CZU: 327(478):061.1 EU:341.23 https://doi.org/10.59295/pas2025.17

IMPLEMENTING AQUIS COMMUNITAIRE- JUDICIAL AND ADMINISTRATIVE REFORM IN ROMANIA. MOLDOVA`S EUROPEAN PATH- INTERSTATE COOPERATION

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Abstract. ***Stable democracies have emerged in Central and Eastern Europe. Both the existing Member States and the forthcoming members benefit from the European political stability. This stability is rooted in common European values: democracy, the rule of law, respect for human rights and the protection of minorities. On the basis of political and economic stability, the enlarged Union will be better equipped to confront global challenges.***

This means an opportunity for the candidate countries to improve their living standards and their prospects in global competition. In the same time, it shall add heaviness to the EU's external relations, in particular to the development of a common foreign and security policy, a more coherent approach regarding the neighbouring countries. Improved cooperation between current and future Member States will help combat international crime and terrorism (Heather Grabbe, 2002: 249-268).

In the process of integration, the focus is on the capacity to implement EU laws and policies (the so-called acquis Communautaire).

The paper aims to examine the Romanian path to the statute of Member State, the technical progress in the area of justice, as well as the EU's accession conditionality devices. In the same time, it shall make a comparison with the situation of the Republic of Moldova, as regarding the enforcement of administrative and judicial capacity, in particular in the context of border management, fight against fraud, corruption, money laundering and organised crime.

Key words. *Aquis Communautaire, rule of law, democracy*

Towards the enlarged European Union

The Aquis Communautaire has been defined having into consideration the EU enlargement, as the body of the Community`s regulation existing at the moment of accession (Verhoeven, 2003: 147). Articles 2(1)5 and 3(1) TEU clearly consecrates *the Acquis* as the most important constitutional core of the Community/Union legal system,

In 1993, the Copenhagen European Council opened up the standpoint of enlargement to include the countries of Central and Eastern Europe by adopting the so called ¬Copenhagen criteria¬, that has been designed as containing three political elements completing the existing legal provisions from that time:

- The stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities
- The existence of a functioning market economy, as well as the capacity to manage with competitive pressure and market forces within the EU
- The ability to take an obligation of membership, including adherence to the aims of political, economic and monetary Union. (Kochenov, 2005:15)

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According to Article 49 (1) TEU, The European Commission is entitled to issue Opinions on Application for membership. Moreover, the Commission was enabled to prepare annual reports regarding the progress of the candidate States in fulfilling the Copenhagen criteria on a case-by-case basis, containing recommendations concerning the opening of negotiation and general valuation on satisfying the Copenhagen criteria (for instance, in 2003 for reports were drafted: For Romania, Bulgaria and Turkey).

The EU subsequently launched the courageous project regarding pre-accession strategy that has guided and sustained the candidates' preparations for membership. In this manner, the system of the Copenhagen based conditionality was enhanced by the Accession Partnerships (Hillion, 2002: 414-415).

In striving to fulfil the EU's accession criteria and adopting the EU's regulatory framework, candidates have been able to accelerate domestic reforms at the same time as they have been preparing for EU membership.

Article 49 TEU is providing a full regulation of the enlargement procedure, namely the actors involved in the process, their competences and the chronology of the enlargement proceedings. Alongside the Applicant States and the Member States, the legal provision nominates the EU participants in the process: the Council (ruling on the application and taking a unanimous decision concerning enlargement), the Commission (which should only be consulted in the process) and the European Parliament (that gives acceptance with an absolute majority of its members).

Without aiming to analyse extensively the process of integration, the present paper work is concentrating upon the most crucial principle of enlargement, namely the full acceptance of *the acquis Communautaire,* pointing the Romanian evolution in this regard, as well as the comparison with the situation of the Moldavian European direction. The main rule remains that accession cannot give any derogation for the Candidate states, their unique possibility in this regard is to discuss time frame of the incorporation of the acquis (Becker, 2001: 15).

Romanian path to the European integration – gradual institutional, judicial reforms

Romania signed the Treaty of Association to the European Union on 1st of February 1993, which came into force on 1st of February 1995, in June 1995 Romania presenting the official application for EU Membership *(https://ue.mae.ro/en/node/1455*). Therefore, Romania was the third of the ten countries that officially applied for adhering: Hungary, Poland, Slovakia, Leetonia, Estonia, Lithuania, Bulgaria, Check Republic, and Slovenia.

From the point of view of the candidate State The treaty itself designates the country's commitment to the agreement's principles and goals, initiating a process of legal and practical alignment with the existing member.

As regarding the European Union, the treaty represents the legal framework, the support to a new political and economic system that respects the rule of law and the rules of fundamental human rights, including minorities, practicing a multiparty system based on democratic elections, but also the support to build a free market economy (Coord. M. Costea şi F. Costea, 2007: 41).

In June 1995, Romania has adopted the Snagov Declaration, signed by most of the Romanian political forces, which supported the National Strategy for Romania's EU

Accession Preparation, our country handing these two documents aimed to sustain the application.

Romanian strategy involved significant institutional reforms, legal harmonization, and economic adjustments. Key aspects included strengthening administrative capacity, particularly in public administration, and ensuring alignment with the Schengen acquis for border control and visa procedures.

The European Commission analysed Romania's EU accession request, developing and publishing, on June 22, 1997, the Opinion on the Request of Romania's EU Accession, on the base of the Copenhagen criteria. The Commission`s conclusion was largely unfavourable. Even if it remarked that the political action has been in the right direction, the EU Opinion released some unresolved problems related to the privatization area, strengthening the legal regime and consistency of economic policies, regarding competition and the adoption of the acquis Communautaire.

As a response, Romania launched in the same year, 1997, the National Programme for the Adoption of the Acquis Communautaire, supported by all political parties and formations. (Înălțărău, C, Maha S, 2010: 75). This is because the member States are biund to carry out the obligations imposed by the EC Treaty and secondary lgislation made thereunder. The legal impact of Community law in the Member states hoowever, derives from its capacity, indeed its tendency, to give rise to rights in individual which national courts are bound to safeguard, (Arnull A, Dashwood A, Dougan M, Ross M, Spaventa E and Wyatt D – *European Union Law, Fifth Edition,* Sweet and Maxewll – London 2006: 127-128)

In this document, Romania announced its intentions to create a functional market economy, tight control of the frontiers, stable macro-economic framework, and consolidation of the legislative framework regarding the property rights, legal uncertainty in general, etc.

An important part of this legal document was focused on the justice and home affairs field and strengthening administrative capacity, the importance of implementing an appropriate public administration reform.

The accomplishments of the Romanian Government were uncertain and as a consequence, Romanian state was not included in the group of "The Luxembourg countries" in December 1997. The European Council from Luxembourg decided the convocation in the spring of 1998 of an Intergovernmental bilateral conference for the beginning of the negotiations with Cyprus, Hungary, Poland, Estonia, Czech Republic and Slovenia. Despite the Luxemburg failure, Romania continued the dialogue with the EU, so that the launching of "The National Programme for the Adoption of the Aquis Communautaire" was followed by further interinstitutional discussions.

Romania submitted a revised version of its National programme for the Adoption of the Acquis (NPAA) on 14 June 1999. It sets out a timetable for achieving priorities and intermediate objectives, based on the first Accession Partnership, as well as necessary administrative structures and financial resources.

As it had been established in Luxembourg. the incorporation of the acquis into legislation was not in itself sufficient; it would also be necessary the Candidate State ensured that it was actually applied to the same standards as those existing within the Union.

Drawing on the analysis of the Commission's Regular Report, the following short- and medium-term priorities and intermediate objectives have been identified for Romania, in order to fulfil the effectiveness criteria of implementation and application of the Acquis ((https://www.esiweb.org/pdf/romania_ap_ro_99_en.pdf):

Short term (2000)

• ***Political criteria:***

– guarantee adequate budgetary provisions for the support of children in care and undertake a full reform of the child care system as well as of provisions for the treatment of children and adults with chronic diseases and handicaps.

– strengthen dialogue between the Government and the Roma community with a view to elaborating and implementing a strategy to improve economic and social conditions of the Roma and provide adequate financial support to minority programmes.

• ***Justice and home affairs:***

– implement law on the Romanian state frontiers including the merger of the Border Guard and the Border Police; speed up the demilitarisation of the bodies subordinated to the Ministry of the Interior; strengthen border controls to prevent illegal immigration and to enable full participation in the Schengen Information System.

– upgrade law enforcement bodies and the judiciary to continue fight against organised crime, drug trafficking and corruption; ensure better coordination between law enforcement bodies.

– adopt a law on prevention and fight against corruption and establishment of an independent anti-corruption department; strengthen capacities to deal with money laundering; ratify the European convention on laundering of proceeds of crime and the European Criminal Law Convention on Corruption, sign the OECD Convention on Bribery.

– adopt law on aliens and law on refugees; increase the transparency and accelerate the application of asylum procedures.

• ***Reinforcement of administrative and judicial capacity to manage EU Funds***

– adopt and implement a law on the civil service.

– - PHARE 2 , ISPA 3 and SAPARD 4 : further develop the National Development Plan and the Rural Development Plan; adopt the legal, administrative and budgetary framework (audit manual and audit trail) to programme and manage ISPA and SAPARD, including the introduction of environmental impact assessments and EU compatible public procurement rules for projects co-financed by Community Funds; establish a functioning paying agency for SAPARD.

– - improve the functioning of the judiciary including: (i) adoption of a new penal code; (ii) adoption of the law on penal procedure; (iii) limit the use of pre-trial detention; (iv) facilitate access to legal advice and representation, (v) extend the court information system to all courts (vi) improve the enforcement of civil judicial decisions.

– start to introduce a programme-oriented budgeting system allowing for multi-annual commitments, strengthen the budget execution process, improve reve-

nue collection and fiscal mobilisation; strengthening of the Public Procurement Department in the Ministry of Finance.

– - complete the legislative framework for internal and external financial control; strengthen the central organisation within the Ministry of Finance for harmonising internal audit/control units in spending centres; and introduce "functional independence" for national internal controllers/auditors at both central and decentralised levels and "ex-ante" financial control.
– - start preparation for the introduction of the performance audit and audit methodology by the Courts of Auditors.

Medium Term:

• **Political criteria**

– consolidate reform and improve the conditions for the children in care.
– - continue to implement strategy to improve economic and social conditions of the Roma; implement measures aimed at fighting discrimination (including within the public administration); foster employment opportunities and increase access to education.
– - complete the demilitarisation of the police and the bodies subordinated to the Ministry of Interior.

• ***Justice and home affairs:***

continue progressive alignment of visa legislation and practice with that of the EU.

- adopt and apply the international instruments related to the fight against drug trafficking, in particular the Agreement Illicit Traffic by Sea, implementing Article 17 of the UN Convention against Illicit Trafficking in Narcotic Drugs and Psychotropic Substances.

- reinforce the independence of judiciary, introduce objective criteria for recruitment and career development. - continue the fight against trafficking in women and children

• ***Reinforcement of administrative and judicial capacity to manage EU Funds***

-implement a comprehensive public administration reform programme with a view to improving the capacity of the public administration to implement and manage the acquis.

- ensure training of prosecutors, judges and lawyers in EU law. - strengthen public financial control functions through the provision of adequate staff, training and equipment.

- strengthen the Romanian statistical system with a view to reach compliance with EC norms and standards.

In the meantime, through the entry into force of the Treaty of Amsterdam in May 1999, the political criteria defined at Copenhagen have been essentially consecrated as a constitutional principle in the Treaty on European Union. Article 6(1) of the consolidated Treaty on European Union declaims: "The Union is founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms and the rule of law." Accordingly, Article 49 of the consolidated Treaty stipulates that "Any European State which respects the principles set out in Article 6(1) may apply to become a member of the Union." These

principles were later accentuated in the Charter of Fundamental Rights of the European Union, that was proclaimed at the Nice European Council in December 2000.

Having into consideration the advancement, the historic moment came in 10 - 11 December 1999 in Helsinki, when the European Council decided to begin (starting with February 2000) bilateral intergovernmental negotiations with Romania, Slovakia, Latvia, Bulgaria and Malta. (Ivan A, 2004:74).

The preparations of the Helsinki European Council were made in Viena (11-12 December 1998) when the Council had invited the Commission to draft a Report on the candidate countries, which was issued in 1999. The official launch for negotiations was mainly based on this Commission Report that had into consideration Romania`s favourable political attitude vis-a vis Kosovo crisis.

Terms for adopting and implementing the Acquis Communautaire were adopted, including the transitional arrangements, which were strictly limited by time and conditions of application. There are 31 negotiating chapters due to the division (for methodological reasons) of the Acquis Communautaire.

The negotiations with Romania officially started in February 16, 2000. The government concluded in May 26, 2000 the discussions for 5 chapters: small medium enterprises, science and research, education, professional training and youth, foreign relations and common foreign and security policy. Documents were drafted with regard to: competition, statistics, trade law, consumer protection, culture, audio and visual, telecommunications and technologies information, customs union as well as the policy in the field of transports.

Unfortunately, the stage of negotiations with the European Union have emphasized the lack of experts in various fields of integration. We can add also the insufficient coordination at the level of the central administration. Soon it had been realized at the level of UE that the Helsinki decision was a political one, Romania suffering severe economical, administrative and judicial delays.

Nevertheless, beginning with 2001 we can observe an improvement of the negotiation process and a clearer strategy, facts emphasized by the reports of the European Institutions. (Puscas, V, 2003: p. 5-11) The institutional reform of Nice included Romania in the future enlarged European Union, but these aspects were not sufficient in the broader context of integration.

Regrettably, the slow economic progress, the lack of a judicial and economic framework consistent with EU requirements, postponed the integration deadline of Romania. The free access in the Schengen area beginning with 2002 was a positive signal that Romania had started to make progresses, especially regarding the control of the borders and the adoption of the legislation compatible with that of EU in this field of action.

The European Commission Country Report from 2002 regarding Romania underlined the progress of the economy, but unlike Bulgaria, Romania did not receive the status of a functional market economy, which is an important criterion in order to close the negotiations with the European Union.

The same legal situation was emphasized by the Commission Report from 2003, recalling for further progress and effective reforms (2003 Regular Report on Romanian's progress towards accession on European Union site, www. europa.eu.int, p.121).

Romania continued to fulfil the politic criterion. In the same time the country has made economical progresses and structural reforms and has advanced towards the adoption of the Aquis Communautaire, it took actions against inflation but had severe problems with the corruption, which affected the entire Romanian society. Nevertheless, positive actions were observed with regard to the inflation control, some measures of fight against corruption The fight against corruption constituted a fundamental criterium for the adherence both to EU and NATO. This was the reason the reason in 2002, by the Emergency Ordinance No 43/2002, the National Prosecutor's Office against Corruption had been established, as a specialized judicial body.

Its cautious judicial activities were diminished by the Decision No 235/2005 of the Constitutional Court, that consecrated that this structure can no longer realise the inquiry of parliamentarians. Therefore, what represented the essence of grand corruption, passed from the competence of this specialized body to the attributions of the ordinary Prosecutor's Office, namely the Prosecutor's Office attached to the High Court of Cassation and Justice (https://legislatie.just.ro/Public/DetaliiDocument/62055).

The European Union continuously criticized these changes, the limited efforts and results of this judicial body. The text of the Emergency Ordinance had been amended in 2006. The Prosecutor's Office changed into the National Direction against Corruption, recovering the attributions regarding the inquiries of the parliamentarians (https://www.dna.ro/cadrul_legal.xhtml).

Even if the 2003 Report concluded that Romania had a weak administrative capacity in order to implement the adopted legislation, simultaneously emphasized a number of positive initiatives that had been launched over the last year to reform the public administration and the judiciary.

For example, the Civil Servant Statute was revised and a major reorganisation of the court system was launched. Even if the judicial system slowly improved by considering human rights and fundamental freedom protection, the right to a fair trial, still needed to improve the management of cases and the consistency of judgements as well as to increase the independence of the judiciary.

Legislative progress has been perceived in the areas of justice and home affairs and especially so in migration, asylum and judicial co-operation in civil and criminal matters. However, this required the i strengthening of the implementation capacity in almost all areas, as should inter-agency co-operation. Many agencies and institutions involved in law enforcement were confronted with staff shortages, which will also require enhanced training capacity. In this regard, Romania had to continue to develop a further strategy to address reform of the policy and legislative process.

Progress was made with the restriction of the use of emergency ordinances. Laws on the freedom of information and transparency in the legislative process were also positive developments but have only been partially implemented. Constitutional reform of the parliamentary system should be accompanied by measures to increase parliamentary capacity to effectively scrutinise draft legislation. The revision of the Constitution in October 2003 contributed to streamlining the parliamentary process by giving both chambers primary responsibility for different types of legislation.

A public administration reform strategy was further launched in May 2004, covering the area of civil service reform, decentralisation and deconcentration, and policy co-ordination The establishment of the Chancellery of the Prime Minister was aimed to help to improve policy coordination and consistency, in order to strengthen local and regional governance with a view to ensuring proper implementation of the acquis at those levels.

Reforms have been noticed in a number of other areas: improving care for the disabled, reducing social exclusion, improving the social dialogue. While the proposals to reform the Penal Code are positive developments, further efforts were needed to strengthen the freedom of expression.

Progress has been registered as regarding protection of ethnic minorities (especially the Roma ethnics). The situation of Roma people constituted a concern for the EU even from the opening of the accession procedure. In its 1997 Opinion on Romania's application for EU membership, the Commission emphasized:" even if the Hungarian minority seems well integrated (given the recent improvement in its situation), the same cannot be said for the Roma (gypsies), who constitute a sizeable minority in the country". Implementation of the Roma Strategy adopted in 2001 continued in the sectors of education, health, employment and relations with the police.

Romania has ratified the main human rights conventions (see annex I). In May 2004, Romania signed the Protocol No.14 to the ECHR to the Convention for the Protection of Human Rights and Fundamental Freedoms, amending the control system of the Convention. The National Council for Combating Discrimination (NCCD) had continued its policy to prevent discriminatory actions. New legal provisions adopted in February 2004 represented further progress with the transposition of the anti-discrimination acquis. The Romanian Ombudsman also resolved complaints of the citizens whose civil rights and freedoms have been infringed by the public administration. The amendment of the constitution in October 2003 gave the Ombudsman the possibility of commenting on the constitutionality of legislation prior to its entry into force. (Regular Report on Romania's progress towards accession- 2004)

Nevertheless, the 2004 perspectives were not very positive; the yearly regular Report of the Commission Report issued in October 2004 was largely the same as that used in previous years. For each of the negotiating chapters, this Report provides a summary evaluation of the extent to which commitments made in the negotiations have been implemented, as well as an overview of transitional arrangements that have been granted. Among other aspects, it addressed the question of Romania's capacity to assume the obligations of membership, that is, the acquis as expressed in the Treaties, the secondary legislation, and the policies of the Union. In this fragment, special attention is paid to nuclear safety standards, which were emphasised by the Cologne and Helsinki European Councils. This part includes not only the alignment of legislation, but also the development of the judicial and administrative capacity necessary to implement and enforce the acquis. As in previous Reports, "progress" has been measured on the basis of decisions actually taken, legislation actually adopted, international conventions actually ratified (with due attention being given to implementation), and measures actually implemented.

As regards the economic criteria, the report also provides a dynamic, progressive evaluation of Romania's economic performance. Consequently, it had been declared a functioning market economy, despite the still pending difficult technical situation.

Romania receives the Assent of the European Parliament for the signing of the Accession Treaty even if of 31 Chapters, only 27 have been provisionally closed. The following chapters remained to be concluded: Competition policy, Environment, Cooperation in the field of justice and home affairs and chapter"Other".(https://www.europarl.europa.eu/registre/docs_autres_institutions/commission_europeenne/sec/2004/1200/COM_SEC(2004)1200_EN.pdf)

According to the procedure (art. 49 TEU), the European democratic forum has voted on 13th April in the plenary session, on the basis of the Progress Report initiated by the EP rapporteur for Romania, Pierre Moscovici. The result of the vote in plenary was: assent – 497 votes for, 93 against and 71 abstentions. Moscovici report: 564 vote for, 59 against and 41 abstentions (https://ue.mae.ro/en/node/1455).

Romania's EU accession, as a full member, on January 1, 2007, on the basis of the yearly Regular Reports of the Commission covering the years 1998-2004. Nonetheless, some important chapters left to negotiate, such as: agriculture, competition policies, regional development policies, energy, justice and internal affairs, financial and budgetary provisions etc., which demand further political motivation and immediate reforms.

The Status of Moldova as a candidate country – Differences and Similarities with the Romanian situation. Interstate cooperation

As regarding Romania, the Acquis corresponding to Chapter 25 Customs Union – includes the Community Custom Code and its implementing rules, the Common Customs Tarriff, including trade preferences, quota and tariff suspensions, as well as related legislation, which falls within the scope of the Custom Code, such as legislation on counterfeit or pirated goods, drug trafficking and the export of cultural goods. The Acquis consists mainly of a number of instruments that ensure the functioning of the Customs Union, as well as the effective protection and control of the EU`s external borders (http://www.infoeuropa.ro/ieweb/jsp/print.jsp?cid=194&lid=1&id=199)

The provisions of the Custom Code (Law no 141/1997 and the Regulation implementing the Custom Code (Government Decision No 626/1997) were mostly harmonized with the Community custom legislation, their implementation being realized in a unitary manner.

Beginning with June 30, 2001, The Romanian state borders were administrated in accordance with a new normative act– OUG Nr 104/2001 (Emergency Ordinance No 104/2001). In this legal framework, during 2001-2005 Romania has accelerated the measures for a further alignment with the EU standards: harmonization of legislation according to the requirements of the Schengen area, the creation of flexible institutional structures, improvement of the training of border police officers within the framework of institutional agreements (twinning), the creation of joint control teams made up of border guards and custom workers, separation of EU and non EU passengers, etc. Romania has concluded agreements on the abolition of visas for the citizens of other States, establishing the regime of common border crossing points for the citizens of other States,

establishing the regime of common border crossing points and alignment with the standards of UE.

The parcourse of negotiations on Romania`s accession, as previously described, required the development of a strategy for the implementation the border standards especially with the Republic of Moldova, this border preparing to become the Easter border of the EU. The Republic of Moldova had been considered as a buffer zone– between two major geopolitical projects: The Euroatlantic one (under the aegis of NATO and EU) and the Euro Asian one (under the aegis of Russia). This mainly affected the following areas from the Romania- Moldova relationship: border traffic, granting Romanian citizenship and the signing of the bilateral treaty.

As regarding the border traffic, as a consequence, starting with July 1, Romania introduced the obligation of passports for Moldovan citizens, excluding the identity cards. As far as the visa regime is concerned, on July 1, 2004, Romania introduced the visa requirement for all ex-Soviet States, for the citizens of the Republic of Moldova it managed to postpone its introduction and finally obtain a more favourable regime (Popa, c „România vrea sa resusciteze Organizatia de Cooperare la Marea Neagra", în (Adevarul, 2005). As granting Romanian citizenship, in 2000 Romania offered the citizens of the Republic of Moldova the possibility of acquiring Romanian citizenship without any requirement related to their administrative living place, as for the other citizens.

The signing of the bilateral agreement was postponed, even if Romania was the first state that recognized the Republic of Moldova, only a few hours after the proclamation of its independence, on August 27. 1991. The treaty regarding the regime of state border, cooperation and mutual assistance in matter of border problems was only signed on November, 8, 2010 (MAE, 2010)

Meanwhile, the Copenhagen European Council of December 2002 reinforced the EU`s intention to develop new relations with its eastern neighbours, with a view to shaping an enlarged Europe (The Copenhagen European Council – 12- 13 th Of December 2002, (The conclusion of the Presidency : 7).

The solution was proposed by the European Commission in March 2003 by adopting the Communication: Wider Europe-Neighbourhood: A New framework for relations with our Eastern and Southern Neighbours, namely¬ The Extended Europe: New Neighbourhood.

Essentially, The Communication offered new prospects for political and economic integration to countries that cannot be accepted as members of the EU, with the aim of creating an area of security, prosperity, sustainable development in order to ensure a stable situation at the Union`s external borders. The new set of foreign policy measures was later assembled under the name of ¬European Neighbourhood Policy¬ (ENP) in the Commission Communication of June 2004 (COM (2004) 373 final, Brussels, 12 May 2004).

The ENP was designed as a reference framework for relations between the European union and the Member States, on the one hand, and the eastern and Sothern Neighbourhood, on the other hand. It does not create new structures and obligations, but only targets to provide additional motivation, focus on priority objectives and added value for regional cooperation relations carried out within the framework of Association Agreements or partnership Cooperation Agreements Pop A, Pascariu G, Anglitoiu G, Purca-

rus A *Romania and the Republic of Moldova – Between the European Neighbourhood Policy and the Perspective of the Enlargement of the European Union*: 8).

Despite some structural deficiencies, all parliamentary parties in Chisinau supported Moldova`s participation in the ENP. Their consensus materialized in the Declaration of the Parliament of the Republic of Moldova on the political partnership for the achievment1 of the Country`s European integration objectives, adopted on March 2005. According to this declaration, Moldova`s further development can only be ensured by ¬consistently and irreversibly promoting the strategic course towards European integration¬(http://www.parlament.md/news/25.03.2005/)

As a matter of fact, this date, March 24, 2005, constitutes the first step in the integration of the Republic of Moldova into the EU largely enshrined as the primary objective of the internal and foreign policy promoted by the Moldovan Government. Nevertheless, an important concern for Moldova was related to the fact that it was admitted to ENP together with Mediterranean countries in North Africa and the Middle East that have no European aspirations and no European vocation (Chirila V, Republic of Moldova and European Neighbouring Policy, 2008).

The implementation of the Foreign Neighbourhood Policy is realized through the Actions Plans. The Individual Action Plan between the Republic of Moldova and the European Union was signed on February 22, 2005, in Brussels and despite of the previous concerns, it contains specific conditions regarding the UE accession possibility. The plans include a set of general priorities in the areas covered by the Partnership and Cooperation Agreements: Strengthening stability and improving the efficiency of democratic cooperation in the field of regional security and good neighbourly relations, in particular finding a solution to the Transnistrian conflict, border management, full implementation of WTO, establishing a constructive dialogue and effective cooperation on migration and visa arrangements in ensuring free movement , the gradual approximation of legislation, norms and standards to the acquis Communautaire, the strengthening of legal and administrative capacity (Leahu O. Cebotari S, 2012).

Nevertheless, Moldova`s path to membership of the European Union is more complicated than Romania`s one, as Moldova is confronting the unresolved Transnistrian conflict and Russia's illegal military presence on its territory. While the EU has not formally required the conflict to be resolved before accession, the situation in the Transnistrian region stances significant challenges to Moldova's ability to meet EU standards of governance, or on the rule of law and security. Accession to the EU without the Transnistrian region would raise concerns about internal and regional stability.

This unresolved conflict and the delayed settlement process have gained new importance in the context of the rapidly evolving regional security environment generated by Russia's full-scale invasion of Ukraine. Both are mediators in the Transnistrian settlement process. The invasion has significantly undermined Moscow's credibility as a mediator and underscores the urgent need for a renewed, transparent approach that reflects current geopolitical realities.

Implementation of EU law throughout the entire territory of the Republic of Moldova is impeded by the ongoing Transnistrian conflict. Neverthelss, Chișinău has demonstrated its openness and maintained a flexible internal legal framework that allows for

the granting of a defined status to the Transnistrian region. The Transnistrian conflict, although complex, demonstrates potential for resolution due to the strong historical ties between the people on both sides of the Nistru River, Tiraspol's economic connections with the EU and shifting geopolitical dynamics that could present a timely opportunity to promote a structured plan.

Chișinău must address both the Transnistrian conflict and EU integration, without following a fixed sequence, and seize every opportunity to advance in each area. Strengthening the connection between the Transnistrian region and the EU accession process, with the support of international partners, will be crucial, as it is key to advancing the conflict settlement process and to Moldova's EU integration (Cara, 2005)

The EU-Republic of Moldova Cooperation Council approved, on February 22, 2005, the document that substantiates in the form of an Action Plan the relations between Brussels and Chisinau in the short term. The Transnistrian file is given special attention, the essence of the provisions focusing on the EU's willingness to continue involvement in the settlement of the conflict „respecting the sovereignty and territorial integrity of the Republic of Moldova within its internationally recognized borders and guaranteeing respect for democracy, the rule of law and human rights." The recognition by the EU diplomacy of this very important principle took place in a context in which the federalization plans promoted by the official OSCE and Russian mediators had come to question the integrity of the Moldovan state formula. (cap.2.1.14 din Planul de actiune EU-Ucraina, disponibil la adresa http://europa.eu.int/comm/world/enp/pdf/action_plans/Proposed_Action_Plan_EU-Ukraine.pdf.)

The EU emphasized at that moment the imperative of improving cooperation along the entire Moldovan-Ukrainian border, but especially on the critical Transnistrian segment, in order to prevent the illicit flow of people and goods. Of course, it was decided the EU cannot act unilaterally, consulting and coordinating its actions with both the OSCE and the Council of Europe, and it was equally necessary to use bilateral formulas with state actors with interests in the area, namely Russia, Ukraine and Romania. Of course, at this moment this bilateral formula with Russia is highly questionable.

As regarding Romania, in order to support the European aspiration of the Republic of Moldova, it has acted on two distinct levels: bilaterally, by providing direct and constant aid to Chisinau, and, at European level, through the steps it has taken in its capacity as a future and current member of the EU.

Romania's direct involvement in the security dimension of the ENP took into account both bilateral aspects of twinning and participation in the missions that Brussels was starting to implement in the Republic of Moldova. Consequently, on the basis of the Trilateral Memorandum signed on October 7, 2005 244 , starting with December 1, 2005, at the Moldovan-Ukrainian border (with special emphasis on the southern Transnistrian segment), it was established the deployment of an EU monitoring mission, counting 65 persons (of which 50 customs officers and border guards with a renewable 2 years mandate and a budget of 7 million euros. The main objective of the mission was to combat cross-border crime and violations of the border regime. This mission represented also an opportunity for Romania after joining the EU, as a participant in the field of customs and border guards in a second stage of the mission, that en-

sured an increased and constructive visibility of the Romanian Government (Signature of EU-Moldova-2005)

The Republic of Moldova applied for EU membership in March 2022 and was granted candidate status in June 2022. Accession negotiations were formally opened in June 2024 (https://www.consilium.europa.eu/en/policies/moldova/)

All this period, the expanding relations between Romania and the Republic of Moldova were based on the application of a partnership with a European vocation, both politically and economically, established by *the Declaration on the establishment of a strategic partnership between Romania and the Republic of Moldova for the European integration of the Republic of Moldova* (2010) and *the Action Plan for the implementation of the Declaration* (2012).

April 27, 2020 marked the 10th anniversary of the signing of the *Declaration on the establishment of a strategic partnership between Romania and the Republic of Moldova for the European integration of the Republic of Moldova*. On this occasion, Romania underlined the inestimable value of the common cultural heritage, an integral part of the European heritage, which underpins the privileged relationship between Romania and the Republic of Moldova, as well as the fact that the natural place of the Republic of Moldova is in the European family.

Romania also emphasised the results of the implementation *of the Strategic Partnership* in the 10 years since its signing, including:

- the entry into force of the Association Agreement with the European Union and the Deep and Comprehensive Free Trade Agreement, Romania being the first EU state to ratify it;
- liberalization of the visa regime with the European Union for citizens of the Republic of Moldova;
- taking important steps in the modernization of institutions and professionalization of public administration in accordance with European standards;
- increasing the economic exchanges and access of the products of the Republic of Moldova to the markets of the European Union, first of all, in Romania;
- multiplying the opportunities open to students, people of culture and science, as well as connecting them to the European education, culture and science area;
- operationalization of the bilateral agreement on the implementation of the technical and financial assistance program based on a non-reimbursable financial aid in the amount of 100 million euros granted by Romania to the Republic of Moldova;
- implementation of the Agreement on reimbursable financial assistance granted by Romania to the Republic of Moldova, in the amount of 150 million euros;
- construction of the Iasi-Ungheni-Chisinau gas pipeline.

Simultaneously, the contribution of the bilateral cooperation projects carried out by Romania in the Republic of Moldova to the improvement of the living conditions of all citizens of the Republic of Moldova (financing the renovation of over 1100 kindergartens; donation of 196 school minibuses for educational institutions; scholarships; training programs for teachers; summer camps for students and teachers; renovation of cultural buildings; operationalization of SMURD on the territory of the Republic of

Moldova; collaboration programs, exchanges of experience and good practices at the level of all central public administration institutions, etc.).

At the institutional level, new instruments have been developed to support political dialogue and bilateral cooperation, as follows:

- Romania-Republic of Moldova Intergovernmental Commission for European Integration;
- Joint Commission for European Integration between the Parliament of Romania and the Parliament of the Republic of Moldova.

(https://www.mae.ro/node/1421)

Conclusion

Historical precedents in EU enlargement such as Cyprus, the United Kingdom and West Germany, which joined the EU despite facing territorial divisions, offer limited guidance, as Moldova faces a distinct challenge shaped by active Russian interference and stricter post-**1993 Copenhagen accession criteria**.

Romania must continue the policy of good neighbourliness and the promotion of peaceful instruments of disputes.

A continuous multidimensional strategy of Romania's relations with Moldova, but also with Ukraine is necessary. Such a strategy must include elements such as: supporting the European integration efforts of the Republic of Moldova, but also of Ukraine, with a focus on the orientation of bilateral relations but also multilateral cooperation in the various regional structures of which the three countries belong, on priorities included in the action plans, especially transport, energy, justice and home affairs, institutional consultation and dialogue; boosting cross-border cooperation.

This component could also include the transfer of experience of Romania, but also of Bulgaria in the field of democracy promotion and security sector reform to the Republic of Moldova and Ukraine.

It is therefore necessary to streamline the management action of the eastern border of the EU, while respecting the Community rules. In the field of immigration control and combating all forms of illegal trafficking, which was one of the objectives of the ENP, it must be taken into account the use of logistics and experience previously shared by the SECI Regional Center for Combating Cross-Border Crime and the International Center for Police Cooperation.

Nevertheless, any line of the Romanian diplomacy towards Moldova should be discussed and convened, initially, both with EU and NATO. As regarding the external politics for the East Region, Romania should ensure that the diplomatic approaches does not affect the European integrity. In this manner, Romania can be a real partner in helping Moldova to achieve the necessary democratic and economic standards required for the European integration.

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