments for implementation of principles as outlined in the ICZM recommendation;</li> <li>2.3 identify and advise measures to promote bottom-up initiatives and public participation in integrated management of the coastal zone and its resources;</li> <li>2.4 identify and advice on sources of durable financing for ICZM where needed and examination of how to make best use of the existing financing mechanisms at local, national and Community level. This will also take into account the results of activity 1.8;</li> <li>2.5 determine how appropriate national and regional training and education programmes can support implementation of ICZM principles. In addition a Training Needs Assessment, including target group identification and selection will be carried out which will form the basis for activity 4.3;</li> <li>2.6 identify and propose institutional measures to adequately manage ICZM in Romania, taking into account present cost restraints and the results of activity 1.7 and the activities under activity scheme 2. The proposal will have to be discussed with and approved by the counterpart.</li> </ol> </li> <li>3. Three outline strategies for ICZM developed, following the open plan process:</li> </ol>



	<p>3.1 develop 3 alternative <u>outline</u> strategies (taking also into account the requirements of art 11 of the WFD: “Programme of measures”) for ICZM and advise on first steps for implementation of the strategy. The contractor will organise a meeting with the ICZM Working group to agree on the contents and extent of the options to be elaborated;</p> <p>3.2 a meeting with the ICZM Working group to assess public support for the substance, extent and priorities of the three outline strategies to be able to arrive at a final choice;</p> <p>3.3 preparation of cost-effectiveness analysis for all three options;</p> <p>3.4 evaluate the impact of the three options regarding the coastal zone including an evaluation of Community legislation and policies that have an impact in coastal areas.</p> <p>3.5 identification of issues that cannot be dealt with at regional and national Romanian level related to coastal zone strategies;</p> <p>3.6 Reporting to and discussion with the ICZM Working group of the three outline strategies and selection of the best strategy “option” including approval of the ICZM Working group.</p> <p>4. Improved knowledge on ICZM and the WFD with special focus on the open plan process.</p> <p>4.1 Transfer of knowledge and skills (internships, study tours and training workshops);</p> <p>4.2 4.2 Stakeholder consultation and participation.</p>
<b>Realised activities</b>	No information.
<b>Planned outputs</b>	<p>1. Coastal zone issues in relation to the requirements of the WFD identified and assessed;</p> <p>2. Framework conditions in relation to the ICZM Recommendation for ICZM strategy development identified;</p> <p>3. Three outline strategies for ICZM developed following the open plan process;</p> <p>4. Improved knowledge and skills developed on ICZM and the WFD with special emphasis on the open plan process.</p>
<b>Realised outputs</b>	No information.
<b>EU-accession related effects</b>	At the time of writing only the first quarterly project progress report has been published, which mentions several activities undertaken. Therefore, little can be said on the effective implementation of the project activities and the realisation of planned outputs. It can however be stated that when planned outputs are realised this will certainly contribute to Romania’s preparations for EU accession.
<b>Effects related to strengthening of bilateral contacts</b>	It is hard to predict whether relations will be structural or even continued after the end of the project. Bilateral contacts at government-level are not strengthened by the project.
<b>Bottlenecks during implementation</b>	There was a delay of the meeting of the Project Advisory Committee in which the final inception report was to be evaluated by the Romanian parties. Also the finalisation of sub-consultancy agreements took more time than anticipated.

The project synopsis is prepared by the evaluation team. It is based on available documentation and interviews with stakeholders. It reflects how the evaluators understand the intervention logic of the project.

Main documents: ToR for the project, Inception report, minutes PAC-meetings, Progress (Quarterly) report.

### **Background of the project**

The idea for a project on coastal zone management was suggested by the Netherlands, but the Romanian Ministry of Water and Environmental protection drafted the proposal independently. Originally two proposals were submitted to Senter (one for the WFD and one for ICZM), but in the identification process these two were merged into one project. In fact, as the Netherlands was also in the process of preparing the set-up of integrated coastal zone management along the Dutch

coast, as well as the implementation of the WFD, it was expected that both parties could benefit from the project.

With regard to the accession of Romania to the European Union one of the country's tasks was the adoption and implementation of the Water Framework Directive – the main purpose of which is to establish a framework for the protection of inland surface water, transitional waters, coastal waters and groundwater. The environmental goal is to obtain 'good status' of all ground and surface water within 15 years after entry into force of the directive. In addition to this, the European Parliament and the Council of the European Union have issued a *Recommendation concerning the Implementation of Integrated Coastal Zone Management in Europe* (30 May 2002). According to this recommendation Member States are obliged to propose or develop an integrated strategy for integrated coastal zone management based on pre-defined principles of good coastal zone management. Member States are obliged to report to the Commission on experiences in implementation of this recommendation 45 months after its adoption.

Furthermore, Romania is an active player in the Danube and the Black Sea Commissions and signed the international Danube Convention in 1994 and the International Black Sea Convention in 1992. Both Conventions outline Romania's commitment in relation to improving water resources in the Danube Basin and the Black Sea. While the focus of activities in the Danube Convention relate mainly to issues concerning the implementation of the Water Framework Directive, activities in the Black Sea Convention also concentrate on integrated coastal zone management.

A number of related projects were implemented in Romania, sometimes involving other Black Sea coast states. A Phare 2001 project on integrated monitoring along the Bulgarian and Romanian Black Sea Coast deserves mentioning. As it included the procurement of monitoring equipment, the Matra project did not have to include procurement. The Matra project however supported the Phare project by preparing an analysis of the present institutional set-up of monitoring and advise on changes to comply with requirements of the WFD and prepare detailed recommendations on how to change the present monitoring strategy in order to become compatible with the directive. There was thus a challenge in avoiding overlap and ensuring complementarity.

#### **Effectiveness A: support to Romania's accession**

At the time of writing only the first quarterly project progress report was published, which mentions several activities undertaken. Therefore, little can be said on the effective implementation of the project and realisation of planned outputs. It can however be stated that when planned outputs are realised (see project synopsis) this will contribute to Romania's preparations for EU accession. The project focuses on the development of an ICZM strategy for the Romanian coast, taking into account the requirements of the WFD as well as the ICZM recommendation. At the same time the project addresses technical as well as institutional issues (institutional assessment and training).

#### **Effectiveness B: strengthening bilateral relations**

The project brings together many Romanian and Dutch professionals in the water management sector. It is hard to predict whether relations will be structural or even continued after the end of the project. Bilateral contacts at government-level are not specifically strengthened by the project.

**Efficiency**

The overall efficiency of the project is impossible to determine, taking into account that the project will be only finalised in December 2004. However, the first progress report mentions a delay, because the meeting of the Project Advisory Committee (PAC) in which the final inception report was to be evaluated by the Romanian parties could only take place on 27 June 2003, instead of May 2003. In addition, the finalisation of sub-consultancy agreements took more time than anticipated. Efforts were to be undertaken to make up for delays.

## System Management for Contingency in Case of Accidental or Deliberate Marine Pollution with Harmful Substances

### PSO PA, Environment Sector

#### PROJECT SYNOPSIS

<b>Project title</b>	System Management for contingency in case of accidental or deliberate marine pollution with harmful substances
<b>Programme</b>	PSO PA
<b>Project number</b>	PSO02/RM/7/7
<b>Budget and expenditures</b>	Budget € 428,000 Expenditures (project still running)
<b>PA-objective</b>	To assist Romanian authorities in the preparation of a National Contingency Plan (NCP) to combat marine pollution with harmful substances; The Romanian Government has committed itself to comply by the end of 2004 with Decision 2850/2000/EG of the European Parliament and the subsequent decision of the European Council of 20 December 2000.
<b>Counterpart</b>	Ministry of Water and Environmental Protection
<b>Beneficiary</b>	Ministry of Water and Environmental Protection, Civil Protection Command of the Ministry of Interior
<b>Executing agencies</b>	Royal Haskoning Nederland BV, Rijksinstituut voor Kust en Zee (RIKZ) as sub-consultant
<b>Duration</b>	1 January 2003 – 31 December 2004
<b>Project objectives</b>	<ol style="list-style-type: none"> <li>1. Framework for a National Contingency Plan for harmful substances is in place;</li> <li>2. The main actors in the NCP are sufficiently trained to enable all parties in the contingency plan to perform required duties as specified in the NCP and allow maintenance of technical capabilities of all parties involved;</li> <li>3. A strategy developed to continue involvement with and benefit from the development of the framework of co-operation in the present EU Member States in the period 2005-2006.</li> </ol>
<b>Planned activities</b>	<ul style="list-style-type: none"> <li>• Reviewing activities of the NCP for oil;</li> <li>• Assessing the internal consistency of the plan in particular, the role of the OCMPR, Working Group and Advisory Group;</li> <li>• Assessment of the legal position of Romanian law vis-à-vis European and other international requirements;</li> <li>• Preparing recommendations for necessary changes to adapt legislation in line with European requirements;</li> <li>• Establishing formal relationships between proposed actors in the NCP to be followed by proposals for necessary changes, including legal ones;</li> <li>• Creating a Working Group and Advisory Group, according to the pattern of the NCP for oil, but taking into account specific requirements of harmful substances;</li> <li>• Preparation of a forecast for sea-borne chemical trades (by commodity) to and from Constanta and an assessment of chemical trade passing through Romanian waters;</li> <li>• Establishing a list of harmful substances most likely to be encountered in Romanian waters;</li> <li>• Establishing a work programme on how to deal with these chemicals and their impact on the Marine Environment;</li> <li>• Estimating running costs of the NCP;</li> <li>• Preparing a business plan;</li> <li>• Assessing existing equipment;</li> <li>• Establishing the type of equipment necessary for effectively measuring and combating pollution with harmful substances as specified in the base list;</li> <li>• Material need assessment in co-ordination with the Beneficiary regarding equipment directly needed within this project essential for the realisation of the foreseen project results;</li> <li>• Assisting in setting up an information system (web-site) for the dissemination of knowledge related to the NCP and to meet the EU information exchange requirements.</li> <li>• Recommendations regarding the future transition of the NCP into a regional</li> </ul>

	<ul style="list-style-type: none"> <li>contingency plan;</li> <li>• Assessing currently available capabilities, related to dealing with harmful substances, of the actors in the NCP;</li> <li>• Training needs analysis of individual actors based on the role that they will have in the NCP. Designation of the institutes responsible for follow-up training including the train-the-trainer function and work programme;</li> <li>• Organisation of the training, which could involve on site training in Constanta or Bucharest, training in specialist institutes in the Netherlands and specific study tours to visit Dutch institutes, including the Coastguard;</li> <li>• Carrying out training exercises of the OCMPR on different scenarios, simulating cases of accidental pollution by harmful substances;</li> <li>• Preparing recommendations and guidelines about the frequency and nature of training activities that should be carried out in order to maintain and further upgrade the capabilities of the parties;</li> <li>• Regular monitoring of progress of the development of a NCP in Bulgaria and Turkey, which may include visits to both countries in order to establish working contacts;</li> <li>• Preparing a strategy that will allow Romania to continuously benefit from the development of the NCP in EU-Member states;</li> <li>• Assisting in identification of (financial) resources to allow continuation of the activities beyond 2004 and to finance possible equipment.</li> </ul>
<b>Realised activities</b>	(up till July 2003) <ul style="list-style-type: none"> <li>• Refining and confirming the final project model (NCP for harmful substances will be linked to NCP for oil);</li> <li>• Forecast of chemical trades;</li> <li>• List of harmful substances;</li> <li>• Training needs analysis.</li> </ul>
<b>Planned outputs</b>	See project objectives
<b>Realised outputs</b>	See realised activities
<b>EU-accession related effects</b>	Although prevention of marine pollution is described in the Commission's regular report, Romania is more ambitious in its plan to set up a NCP for harmful substances than current Member States. The NCP for oil is still in preparation in Romania (both can be linked).
<b>Effects related to strengthening of bilateral contacts</b>	Contacts between professionals and between Dutch consultants and the Romanian Ministry of Water and Environmental Protection are established, but it is hard to predict whether this will last.
<b>Bottlenecks during implementation</b>	No bottlenecks were mentioned in the available reports.

The project synopsis is prepared by the evaluation team. It is based on available documentation and interviews with stakeholders. It reflects how the evaluators understand the intervention logic of the project.

Main documents: ToR for the project, Inception report, progress (quarterly) reports

### **Background**

The project proposal was initiated and drafted by the Romanian Ministry of Water and Environmental Protection, completely independent from their Dutch counterpart. Romania decided to have a National Contingency Plan for other substances than oil already in place by the end of 2004. This is more ambitious than the time frame adopted by incumbent EU Member States, including the Netherlands.

The wider project objective is to enable Romanian authorities to take necessary actions in case of accidental or deliberate marine pollution with harmful substances, in line with European Decision 2850/2000/EC of the European Parliament, meet obligations related to the *acquis communautaire*, and outline national and international agreements to respond to chemical spills in the marine environment with

the aim of protecting public health and the marine environment from chemical pollution or where this is not possible, to minimise its effects.

Several projects deal with the environmental situation of the Black Sea, in many cases involving the other Black Sea countries (Russia, Ukraine, Turkey and Georgia). None of these projects deals with the preparation of an NCP and these initiatives are duly taken into account in this project to prevent overlap. Romania has already produced an NCP for oil-pollution and has set up an Operative Commandment for Marine Pollution Response. The project took this into account and built upon existing experiences with the NCP for oil.

#### **Effectiveness A: support to Romania's accession**

The project is relevant to the integration process as it helps Romania to comply with EU acquis. Priority given to this issue is however questionable, as Romania will implement new acquis even before current Member States do. When the planned activities within this project are executed, they will certainly have contributed to Romanian efforts to comply with the acquis communautaire for setting up a community framework for co-operation in the field of accidental or deliberate marine pollution. At the time of writing only the first quarterly progress report was published. The implementation of project activities was more or less according schedule. The attainment of project objectives will contribute to Romania's alignment with and implementation of the acquis. In this respect the project will be effective as long as the project goals are achieved.

#### **Effectiveness B: strengthening bilateral relations**

The project did not bring together Dutch and Romanian government officials, besides the meetings of the Project Advisory Committee. Contacts between professionals and between Dutch consultants and the Romanian Ministry of Water and Environmental Protection are established, but it is difficult to predict whether they will last.

#### **Efficiency**

It is not yet possible to determine whether the project was executed efficiently as it will only be finalised in December 2004. No bottlenecks were mentioned in the available reports thus far.

## **ANNEX 10 LIST OF INTERVIEWED PERSONS**

Bacalu, M., deputy general director, Ministry of Administration and the Interior, Romania

Badiu, C., expert, Ministry of European Integration, Romania

Baleanu, A., director for training and communication, The European Institute, Romania

Banica, I., first secretary, Embassy of Romania in The Hague, The Netherlands

Big, C., negotiating expert, Ministry of European Integration, Romania

Blik, H. de, policy officer, Department of Western and Central Europe, Ministry of Foreign Affairs, The Netherlands

Bobe, Ch., senior counsellor, Directorate of European Integration and International Relations, Ministry of Agriculture, Forestry, Water and Environment, Romania

Bors, G., head of General Directorate for Maritime, Danube and Inland Waterway Transports, Ministry of Public Works, Transport and Housing, Romania

Brouwer, M., agricultural attaché, Netherlands Royal Embassy, Romania

Bruinsma, D., desk manager Enlargement Unit, Laser, Ministry of Agriculture, Nature and Food Quality, The Netherlands

Brussaard, A.B., senior policy officer, Office of International Affairs, Ministry of Justice, The Netherlands

Buga, I., ambassador, Embassy of Romania in The Hague, The Netherlands

Bijlsmit, L., co-ordinator ADEPT programme, CROSS, The Netherlands

Cazan, A., counsellor, General Division for European Integration Negotiations, Ministry of Economy and Trade, Romania

Ciobanu Dordea, A., political advisor to the Head of Delegation, Delegation of the European Commission to Romania, Romania

Constantin, G., director, Department of Water, Ministry of Agriculture, Forestry, Waters and Environment, Romania

Costache, R., judicial councillor, American Bar Association / Judicial Initiative Programme for Central Europe and Eurasia (ABA/CEELI), Romania

Cotovela, R., director of co-operation programs, Ministry of European Integration, Romania

Csapregi, A., chancery assistant, Embassy of the United Kingdom in Bucharest, Romania

Dimitru, M., team leader agriculture & internal market, Delegation of the European Commission in Bucharest, Romania

Douma, J., director, Department of Western and Central Europe, Ministry of Foreign Affairs, The Netherlands

Elfferich, W., policy officer, Western and Central Europe Department, Ministry of Foreign Affairs, The Netherlands

Elgersma, M., policy officer, Western and Central Europe Department, Ministry of Foreign Affairs, The Netherlands

Floreau, P., president, High Court of Justice, Romania

Geanta, S., senior policy officer, Ministry of Administration and the Interior, Romania

Geel, L.P.M. van, deputy director and head of Matra programme, Southeast and Eastern Europe and Matra Programme Department, Ministry of Foreign Affairs, The Netherlands

Gooijer, P. de, director, Department of European Integration, Ministry of Foreign Affairs, The Netherlands

Haar, D. ter, staff member ADEPT programme, The Netherlands

Haas, A. de, head of division for safety against flooding, RIZA, Ministry of Transport, Public Works and Water Management, The Netherlands

Hedesan, G., head of inspection, National inspection for Quality of Seed, Ministry of Agriculture, Forestry, Water and Environment, Romania

Hoogeveen, H., director, International Affairs Department, Ministry of Agriculture, Nature and Food Quality, The Netherlands

Hoogheid, B., senior policy officer, Department for Southeast and Eastern Europe and Matra Programme Department, Ministry of Foreign Affairs, The Netherlands

Joncker, M., pre-accession co-ordinator for Romania, Senter, The Netherlands

Kreutz, J., second secretary for economic co-operation, Embassy of Germany in Bucharest, Romania

Kuipers, S.A., senior policy officer, Department of International Affairs, Ministry of Justice, The Netherlands

Lambrechts, V., co-ordinator IMPACT programme, Nuffic, The Netherlands

Lupescu, F., advisor to the Romanian president, Romania



Mohammed, S., co-ordinator pre-accession team, Department of the Cabinet, Ministry of Agriculture, Nature and Food Quality, The Netherlands

Nemes, L., civil police commander, Ministry of Administration and the Interior, Romania

Niculescu, C., task manager environment, Delegation of the European Commission to Romania, Romania

Ommen, W. van, senior policy officer, Ministry of Transport, Public Works and Water Management, The Netherlands

Oostra, A., director-general agriculture, Ministry of Agriculture, Nature and Food Quality, The Netherlands

Popescu, A., assistant to the agricultural attaché, Netherlands Royal Embassy in Bucharest, Romania

Porumb, M., general director, Ministry of Economy and Trade, Romania

Radulescu, V., public administration expert, USAID, Romania

Roborgh, A., policy advisor, International Environmental Affairs Department, Ministry of Spatial Planning, Public Housing, and the Environment, The Netherlands

Rooijen, K.H.M. van, head of cluster for Central and Eastern Europe, Ministry of Economic Affairs, The Netherlands

Rusch, M., second secretary, Netherlands Royal Embassy in Bucharest, Romania

Sande, W. van der, agricultural attaché, Netherlands Royal Embassy in Bucharest, Romania

Schilt, S. van, policy officer, International Policy Co-ordination Department, Ministry of the Interior and Kingdom Relations, The Netherlands

Schippers, L., counsellor for economy and environment, Royal Netherlands Embassy in Bucharest, Romania

Schreuder, R., pre-accession advisor on phytosanitaire issues, Ministry of Agriculture, Forestry, Water and Environment, Romania

Simons, O., counsellor, Delegation of the European Commission to Romania, Romania

Slis, T., senior expert international affairs, Ministry of Transport, Public Works and Water Management, The Netherlands

Spek, L. van der, policy officer, International Policy Co-ordination Department, Ministry of the Interior and Kingdom Relations, The Netherlands

Steriu, V., state secretary of European Integration and International Relations, Romania

Tanasescu, S. task manager, Delegation of the European Commission to Romania, Romania

Trooster, C., deputy head of mission, Netherlands Royal Embassy in Bucharest, Romania

Veer, R. van der, deputy director, International Criminal & Drugs Policy Department, Ministry of Justice, The Netherlands

Wolthers, P.J., ambassador, Royal Netherlands Embassy in Bucharest, Romania

Wuite, J.G., senior policy officer, International Policy Co-ordination Department, Ministry of the Interior and Kingdom Relations, The Netherlands

Zarma, A., director, Department of European Integration and International Relations, Romania

Zimmer, G., Pre-Accession Advisor on veterinary issues, Ministry of Agriculture, Forestry, Waters and Environment, Romania

Zuidema, Z., senior policy officer, Directorate-general of International Affairs, Ministry of Justice, The Netherlands

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