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GOOD GOVERNANCE AND
REGULATORY QUALITY IN THE 21ST CENTURY



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CONTENTS

Adriana GRIGORESCU, Maria-Magdalena LUPU	<i>The Manager's Role in Organizational Communication</i>	7
Alexandra IANCU	<i>The Importance of New Common Assessment Framework 2013 in Public Administration. Differences between CAF 2006 and CAF 2013</i>	21
Mihaela TUCĂ	<i>Public Policy Instruments and Themes in the Field of Social Responsibility</i>	32
Elena-Mădălina VĂTĂMĂNESCU, Andreia ANDREI	<i>Being Ethical in the Business Arena. The Case of Business Consulting Managers</i>	44
Daniel POPESCU	<i>Smart Specialisation for Bucharest- Ilfov Region – Managing the Project of Defining the Region's Research and Innovation Strategy</i>	60
Carmen SĂVULESCU	<i>Comparative Conceptual Framework for e-government Services in the EU</i>	66
Luminița IORDACHE	<i>Evaluation Systems for Civil Servants. Comparative Analysis</i>	78
Dragoș Valentin DINCĂ	<i>Development of Public Services in Romania. Comparative Analysis</i>	90
Corina-Georgiana ANTONOVICI	<i>Best practices on the Government – Parliament Relationship in some EU Countries. AN ADAPTIVE APPROACH</i>	106
Daniel POPESCU	<i>Screen Tourism – Project Management for a New Regional Product</i>	130
Adelina DUMITRESCU	<i>The Accounting Information System – An Indispensable Component of Public Sector Governance</i>	136

Daniel Dumitru BUZATU	<i>Institution of Parliament in the Constitutional Monarchical Regimes. Comparative Analysis</i>	144
Maria POPESCU	<i>The European decisional system ante and post the Lisbon Treaty. Comparative Analysis</i>	154
Florin Marius POPA	<i>Anticorruption Strategies in Eastern and Central Europe. Comparative Analysis</i>	163

THE MANAGER'S ROLE IN ORGANIZATIONAL COMMUNICATION

Adriana GRIGORESCU¹

Maria-Magdalena LUPU²

Abstract

The era we live in is an era of information and this forces, as perfect our communication abilities and learn how to communicate efficiently. No matter of our working domain or the level we have, we need to make ourselves understood meaning to communicate efficiently. The efficiency in communication is for managerial the red wire that marks the trajectory in the spirit in business. The ability to communicate efficiently is one of the main qualities of the manager, quality that can offer him the leading role in his organization. The managerial communication topic takes great interest in the academic and business environment having a large number of studies on the topic. The aim of the present work is to analyze the dimension and the aspects of the managerial communication in order to highlight its importance in organizational communication and activity.

Keywords: *managerial communication, communication, organizational communication.*

1. Introduction

In a few words, the definition of communication is the exchange of messages through its transfer and understanding. The study of communication just like other disciplines can offer explanations that can help us understand some aspects of management (Bonardi, 2011). In manager case, communication abilities empathy, open mindedness and focusing capacity are irreplaceable qualities (McManus, 2006:107).

Inside any organization, the lack of efficient communication leads to eliminating organizational aims for personal aims (Matin et al.,2010) and the communication strategies have to take into account of the market and products life cycle (Niță, 2012:24). Today the interpersonal communication abilities, critical

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thinking and the ability of solving problems are search for, not just the ability to finalize working duties (Bambacas, Patrikson, 2008).

2. Literature review

A resume of the researches related to managerial communication (Robbins, Hunsaker, 2011) showed that interpersonal abilities in most of the studies as part of the leadership qualities in the management activities, in motivation and information transmission. Although a great number of theoretical patterns of managerial communication styles used in taking decisions that not give a clear imagine of the forces used by managers in communication (Aziz, Muhamand, Abu-Jarad, 2012).

One of the main problems in modern management is the permanent change of the organization due to the speed in transformation of its environment (Bolden, Gosling, 2006).

The role of managers under these circumstances is doubled: by the effort to extract the appropriate indications decision making and by giving important clues to others (Pye, 2005). The information and communication function is specific to line managers in most organizations (Hansma, Elving, 2008). In order to have a common thinking and a common meaning in messages a permanent dialog is necessary between the managers and the employees (Grigorescu, Bob, 2011), because attitude towards work and the working place is created in a social context that needs sending information (Qian, Daniels, 2008). Through efficient managerial communication a common vision to all the members of the organization is developed, members that working together reach the common aims and became this way a part of the planning process (Salem, 2008). Efficient managerial communication's role is among others to exclude the contradictions in the message sent (Grigorescu, 2006) and to offer the organization's members the feeling of belonging and trust (Norman, Avolio, Luthans, 2010).

As for organizational communication is concerned it is important to mention the phenomenon that appears inside the organization set in a specific language with a collective meaning (Robichaud, Cooren, 2013) that extends communication from micro (individual) to macro, organization as a social phenomenon involved in local communication (Christensen, Cornelissen, 2011).

3. The research methodology

The quantitative research having as theme “The Manager's Role in Organizational Communication” presented in this article is a part of a larger research realized with the help of a survey.

The survey collectivity is represented by 286 managers in South Muntenia Region the observation unit is the organization, no matter of its domain.

The survey unit is set as the person, no matter of the sex or social-professional category.

The information gathering instrument used was the questionnaire that along with the identification data had also twelve questions related to communication features and the importance of communication abilities for managers inside the firms from the survey, being applied to leading and decision functions.

The aim of this research is the analysis of managerial communication aspects in order to highlight its role and importance in organizational communication.

The aims of the research

- the analysis of the managerial communication dimension;
- the analysis of the managerial communication aspects;
- highlighting the role of communication in the organizational communication management;
- highlighting the importance of managerial communication in the organizational communication

The research method used was the sociological investigation.

The investigation technique used for this study was the self applied questionnaire.

The research instruments - a structured questionnaire (with twelve questions), given to a number of 300 people, 286 questionnaires were validated.

Gathering data took place between 18th March and 20th May 2014.

The research hypothesis:

I – we suppose that managers know and respect the rules of efficient communication

II – we suppose that managers know the roles and importance of communication.

The structure of the target group

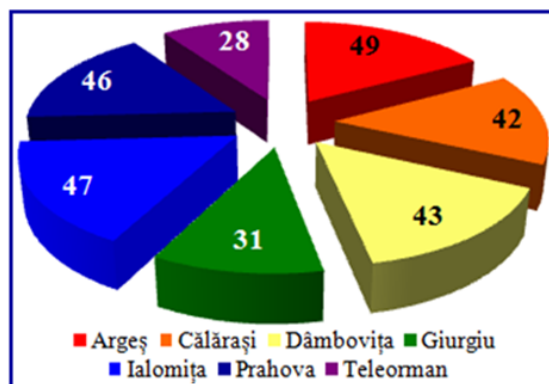
For the 286 responds that answered our questions we created four segment variables meaning county, the segment type and gender.

The research has covered all the counties in the South Muntenia Region: Argeş, Călăraşi, Dâmboviţa, Giurgiu, Ialomiţa, Prahova and Teleorman.

Table 1 - Variable county of study subjects

	Frequency	%
Argeş	49	17,1
Călăraşi	42	14,7
Dâmboviţa	43	15,0
Giurgiu	31	10,8
Ialomiţa	47	16,4
Prahova	46	16,1
Teleorman	28	9,8
Total	286	100

Chart 1 - Graphical representation of the variable county

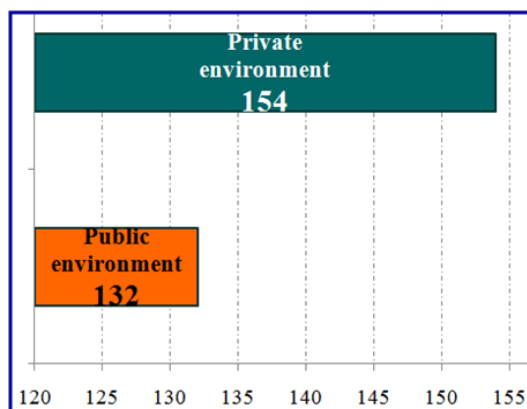


Regarding the segment type variable, according to the table below, it is relatively balanced from the respondents' point of view, the organizations being close in number to the ones of the state.

Table 2 - Variable type segment of the study subjects

	Frequency	%
Public environment	132	46,15
Private environment	154	53,85
Total	286	100

Chart 2 - Graphical representation of the variable segment



In the table and figure below we have an answer frequency regarding the gender variable of the people who wanted to answer the questions during our research.

We see different values, 22.73% of the respondents are females (65 respondents) and the rest of 77.27% are males, balance that reflects the real situation regarding women and management.

Table 3 - Variable gender of study subjects

	Frecvență	Procent
Feminine	65	22,73
Masculine	221	77,27
Total	286	100

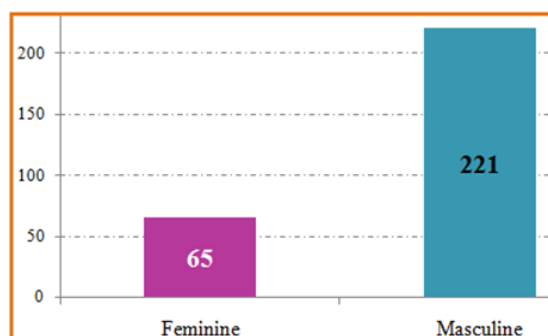


Figure 3 - Graphical representation of variable gender

Question 1 - How important is for you the information about the internal environment of your organization?

Efficient internal communication has to involve all the company employees regardless of the activity inside or outside the organization.

Our survey managers know this truth and 94.41% answered that for them, the information about the internal environment are important and very important.

The small number of the managers nor interested in the information about the internal environment, places them in the category of the unprofessional.

Table 4 - Answers Question 1

Answer	Note attributed	Absolute frequencies	Relative frequencies	%
Very important	4	178	0,622	62,24
Important	3	92	0,322	32,17
Little important	2	16	0,056	5,59
Non important	1	0	0,000	0,00
TOTAL		286	1	100

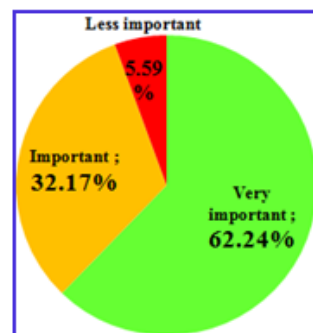


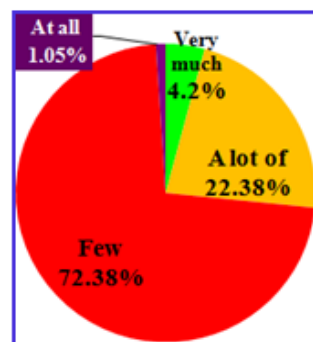
Chart 4 - Importance of information about the internal environment

Question 2 - How many of your subordinates come to took to you about the organizational problems?

It is specific to human nature to prefer direct communication this is true also in the organizational communication. The studies have showed that people consider interpersonal communication more important and more efficient that any other type of communication with a greater impact when the manager discusses directly with the employees rather than through a general message or intermediates.

Table 5 - Answers Question 2

Answer	Note attributed	Absolute frequencies	Relative frequencies	%
Very much	4	12	0,042	4,20
A lot of	3	64	0,224	22,38
Few	2	207	0,724	72,38
At all	1	3	0,010	1,05
TOTAL		286	1	100

**Chart 5 - Direct discussions of the subordinates with the manager**

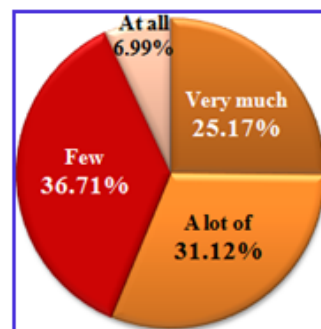
According to the received answers, 73.43% of the respondents have not direct discussions with the employees, only 4.2% of the managers relate directly with the employees.

Question 3 - Do you consider that the employees of your organization are proud to be part of it?

The feeling of belonging to the organization and the pride of being in a certain collectively, cancels one of the biggest problems of the organization-involving the employees in their work witch, actually means using at maxim mum the talent and the energy at work.

Table 6 - Answers Question 3

Answer	Note attributed	Absolute frequencies	Relative frequencies	%
Very much	4	72	0,252	25,18
A lot of	3	89	0,311	31,12
Few	2	105	0,367	36,71
At all	1	20	0,070	6,99
TOTAL		286	1	100

**Chart 6 - The feeling of belonging to the organization**

Respondents of our study are divided in two almost equal groups: 43.7% think that the employees of the organization are very little (36.71%) or not at all pleased by their belonging to the organization and 56.3% think that a lot (31.12%) and most (25.18%) employees are proud to be part of the organization.

Question 4 - What do you think of the audit in communication in your organization?

The audit is the process that measures and evaluates communication inside an organization trying to increase its efficiency through a complete analysis of internal and external communication and achieve a strategic communication plan than can help the organization reach its aim.

Table 7 - Answers Question 4

Answer	Note attributed	Absolute frequencies	Relative frequencies	%
Very useful	4	85	0,297	29,72
Useful	3	119	0,416	41,61
Little useful	2	76	0,266	26,57
Useless	1	6	0,021	2,10
TOTAL		286	1	100

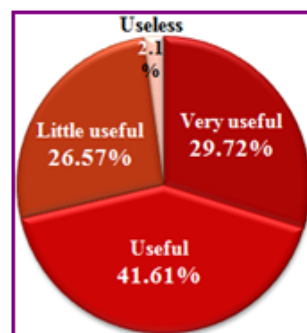


Chart 7 - Measuring and evaluating communication

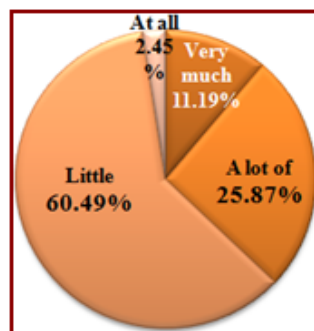
Approximately one third (28.67%) of the question managers think of communication audit as being less useful (26.57%) and even useless. A number of 71.33% of the managers know the value of the audit in communication, considering it useful (41.61%) and very useful (29.72%).

Question 5 – Do you consider the activity of the social media that your employees are involve in, to be useful for your organization?

Social media means new communications channels based on virtual environment (blogs, chat rooms, forums, social networks and other media), increasing the volume, speed and flux of communication, connecting people and stimulated discussions on mutual interest. Through social media you can disseminate information, involve public and can be very efficient in reaching company's aims. They can be also used to stimulate the employees' involvement and to gain relevant information and find out about the employee's perspectives and problems.

Table 8 - Answers Question 5

Answer	Note attributed	Absolute frequencies	Relative frequencies	%
Very much	4	32	0,112	11,19
A lot of	3	74	0,259	25,87
Little	2	173	0,605	60,49
At all	1	7	0,024	2,45
TOTAL		286	1	100

**Chart 8 – The importance of social media in communication**

The respondents do not know the value of the activities in a social media that the employees are involved in and think that this can serve the interest of the organization a little (60.49%) or at all (2.45%), only 11.19% of the managers highly appreciated is importance.

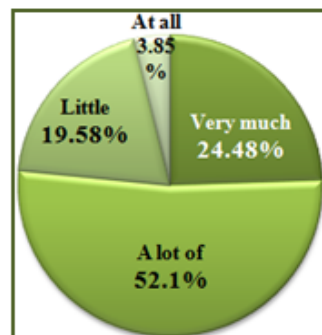
Question 6 – How much influence do you think communication has on productivity?

The quality of managerial communication influences the way in the way human resource is used and productivity at work.

More than two thirds of the question managers know the influence of communication on productivity appreciating that it influences productivity very much (24.47%), a lot (52.1%) and almost a quarter of the respondents thought of this influence as being little (19.58%) or nonexistent.

Table 9 - Answers Question 6

Answer	Note attributed	Absolute frequencies	Relative frequencies	%
Very much	4	70	0,245	24,47
A lot of	3	149	0,521	52,10
Little	2	56	0,196	19,58
At all	1	11	0,038	3,85
TOTAL		286	1	100

**Chart 9 – The influence of communication on productivity**

Question 7 – Do you consider that the information from the employees should be provided by the line managers?

Any group has an identical hierarchy in communication identical to the social one, and when we speak of organizations it is ideal that formal communication follows hierarchical line without jumping any step, this is permitted only in

informal communication where the information circulates in every sense and direction stepping over hierarchical levels. This item, refers to vertical communication that takes place from lower levels to the upper once from the subordinates to their hierarchical superiors and contain information that managers need in taking decisions.

Table 10 - Answers Question 7

Answer	Note attributed	Absolute frequencies	Relative frequencies	%
Very well	4	115	0,402	40,21
Well	3	93	0,325	32,52
Ok	2	54	0,189	18,88
Bad	1	24	0,084	8,39
TOTAL		286	1	100

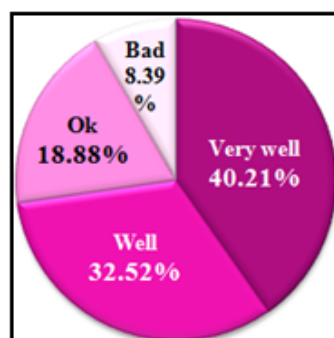


Chart 10 – Respecting the hierarchical line in communication

Managers in our study think that respecting the hierarchical line in communication is very good (40.21%) and good (32.52%). 27.27% are the managers that do not think the same.

Question 8– How important is to discuss with the employees the projects that aim major changing inside the organization?

When things do not work well changes needed inside in the organization. The best way to change things is to use honest communication especially affects negatively the employees.

Table 9 - Answers Question 8

Answer	Note attributed	Absolute frequencies	Relative frequencies	%
Very necessary	4	32	0,112	11,19
Necessary	3	86	0,301	30,07
Little necessary	2	93	0,325	32,52
Not necessary	1	75	0,262	26,22
TOTAL		286	1	100

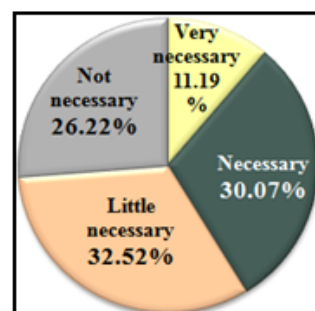


Chart 11 – Involving employees in the strategy of change

Our respondents think that involving employees in the strategy of change as being necessary (11.9%) and necessary (30.07%). More than half of the managers

(58.74%), think that involving employees in the strategy of change is a little necessary (32.52%) or not at all.

Question 9 – Do you think that motivating employees can be done by interpersonal communication?

Being the basis of the motivational process, communication makes possible the identification, knowing and correct use of different category of needs and stimuli in orienting employee's behaviour towards success and satisfaction.

Table 12 - Answers Question 9

Answer	Note attributed	Absolute frequencies	Relative frequencies	%
Very much	4	84	0,294	29,37
Much	3	159	0,556	55,59
Less	2	37	0,129	12,94
At all	1	6	0,021	2,10
TOTAL		286	1	100

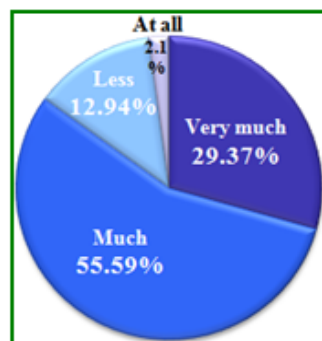


Chart 12 – Motivating through interpersonal communication

In a large number the question managers think that motivating employees can be done only through interpersonal communication, a lot (55.59%), very much (29.37%). A low percentage of the managers, 15.04% do not recognize the qualities of the interpersonal communication in motivating employees.

Question 10 – Do you think that relating the organization would the external environment is the main task in management?

In order to achieve the aims of the organization, most managers have to work and cooperate with other managers of other organizations (at superior, inferior and collateral levels). The communication process of a certain situation is directed through interpersonal influence towards reaching specific aims is what defines a leader (Tannenbaum et al., 2012).

Table 13 - Answers Question 10

Answer	Note attributed	Absolute frequencies	Relative frequencies	%
Very much	4	17	0,063	6,35
Much	3	103	0,384	38,43
Less	2	131	0,489	48,88
At all	1	17	0,063	6,34
TOTAL		286	1	100

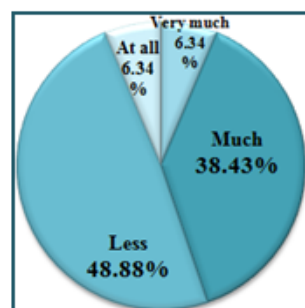


Chart 13 – Knowing the aspects of managerial communication

Our respondents' opinions are divided almost equally, 44.78% think that relating to external environment is part of their duties and 55.22% include this aspect in their duties a little (48.88%) or at all (6.34%).

Question 11 - In what measure integrated communication serves organizational interests?

Integrated communication gives a very important competitive advantage and maintains a strong organizational image and trademarks and maintains good relationships with the interested public and favours organizational communication.

Table 14 - Answers Question 11

Answer	Note attributed	Absolute frequencies	Relative frequencies	%
Very big	4	24	0,084	8,39
Big	3	86	0,301	30,07
Small	2	153	0,535	53,50
At all	1	23	0,080	8,04
TOTAL		286	1	100

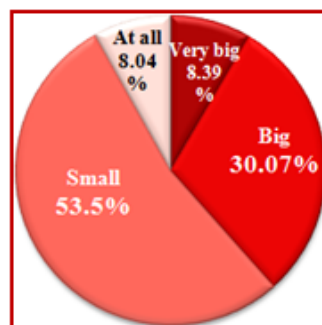


Chart 14 – Integrated communication for the organization

More than half (61.54%) of the questioned managers think that through integrated communication the organizational interests are served in a small degree (53.5%) or does not serve the organization. There is a percentage of 38.46% of the managers that recognize the value of the integrated communication in a large measure (30.07%) and in a great measure (8.39%).

Question 12 – How useful for your firm would be using a communication plan?

A well done and respected communication plan can give any organization great results because a communicative plan has some aims to be reached and sets the entire communication politic at a strategic level aiming long term goals.

Table 15 - Answers Question 12

Answer	Note attributed	Absolute frequencies	Relative frequencies	%
Very useful	4	38	0,133	13,29
Useful	3	46	0,161	16,08
Little useful	2	92	0,322	32,17
Useless	1	110	0,385	38,46
TOTAL		286	1	100

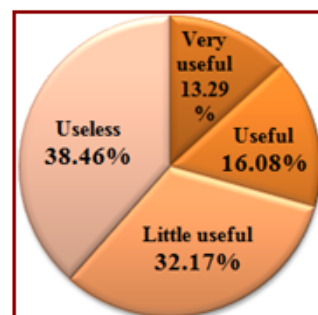


Chart 15 – The utility of a communication plan

Almost three quarters (70,63%) of the respondents think that communication plan is useless (38.46%), a little useful (32.17%). Only 13.29% of the managers know the importance of the communication plan considering it very useful and 16,08% think it's useful.

4. Conclusions

The study reached its objectives by analyzing the dimensions and aspects of managerial communication in order to highlight its role and importance in organizational communication. Regarding the hypothesis from the beginning of our research, based on the previous conclusions we can say that:

Hypothesis I: we suppose that managers know and respect the rules of efficient communication - *Confirmed*.

It would be ideal that formal communication follows the hierarchical line and almost three quarters of the respondents agree to it (Q.7). Organizational communication is strictly related to the internal public of the organization which proved to be one of the organizational best ambassadors and the managers of the research know that (Q.1). On the other hand, more than half of the responding managers do not understand that relating with the external environment is the top priority of management. (Q.10) and do not recognize the value of the social media of their employees, activities that can disseminate information and can involve interested public being very important in reaching company's aims(Q. 5)

Efficient communication leads to a certain coherence between activities and operational flux, and the performances raise and more than two thirds of the questioned managers know the influence of communication on working productivity. In what measuring and evaluating communication is concerned (Q.4) has to be a top priority for management and two thirds of the questioned managers agree but only one third admit the importance of the communication plan (Q.12) and that through integrated communication a great competitive advantage (Q.11).

All these mean changing the professional role from the simple information exchange towards the dialogue, eliminating this way the idea of control, listening carefully to the interlocutor, communicating honestly transforming managers into basic communicators.

Hypothesis II - we suppose that managers know the role and importance of communication. → *Invalidated*.

Customizing formal communication typically used by managers, is one way of achieving the involvement and commitment to the organization, more than half of the managers saying that employees are proud to be part of the organization (Q.3). Regarding the motivation of employees, the majority of managers believe that can be achieved through interpersonal communication (Q.9), but two-thirds of managers have direct discussions with employees (Q.2). If it's change strategy, more than half of the managers consider that it is necessary to discuss with employees, projects targeting major changes in the organization (Q.8).

These last three issues should be clearly communicated and honest from the start, avoiding rumors and generating respect and trust towards managers and they can take the ideas and suggestions of employees, ensuring constructive communication and improving the work climate.

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THE IMPORTANCE OF NEW COMMON ASSESSMENT FRAMEWORK 2013 IN PUBLIC ADMINISTRATION. DIFFERENCES BETWEEN CAF 2006 AND CAF 2013

Alexandra IANCU¹

Abstract

The CAF is a tool a total quality management (TQM) specifically designed for the development of TQM in public sector organizations, starting with a self assessment of their organizational performance, leading to an effective improvement plan that step by step brings the organization to the maturity level of Excellence. The CAF is based on the premise that excellent results in organizational performance, citizens/customers, people and society are achieved through leadership to drive strategy and planning, people, partnerships, resources and processes. The CAF is a product of the IPSG (the Innovative Public Services) working group embedded in the European Public Administration Network (EUPAN). EUPAN is an informal network of Directors-General responsible for Public Administrations in EU Member States and the European Commission. It is a platform for exchange of views, experiences and good practices to improve the performance, competitiveness and quality of European central public administrations. The CAF, as one of the most important products of the IPSG working group, has its own subgroup, the CAF Expert Group, which is supported by the European CAF Resource Centre. The CAF Expert Group is composed of the CAF national correspondents (the representatives of the countries), the European CAF Resource Centre and representatives of the European Foundation of Quality Management (EFQM). The CAF was revised for the third time, based on the feedback received from 400 CAF users. In September 2013, the CAF version was launched and is now the new standard. The paper presents the importance of Common Assessment Framework in public administration and the differences between CAF 2013 and CAF 2006 model. In final part of the paper is presented a study case about application CAF in local public administration authorities.

Keywords: *total quality management, public administration, Common Assessment Framework 2013.*

1. Introduction

The Common Assessment Framework (CAF) is a total quality management total tool developed by the public sector, inspired by the Excellence Model of the European Foundation for Quality Management (EFQM). It is based on the premise that excellent results in organisational performance, citizens/customers,

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people and society are achieved through leadership driving strategy and planning, people, partnerships, resources and processes.

The CAF is available in the public sector, is free of charge and is offered as an easy to use tool to assist public sector organisations across Europe in using quality management techniques to improve performance. Is applicable to public organisations at the national, local level.

The CAF's role is:

- To identify areas with poor self-assessment work for public organizations
- To propose concrete solutions to improve / streamline work in the above areas.

The CAF's goals is:

- To introduce quality management (cycle "PDCA") Plan – Do – Check - Act in public administration,
- To facilitate self-evaluation of public organizations to obtain a diagnosis and improvement actions;
- To bridge different models used in quality management;
- To facilitate bench learning between public sector organization.

The CAF objectives:

- Reducing costs of non quality,
- Streamline and optimize circuits,
- Senior management involvement,
- Motivating employees,
- Customer orientation,
- Promote continuous training, innovation and improvement,
- Optimizing resources and partnerships,
- Real social needs.

As a tool of Total Quality Management, CAF subscribes to the fundamental concepts of excellence as initially defined by EFQM, translates them to the public sector/ CAF context and aims to improve the performance of public organizations on the basis of these concepts.

Principles are:

Principle 1. Results orientation

Principle 2. Citizen/Customer focus

Principle 3. Leadership and constancy of purpose

Principle 4. Management by processes and facts

Principle 5. People development and involvement

Principle 6. Continuous learning, innovation and improvement

Principle 7. Partnership development

Principle 8. Social responsibility

The CAF is based on the premise that excellent results in organisational performance, citizens/customers, people and society are achieved through leadership driving strategy and planning, people, partnerships, resources and processes. Since its launch, nearly 3000 public sector organisations across and outside Europe have used the model, and the number of CAF users continues to grow.

2. The Structure of Caf and the Process

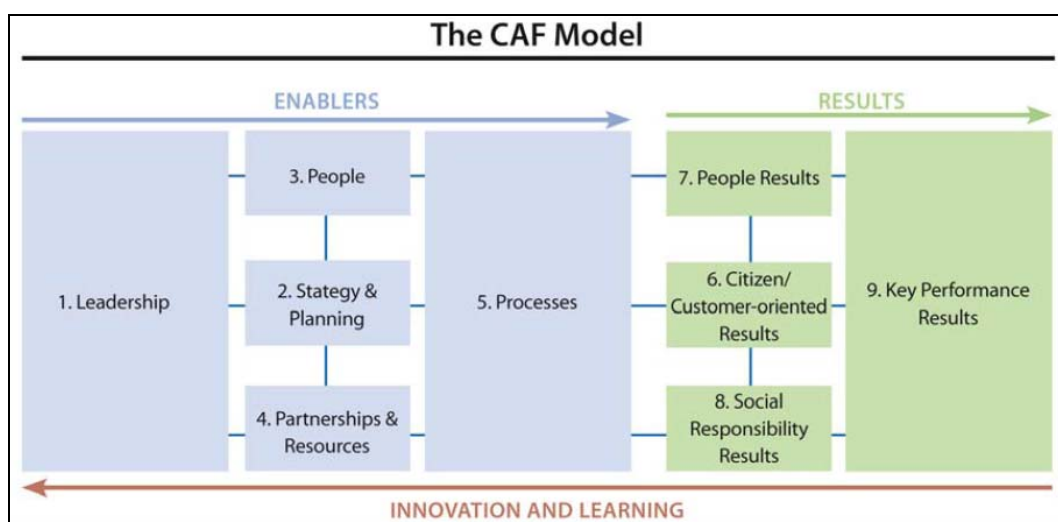


Fig. 1. The CAF Model

The nine-box structure identifies the main aspects requiring consideration in any organisational analysis.

Criteria 1-5 deal with the Enabler features of an organisation. These determine what the organisation does and how it approaches its tasks to achieve the desired results.

In the criteria 6-9, results achieved in the fields of citizens/ customers, people, society and key performance are measured by perception measurements and internal indicators are evaluated.

Each criterion is further broken down into a list of sub criteria. The 28 sub criteria identify the main issues that need to be considered when assessing an organisation.

CAF provides an assessment based on evidence, against a set of criteria which has become widely accepted across the public sector in Europe; opportunities to identify progress and outstanding levels of achievement; a means to achieve consistency of direction and consensus on what needs to be done to improve an organization, a link between the different results to be achieved and supportive practices or enablers, a means to create enthusiasm among employees by involving them in the improvement process, opportunities to promote and share good practice within different areas of an organisation and with other organizations, a means to integrate various quality initiatives into normal business operations, a means of measuring progress over time through periodic self-assessment.

Principles of excellence are: results orientation, citizen/customer focus, leadership and constancy of purpose, management by processes and facts, people development and involvement, continuous learning, innovation and improvement, partnership development, social responsibility. These principles of excellence are integrated into the structure of the CAF Model and the continuous improvement of the nine criteria will in time bring the organization to a high level of maturity.

CAF implementation phases and stages are:

Phase 1. The start of the CAF journey,

Phase 2. Self-assessment process,

Phase 3: Improvement plan/prioritisation.

Each phase includes several steps.

It is important to emphasise that the advice given here is based on the experience of the many organizations that have used CAF.

Phase 1 – The start of the CAF journey

Step 1 Decide how to organise and plan the self-assessment

- Assure a clear management decision in consultation with the organization,
- Define the scope and the approach of the self-assessment,
- Choose the scoring panel,
- Appoint a project leader.

Step 2 Communicate the self-assessment project

- Define and implement a communication plan,
- Stimulate involvement of the staff,
- Communicate during the different phases to all the stakeholders.

Phase 2 – Self-assessment process

Step 3 Compose one or more self-assessment groups

- Decide on the number of self assessment groups,
- Create a self assessment group that is relevant for the whole organisation in all its aspects, respecting a set of criteria,
- Choose the chair of the group (s),
- Decide if the manager should be part of the self assessment group.

Step 4 Organise training

- Organise information and training of the management team,
- Organise information and training of the self-assessment group,
- The project leader provides a list with all relevant documents,
- Define the key stakeholders, the products and services that are delivered and the key processes.

Step 5 Undertake the self-assessment

- Undertake individual assessment
- Undertake consensus in group
- Score

Step 6 Draw up a report describing the results of self-assessment

Phase 3 – Improvement plan/ prioritisation.

Step 7 Draft an improvement plan, based on the accepted self-assessment report

- Prioritize improvement actions,
- Differentiate the actions within realistic time scales,
- Integrate the action plan in the normal strategic planning process.

Step 8 Communicate the improvement plan

Step 9 Implement the improvement plan

- Define a consistent approach of monitoring and assessing the improvement actions, based on the Plan-Do-Check-Act cycle,
- Appoint a responsible person for each action,
- Implement the appropriate management tools on a permanent basis.

Step 10 Plan next self-assessment

- Evaluate the improvement actions by a new self-assessment.

After this process of applying the CAF and launching improvement actions, CAF users can apply the CAF External Feedback Procedure. Most quality

management tools have recognition schemes to evaluate assessments that have taken place in an organisation. Up until 2010, the CAF did not have such a system. Within the CAF expert group a number of volunteers – Belgium, Denmark, Italy, Slovenia, EFQM and the EIPA CAF Resource Centre – crossed the Rubicon and paved the road for the implementation of CAF External Feedback.

In relation to the nature of the needs and the kind of demands expressed by many CAF users in different Member States, the CAF External Feedback aims to achieve the following objectives:

1. Support the quality of the CAF implementation and its impact on the organisation.
2. Find out if the organisation is installing TQM values as the result of the CAF application.
3. Support and renew enthusiasm in the organisation for continuous improvement.
4. Promote peer review and bench learning.
5. Reward organisations that have started the journey towards continuous improvement to achieve excellence in an effective way, without judging their obtained level of excellence.
6. Facilitate the participation of CAF users in the EFQM Levels of Excellence.

At the same time, the CAF community grew from 288 registered CAF users in the CAF database in 2005, 2066 users in 2010, to 2382 registered organisations today. The CAF, the total quality model for the public sector that was born and raised in Europe, has grown beyond European borders.

CAF is integrated in the culture of the public sector as a quality management tool, using a common language and realising improvement towards all stakeholders: citizen/customers, people, political authority and society. CAF is a sustainable and trusted model for public management, embraced by top management and widely implemented by public organisations in Europe with self-assessment on a regular basis.

CAF helps organisations with the implementation of various good practices such as:

- the introduction of the PDCA cycle in the management of organisations;
- raising awareness for the identification of stakeholders;

- implementing management by objectives based on evidence-oriented results and stakeholders' expectations;
- improving communication in all directions, both top-down and bottom-up;
- bench learning;
- raising awareness of the importance of organisational values and developing a code of conduct;
- and installing more transparency, more accountability and more empowerment.

3. Difference Between CAF 2006 and CAF 2013

What's new in the CAF 2013?

Users of previous CAF versions will not find it too difficult to find their way around the 2013 version. The model is still composed of 9 criteria and 28 subcriteria, but some have been reformulated. A table in attachment compares the structure of the CAF 2006 and CAF 2013 models. The major changes are to be found in criterion 5, where two sub-criteria have been merged and a new one has been created. All the examples have been reviewed and adapted to the changes in the structure. The glossary has been updated accordingly. The 8 Principles of Excellence for the public sector are now clearly defined and the maturity levels worked out in the context of the Procedure on External Feedback. Using the CAF Model is a learning process for each organisation. However, the lessons learned over several years of implementation can profit every new user. A 10-step implementation plan was therefore developed to help organisations use it in the most efficient and effective way, reflecting the advice of the CAF national experts.

Whilst the discovery of strengths and areas for improvement and the linked improvement actions are the most important outputs of the self assessment, the scoring system developed in CAF has a specific function but should not be the main focus.

In the new CAF 2013 each sub criterion is describe. In CAF 2006 each sub criterion is not describe, is mention only examples.

CAF 2013	CAF 2006
<i>Criterion 1 Leadership</i>	<i>Criterion 1 Leadership</i>
Sub criterion 1.2 Manage the organization, its performance and its continuous improvement	Sub criterion 1.2 Develop and implement a system for the management of organisation, performance and change.
Sub criterion 1.4 Manage effective relations with political authorities and other stakeholders	Sub criterion 1.4 Manage the relations with politicians and other stakeholders in order to ensure shared responsibility
<i>Criterion 2 Strategy and Planning</i>	<i>Criterion 2 Strategy and Planning</i>
Sub-criterion 2.1 Gather information on the present and future needs of stakeholders as well as relevant management information ²	Sub-criterion 2.1 Gather information relating to the present and future needs of stakeholders.
Sub-criterion 2.2 Develop strategy and planning, taking into account the gathered information ³	Sub-criterion 2.2 Develop, review and update strategy and planning taking into account the needs of stakeholders and available resources
Sub-criterion 2.3 Communicate and implement strategy and planning in the whole organisation and review it on regular base. ⁴	Sub-criterion 2.3 Implement strategy and planning in the whole organisation
Sub-criterion 2.4 Plan, implement and review innovation and change	Sub-criterion 2.4 Plan, implement and review modernisation and innovation

² The PDCA (PLAN, DO, CHECK, ACT) cycle plays an important role in developing and implementing strategy and planning in a public organisation. It starts by gathering reliable information on the present and future needs of all relevant stakeholders, on outputs and outcomes and developments in the external environment. This information is indispensable to support the strategic and operational planning process. It is also fundamental to steer planned improvements in organizational performance.

³ Developing the strategy means defining strategic objectives for the public organization in line with the public policies, the needs of the relevant stakeholders and the vision of the leaders, including the available management information as well as information on developments in the external environment. Strategic priorities and decisions taken by the top management should ensure clear objectives on outputs and outcomes and the means to achieve them. The social responsibility of public sector organisations should be reflected in their strategy.

⁴ The capacity of the organisation to deploy its strategy depends on the quality of the plans and programmes detailing the targets and results expected from each organisational level as well as from the employees. Relevant stakeholders and employees at the different organisational levels should thus be well informed of the goals and targets related to them to guarantee an effective and uniform implementation of the strategy. The organisation has to deploy the strategy at each level of the organisation. The management should ensure that the right processes, project and programme management, and organizational structures are put into place to ensure an effective and timely implementation.

<i>Criterion 4 Partnership and resources</i>	<i>Criterion 4 Partnership and resources</i>
Sub-criterion 4.1 Develop and manage partnerships with relevant organisations ⁵	Sub-criterion 4.1 Develop and implement key partnership relations
<i>Criteria 5 Processes</i>	<i>Criteria 5 Processes</i>
Sub-criterion 5.1 Identify, design, manage and innovate processes on an ongoing basis, involving the stakeholders	Sub-criterion 5.1 Identify, design, manage and improve processes on an ongoing basis
Sub-criterion 5.3 Coordinate processes across the organisation and with other relevant organisations ⁶	Sub-criterion 5.3 Innovate processes involving citizens/customers
<i>Criteria 6 Citizen/Customer –oriented results</i>	<i>Criteria 6 Citizen/Customer –oriented results</i>
Sub-criterion 6.1 Perception measurements ⁷	Sub-criterion 6.1 Results of citizen/customer satisfaction measurements
Sub-criteria 6.2 Performance measurements	Sub-criteria 6.2 Indicators of citizen/customer-oriented measurements
<i>Criteria 7 People results</i>	<i>Criteria 7 People results</i>
Sub-criterion 7.1 Perception measurements ⁸	Sub-criterion 7.1 Results of people satisfaction and motivation measurements
Sub-criterion 7.2 Performance measurements ⁹	Sub-criterion 7.1 Indicators of people results

⁵ In our constantly changing society of growing complexity, public organisations are required to manage relations with other organizations in order to realise their strategic objectives. These can be private, non-governmental and public partners. Organisations should thus define who their relevant partners are.

⁶ This sub-criterion assesses how well the processes are coordinated within the organisation and with the processes of other organisations functioning within the same service chain. The effectiveness of public organisations often largely depends on the way they collaborate with the other public organisations, with whom they form a kind of a service delivery chain, oriented to a common outcome. Cross-functional processes are common in public administration. It is vital to successfully integrate the management of such processes, since the effectiveness and efficiency of processes greatly depend on that integration.

⁷ The direct measurement of the satisfaction or perception of the citizens and customers is of essential importance. Measuring the perception of citizens and customers means directly asking them and getting direct feedback and information on different aspects of the organisation's performance. Following the principle of evidence-based management, it is not the organisation making assumptions on the satisfaction level; instead, direct information from the customer/citizen themselves provides the objective information.

⁸ The sub-criterion assesses whether people perceive the organisation as an attractive workplace and whether they are motivated in their everyday work to do their best for the organisation. It is important for all public sector organisations to systematically measure people's perception of the organisation and the products and services the organization provides.

<i>Criteria 8 Social Responsibility Results</i>	<i>Criteria 8 Social Responsibility Results</i>
Sub-criterion 8.1 Perception measurements ¹⁰	Sub-criterion 8.1 Results of societal measurements perceived by the stakeholders
Sub-criterion 8.2 Performance measurements ¹¹	Sub-criterion 8.2 Indicators of societal performance established by the organisation
<i>Criteria 9 – Performance Results</i>	<i>Criteria 9 – Performance Results</i>
Sub-criterion 9.1 External results: outputs and outcomes to goals ¹²	Sub-criterion 9.1 External results: outputs and outcomes to goals
Sub-criterion 9.2 Internal results: level of efficiency ¹³	Sub-criterion 9.2 Internal results

4. Conclusions

As a Total Quality Management (TQM) tool, the CAF model subscribes to the principles of excellence as initially defined by the EFQM, but deepened further for the public sector by the European CAF network: results orientation, citizen/customer focus, leadership and constancy of purpose, management by

⁹ Performance measurements are comprised of internal people-related performance indicators that enable the organisation to measure the results achieved regarding people's overall behaviour, their performance, the development of skills, their motivation and their level of involvement in the organisation.

¹⁰ Perception measurements focus on the perception of the community of the performance of the organisation on a local, national or international level. This perception can be obtained through different sources, including surveys, reports, public press meetings, NGOs, CSOs (civic service organisations), direct feedback from stakeholders and the neighbourhood, etc. The perception gives an indication of the effectiveness of the social and environmental strategies.

¹¹ Performance measurements focus on the measures used by the organisation to monitor, understand, predict and improve the performance regarding its social responsibility.

¹² The external results are the measures of the effectiveness of the organisation's strategy in terms of the capacity to satisfy the expectations of the external stakeholders, in line with the organisation's mission and vision. Any public sector organisation should assess to what extent its key activity goals are achieved, as defined in the strategic plan in terms of outputs – services and products – and outcomes – impact of the organisation's core activities on external stakeholders and on society, in order to be able to improve its performance in an effective way.

¹³ The internal results are related to the efficiency, the effectiveness of internal processes and the economy measures of the functioning of the organisation. They consider its process management (e.g. productivity, cost effectiveness or defectiveness), financial performance (effective use of financial resources, conformity with the budget), the effective use of resources (partnerships, information, technology, etc.), the capacity to involve the stakeholders in the organisation, and the results of the internal inspections and audits.

processes and facts, people development and involvement, continuous learning, innovation and improvement, partnership development and social responsibility. The contribution of employees should be maximized through their development and involvement and the creation of a working environment of shared values and a culture of trust, openness, empowerment and recognition.’ So a strong involvement of the staff in the self-assessment of the organisation, but even more so, their involvement in the different aspects of the functioning of the organisation as described in the CAF model is a key success factor for an excellent organization. In present, are 3711 registered users in 52 countries and the European institutions.

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SUSTAINABILITY REPORTING AS A PUBLIC POLICY INSTRUMENT IN THE FIELD OF SOCIAL RESPONSIBILITY

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Abstract

Given the wide discussions about why Governments should be interested in Social Responsibility policies, literature offers a range of answers and arguments. The most important ones deal with the fact that business efforts can help to meet policy objective on a voluntary basis, social responsibility policies are a attractive complement for hard-law regulation in cases where new regulations are politically not desirable or infeasible, and finally the concept obviously reshapes not only management routines but also the roles of, and relations between businesses, governments and civil society.

This article aims at not arguing whether or not governments should address SR, but rather the way in which this effort could be done using instruments and themes of SR policies. These instruments are the somewhat standard one of “sermons, carrots and sticks” (informational, economical and legal instruments) but also two hybrid ones “ties and adhesive” (partnering and adding hybrid instrument), that literature talks about in the case of SR.

The sustainability report is a hybrid type of policy instrument that the public administration can use ad timidly does. The paper focuses on this particular aspect and the benefits it can bring.

Keywords *Policy instrument, policy theme, Social Responsibility, Sustainability reporting*

1. Introduction

Proposing a social responsibility (SR) approach for the public administration may seem surprising if we consider that this concept has been developed and proliferated in the private sector to offset the negative impact of the activities. Rethinking social responsibility in terms of added value to support sustainable development brings into question the integrated and coordinated involvement of all sectors.

Moreover, the financial crisis and globalisation puts pressure on the public sector prior unknown to it. Tightening the allocation of governmental funds to the public administration brings the pressure of limited resources and the need for

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profit, open markets and the need for investments brings the pressure of competition, globalisation and the adherence to new European or international governance structures brings the pressure to comply and conform. The needs to make profit, face competition and comply were for the weberian, bureaucratic administration foreign concepts, which did not apply to it. However, new realities bring closer the sectors, to the point where the exchange of best practices becomes a matter-of-course.

For this reason the New Public Management and even more recent reform alternatives (New Governance and New Weberian State) can be used as working paradigm for the present scientific course, proposing a „private” approach for the public problems, arguing that pressure brings performance and the private sector is a performing one, familiar with and fundamentally moulded by pressure.

Beyond what theoretical models bring as solutions for the public sector, we speak about an evolution of its nature and the way it relates in the triad of sector: private (business), public (state), non profit (civil society), mainly due to the re-launching and empowerment of the last one.

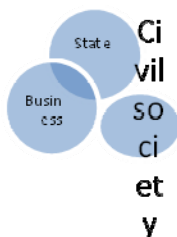
The sector form an important triangular relationship, each with a special mechanism that coordinates and fulfil their role in society, In general, the state is responsible for creating and maintaining laws (control), business creates wealth through competition and cooperation (market mechanism) and civil society structures and shapes society through collective action and participation.

Both the market and control mechanism have demonstrated disadvantages in the organisation of the social behaviour. Since civil society has gained more importance, both business and government must respond to collective action (Zwart in Marrewijk, 2003).

In the past, the circumstances allowed discussion on three defined roles and responsibilities for each of the actors, each relatively independent of each other, with an almost negligible impact on civil society. As the complexity increased, the private and the public sectors have become dependent on one another and since their coordination mechanisms were not able to adequately arrange the contemporary social issues; the importance of civil society has increased. Different civil society representatives started talking about “new values” and new approaches that both businesses and governments could no longer ignore.

Businesses could no longer ignore the issues raised by civil society and the state could no longer be immutable and rigid. Thus, common assumed values play

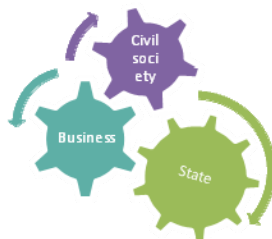
an important role in shaping society. Traditionally, the elites who administer the state dictated values, and then came the turn of business to dictate the value system. Adjacent to these processes, civil society has introduced its common values and forced both government and businesses to meet them.



Source: Marrewijk, 2003:100

Figure no. 1. State, Business and Civil Society, in the past

By accepting this new position and the reshaping of their own sphere of action, the private and the public sectors have developed new values, strategies, policies, new institutional arrangements that can sustain the operating areas previously forgotten, redefining roles and relationships of one with each other.



Source: the author

Figure no. 2. State, Business and Civil Society, in the present

2. Social Responsibility in the Public Sector

When it comes about SR benefits for a company, very often scholars refer to the businesses case. This can be defined as ‘a step, a project or an initiative investments, that promises a significant return to justify the expenses’ (Kurucz et al., 2008:84) and regarding the SR ‘a company can do good by making good: by means, it can be more performing in financial domain, by participating not only to

the basic financial activities, but also to its responsibilities to create a better society' (Kurucz et al., 2008: 84).

The original concept of corporate social responsibility has been relevantly changed in the recent years. In the first instance the „social” in corporate social responsibility (CSR) created a division among supporters and critics of the inclusion of social or environmental concerns in the business of a corporation. The two sides were formed as follows: supporters of a critical ideology towards corporations and traditional economists. The first support an extended state control over private companies and thus perceive CSR as an opportunity to transfer the responsibility of many urgent problems of the world, such as poverty, injustice and environmental degradation, in the area of corporate concerns. But as traditional economists reject the idea of „social” as a matter of principle, they criticize strict regulation, public intervention, and the welfare state and refer to the liberty of companies as a foundation of free societies, with focus on CSR

Kurucz identifies 4 main general types of cases in which the business environment applies SR, which can be extrapolated for the public sector:

- costs' and risks' reduction: the public sector can reduce its costs and risks related to the loss of specialized personnel, the attraction of investors;
- competitive advantage: the public sector can obtain advantages similar to the ones in the private sector, with a competitive edge that economies worldwide strongly emphasize;
- reputation and legitimacy: even if we cannot mention the lack of legitimacy, the need of reputation increase is significantly, by taking into account the negative image of the public sector in the area;
- creating synergetic value – it can diminish on medium term to long term the influence of stakeholders, especially the ones outside the civil society sphere.

3. Public Policy in the Field of Social Responsibility

Public policies on SR are a diverse field with respect to both the themes addressed and the policy instruments employed. As Steurer (2009, 2010, 2011) shows, the numerous governmental SR initiatives form a cross-sectoral yet coherent policy field because (i) they are all characterised by the governance principles of voluntariness and collaboration, (ii) the policy instruments are consequently soft-law in character, and, (iii), they all share the purpose of fostering SR and sustainable development complementarily to traditional hard

regulations. This section briefly summarizes the policy instruments and the themes that constitute public policies on SR.

3.1. Social Responsibility Policy Instruments (Steurer, 2009, 2010, 2011)

According to Howlett and Ramesh (1993, p. 4), “Policy instruments are tools of governance. They represent the relatively limited number of means or methods by which governments affect their policies”. Traditionally, governments have employed the following three types of policy instruments (Howlett & Ramesh 1993; Bemelmans-Videc et al. 1997; Jordan et al. 2003):

a. Informational instruments (or “sermons”, metaphorically speaking) are based on the resource of knowledge. Their rationale is (moral) persuasion. As they are usually restricted to highlighting options and the possible consequences, they imply thereby no constraints. Examples are campaigns, trainings, or websites.

b. Economic instruments (or “carrots”) are based on the resources of the taxing authority and money. Their rationale is to influence behavior with financial incentives and market forces. Examples are taxes, tax abatements, subsidies, and awards.

c. Legal instruments (or “sticks”) prescribe the desired choices and actions by making use of the state’s legislative, executive, and judicial powers. The underlying rationales are hierarchy and authority. Examples are laws, directives, and regulations.

All three types of these instruments can also be found in the context of SR policies, but the following two deviations are obvious. First, the economic and legal instruments assume uniquely soft characteristics. If legal SR instruments have a mandating character that goes beyond recommendations, they are either not universally binding (businesses, for example, do not have to obey label regulations if they do not want to apply them), or enforcement is non-existent or weak. If economic instruments are employed in the context of SR, they are not concerned with taxes that are statutory for all, but rather with tax breaks and subsidies. The second deviation is that the tripartite instrument set has to be expanded by two additional instrument types, i.e. partnering and hybrid ones:

Partnering instruments (or “ties”) build on a co-regulatory networking rationale, assuming that different actors are interested in working together towards shared objectives, for example because they can exchange complementary

resources and avoid conventional regulations. Due to the voluntary character of SR, one would assume that SR policies make extensive use of stakeholder forums, negotiated agreements, and public-private partnerships (Fox et al. 2002).

Adding hybrid instruments (or “adhesives”) as a fifth type is necessary because numerous government initiatives on SR either combine or orchestrate two or several other instruments as mentioned above. Among the most significant hybrid SR initiatives are, for example, SR platforms, centers, and strategies.

Metaphorically speaking, governments engage in SR with sermons, sticks (or rather soft rods), carrots, ties that hold different actors together and adhesives that hold different instruments together. The five policy instruments are employed in four themes.

3.2. Social Responsibility Policy Themes

Based on Steurer (2009), SR policies can be differentiated in four themes:

1) Raise awareness and build capacities for SR: Due to the voluntary character of SR, management activities and corporate performances essentially depend on how social and environmental concerns are perceived among both companies and stakeholders. Thus, an important activity for governments is to raise awareness for SR and to build the respective capacities among both groups.

2) Improve disclosure and transparency: Reliable information on the economic, social, and environmental corporate performances is a prerequisite for investors, regulators, employees, suppliers, and customers (including public procurers) so that they can favor those who take SR seriously. Governments can play a key role in improving the quality and dissemination of the respective SR reports.

3) Facilitate socially responsible investment (SRI): By considering the economic, social, environmental, and/or other ethical criteria in investment decisions, SRI merges the concerns of a broad variety of stakeholders with shareholder interests. Fostering SRI helps to embed SR in the functioning of shareholder capitalism.

4) Leading by example (or “walk the talk”) regarding socially responsible practices can foster SR. This applies, in particular, to

- Making public procurement more sustainable;
- Applying SRI principles to government funds (including public pension funds);

- Adopting SR management systems (such as EMAS) and audits in public institutions, and by
- Reporting on the social and environmental performance of government bodies.

These four SR policy themes provide an exhaustive picture in time that will, however, be subject to change as the policy field develops further (for an overview of the typology, see Steurer 2009).

Table 1: Themes and instrument of SR policies

		Themes			
		1. Raise awareness and build capacities for CSR	2. Improve disclosure and transparency	3. Foster Socially Responsible Investment (SRI)	4. Lead by example, e.g. in <ul style="list-style-type: none"> ○ Public procurement; ○ Applying SRI; ○ Applying (C)SR management tools
Instruments	a) Legal	○ Legal/constitutional acts that indicate commitments to SD and/or CSR	○ Laws on CSR reporting ○ Disclosure laws for pension funds	○ Laws prohibiting certain investments ○ Laws on SRI in pension funds	○ Laws enabling SPP/GPP ○ Laws on SRI in government funds
	b) Economic	○ Subsidies/grants/export credits related to CSR activities ○ Tax breaks for corporate charity or payroll giving to CSOs	○ Awards for CSR reports	○ Tax incentives for savers and investors ○ Subsidies	[Indirectly, most initiatives in this column aim to provide economic incentives for CSR]
	c) Informational	○ Research and educational activities (including conferences, seminars, and trainings) ○ Information resources (brochures, websites, and study reports) ○ Guidelines and codes of conduct ○ Campaigns	○ Guidelines on CSR reporting ○ Information on CSR reporting	○ Information on SRI (brochures and websites) ○ SRI guidelines and standards	○ Provide information on SRI, SPP, etc. to government agencies (guidelines, brochures, and websites) ○ Publish reports on the Social Responsibility of government bodies
	d) Partnering	○ Networks and partnerships (strategic or charitable) ○ Voluntary/negotiated agreements	○ CSR contact points ○ Multi-stakeholder forums (e.g. GRI)	○ Networks and partnerships on SRI	○ Network of public procurers
	e) Hybrid	○ Centres, platforms, contact points and programmes for CSR (informational & partnering) ○ Multi-stakeholder initiatives, including the (co-)development of management or reporting tools (EMAS, ISO26000, and GRI) (informational, partnering, and/or economic) ○ CSR awards and 'naming-and-shaming' with blacklists (informational and economic) ○ Co-ordination of CSR policies, e.g. with government strategies and action plans	○ Product or company labels (informational & economic)	○ Pension funds applying and promoting SRI (partnering, informational, and economic)	○ Action plans on SPP/GPP ○ Action plans on SR in government (all instruments)

Source: Steurer: 2009, 2010, 2011

3.3. Sustainability Reporting

A sustainability report allows companies and organizations to report information on sustainability and all necessary measures in the environmental and community field that the organization implemented, in a very similar way to financial reporting.

For public sector organizations, the sustainability report should be understood as the result of a process by which the organization analyzes the decisions, activities and resources over a defined period of time so as to enable citizens and other relevant stakeholders to know and understand the mission and vision of the organization and how to fulfil its role. Specifically this result takes the form of a sustainability report, a document whose development should remain voluntary in principle. The purpose of this document is to provide a clear and understandable

image to all those interested in the organization's work on the consistency of objectives, strategic vision, outcomes and impact that the public organization has had.

We propose the use of sustainability reporting in the public organizations to facilitate access to information, to facilitate the strategic planning processes, to direct its efforts toward sustainable development, to demonstrate social responsibility of the organization and to facilitate control mechanisms. , a sustainability report should provide a balanced and reasonable representation of the sustainability performance of the organization, including positive and negative aspects of the economic, environmental and social impact. Sustainability reports based on the GRI reporting framework results obtained in the reporting period, taking into account the commitments, strategy and organizational management.

In 2005, GRI published a pilot version of the supplement for public sector, based on the version of the Guide G2 (the latest version was launched in 2013; GRI G4 Guidelines are in the test phase, but for wide using G3 is recommended). This document provides guidance on key aspects of sustainability reporting that are relevant to public organizations.

The GRI Supplement identified three different types of information that public sector organizations can report, namely:

- General information on the environment or society as a whole, which could be included in an annual report.
- Information about public policies and measures to implement those policies related to sustainable development.
- Information for organizational performance reporting that can be reported by using performance indicators (relevant for the role the organization has as employees and consumers).

3.4. The Italian Case

Choosing an example for sustainability reporting from Italy is based on the long experience that the state has in the field and the recognition it gives to the role sustainability reporting has for the activity of an organization.

Using the Global Reporting Initiative database the case of Milano Serravalle - Milano Tangenziale was chosen, which in 2012 released its sustainability report for the period 2005 to 2011, as a summary of the annual reports and focus on topics which revealed that important in this period. The organization closed the using of G3 sustainability reporting and is waiting the publication in the final version of the G4 to continue the approach.

Milano Serravalle-Milano Tangenziale SpA is a public organisation established in Assago (Milan area) and manages the maintenance and safety for 187.6 km of road infrastructure throughput of about 509,974 vehicles daily. The organization had 713 employees at the end of 2011, which were active in the headquarters and in the field offices.

Established in 1951, the organization is managed and coordinated by Provincia di Milano, and is geared towards securing infrastructure and its efficiency, contributing together with other relevant organizations to restructure a system of regional and metropolitan infrastructure already been surpassed by the increased demand for mobility.

The main shareholder of Milano Serravalle-Milano SpA is Provincia di Milano Tangenziale by Aqua's Director of Development Securities (52.9%), followed by the City of Milan by 18.6%.

The 2005-2011 report meets the materiality, stakeholder involvement and completeness requirements. Reported information is derived mainly from the activity report, the internal communications, Charter Services and internal rules. In developing and updating information for indicators contributions were made by all directions in the organization through specialized reference. Data was collected in tables and charts, so it allows the comparison of the indicator. Data were collected either by direct measurement or by using estimates or calculations, always considering the use of the latest information.

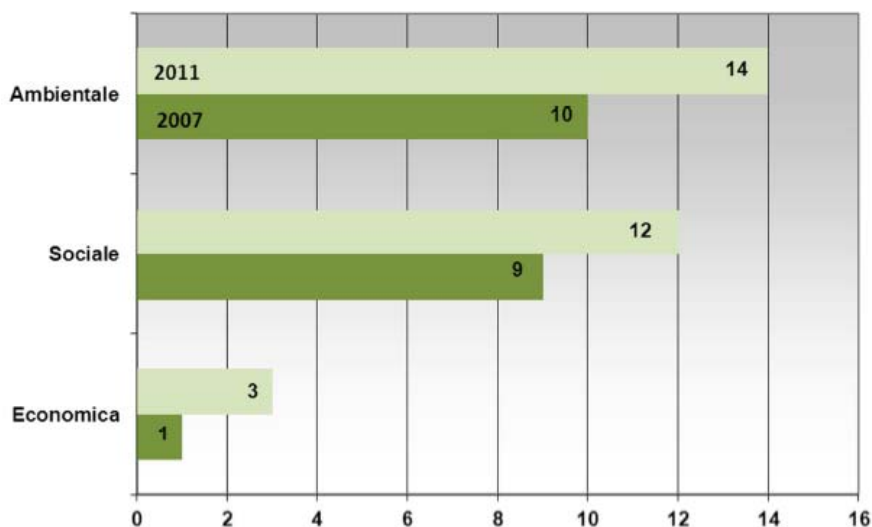
In drafting the report the principles of quality were followed as set GRI G3. The report has undergone verification and certification of GRI and received the B.

As to the actual content of the report, there is an increase of the indicators reported. Compared to 2007 when there were included in the 10 environmental indicators, nine social indicators and a single economic indicator, in 2011 they reached 14 environmental indicators, 12 indicators of social and 3 economic indicators (figure no. 3).

To achieve the aspirations of social responsibility, the organization invests in human capital promoting actions and initiatives aimed at improving working conditions and professional development of employees, conventions and agreements concluded with other operators working in neighbouring areas for discounts and benefits for employees, health insurance and free annually flu vaccination.

For its customers, the organization is constantly working to improve traffic to ensure high safety standards (dry asphalt, lighting in critical points, limited

waiting time) with regards to environmental dimensions (using LED lighting, energy efficient appliances and solar power in terms of energy).



Source: Milano Serravalle-Milano Tangenziale SpA., 2012

Figure no.3. Number of indicator reported 2007-2011

For the comfort of local communities in which it operates, the organization is concerned with noise reduction and making crossings and under crossing, ecological fragmentation. The organisation also supports associations in the areas where it operates, maintains social solidarity projects and initiatives, support staff adhering to beneficial initiatives and promotes the education of children for a safer traffic.

4. Conclusions

Compared with the private sector, sustainability report in the public sector finds reason therefore in other aspects. First we talk of another paramount reason, if for the private sector is the question of profit, for the public sector organizations this translates into social benefits, welfare, goods and services for citizens. We can talk about a bigger pressure placed upon public bodies if we consider the fact that from public organizations there are growing expectations in regards to sustainability reporting: the private sector must demonstrate practical involvement

and response to community issues, while public organizations must consider strategic involvement, political pressure and public confidence issues.

Talking about a changing society in which citizens' expectations are increasing, the public sector's role is more closely considered and related to the sustainable development, for which transparency is a public value of assessment and appraisal; the international pressure manifests stronger than in the past and these require an integrated approach.

For these reasons, public sector sustainability reporting is a long-awaited goal that developed countries around the world have understood it as a way to promote the management of the relationship with the community and the citizens.

Adopting a policy of social responsibility is a voluntary process of self-regulation for organizations, applicable even for organizations which by their nature are less flexible to change as are the public sector organizations.

From the multitude of instruments considered GRI reporting scheme was chosen precisely for these issues, taking in consideration the comprehensive scheme which it promotes. Public sector organizations around the world use GRI and publish annual sustainability reports, involved in sustainable development and communicating progress.

Considering that to achieve a sustainability report involves cost and effort (data collection, data analysis and synthesis of the final document, the actual development, publication, and certification) is useful to illustrate the benefits that sustainability reporting brings to an organization. Of course we speak of intangible benefits that are difficult to quantify. Although intangible / non-monetary benefits of conducting and publishing a sustainability report are many, as the Italian case demonstrates, in the first instance, we can classify considering the stakeholders to which they refer (internal benefits, external benefits), or taking into account the benefits arising from the implementation phases.

The quality of the reporting instruments provides a collection of information that previously could be overlooked, so gathering the information for a sustainability report amplifies the heritage decision makers have available in decision making process. Availability of this information, in terms of economic, social and environmental, is a valid support in public sector management, useful for understanding decisions and the stakeholder that affect them.

The sustainability report as a result of a social responsibility policy is, among others, a useful communication instrument, with which one can work to develop relationships with stakeholders of the organization. The extensive communication

of the organisational performances continue the process of communication with stakeholders started in the early stages of implementation, so that the process of improving the relationship with stakeholders to be supported by presenting a result of the consultation (the report). Moreover, in this way starts a gradual development of a relationship based on trust and consensus.

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BEING ETHICAL IN THE BUSINESS ARENA. THE CASE OF BUSINESS CONSULTING MANAGERS

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Abstract

Recent decades have strongly imposed in the public consciousness the importance of considering the ethical dimension in organizations. Codes of ethics, ethics committees, audit of ethics, ethical education of staff, the techniques of creating an institutional culture of moral nature, the search for “toolboxes” of ethical decision - all these facts came to be increasingly widespread. In a pertinent perspective, ethics surpasses the ordinary compliance with the law or the choice between right and wrong. There are situations when actions are clearly right or wrong and the decision about what to do is relatively simple. But what happens when individuals have to deal with gray areas and the decision is forced by different degrees of rightness... This is the point where the ethical imperative should prevail and the ultimate challenge is to distinguish between shades of gray. “The institutionalization of ethics” welcomes a new reality which we must prepare for. After a romantic era in which moral philosophers ignored almost completely its applications and managers did not understand what is their connection with ethics or, at best, were convinced that they control the ethical life of organizations and that they do not need a special professional competence, the various “ethical content” of organizations have begun to assail consciences and compel us to new theoretical refinements. Nowadays, the economic responsibility of business stands for a consistent challenge and pressure due to global competitiveness. The dynamics of the globalized and interconnected businesses and organizations is complex and high-speed, spreading into capital, trade, technology and information markets. Still, when fulfilling their economic responsibilities, businesses should consider simultaneously ethical responsibilities. Starting from these premises, the present study intends to analyze the opinions of several managers from business consulting firms about the double rationality of their endeavors: profit versus ethics. Accordingly, twelve semi-structured interviews were conducted to assess the aforementioned dilemma.

Keywords: *business, ethics, management, consultancy industry*

1. Introduction

Ethics theme expanded during the past decades, being discussed in the business ethics literature, stakeholder theory and all works of corporate social responsibility (CSR) and sustainability, to name just the main areas that have addressed this

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issue. As Visser (2011, 2012) pointed out, things evolved in terms of business standards from the 1970's focus on making profit and serving shareholders interests, to the early 2000's concern for quality and environmental management, health and safety, stakeholders engagement and corporate accountability, until the nowadays "age of responsibility" that increases the business ethics impact on business sustainability, responsible competitiveness and sustainable markets. Along the road of refining concepts, business ethics was recognized by all authors as a pillar of development, including Milton Friedman (1962, 1970) and his famous opinion that a business should focus on profitability while complying the rules of law and ethics: "there is one and only one social responsibility of business - to use its resources and engage in activities designed to increase its profits so long as it stays within the rules of the game, which is to say, engages in open and free competition without deception or fraud" (Friedman, 1970: 6).

The idea of the importance of business ethics appears also in earlier works of Joseph McGuire (1963, p: 144) who stated that business "must act justly, as a proper citizen should", since "the corporation has not only economic and legal obligations but also certain responsibilities to society which extend beyond these obligations" (McGuire, 1963: 144). Although business ethics was always considered to some extent, ethical functions have been taken a significant place only in the recent years as a result of business dynamics on one hand and the proliferation of corporate responsibility and sustainability concepts on the other hand. In this regard, an important contribution was made by Carroll (1991, 2010) and his CSR pyramid, stating that any firm "should strive to make a profit, obey the law, be ethical, and be a good corporate citizen" (Carroll, 1991: 43). Thus, the business dynamics increased the importance of ethics, generating a myriad of related outputs: codes of ethics, ethics committees, audit of ethics, ethical education of staff, techniques of creating an institutional culture of moral nature, the search for cornerstones of ethical decision. Ethics has progressively become more than an ordinary compliance with the law or the choice between right and wrong, since many situations cannot be absolutely defined as right or wrong: on a common basis, individuals have to deal with gray areas and the decision is forced by different degrees of rightness. The assimilation into people's habits and "the institutionalization of ethics" welcomes a new reality which we must prepare for. After a romantic era in which moral philosophers ignored almost completely its applications and managers did not understand what is their connection with ethics or, at best, were convinced that they control the ethical life of organizations and

that they do not need a special professional competence, the various “ethical content” of organizations have begun to assail consciences and compel us to new theoretical refinements.

Starting from this point, the present study intends to analyze the opinions of several managers from business consulting firms, by investigating the double rationality of their endeavors: profit versus ethics. The ethical dimensions address the respectful and responsible professional attitudes towards the clients’ requirements and particular needs, the acknowledgment of the firm’s level of expertise and acumen, the employees’ admission of their competence limits and the proper and specialized treatment of each project independent of its scale or profit return.

Hereby, the main research questions are: 1. Are managers of business consulting firms ready to admit their employees’ limited expertise?; 2. Do managers of business consulting firms treat each client with the same respect, independent of its profitability?; 3. Are managers of business consulting firms objective enough as to refuse a profitable contract when their employees lack the required expertise or the needed time to optimally fulfill the task?

In order to explore these issues, twelve managers from the Romanian business consultancy industry were interviewed. In this respect, a simple radiography of the extent of the consultancy industry in Romania brings to our attention that the number of business consulting firms exceeds any expectation in this respect – over 31 000 firms and over 13 000 employees activate in this organizational sector. This fact places the consulting firms in the top three domains of activity, after the commerce and construction industries. Moreover, it proves that one out of twenty firms provides business consulting to other organizations (Matei, 2013).

The high number of consulting firms in Romania poses the question of their level of expertise and of their employees’ technical, economic and financial competencies. This issue is also mentioned by the President of AMCOR (the Romanian Management Consultancies Association)³, who deems that the demand for consulting services is determined by a number of factors, the economic situation of the markets and the level of customer education being important elements. AMCOR has conducted a research for the period 2011-2012, involving almost 100 respondents from the consulting firms’ management in Romania. The results proved that in 2012 compared with 2011, the survey participants (51%)

³ Member of the European Federation of Management Consultancies Associations, FEACO Brussels, and the International Council of Management Consulting Institutes, ICMCI.

reported a level of income stagnation or reduction in turnover in 2012 compared to 2011 due to economic and political instability which resulted in lower budgets for consulting (Caian, 2012).

2. Literature Overview

2.1. Business Ethics – Theoretical Framework and Performing Perspectives

Nowadays, the economic responsibility of business stands for a consistent challenge and pressure due to global competitiveness. The dynamics of the globalized and interconnected businesses and organizations is complex and high-speed, spreading into capital, trade, technology and information markets.

Still, when fulfilling their economic responsibilities, businesses should consider simultaneously ethical responsibilities. These responsibilities consist of practices, behaviors, activities, policies that which are not codified into laws, but are expected (in a positive sense) or prohibited (in a negative sense) by societal members. Also, ethical responsibilities cover a series of standards or expectations of behavior that reveal a constructive interest for what clients, employees, shareholders, the community, and other stakeholders perceive as right or fair.

At this level, the consultant John Dalla Costa (cited in Carroll, 2000: 36) underlined in his work *The Ethical Imperative* that ethics is becoming step by step the central business issue of our time, afflicting corporate profits and credibility, as well as personal security and the sustainability of a global economy. A business manager has responsibilities for their workers, their customers, their shareholders, their competitors, laws, society and environment. In order to perform these duties, business people must make decisions within a moral framework and consequently the core of business ethics is to establish what one ought to be doing, when one is doing business.

An interesting consideration in this respect is brought to light by Solomon (1993: 36) who states that ethics in business practice does not necessarily come from the business schools that managers attend, but from some character traits - “virtues” that are acquired through socialization, but also due to the environment and culture organization in which the individual is formed as manager. The author mocks economics school graduates that become Wall Street financial officers

whose activity is defined as “making money”. Once employed, young people will practice all the tricks learned in school and they will work to impress a manager, taking behavioral patterns valued in the company and then climb the ladder of the organization upon receipt of increasing salaries or bonuses. The author calls this phenomenon “abstract greed”. It is centered on money, around the desire to simply get rich, not to get anything related to it or to prove that you possess expertise, but just for the sake of being rich. It is the most important good feeling, more important than personal dignity or happiness.

Starting from this point, we agree Solomon's with view – “We can not tolerate any more the concept that companies should focus exclusively on the production of income and vulgarity and ignore traditional virtues as responsibility, community and integrity” (1993: 17), while all researchers and most of the practitioners consider business ethics to be an important branch of the applied ethics.

On a general view, the subjects of business ethics are principles and moral problems that arise in a business environment. As stated by Crane and Matten (2007: 7), business ethics is the study of business situations, activities and decisions in which issues of “good” and “bad” are taken into account in relation to different situations and points of reference. The authors understand good versus bad as immoral (or incorrect) versus moral (or correct) in relation to terms of good or bad from a strategic, financial or commercial point of view.

Furthermore, Solomon differentiates between three dimensions of business ethics: micro, macro and molar. “The micro level concerns the rules for fair exchange between two individuals, the macro level concerns the institutional or cultural rules of commerce for an entire society (the business world), the molar level concerns the basic unit of commerce today-corporation” (Solomon, 1993: 359).

As shown previously, when referring to business ethics, it is not simply about companies, but about all the actors which share the goods and services - companies, universities, professional organizations or NGOs, banks and political parties.

The authors make a distinction between ethics and law, on the assumption that although both aim to distinguish between right and wrong, they are not equivalent. What is regulated by law, for example the priority right (not something moral in itself) has as a consequence that the streets are run safely. On the other hand, to be loyal to a good friend is a moral thing, but there is no legal provision that punishes disloyalty.

Regarding business practices, when their necessity came to a consensus, they were sanctioned by law, for example, the minimum monthly wage. At the same

time, however, other activities of the company are yet undetermined, in a sort of “cognitive dissonance” or conflict between values, and they still lack legal regulations. For instance, the company is obliged to make profit for its shareholders while people working in the company are the ones who contribute to the profit and keeping them motivated and loyal by paying high wages can continue to ensure the market positioning.

Still, high wages mean less profit for shareholders. The company may act in a particular community, but they pollute the environment and over time the health of the community deteriorates, however the local taxes paid in that community were used to build a cultural center. The question is - in the first case - if the profit should return to employees as bonuses or the obligations to the shareholder must prevail, and in the second case the question is whether the company acted morally when it decided to start operating in the community - because in that area environmental regulations were less strict. Such questions do not have a simple answer, because there are no predetermined schemes, or any calculations or mathematical procedures that similarly apply all over the world. There are only decisions and business ethics can help in making the best decision in a given set of circumstances.

At this point, Ronald Jeurissen (2005) has spoken about ethics in management aiming at improving decision processes, procedures and organizational structures, so that the activities of the organization are linked as much as possible to ethical principles. The instruments used are ethical codes, ethical audit and other “strategies” leading the organization towards compliance with morality. It is all about managers’ actions to stimulate the formation of a moral conscience and an ethical sensibility capable to cover all aspects of organizations. It is, in short, the promotion and maintaining of a strong ethical culture at work.

2.2. Business Ethics Paradoxes or the Ethics Dilemmas in Management

Discussing the interplay between business / management and ethics, Carlo Vallini (2007) has summarized four paradoxes which characterize the management framework and the business environment nowadays. The author has pointed out that the consulting firm interests can be seen as lucrative, strategic or motivational and the only way to administer the ethical risks consists in the decisive settlement of ethical basics which should be treated with respect during the collaboration with different clients.

Although the profit-making, the strategy and the subjectivity of consultancy are daily pressures for the consultancy industry, there can be underlined several principles of action in order to maintain a proper ethical organizational conduct. First of all, a consulting firm should accept a project only when having enough knowledge and experience to completely fulfill its promise. Also, the contents of the suggestions should not be directly conditioned by remuneration or other interests and should bring to light all the identifiable risks for the client. The consulting firm's actions or recommendations should not undermine a third party, should not be contextualized to relative ethical coordinates, but to an overall exigency of ethical behavior. In other words, the ethical behavior of the consulting firm should not be reduced to the relationship with a certain client, but, on the contrary, it should be treated in a holistic manner.

As a behavioral value, ethics in management depends on relationships with people who are different in terms of interests and goals, in terms of culture and of attitudes toward pursuing and defending their interests. The emergence of a universal ethics is almost impossible to achieve as every country, nationality or mentality has its own patterns and perspectives. At this level, business ethics is by nature relative – even laws vary across different countries and nationalities. It is quite utopian to settle categorical ethical standards and to apply them unconditionally in the business processes. Ethical principles are often the driving forces for a specific organizational environment, but when the social and cultural boundaries are surpassed their availability raises multiple questions. In other words, although businesses are global or globalized, business ethics depend on spatial and cultural realms and contexts of relationships.

Given the aforementioned circumstantial nature of what is ethical and what is not in a certain space or situation, standards of social responsibility such as ISO 26000 (2010) provides only guidance for organizations. As the International Organization for Standardization declares, ISO 26000 is not a management system standard, but just a voluntary International Standard that provides guidance on how businesses and organizations can operate in an ethical and transparent way that contributes to the health and welfare of society. “It is not intended or appropriate for certification purposes or regulatory, or contractual use.” (International Organization for Standardization, 2010: 3). ISO 26000 does not contain requirements. It is intended to promote common understanding in the field of social responsibility, and to complement other instruments and initiatives for social responsibility, not to replace them.

In applying ISO 26000, it is advisable that an organization take into consideration societal, environmental, legal, cultural, political and organizational diversity, as well as differences in economic conditions, while being consistent with international norms of behavior (International Organization for Standardization, 2010: 3).

In any business, the interests of the actors are interconnected and therefore a natural conflict of interests emerges when it comes to the distribution of the created value. For example, by reducing a price, the customers' needs and interests are met, but at the same time this action triggers a value reduction for the suppliers, banks, shareholders and even employees. The real challenge for a businessman appears when he has to do his best both to generate value and to fairly distribute it. The competition on the value is a quite intricate process which establishes winners and losers, causing management difficulties in application of ethical standards.

One of the most important aspect in ethics is to respect other interests, but when doing business, this interests are often unclear. Measuring the expectations and the objectives of the counterpart is a hard task to perform as this assessment comprises varied possibilities of combination. Every firm has its own strategy and aims at strength positions liable to produce economic value and sustainability. This strategy may influence or afflict other strategies applied by other economic actors. In this case, the relationships between a business and its counterpart is hard to be unequivocally assessed in its ethical value, in this respect prevailing the idea „first mine and the others only if I can”.

The economic egoistic behavior is frequently a counterpart to ethics within a firm. Still, this type of behavior is the source of value and economic efficiency for the firm and for all its entities. As it was shown by Carroll and Shabana (2010), there are four types of expectations placed on the corporation by corporate stakeholders and society as a whole: economic responsibility, legal responsibility, ethical responsibility and discretionary/philanthropic responsibility. But the economic category stands at the base of the corporate social responsibility pyramid, since profitability represents “the foundation upon which all others rest” (Carroll, 1991: 42).

Businesses are prone to satisfy and deliver the proper answer to the increasing interests of their stakeholders and the challenge of harmonizing interests can be approached only when a firm is really efficient. At this level, the

value creation-distribution should have an objective logic and should be applied by considering the good of the entire social system.

3. Materials and Methods

3.1. Participants

Twelve managers from Romanian business consulting firms participated to the study. The selection of managers as participants to the study was determined by two main reasons: (1) to test the hypotheses by investing the approach of the decision makers (2) to conduct the interviews with the firm policy makers who set the ethical parameters when establishing collaborations and closing deals. The participants were selected using a snowball sampling. Also, the participants were chosen taking into account their seniority within the organization. Two main criteria of selection were followed: (1) respondents should have occupied this position for at least two years and (2) their firms should have had at least ten concluded contracts. The sample comprised individuals aged between 32 and 47 (7 males and 5 females).

3.2. Procedure

In order to generate detailed and in-depth descriptions of the participants' experiences we chose to use phenomenological interviews. The interviewees' observations, perceptions and understandings were investigated by employing a semi-structured in-depth interview based on open-ended questions. This option catalyzed the opportunity to discuss some topics in a more detailed manner and the descriptions were further explored through 'probes'. We considered individual interviews more valuable to provide detailed information about the meaning of the situations and of the social contexts to each participant in the setting. In line with this objective, we resorted to face-to-face interviews as the best way of collecting high quality data and of granting a greater degree of flexibility.

The interviews took place at the managers' offices and were conducted during April – May 2014. Questions were posed in a relaxed informal manner so that the interview appeared more like a discussion or conversation. The managers were explained the purpose of the interview and were encouraged to co-operate. Still, they were not given too much detail that would have biased their responses. During the interview, both the interviewer and the interviewees were given the possibility to clarify questions, correct misunderstandings, offer prompts, probe

responses, follow up on new ideas and on any comments meant to add something to the understanding of the setting. The objective was to uncover the widest range of meanings held by the participants in the setting. The respondents were assured of their confidentiality and anonymity in the aggregated findings.

The structure of the interview followed Seidman (1998) the three-phase qualitative interview: focused life history (the respondents' experiences were put in context, by asking them to provide as much information as possible about themselves, in relation to the topic of the study); the details of experience (concrete details of their present experience in the research topic area); reflection on the meaning (reflection on the meaning of their experience, how they make intellectual and emotional connections with the experiences that are the subject of the research topic). The answers to the interviews were categorized by carrying out a thematic analysis as a systematic way of identifying all the main concepts which arose in the interviews, and of developing them into common themes.

4. Findings

The first question of the interview regarded the description of the Romanian business consultancy market from the managers' point of view. At this point, all the interviewed managers insisted on the fact that in spite of the large number of business consulting firms, the Romanian market is still incipient as many clients are skeptical about the profitability of resorting to their services. *"The Romanian small and medium enterprises are not accustomed to search for professional solutions provided by experts, their entrepreneurs try to find answers on they own. The argument is quite simple – why spending money on professional advice when the firm has so many other relevant expenses to take care of"* (Ciprian, 39 years old). This perspective is also shared by Elena (32 years old) who believes that *"most of the Romanian clients are not ready yet to pay for business consultancy services and the main explanation is related to the old-school managers who do not understand and acknowledge the importance of benefiting from actual expertise."* Moreover, Octavian (41 years old) added that *"a particular case is represented by the local subsidiaries of business consulting corporations which provide services for a larger number of clients as they are credited with a higher degree of professional competences both by the Romanian and multinational companies"*.

The second question of the interview addressed the types of services provided on a common basis by the business consulting firms. As nine out of the twelve subjects posit, the most frequent demand concerns the preparation of projects to access European funding (with transfer to project management in the implementation phase). In Eugen's (47 years old) opinion, *"this situation has led to a major focus on this component. It is a genuine example of the adaptation of supply to demand, and of the passing-by of the scarce complex demands"*.

Similarly, Gina (34 years old) mentions that *"there is a common pattern among the business consulting firms to insist on the most wanted services and to treat other tasks as marginal"*. When it comes to their firms, the respondents underline that the business consulting industry is very modular and support the idea of their firm's multilevel competences. For example, Vlad (34 years old) states that *"our firm is prepared to meet multiple businesses challenges. As a well established consulting company, with very competent and experienced consultants, we provide a complete range of services, depending on the clients' requirements. Our range of services includes accounting, financial consulting, business strategy, marketing, EU funds etc"*.

As most of the interviewees appraise, there are many cases where clients demand for varied services which exceed the standard level of complexity. In most of the times when this situation occurs, as Andrei (36 years old) relieves, *"we are asked to deliver complex reports meant to determine the firm's decision to go international, to assess major projects based on an elaborate financial and economic analysis etc"*. The same approach is embraced by Vlad who assert that *"most of our clients come up with complex requests and are looking for sustainable development. We always do our best to deliver complex services and reports keeping in mind the actual utility of the reports"*. Only two respondents pointed out that they were only asked for support in accessing European funds for small and medium enterprises.

The fourth question was intended to investigate the managers' approaches on the expertise of the human capital. Although the interviewed managers had between seven and twenty-six employees, their attitudes were very alike. All this respondents assumed that they dispose of highly competent business consultants who may satisfy the clients' various requirements, from accessing European funds to performing complex financial, economic and risk analysis and conducting macroeconomic and sectoral studies etc. At this level, Vlad confirms the general trend – *"Our employees have a rich experience in the field and are rotated among different departments in order to develop their skills and to help the clients as*

much as possible. Our team has supported many companies in developing their activity using EU funds, with some of them we even completed two or three projects". Also, Laura's (45 years old) position is indicative of the attitudinal coordinates expressed by all the respondents, as she brings to the fore one prominent approach – "it is unlikely for any firm to have high expertise on all the business consulting activities. This is why whenever we encounter a challenge, we try to do our best to deal with it. It is obvious that we have better skills and resources than our clients, so our solution would be more pertinent".

The fifth item in the interview regarded the respondents' availability to accept more projects in the same time when they are already overstrained. Once again, the great majority of the subjects (eleven out of twelve) declared that they dispose of enough resources to have things done in an optimal manner. According to their answers, a client is too valuable to be refused and thins kind of attitude would cast a shadow of doubt on the firm's professionalism. As Eugen mentions, *"a refused client may become a negative advertiser on the market because he may spread the idea that we are not competent enough. We prefer taking more projects at once and then we see which is the best way to approach each of them. Unfortunately, we are not in the position to say no to any client – we have employees and bills to pay..."*. A similar perspective is delivered by Ciprian who explains: *"Our resources are allocated per project and we avoid the overloading of the employees only when there is no realistic chance to deal with them. Once lost, a client will not ever return. Because of our history, we are used to working in more projects at the same time and we have always delivered the expected results"*.

In correlation with the previous question, the sixth item addressed the respondents' readiness to refuse a client when the firm's employees lack expertise on a certain business matter. Most of the participants to the study confirmed the aforementioned attitude – things can be learned during the process of dealing with a new task. The objectives of the firm are related to obtaining profit and, implicitly, specific projects should not be rejected. As Vlad posits, *"in our business, we have to be competitive and ready to embrace the unknown although at first it may scare us. We are forbidden to turn our backs to a client as this would mean an imminent profit loss"*. At her turn, Gina expressed a homologue opinion – *"Since we started this company, the team was created to cover all the main areas of consulting. When we encountered new challenges, our team has*

done a thorough research regarding that matter. The human resources represent the main advantage of this company and we are always prepared for new challenges”. Seven managers indicated the fact that they had to refuse clients when they lacked employees (because of the personnel mobility – resignations, dismissals etc), but they have always devised a contingency plan to avoid losing profitable human assets.

The next item touched an issue which is often discussed through the lens of ethics, namely the recurrence to standard solutions in order to respond promptly satisfy the clients’ demands. The answers of the interviewed managers leveraged the idea that standard solutions are a common practice whenever they met similar requirements. For example, Costi (32 years old) believes that *“there is no harm in using the same principles and acting in the same manner when dealing similar patterns. Once a certain project category is marked out, the following projects may very well rely on the settled basis.”* A more diplomatic approach is revealed by Octavian – *“Every endeavor starts by offering the standard solution and the basic information to our clients so they can understand better the situation and the actual framework of their problem. If the client understands the need of going forward, we advance to the most complex analyzes and have them ready within a reasonable period of time”*. It is worth mentioning that eight out of the twelve subjects asserted that whenever it is necessary, the standard solution may be presented as the best way to act, as time is not always in favor of elaborating on the business analyzes.

The eighth question referred to the managers’ practice and willingness to invest in their employees’ education and literacy. Only three participants to the study assumed to have sent their employees to international thematic trainings and workshops while the others adopted the opposite position. In the opinion, if the business consultants want to serve better the firm, the professional development should be their own priority, and not the firm’s concern. Moreover, they are sure that they selected the fittest persons for the job and they are not forced yet to think of improving their acumen. As Ciprian noted, *“at the present moment, the business consulting market is populated by many wannabe advisers and we have a clear competitive advantage due to our employees’ economic studies.”* The general trend is very well voiced by Elena who deems that *“as many blanks as we may have, we are always more prepared to find a pertinent solution than our clients. This is one of the main reasons why we are under cover”*.

The last item approached the receiving of complaints from clients regarding the quality of the services or deliverables provided by the firm. None of the

respondents admitted to have experienced their clients' discontent related to the output of the collaboration. At this level, Vlad concluded that *"it is difficult for the clients to objectively assess our work or solutions as most of them are either middle-age undergraduates, or lack economic studies. If they had possessed analytical competences, they would not have come to us for help. However, it is not our job to make them millionaires, our mission is to give them valuable directions and to guide them towards their targets"*. When discussing the issue, Gina added *"the only client dissatisfaction I have ever noticed was associated with figures negotiation"*.

5. Discussion and Conclusions

The exploration of the respondents' answers marks out the fact that the consultancy industry poses various aspects to be discussed in what concerns the ethical issues. As consultancy unfolds at the interaction between the consultant and the client, two sets of ethical principles and standards meet each other. It is only a matter of ethics for the business consulting firm to decide which approach is more suitable for serving its interests - consultancy as a profit driver, as an intellectual product or as a professional service.

The forces which drive consulting as a business can be summed up as follows: profit making, strategy and subjectivity. Firstly, profit making refers to the need of turnover and to turnover continuity as a prerequisite of a consulting firm's survival. Therefore, consultancy firms function according to their financial and economic logic which triggers a certain pressure on the application of entirely ethical ways of acting. For example, the imperative of profit often relativizes the ethical threshold when a consulting firm assumes a specific job without having a clear competence in that field, when it recommends standard solutions that are not necessary at a certain point.

Secondly, a consulting firm is focused on creating and maintaining an image of a competent expert in order to preserve the client's favorability or loyalty. Moreover, with a view to achieve the desired reputation and varied portfolio of clients, the organization may accept new clients when it is fully engaged or it is not enough experienced, promising more than what it will actually be able to deliver.

Thirdly, due to the fact that consulting is a „personal job”, some ethical limits may be cut (crushed) when consultants get emotionally involved or they overestimate their capabilities and their knowledge, tending to ignore details and being ready to offer the same classic solution to different problems or within different contexts. As proven by the subjects’ statements, there are many situations when the profit logic has led to products that were trying to adapt better to the evaluation criteria without taking into account the actual feasibility of projects. The immediate result consisted in low professionalism services and in the lack of expertise in certain fields of business economics.

Taking into consideration all these arguments, building “organizations of integrity” in a very dynamic and competitive business arena can be regarded as a utopian way of approaching reality. Still, starting from the premise that ethics is first of all an expression of self-respect, it can be assumed as a behavioral value and landmark for the businessman acting in a social system. In order to preserve an outward ethical behavior, the inward ethical behavior has to be coherent and consistent with the objective ethical standards, settled beyond contexts and subjective factors.

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APPENDIX

Interview guide

1. How would you describe the Romanian business consultancy market?
2. What types of services do you usually provide for your clients?
3. Do your clients' demands address complex services or reports?
4. Does your firm rely on a varied employee expertise, for example accessing European funds, performing complex financial, economic and risk analysis, conducting macroeconomic and sectoral studies etc?
5. Do you usually have to accept more projects in the same time? If yes, do you dispose of enough resources to have things done in an optimal manner?
6. Have you ever had to refuse a client because of the firm's lack of expertise on a certain business matter or because of the firm's lack of time?
7. Do you usually resort to standard solutions in order to respond promptly to your clients' demands?
8. Have you ever invested or are you willing to invest in your employees' education or expertise?
9. Have you ever received complaints from your clients regarding the quality of your services or deliverables?

SMART SPECIALISATION FOR BUCHAREST-ILFOV REGION – MANAGING THE PROJECT OF DEFINING THE REGION'S RESEARCH AND INNOVATION STRATEGY

Daniel POPESCU¹

Abstract

Prepared or not, Romania faces a moment of transformation; this comes as a result of the economic crises which exposed structural weaknesses of the Romanian economy and industry. In the meantime, long-term challenges – such as globalisation, shift of power centres from the national level to international structures/bodies, scarcity of resources or ageing – intensify.

Having this context, it is mandatory for Bucharest-Ilfov Region – as the main economic pole of Romania – to develop a strategy needed to help the city and its surroundings to come out stronger from the crisis and turn its economy into a smart one. Building a knowledge-based economy capable to generate high employment levels means in fact to develop an economy based on innovation –resulting in being more resource efficient and delivering social cohesion. In this respect, the full innovation potential of Bucharest needs to be mobilised. Innovation policies should demonstrate efficiency in defining priorities able if not to solve at least to diminish economic gaps, leading to a better use of resources and determining benefits for society– in fact an even more critical issue considering present economic crisis in view of the scarcity of public and private financial resources available.

The paper propose an exploratory analysis regarding Bucharest-Ilfov Region economic pole capacity to jointly construct – in terms of relevant/responsible bodies – a strategic vision of its future that identifies how it should position itself in the knowledge economy. It means the existence or not of the necessary specific infrastructure for: finding out which research, development and innovation activities can best be developed competitively, and then implementing the policies to pursue this vision; determining how to try to obtain an advantageous international positioning by differentiating and specialising and thus increasing diversity; suggest and encourage specialising and long term investment in research and innovation in one or various specific sectors.

Keywords: *smart economy; knowledge-based economy; innovation potential; economic pole.*

1. Introduction

Friedman (as cited in Tidd & Bessant 2009, p. 565) argues that developments in technology and trade, in particular information and communications technologies (ICTs), are spreading the benefits of globalization to the emerging

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economies, promoting their development and growth. This optimistic thesis is appealing, but the evidence suggests the picture is rather more complex.

First of all, technology and innovation are not distributed globally in an even manner, and cannot be easily formalised and transferred among regions or firms. Secondly, the specificity of the national contexts influence significantly the companies' capacity to absorb and exploit such technology and innovation. And thirdly, the companies' position relative to the international value chains can restrict in a significant manner their ability to capture the benefits of their innovation and entrepreneurship. Many firms in emerging economies have become trapped in dependent relationship as low cost providers of low-technology, low-value manufactured goods or services, and have failed to develop their own design or new products, observes Tidd & Bessant (2009, p. 565-566).

Consequently, the development of the companies from emerging economies is definitely much more than simply catching up with those in more advanced economies, and is not (only) the challenge of moving from followers to leaders.

Drucker (2007, p. 30) considers innovation an economic or social rather than a technical term, that can be defined in demand terms rather than in supply terms as changing the value and satisfaction obtained from resources by the consumer. Systematic innovation therefore consists in the purposeful and organized search for changes and in the systematic analysis of the opportunities such changes might offer for economic or social innovation.

Systematic innovation means to monitor seven sources related to innovative opportunity (Drucker, 2007). Four of them are to be found within the organisation – business or public-service institution – or within an industry or service sector. They are therefore visible primarily to people within that industry or service sector. They are basically symptoms. But they are highly reliable indicators of changes that have already happened or can be made to happen with little effort: the unexpected (the unexpected success, failure, outside event); the incongruity (between reality as it actually is and reality as it is assumed to be or as it ought to be); innovation based on process need; changes in industry structure or market structure that catch everyone unawares. The second set of sources of innovative opportunity, a set of three, involves changes outside the enterprise or industry: demographics (population changes); change in perception, mood and meaning; new knowledge, both scientific and non-scientific.

In a real sense, successful inventive and innovative activity over time should result in increases in an economy's ability to produce goods and services in a cost

effective manner (Jain *et al.*, 2010). Increased productivity and the resulting improvements in the standard of living for the nation's citizens are clearly the important benefits of an R&D activity. Among the many sources of productivity growth, science and technology have been identified as major casual factors. Jain (2010, p. 357) further suggests that nations will rely on the vitality of the science and technology enterprise to address some of the most challenging issues related to climate change, job creation, economic growth, energy, environmental protection, human health, national defence, and affordable and sustainable food supply. Labour, capital investment, the availability of natural resources and raw materials, technical innovation, and management skills all contribute to high productivity and economic development in a nation. In this respect, regions and countries have evolved different ways of investing in science and technology and developed policies integrating various constituencies in the process.

Here comes the question of why should it be discussed about a government – regional or national – role. Afuah (2003, p. 307) argues that there are several reasons why a regional or national government may want to play a role in the process of innovation: the public nature of the knowledge that underpins innovation, the uncertainty that often plagues the process of innovation, the need for certain kinds of complementary assets, the nature of certain technologies, and last but not least plain politics.

There is no doubt that all these need to be designed by any region within the framework of the European Union strategy and regulations. In this respect, it has been designed a new innovation policy concept – smart specialisation – meant to promote the efficient and effective use of public investment in research. The reason for this concept is that spreading investment too thinly across several frontier technology fields risks limiting the impact in any one area. Therefore, the goal is to boost regional innovation in order to achieve economic growth and prosperity, by enabling regions to focus on their strengths. The Commission announced the setting up of the S³Platform in a 2010 Communication entitled Regional Policy contributing to smart growth in Europe 2020.

2. Findings

In order to analyse the current stage of defining the Bucharest-Ilfov Region research and innovation strategy I carried out a research consisting both of interviews with relevant stakeholders and people active in the domain (universities

and research organisations, private companies, central and local authorities, regional development consultants) and documents examination. The research endeavour started from the assumption that if such a strategy is to be developed and implemented the project is of tremendous importance and needs to be properly managed in order to obtain the support of all interested parties and consequently positive results.

As expected, the interviewed persons gave answers and expressed opinions mainly relevant to their professional position. The main findings related to the subject of the present paper are presented hereunder.

The competitiveness of a region relies on assembling a critical mass of resources and assets and determine how to integrate them to innovate – in order to find a distinctive global market positioning. It is necessary to identify the possible domains where the region can have a competitive position, bearing in mind not to waste resources since it is not possible to excel in everything – and hence the importance of place-based strategies and policies and the necessity of designing a tailor-made strategy and policy to lever the competitive positioning in global markets.

In fact, the phases of the process – and thereupon corresponding milestones – should comprise at least five steps. First of all, identify a limited set of priorities to which financial resources are intended to be allocated. Secondly, explore and exploit the synergies that occur inter-sectorial and the horizontal and vertical perspectives – here knowledge and productive facilities should be correlated. The third step is to take advantage of the research capabilities and the industrial export leaders, this in order to promote inter-linkages and to develop a technology market that can uphold innovation. Fourthly, stimulate a higher density of connections both internally and internationally – in order to determine connectivity and build up clusters. And finally, the fifth issue, adopt a collaborative understanding of innovation, involving firms, universities, institutions and users.

Regarding the operational methodology, the interviewed persons considered as effective the following project course and development: the start should consists in a quantitative analysis of resources and assets and of the economic structure (knowledge, human capital, research output indicators) highlighting nodal points. A non-technological endogenous assets analyse should be added – including cultural heritage and assets, climate, geographical and landscape assets etc. Further on, it should be evaluated the technology and market relatedness – an analysis of the horizontal and vertical innovation opportunities, based upon the nodal points, studies, in-depth knowledge of the territory and a close and

permanent interaction with regional actors. This should lead to the identification of 5-10 possible smart specialisation domains. For each possible domain, an in depth analysis should follow in order to determine the specialisation of human capital, the scientific competences and the focus of economic activities, thus proposing a rationale for specialisation. The prospective review to follow after this should evaluate how the resources and assets of the region could be integrated into products or services by the related variety of economic activities and respond, from a distinctive competitive position, to demand and market trends. A series of thematic workshops should be held afterwards, in order to provide brainstorming spaces for regional actors to discuss, validate and precise the rationale of specialisation as well as to identify the niches on which the region can be globally competitive. For a fine tuning operation or a follow-up process the workshops could be accompanied or succeeded by oriented questionnaires aimed to improve the precision of the contents resulting from the discussion and retrieve information to better define market and innovation opportunities, the rationale of specialisation, the targets and the necessary policy tools.

3. Conclusions

Though the theme of the paper entails a comprehensive debate, some conclusions are to be deduced from the research endeavour. The region's citizens are a source of innovative ideas and thereby innovation needs an user driven centred approach. Also, due to the need to rely on all possible sources capable to determine innovation it is necessary to speak about an open innovation ecosystem. Concurrent research and innovation processes need to be integrated using the public-private partnership centred on the citizen, and therefore translated as an end user engagement. Likewise, the process of designing, exploring, experiencing and refining new concepts in practical real scenarios in order to evaluate potential impact ex-ante implementation needs the creation of an experiential environment.

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COMPARATIVE CONCEPTUAL FRAMEWORK FOR E-GOVERNMENT SERVICES IN THE EU 28

Carmen SĂVULESCU¹

Abstract

The economic and financial crisis, globalization, climate and demographic changes, focus on improving the public value, impose the administrations to rethink their manner of operation. At the same time, billions of citizens want a more interactive relationship with the public administrations. In this context, it is important to develop the public sector's capacity in view to provide public services efficiently and effectively, in line with the citizens' and private sector's needs, requirements, wishes and expectations. It has become inevitable that public administrations should use smarter and more efficient the information and communication technology.

The paper aims to present the comparative analysis of e-government services in the EU28.

The conclusions of this paper reveal that e-government services represent key tools for improving the public sector capacity to solve more problems with less resources and a higher level of e-government services development is needed in order to transform the interactions between public administration and citizens/businesses.

The research methodology comprises bibliographical studies, analysis of specialised reports of relevant international organizations, statistical analyses and evaluations.

Keywords: *e-government services, user-centric e-government, comparative analysis*

1. Overview on E-Government

The economic and financial crisis, globalization, climate and demographic changes focus on improving the public value, impose the administrations to rethink their manner of operation. At the same time, billions of citizens want a more interactive relationship with the public administrations. In the past ten years, e-government development and application have represented one of the most relevant and important evolution for public administration.

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In this context, it is important to develop the public sector capacity in view to provide public services efficiently and effectively, in line with the citizens' and private sector's needs, requirements, wishes and expectations. It has become inevitable that public administrations should use smarter and more efficient the information and communication technology.

Thus, e-government represents an actual topic at international, European and national level.

Information and Communication Technology (ICT) hold an important role in our lives. The development of cloud computing, the increasing use of social media, the broad range of smart devices, the analytical capabilities of open data represent proofs of the digital revolution.

The modern technologies display extraordinary opportunities for both citizens and businesses, enhancing the quality of life, improving living standards.

The European Commission (2010, p.28) highlights the fact that „high quality public services represent a major prerequisite for the economic success of the Member States and a low administrative and legal capacity hinders the solving of the challenges on the economic-social development”. The Member States should eliminate „the bureaucratic burdens by adequate regulations and efficient e-services”.

The challenge of public administration modernization consists in improving the efficiency and speed of public service provision. The innovative activities of public administration include „new services and methods for public service provision in interaction with the users, reorganisation of activities, new management systems” (DG Enterprise, 2011). A modernised public sector turns into account ICT opportunities, improves strategic management, knowledge management, human resource management based on performance, is centred on citizens and businesses' needs.

One of the best investments for development on long term is to invest in efficient public institutions and in transparent processes for good governance. In this context, e-government applications hold an essential role. Most principles of good governance are expressed in the roles of e-government; in other words, focus on *transparency, openness, citizen participation, accountability, effectiveness, efficiency, coherence*.

Information and communication technology may really automate the activities, may enable storage, flow and access to data and information. *Per se*, it

does not promote transparency or does not avoid corruption, does not empower the citizens automatically. Therefore, how we use ICT is very important. In this context, the vision, strategy and systems for e-government applications are quite important. E-government applications, which we may characterise as solutions to governmental issues, could contribute to determining the following functions:

a. Increasing the efficiency of administrative activities

It means a greater efficiency of the activities of public administration through automation/digitisation of the administrative functions - in other words, simplification of processes and improvement of public service provision. The resources are used more efficiently, better instruments are available for civil servants and their interaction with citizens and businesses.

b. Improving transparency

Information and communication technology may lead to improvement of transparency and accountability in the operation of the public organisations and it enables the public administration to enlarge its role as provider of citizen centred services, which represents the essence for the development of e-government activities. The enhancement of the visibility of the administrative activities is closely related to anti-corruption actions. In this respect the upload on the internet of the documents involving monetary transactions by the public authorities/institutions/organisations is very important.

c. Public administration modernization

In the last decades, the literature in the economic field emphasises the role of public institutions as „key factor together with the physical, human capital and knowledge” (Knack, & Keefer, 1995: 2017-228; Mauro, 1995:681-712; Acemoglu et al, 2001:1369-1401; Olson et al., 2000: 341-364; St. Aubyn, 2008).

The quality of public administration represents a pillar of the competitiveness of a country. According to the European 2020 Strategy „the administrative reform should reduce the cost of public service provision and contribute significantly to strengthening the budgets of the EU Member States” (Europe 2020 Strategy).

It is worth to highlight the fact that e-government projects and initiatives could play an essential role in public administration modernisation. Public administration modernisation implies not only public service provision more efficient, faster with lower costs. It involves rethinking the processes and procedures associated to governance act based on ICT use. At the same time, it refers to application of the national strategy and action plans in view of public

administration modernisation in the knowledge society. The use of new IT applications triggers the change in public administration by valorising opportunities and instruments leading to important benefits for society.

Currently the focus is on setting the adequate conditions in view to meet the users' needs, expectations, wishes, requirements instead of the supply of a basic set of government services.

“Serving our end users is at the heart of what we do and remains our number one priority”, stated Larry Page, one of the founders of Google. Thus, it is highlighted the fact that governments should be the actors which focus on creating and improving e-services in line with the users' needs and expectations.

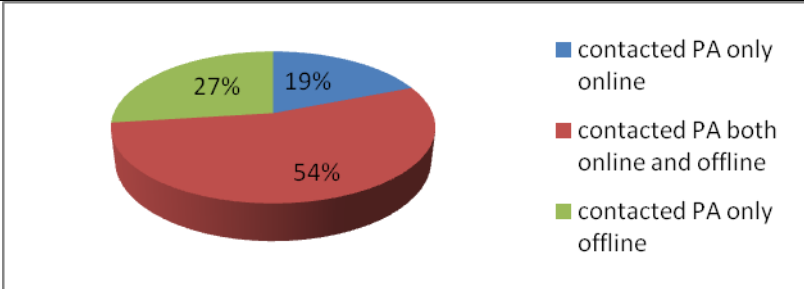
2. Empirical Analysis of E-Government Services in the EU28

In the EU there are promising trends for e-government. According to statistics, the users are more satisfied with online banking than e-services, revealing that the public administrations should do efforts in view to design the e-government services according to users' needs, wishes and expectations. The Digital Agenda for Europe aims to increase the use of e-government services to 50 % of EU citizens by 2015 (Digital Agenda for Europe).

Currently, almost half of the EU citizens (46%) search online a job, pay taxes and charges, use the public library, apply for a passport or use other e-government services. According to a current survey, 80% EU citizens consider that the e-services save them time, 76% are in favour of flexibility, 62 % state that they save money.

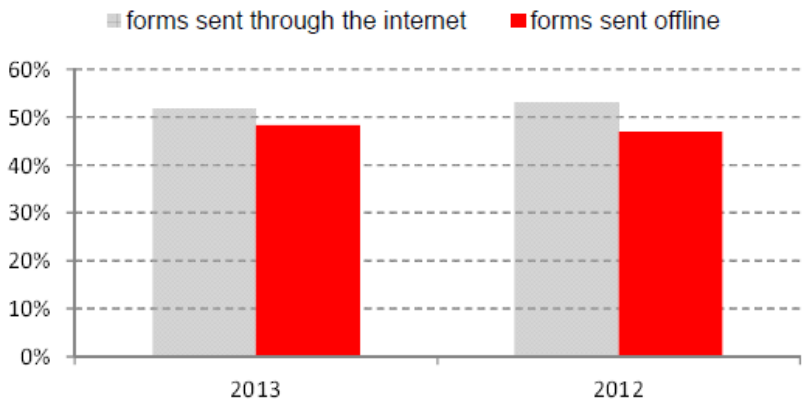
In general the users are more satisfied with online banking (8.5 satisfaction rating on a scale of 0 to 10) and online shopping (7.6) than with e-services (6.5).

In 2013 e-Government services have been used by 41% of the EU 28 population, decreasing from 44% in 2012. For the time being, only 9 out of 28 countries are above the 2015 target, namely Denmark, Netherlands, Sweden, Finland, France, Luxembourg, Austria, Belgium (Germany and Estonia being very close) and only 7 countries have increased the usage in 2013. In five countries – Romania, Italy, Bulgaria, Poland and Croatia, the e-services are used by less than a quarter of the population, revealing slow progress in terms of development.



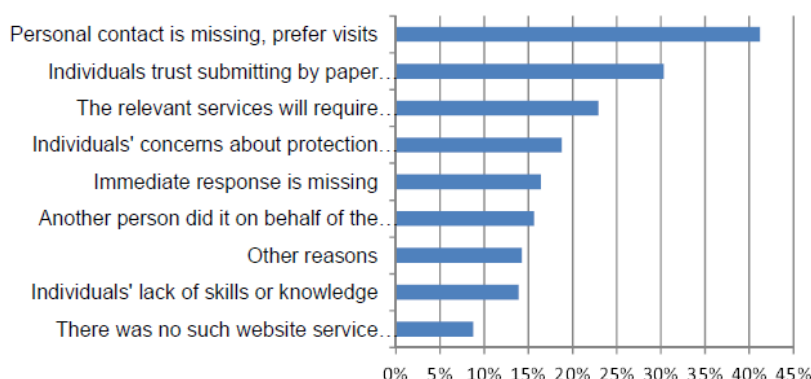
Source: European Commission calculations based on Eurostat data
Figure 1. Internet users contacting public authorities through online and offline channels (EU28, 2013)

Figure 1 reveals that in 2013, three quarters (73%) of EU citizens contacted online the public institutions. Almost a quarter used exclusively the Internet, while the others used also other channels of interaction. 27% of the internet users contacted their public administrations without using the Internet at all. The preferred offline channels of interaction were personal visits (54%), telephone (50%), email (25%) and other methods (e.g. SMS, post, 20%).



Source: European Commission calculations based on Eurostat data
Figure 2. Citizens sending official forms to public institutions in 2013

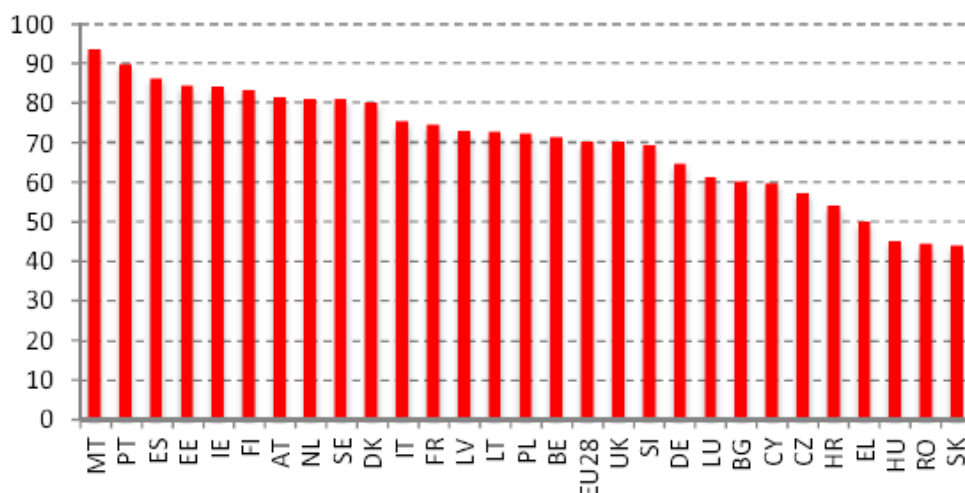
As presented in Figure 2, in 2013, among Internet users who needed to submit official forms to public authorities, only 52% used the e-services, decreasing from 53% in the previous year.



Source: European Commission calculations based on Eurostat data

Figure 3. Reasons for not using the online channel for submitting official forms

According to Figure 3, the citizens prefer visits at the public institutions (41%) and the lack of trust represents the main sources for not using the e-services. Thus we emphasise the higher trust for paper submissions (30%), concern about personal data (19%) and a lack of immediate feedback (16%). Other main factors of non-use refer to lack of digital competences, as well as the incomplete digitalization of e-government services.



Source: e-Government Benchmark Report 2012

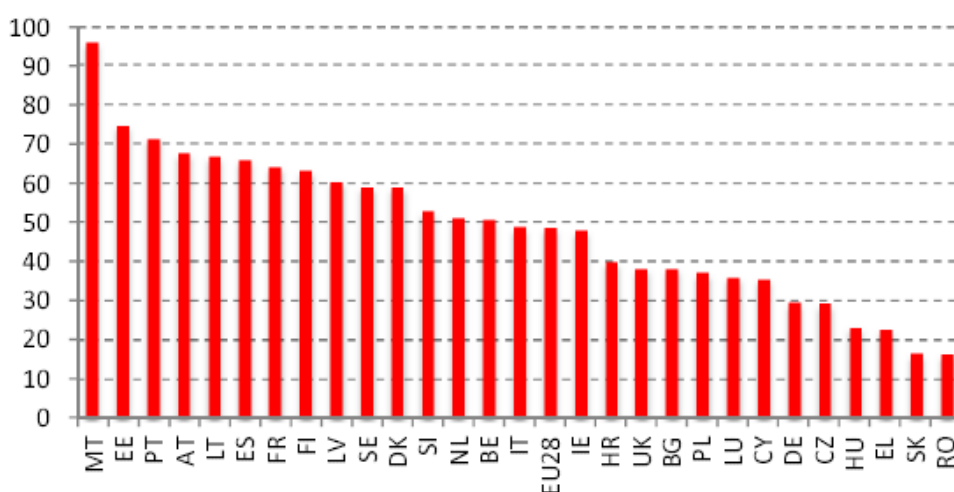
Figure 4. User-centric e-government in the EU (2012-2013)

User centric e-government refers to online availability of services, online usability (ease and speed of use) and users' preference for electronic channels.

Figure 4 reveals that in the EU28 many countries are providing user-friendly services. In some countries – Slovakia, Romania, Hungary, Greece, the score is less than 50, displaying a rather analogue approach to public service delivery.

Transparency represents a key prerequisite for the core European values such as freedom and democracy, as it improves the trust of citizens in governments and it increases the accountability of public administrations.

According to the e-Government Benchmark, transparency comprises three main pillars: transparency of public organizations, transparency of personal data and transparency of service delivery.



Source: e-Government Benchmark Report 2012

Figure 5. Transparency of e-government services in the EU 28 (2012-2013)

Figure 5 shows that the higher transparent e-services are in Malta, Estonia, Austria, Finland while at the other extreme we find countries such as Hungary, Greece, Slovakia and Romania, the average in the EU 28 being around 50%.

Transparency of public services is very important as it enhances the trust of citizens and businesses in the public administrations. Despite the fact that most governments in the EU have policies, legislation and targets in this field, the level of transparency is perceived by citizens as insufficient.

According to Transparency International's Global Corruption Barometer for 2010-2011, most European citizens stated that lack of transparency has increased in their country during the past three years. The e-Government Benchmark user survey results emphasizes this remark, as only 26% of European citizens indicated that they were really satisfied with the transparency of public administrations.

3. Trends of E-Government Services

3.1. Current Situation

Most European administrations provide e-services but they are facing issues concerning the infrastructure, digital competences, costs etc. The current situation is characterised by a series of successes and also failures.

The following obstacles have been identified:

- A. digital divide– the administrations should find the best modalities so that the services are available to all citizens no matter their location and incomes.
- B. security and privacy– citizens should trust the administrations as much as they trust the banks, or companies, so the administrations should provide secure services, should demonstrate their capacity to protect the personal data.
- C. competences –employees’ development and IT specialists. As most IT specialists prefer the companies due to attractive wages, the administrations should provide the opportunity of a solid career in the public system.
- D. fragmented data.

Trends at international level:

- **Open data**

Concerning the open data, the European Union considers that data accessing, analysing, reusing, combining, processing in administration will produce important benefits in two fields:

- ✓ transparency – the open data represent a tool in view to enhance transparency in public administration, to improve visibility of information which previously was not accessible, to inform the citizens and businesses on public policies, public expenditure, outcomes of the administrative activities;

- ✓ new service provision and economic growth: the data are combined in an innovative way, thus leading to the creation of new value added services, triggering new jobs, significant improvement of public service provision, contributing to the economic growth.

- **Open Government**

Open government represents a powerful trend in various democratic countries worldwide which will strengthen next years. For example, USA with the support of President Obama published the Memorandum „Transparency and Open

Government” (Transparency and Open Government, 2011), in view to apply this initiative. Thus, the public expenditure of US Government may be seen at <http://usaspending.gov>.

- **Cloud computing**

One of the most important trends at technological level refers to cloud computing, which consists in delegating the services connected to information management to third parties, operating in the cybernetic space, representing the result of ICT developments and manner of public service provision. Cloud computing will enable the administrations to focus strategically on the use of specialised services when the infrastructure and competences require. An example is the MuNet programme of the Organization of American States, developing the project “e-Government Service Centers”, implementing the principles of cloud computing in view to achieve e-services at municipality level (e-Government Service Centers).

- **Enhancing the use of electronic signature**

On 4 June 2012, the European Commission proposed new regulations in view facilitate the cross-border electronic transactions, so that the citizens and businesses use the own national electronic identification schemes (e-ID) in view to access the public services of other EU Member States, where the respective services are available, ensuring the same legal status as for the printed documents based processes.

- **Strengthening interoperability among the public institutions**

Interoperability is a prerequisite and a facilitator for efficient public service provision, representing the ability of disparate and diverse organisations to interact towards mutually beneficial and agreed common goals, involving the sharing of information and knowledge between the organisations, through the business processes they support, by means of the exchange of data between their respective ICT systems (COM (2010) 744 final).

The recommendations of the European Commission refer to aligning the National Interoperability Frameworks to the European Interoperability Framework in view to take into consideration the European dimension of public service delivery (COM (2010) 744 final).

- **Service convergence**

Administrations should realise that the citizens’ life becomes more digital and most citizens expect to achieve online transactions in order to save time and money.

Service convergence through one stop shop represents a significant trend at international level. For example it is worth to mention the portal “Public Services

all in one place” in the United Kingdom. In Spain the portal „060” provides services for citizens and businesses.

3.2. Main Successful Factors

- *Universal access.* E-services should be available to all citizens and companies. Accessibility should be improved and the digital channels should be diversified. At the same time with the explosion of smartphones, many persons use mobile banking and expect to do the same with e-services provided by administration. Thus, the administrations should develop services for smartphones in view to respond to citizens’ needs.

- *Citizen-centred.* On the one hand, the citizens should know the benefits of e-service use. On the other hand, the administrations should motivate the citizens to use them. The e-services should offer flexibility, transparency and should cut down the costs. Additionally, the administrations should consult the citizens before designing new services.

- *Innovation.* The administrations should implement innovations, should be themselves creative in new service development, as the benefits of e-government do not reduce only to decreasing the costs and improving the service efficiency and quality.

- *Balance between simplicity, accessibility and security.* The administrations should orient to successful use of e-ID, providing secure, simple and accessible services.

- *Interoperability.* The administrations should achieve integrates services.

The European Commission concerted actions aim to achieve a new generation of online services, open, flexible, accessible at local, regional, national level for citizens and businesses²³.

4. Conclusions

E-government services represent key tools for improving the public sector capacity to solve more problems with less resources and a higher level of e-

² e-Commission 2012-2015, Communication from VP Šefčovič to the Commission, SEC(2012) 492 final

http://ec.europa.eu/dgs/informatics/ecommm/doc/communication_sefcovic_tothecom.pdf

³ The European e-government Action Plan 2011-2015, Harnessing ICT to promote smart, sustainable & innovative Government, COM(2010) 743 final

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2010:0743:FIN:EN:PDF>

government services development is needed in order to transform the interactions between public administration and citizens/businesses.

E-government services represent one of the most dynamic sectors of modern economy. The aspects supporting the e-services development worldwide are focused on:

- ensuring the balanced development, respectively a quantitative and qualitative balance between the demand and offer of public services;
- designing e-services in view to comply with the users' needs and expectations. It may be accomplished by applying creative methods for service design;
- developing the digital competences;
- providing unrestricted access to digital services.

Considering the new generation of e-government services, the following aspects are important for the EU countries:

- implementing strategies in view to increase customer centricity, improving the design of public services, and thus increasing the use;
- increasing the use of social media in order to involve non-believers;
- opening up data in light to turn into account the economic gains and to drive innovation;
- focusing on collaboration.

At the same time, e-service quality represents an essential aspect of the initiatives for development and improvement, as well as for performance management in public administration.

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EVALUATION SYSTEMS OF CIVIL SERVANTS. COMPARATIVE ANALYSIS

Luminita IORDACHE¹

Abstract

Public Administration System is in full process of adaptation to the standards of good practice that exist at the European level. Applying the principles of good government within the public sector supposes the through knowledge of the requirements and needs imposed by the public administration system. Within the present context, professional training and development represents a priority at the level of the two states, members of the European Union about which I will speak within this work, namely Romania and Spain and supporting this project is the responsibility of each public authority and institution. The purpose of this article is to become aware of and to understand the importance of the correct and objective application of the evaluation of public servants. The way of its achievement influences the activity of the public servants, of the institutions and has an impact upon performing public services to the citizens. In order to background the work, I proceeded to the research of speciality works such as: "Marketing in the Public Sector: A roadmap for Improved Performance", Philip Kotler, Nancy Lee; Legislation (Law no. 188/1999 – Public servants law in Romania republished in the Official Monitor no. 365 from 29 May 2007, G.D. 611/2008 for approving the norms concerning the organization and the development of the public servants career and Law no. 7/12 April 2007- Basic status of the Spanish public servants) having as used methods the study from biographic materials and the observation of public institutions is in a continuous change and they must resist new challenges. This work pops into evidence the purpose of this evaluation within the reforming process of the public function.

Keywords: *evaluation, performance, development.*

1. Introduction

In legislation, the evaluation of public servants is defined as a formalized procedure by means of which is determined the level of the accomplishment of public servants individual objectives and tasks within a period of time. For each objective are set the performance indicators, which measure the achievement of the set objectives from the point of view of quantity and quality.

By evaluation, are identified the necessities of professional development and the on-the-way obstacles in order to obtain an optimal individual professional

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performance. Its purpose is the improvement of the institutional performance and the development of public servants' professional as well as personal competences, assuring a system of financial and non-financial motivation of theirs as well as the identification of some risks and gaps in the accomplishment of the set objectives so that we can intervene at the right place.

This evaluation appeared as a necessity to improve the internal management system within public institutions for the leader as well as for the assessed public servants. Performance management can't be separated from performance evaluation because the former is a forerunner and a continuer of performance evaluation and is applied organizationally as well as individually.

Given that individual performance is closely linked to group and organizational one, the quantity and quality of individual results which are obtained prove the performance level of the public authority the public servants belongs to.

2. Legislation Concerning the Evaluation of Public Servants in Romania and Spain

In Romania, the evaluation of the individual professional performances of public servants, of execution as well as managing is done yearly. Following this, the public servants is awarded one of the following grades: "very good", "good", "satisfactory", "unsatisfactory". According to these grades, the public servants can advance from the point of view of salary, can be promoted to a higher public function or can be dismissed.

The legislation framework concerning the organization and development of public servants' career is Decision no. 611/2008. This decision defines some terms and concepts such as the evaluation of individual professional performances and promotion. According to this, promotion is the way of career development by holding a public function of professional degree, which is superior to the previously held one and it is done via competition or semesterly exam organized by public authorities and institutions by transformic the position held by the public servants following the promotion of the competition or of the examination.

The special regulation concerning this issue, Law no. 188/1999 regarding the Status of civil servants, with its further modifications and completions defines the public servants, comprising in the same time an important number of provisions which, to improve the human administrative capacity, presents a special interest:

the regulation of public servants' professional development and the regulation of public servants' career (recruitment, appointment, promotion and evaluation of public servants' professional performance are set the public servants professional formation requirements.

The methodology of evaluation of public servants' individual professional performances is approved by Government decision following the proposal of National Agency of Civil Servants, after having consulted the public servants' union organizations, which are representative to the national level. This agency assures career management next to the public authorities and institutions and the public servant.

The evaluation of professional performances shows how well the public servant accomplished their objectives in the previous year and helps to know the superior's opinion on the quality of the performed work, which the development possibilities are, possibilities that can be assured by the public entity.

The public servant, as an employee, must contribute to the preparation and development of the evaluation process to ensure that they use this facility for their own career. For an evaluation performed as well as possible, the hierarchic superior from the local and central public administration in Romania should be interested in the following aspects:

- from the every beginning of public servant's activity, they must be informed concerning the objectives and performance indicators that must be reached and on whose basis their evaluation will be performed;
- the promotion possibilities for the respective year as well as the evaluation methods and instruments the public entity uses and which are relevant to the evaluation must be known by all the subordinates;
- the evaluation plan announced at the beginning of the activity must be respected and within the evaluation, the objectives and the performance indicators set in the work sheet must be ticked;
- the evaluation opinions must be founded, objective, documented and non-discriminatory;
- they shall give the possibly to formulate commentaries and arguments throughout the evaluation interview with regard to the evaluation appreciations or the awarded grades;
- the weaknesses of the public servant's performance as well as their merits must be identified in order to help the public servant to developed themselves in the public function and not to receive punishments.

The set criteria for the public servants' evaluation are set by the national Agency of Public Servants. This public institution subordinated to the Ministry of Regional Development and Public Administration establishes performance criteria for the execution public servants as well as for the managing ones.

The basic principles of the evaluation are the objectivity and transparency. The criteria on whose basis the evaluation is performed must be clear, measurable, elaborated according to the work description and are compared to the performance standards set for each position.

Public servants can be beginners and permanent ones. In order a beginning public servant to be permanent, they must do a stage period whose purpose is checking their professional capacities in accomplishing the attributions and responsibilities of a public function, the practical training of the beginning public servants as well as their knowledge of the specific of public administration and of its requirements.

According to Decision no. 611/2008, the evaluation criteria of the public servant's activity who is a beginner are:

- to know the regulations specific to the field of activity as well as the principles that governs the public administration;
- to own the capacity of accomplishing to work tasks;
- adaptability, flexibility, communication ease, conveying the ideas in writing and orally;
- while-working behaviour;
- capacity of working in a team;
- ability to identify the best acting alternative.

According to the in-force legislation, the evaluation of first, second and third-degree public servants is based on the following criteria: the capacity the implementation, the capacity of efficiently solving the problems, the capacity of self-perfectioning and valuing the gained experience, creativity and initiative spirit, the capacity of planning and acting strategically, the capacity of working independently, the capacity of working in a team, the competence of dealing with the allocated resources, the capacity of analysis and synthesis.

It is absolutely necessary to mention that these evaluation criteria of execution public servants are applied according to the group the evaluated one belongs to subsequently, for groupe III of public servants; they are not applied as rigorously and comprise a less wide area of responsabilisation.

For the public servants with a leading function, the performance criteria which are applied within the evaluation process, apart those defined in the evaluation of public servants holding an execution function, specific to the leading function are: the capacity of organizing, the capacity of managing, the capacity of coordinating, the control capacity, the capacity of getting the best results, the decision competence, the capacity of delegating, abilities of dealing with the human resources, the capacity of developing the personnel's abilities, abilities of mediation, negotiation and objectivity in appreciation (G.D. 611/2008 for approving the norms concerning the organization and development of public servants career).

The performance criteria set this way are brought to the knowledge of the public servant who is evaluated at the beginning of the evaluated period, under the penalty of not considering them.

Grading the individual objectives as well as the performance criteria are done by grades from 1 to 5, grade 1 being the lowest, grade 5 being the highest, then the average of the grades awarded for each evaluation criterion is done and a final grade is obtained- according to this final grade, the public servant receives the above-mentioned grades.

If the evaluation system of public servants in Romania is set according to some laws with applicability norms, as for the Spanish state, the public servant is evaluated according to the performance evaluation system, specific to the public administration they serve.

The regulations from the public function field follow the French model and are very detailed as far as the obligations and the discipline penalties which are applied to the public servants are concerned.

On the site of the Official Monitor of the Spanish State is available the document in electronic format named 'Public Function Code', which has laws and decrets of the Spanish State which refer to reforming the public administration and to the public function as well. By 'Public Servant's Basic Status' (Law no. 7/12 April 2007- Basic Status of Public Servants, with further modifications and completions) are set the principles of the public servant, their rights and obligations, the classification of the public function, the responsibility, the punishment, the evaluation as well as other legal-character information that refers to the way of getting a public function in Spain.

In the beginning part of Law no. 7/2007 the public servant's basic Status are references to the necessity of owning a system of dealing with human resource within public administration which shall allow the attraction of qualified

personnel for the development of the activity, the stimulation of the employees for an efficient functioning, right professional formation (training) and especially the possibility of work promotion.

Although the Spanish State is in a full process of administrative decentralization, The State General Administration, organized on three government territorial levels via autonome administrations cannot dispose of a regime of public function outlined on the basis of a homogenous system, which shall have as a unique reference model in the Government Administration (Law no. 7/2007-Basic Status of Public Servant).

Consequently, each administration must outline its own personnel policy, considering the autonomy Status and of the doctrine imposed by the Constitutional Court. The structure of the Spanish Public Administration is formed of the General State Administration, the Autonomous Communities Administration which comprises autonomous communities that have their own legislation and administrative power, the Local Administration formed of all the city and town halls and public right entities with legal status-there are a great number of associations and organizations found in the subordination of an administrative authority which provides or performs a public service.

According to the Public Function Status, the local administrations, on the basis of their autonomy of setting their own personnel policies at the local or sector level and within their competence limits, can issue, approve or modify laws of public function performance for their own administration, as well as application norms, respecting the organizational autonomy of local entities. The rating of public servants in the Public Administration of Spain is done this way: high public servants, temporary public servants, executants public servants and temporary employees.

Rating the groups of servants according to the State is: group A, with two sub-groups (A1 and A2) and they are allowed the access to these functions to those who are in the ongoing process of degree permanent- holding position; group B, comprises functions that can be accessed by those that have entithing/qualification/Technical Superior Diploma; group C, with sub-groups: C1(they must have a technical or a baccalaureate diploma), C2 (they must have a Compulsory Secondary School graduation diploma).

In the process of evaluation of public servants, the Autonomous Communities of Spain adopt various methods of defining the public function and

servant by adopting the specific conditions of function holding, fact that leads to the elaboration of an evaluation normative framework that is based on the setting of the criteria that refer to the performance as well as the efficiency or the result.

In these conditions, the most used instrument in evaluating the results is represented by the orientation towards objectives, where the process of setting the objectives is participative and consists of defining the area of responsibility really because the evaluation will consist of analyzing the degree of accomplishment of the set objectives.

Using such an evaluation type allows the analyzing the employee's degree of success in the held position, as well as their efficiency level in comparison with the other employees. However, in order to be able to improve an employee's productivity in case of a weak efficiency, it is necessary to evaluate the performances referring to the way of activity development.

Performance evaluation involves the analyzing of three dimensions grouped in:

- accomplishment of tasks- it refers to the functions and roles of the held position, to the competences asked for the adequate performance. The Spanish State focuses on the employee's right and on the obligation of the administrative organization to communicate and clarify the tasks, functions and objectives as well as the obligation to provide the necessary means for task accomplishment, to provide access to training and perfectionning the knowledge and professional capacities;

- contextual performance or productive behavior- this refers to the employee's personality, defining the work environment and includes sub-criteria referring to: co-operation, kindness, motivation, loyalty towards the organization, commitment, representation, initiative, self-development, persistence;

- non-productive behavior - the employee's intentionally inadequate behavior which does not match the interests of the administrative organization.

According to these three performance dimensions, the Autonomous Administrations give laws, regulate, modify, set application norms, issue evaluation programmes by setting criteria which are specific to the activities developed by the subordinated entities/bodies/organizations.

Article 20 from the basic Status of public function defines the general framework on whose basis we will be able to set the evaluation criteria, respecting the public servants' rights the way they were set by law and according to line (2) of the same article, the compulsory minimal evaluation criteria are: transparency, objectivity, impartiality, non-discrimination.

Indeed, beside the traditional “vertical career” of servants, which refers to the “promotion in the structure of work positions”, is also regulated the “horizontal career” by “advancing in degree, category or other synonyms, without needing to change the position”.

Similarly is regulated the vertical internal promotion, which consists of promotion from a group, scale or sub-group of professional classification group to a superior one, and the “horizontal internal promotion” (Pastora Calle, 2012) which refers to the “promotion from a body or a scale of the same professional sub-group”.

Concerning performance evaluation, within Public Servant Status is stated the horizontal promotion as well as the vertical which are based on procedures that measure and value the professional behavior and the efficiency or the success of the results, on condition that these procedures be approved by the Public Administrations in whose subordination they function.

After promoting the examination in the access to a public function, the public servant receives an initial degree, which can be increased following personal performances after two years.

In comparison with Romania, where the legislation referring to the public function and to the public servant is regulated by the National Administration of Public Servants of Romania, Spain offers by means of the process of administrative decentralization, flexibility and autonomy to the Regional Administration under the lead of the human resource with which it develops its activity, especially concerning the process of employee selection, promotion criteria, additional favors, extra-offered payments, motivation.

3. Can Public Servants Change and Improve Themselves Permanently?

Amongst other things, continuous training is one of the criteria taken into consideration during the promotion decision and a condition to proceed to a directly superior career. The performance of public servant is directly as well as indirectly influenced by several factors.

Amongst direct ones, we enumerate the public servant’s effort, which is closely related to the performance, the professional abilities, which are personal features of the public servant, understanding the role or within public authority

framework also the personality features (nature and character) of the public servant which can influence work productivity.

Amongst indirect factors that influence public servants' performance, which are not under their control are work conditions, overworking, disloyalty (inequity) in promotion and salary-awarding, lack of co-operation and communication at work, flawed management of the institution. This is the way all these factors can influence public servants' professional development- however, what is very important is every person's motivation.

A modern public administration, in permanent change, needs competitive, motivated and performant human resources, with good professional training. Public servants must be open, flexible and always able to cope with new challenges. The development of Communication and Information Technologies contributed to the creation of an efficient, functional and long-lasting institutional framework and involved personnel with professional competences and adequate technical qualification.

Like in any other field, public servants can change and improve themselves given that the world is in a permanent change, they need to be motivated and to be assured by the public institutions training and perfectioning schedule.

The Public Servant Status states that professional perfectioning represents a right and an obligation for each public servant. By the perfectioning programmes is answered the need of urgent reach of building a public administration in accordance with the standards of the European Union as well as with the institutional requirements.

4. Conclusions

Measuring and evaluating the individual performances are connected with: performance indicators, achievement of the specific individual objectives, contribution to assuring the performance. The development objectives targets either improving the performance in the position held by the employee, or their promotion.

The specialists often affirmed that employees' commitment is essential in reaching the objectives of the institution, the employees must feel they are able to reach them. This way, it is important that the employees participate to the process of setting the objectives, accept them and be motivated to internalize them.

It is also important that the managers express their wish to provide assistance to the employees in reaching these objectives, by providing the necessary resources, guidance and removing the obstacles.

The objectives must define the final results. They must have a certain degree of difficulty, but they must also be accessible to motivate towards performance. While going through the process of evaluation and performance management, feed-back must be provided when an exceptional performance or a negative one is observed as well as feedback from time to time, which must be related to reaching everyday objectives.

In Spain as well as in Romania, the evaluation is done according to some grades obtained by the public servants, which is divided into three levels, consequently: 25% represents a level of raised merit; 50% average level and 25% gift without having a correspondent for the low level. Also, the servants can participate to political activities which are not against “democratic and liberal fundamental order” and can be candidates in elections without resigning.

Promotion in the public function is based on merits. The promotions take place according to the professional skills, qualifications and achievements. Most of the times, promotion involves changing position, and following that public servants are assigned fixed positions, their promotion involves the existence of a vacant superior position.

In order to assure a modern efficient administration, it is extremely important to choose the right people suitable for the managing positions, this being also the reason why a lot of public employers assign managing positions only on fixed or trial periods.

In order to get an informative objective and comparable image of public servants, personnel evaluations are regularly performed, this serving as basis for the decisions concerning staff development and they represent an instrument of staff management.

The accomplishment of objectives represents an important part of the evaluation process of the employees’ performances because the entity- level objectives represent, the reference for setting the specific objectives. Classically, the objectives are up-to-down, so they can belong to the target system of the entity as deriving from the general objective and from the departmental ones.

The employees’ individual abilities and features are used in all the administrative structures for performance evaluation. On the basis of general criteria set for a certain group a comparative evaluation is performed.

The most used criteria in the evaluation method by structured procedures are: kindness (assertiveness), resistance; assuming responsibilities; the ability of making decisions, operationality.

The high degree of decisional freedom in the process of evaluating the performances of the employees in the public system is very important.

Although the general structure that refers to the criteria of evaluating the public servants is close in Romania as well as in Spain, that is every administrative structure has as evaluation criterion “the decisional capacity” and “responsibility assumption”, grading system, evaluation manner, the decisional factor concerning the evaluation process, the freedom of the interchanges operated within the evaluation sheet are different, especially within the Romanian administrative system. One can notice its rigid character, exactly by setting all the decisional restrictions by the National Administration of Public Servants.

At the beginning of putting into practice of the performance management system, it is important to discuss with the employees about the perception they have concerning the concept of performance, what expected performant behaviors mean and which the results of going through all the steps of this system are expected to be.

The desired behaviour, the performant one, is important because it means the employee’s understanding to lead their tasks to their good end-the way they help their team, the way they communicate, the way they guide the others. The expectancies concerning the behaviours and the results should be included in the organisation’s list of strategic objectives.

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DEVELOPMENT OF PUBLIC SERVICES IN ROMANIA. COMPARATIVE ANALYSIS

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Abstract

Public Service - in the modern sense of the term - occurred in the early twentieth century, under the influence of lawyers, as a basis for foundation of public law. Gradually, the concept was enriched with other meanings, falling under the analysis of economists, sociologists, environmentalists etc. Shaping the classical notion of public service has had numerous consequences: it marked the distinction between public and private, it has transformed the image of the state that legitimizes especially through the services they provide the definition of the legitimation system of public agents and of the public sector. After the '70s, the crisis of public service led to the redefinition of itself and its principles of organization. The new context was marked by an ideological criticism (the ineffectiveness of public management) and new constraints (such as an increased competition), external pressures that challenge the civil service system and generated dissatisfaction among users. Under these conditions there was a process of adaptation aimed both to the improvement of relations (suppliers, partners, customers or users) and to the increase of public service performances. In the last thirty years, public service reform has been a major concern for the government, social partners and international organizations. This reform is bound to redefine the state's role in the context of globalization and liberalization and it responds to criticisms regarding effectiveness and efficiency of public services. In all public services reform processes decentralization and privatization can be found in one form or another. Thus, to determine the administration to be more citizen-oriented has become a central aspect of the changes occurred and also the way forward for it to be strongly oriented toward performance. Of course, such an orientation focused equally by increasing the degree of responsiveness in the public sector and to establish standards of public services with the aim of service transformation from "recommended goods" in "experimented goods" and afterwards in "sought after goods"(Matei 2004: 29).

Public services should provide a variety of services to the community. Radical improvements are needed to provide these services. The quality and speed of performance are crucial; politeness and efficiency must be simultaneous.

Key words: public services, public administration,

1. Genesis of the Public Services Theory

In defining public service, three major periods have occurred: the late twentieth century - the classic definition, formulated mainly by French scholars,

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specialists in public law, whose conception was taken over in most European countries, between the World Wars, in which we find numerous debates of Romanian doctrinarians and the current period, which in addition to the legal approach brings new trends, encompassing economic, social, managerial and users perspectives in defining public service. This last stage is strongly influenced by the "crisis of the public service" and by the developments in the European Union.

In the French system, the notion of public service is outlined on the basis of a decision of the Court of conflicts from 1873, the Blanco decision in which the Court first establishes the state liability for damages caused and establishes its jurisdiction over such disputes. Thus, the autonomy of administrative law, by recognizing the possibility of questioning the state's responsibility for damage caused by different activities, as well as the need to delineate this responsibility from the system of private law. Moreover, this decision establishes a definition for the public service: it is an activity of general interest made by the administration or under its control.

Although unnoticed for 30 years, the Blanco decision was a decisive moment to guide the foundation of building administrative law to public service instead of public power. This fact was emphasized by the School of public service, which gave a central place in the scientific explanation of the administrative law. The main representatives of this school, Duguit, Jézeau, Bonnard and Roland considered public service as "work that governments are obliged to realize in the benefit of the governed (Duguit, p.417)" or "the state is a set of public services" (Bonnard *et al*, p.42)", „public domain is a public service", „public work is a public service (A. De Laubadere et al, p.43).

Duguit said that "a public service embedded three elements: a mission considered mandatory for the state, an instituted number of agents to perform this mission, supplies and funds earmarked for achieving this mission" (Duguit, p.416), and Jézeau claimed that "public services are only items of general interest that governments of a certain country, at some point, decided to be met through a public service"(Forges, p. 179).

Thus, the concept of the school mentioned, the center of administrative law is the public service, which dominated doctrine and jurisprudence until the 50s, being heavily criticized in particular for removal from the public law, the notion of public power (Hauriou, 1927).

After the Blanco decision, a number of decisions of the Council of State and of the Court of conflicts have built the public service principles, characteristics systematized in theory of L. Rolland (Matei, p.36):

- equal treatment of users;
- continuity of service, recognized as having constitutional value by the Constitutional Council Decision DC no. 79-105 of July 25, 1979²;
- mutability or adaptability of public service.

Another decision of the State Council will establish the basic notions of industrial and commercial public service, and thus justifying the extension of the concept of public service missions beyond royal state missions.

If the Court of conflicts and the State Council have played a major role in defining the public service, the jurisprudence was the one which outlined "specific elements of a public service" (Vasile, 2003: 13-14):

- the organic element leads to the organic definition of the public service - set of agents and means that a public person uses for a well-defined purpose;
- the material element - in material or functional sense, the public service is an activity of general interest provided by the public administration;
- the legal element - public service requires a specific legal regime, a set of procedures derogating from the common law. In other words, an activity is a public service if it is subject to the legal regime of public service.

Grouping the three elements, the public service appears as an activity of general interest provided by a public person through procedures derogating from the common law.

In Anglo-American vocabulary, "the concept of public service was almost unknown"³, because, especially in the US case, the economy was individualized by its competitive nature and by the primacy of private initiative so that the intervention of public institutions in the supplying of services was limited.

Southern European countries - Spain, Italy, Portugal, Belgium, Luxembourg and Greece have a conception of public service which translates into a legal framework of public interest, while other countries do not confer special status to public service. This distinction is related to the collective-individual differentiation.

² Constitutional Council Decision no. DC 79-105 of 25 July 1979 on the Law amending the Law no. 74-696 of August 7, 1974 on the continuity of public service TV and radio broadcasters in the event of activity closure.

³ In reference works there was not any definition specified, as stated in The Oxford Companion to Law, Oxford, Clarendon Press, 1980 or in The Concise Oxford Dictionary of Law, Oxford, Oxford University Press, 1983.

However, all states meet economic activities undertaken by the state and local authorities on behalf of the general interest and funded from public sources.

All this aspects show that the recognition and definition of public service is a sensitive subject, the state is the one doing this because it defines its areas of competence.

2. European Experiences Regarding the Institutional System of Public Services Management

2.1. France

Under the Constitution of 1958, France is a indivisible, secular, democratic and social republic. The legislative power is exercised by a bicameral parliament consisting of the Senate and the National Assembly. It is the two-headed executive: President of the Republic and the Prime Minister.

The administrative structure of contemporary France is the result of a territorial policy in which centralization was the defining element. This system dominated by the idea of authority, is characterized as Marcel Prelot emphasized that an "administrative power prints in all parts of the country a uniform direction, leaving no part of the citizens decision" so that local development and management of public services starts primarily from central level will.

After centuries of centralism, 1982 was the year of administrative reforms that were trying to build a decentralized system, but, especially, they gave ongoing developments for evolution already outlined.

Asserting the rights and freedoms of administrative-territorial units, a new division of competencies between levels of government, regional planning application in contractual spirit, new skills granted to elected administrative-territorial units assemblies and their mayor or president, avoiding training just in Paris, reorganization of local public finance system, modification of the status of civil servants, opening new areas for dialogue aimed at removing clientelism, stimulating the economic system from local communities and local economic strategies, are elements of this administrative reform. Their analysis allows understanding that political, social, economic and cultural factors contribute to the development (Matei, et al., 2000: 23).

The French administrative organization today is complex and branched involving a diversified institutional system and large staffing. Central structures and territorial organization are distinguished, without neglecting the tutelage exerted on decentralized communities.

Central structures have significant influence on the operation of French administration and implicitly over the processes on local development and management of public services. They liaise with the government and this is not just the transmission and execution of orders, but also the preparation of decisions. These structures include the services of the Presidency, the Prime Minister, and the central government, the State Council or the Court of Accounts.

According to Title XII, art. 72-75 of the French Constitution, territorial communities of the republic are municipalities, departments, regions and "overseas territories". Any other community is created only by law. These communities are managed freely by elected councils and under conditions provided by the law. This constitutional provision induces the idea of responsibility to local authorities regarding development, but in departments and territories, the government delegate is responsible for the representation of national interests, administrative control and enforcement of laws.

Through devolution a significant part of the tasks of the state and territory agencies especially towards the prefects were transferred. According to Law no. 82-213 of March 2, 1982, the prefect is the representative of the state in departments and regions. He represents each ministry, manages state services and he is the guarantor of national interest, respect for the law, public order and administrative control. The prefect, as agent of the state, has a dual role: political and administrative. As a political agent, the prefect has the role to organize elections, and as an administrative agent he can intervene in areas such as spatial planning, urban planning or industry.

Therefore, we are facing two dimensions of the French administration:

a) **The territorial dimension.** This underlies the division of central and local public authorities, depending on the range of territorial action;

b) **Functional dimension.** This is reflected in the division of administrative authorities in authorities with general jurisdiction and specialized authorities.

In a country with historical tendencies of administrative centralization, the decentralization concept had difficulties in identifying the precise elements of its legal framework. For France, as Maurice Hauriou appreciated "decentralization is only a way of being of the state" as well as centralization, moreover, having only passage towards administration.

2.2. Germany

Germany is a parliamentary republic with specific terms of development: a strong rate of urbanization (86%), a high GDP per capita and important public consumption. Thus, urbanization and rich resources, results of industrialization, are elements that stimulate and direct local development strategies. The federal organization of the state is added to these aspects.

The Constitution sets three levels of authority:

- 1) Federal level;
- 2) Länder;
- 3) Local level which includes municipalities (Gemeinde), districts or arrondissements (Kreise).

Therefore, the structure of administrative authorities in Germany appears as a polycentric one.

The development of the welfare state in 50-60 years had significant repercussions on local authorities. First, in the period 1968-1977, important reforms were made territorial Länder, reforms aimed at strengthening the administrative capacity of local communities whose reconstruction often resembled the shape from the 19th century. Amid antagonism between the goal of increasing administrative effectiveness and to strengthen local democracy, the Länder have implemented different strategies depending on regional political culture and on the local level opposition force. In the Land of North Rhine - Westphalia, municipalities have an average of 43,000 inhabitants; in other Länder, especially in the south, the regrouping policy was insignificant, allowing small towns to retain their legal personality and its own elected bodies and forcing them, finally, to execute administrative tasks jointly with other local authorities. Now, the 24,000 communes were reduced to 8,400, and the Kreise from 425 to 237, but a new level between the Kreise and communes was added, which has complicated the administrative structure⁴.

Consequently, in the 60s and 70s, many municipalities began modernizing, very strong reform in comparison with their counterparts in other European countries.

The early 90s was marked for municipalities and Kreise, by a budgetary crisis and delayed influences of NPM. Until now, local authorities have

⁴ Laux Eberhart, *Erfahrungen und Perspektiven der kommunalen Gebiets – und Functionalreform*, in Wollmann Hellmut and Roth Roland, *Kommunalpolitik*, Neuaufgabe, Opladen, Leske and Budrich, p. 175.

introduced new concepts embodied in new budgeting procedures, in order to reduce costs.

As in many other European countries, local democracy in Germany, from 1945 until today, has been dominated by indirect representative democracy⁵. Since the early 90s, the situation changed, the Länder adopting laws on local referendum, following a similar initiative of the Federal Parliament in May 1990.

Another element of institutional development is the generalization of the direct election of mayors. Länder parliaments of eastern Germany have done this is to give people a lever of control over the administration, either (or) from management considerations (as in West German Länder).

2.3. Great Britain

The British administrative system differs fundamentally from those of continental countries due to specific historical developments and relationships arising from embedding particular different nations: English, Welsh, Scottish, and Northern Irish.

In the UK there is no concept of state, reference being made to the Crown, which expresses the executive power (Vasile, p. 105) so that, unlike the state, the Crown does not imply the existence of territorial divisions comparable to regions, counties or municipalities, identifying with the central power.

Local government is one of the three elements of territorial administration in Great Britain, along with decentralized administrative structures or specific status and private institutions - recently strengthened - in Scotland, Wales and Northern Ireland.

Britain has no written constitution and legal framework in which decentralized territorial communities operate evolved over time. A particular feature is the absence of the constitutional guarantee in favor of local authorities: Parliament is free to make any desired changes in the organization of decentralized administration.

Supporters of the British system believe that traditions and common law are sufficient to preserve the autonomy and independence of local government, but it is clear that these are only minor arguments.

There are no specialized constitutional or administrative courts to treat conflicts between the central government decisions and decentralized local government decisions. This competency lies within the ordinary civil courts and in the jurisprudence which makes a major effort to adapt the ordinary law in the particular circumstances of local government.

⁵ Some Länder (especially in eastern Germany) provided the revocation of mayors and of Landrat through local referendum. Land Baden-Württemberg is an exception to this rule, with a local referendum procedure since the 50s.

British local decentralized authorities have no general powers. Under the principle of *ultra vires* developed by the courts in the 19th century, every act of the government must be based on legal empowerment conferred by law or common law. Therefore, local authorities and their representatives may act only within the powers conferred by the Parliament.

Rapid urbanization and industrial development in the 19th century had the effect of increasing the number of specialized administrative persons, some being designated to meet the needs of public health, hygiene, education, public order maintenance and other areas deemed important for each individual. Also, a significant increase in commercial and industrial services of municipalities such as markets, slaughterhouses, public baths, waste management, water supply, gas, and electricity, transport networks by train or bus has been noticed.

Great Britain has always been governed by conventions and constitutional practices that have moderated and balanced unitary and centralizing tendencies. This is attested by the development and local autonomy from the 19th century, premise that contributed to the building of what is called "dual system" (Jim Bulpitt) characterized by a separation of powers: the central government and its elite (Oxbridge)⁶, managers of "high policy", while "basic policy" and its implementation was left to the local authorities (infrastructure, social services developed due to rapid urbanization and industrialization).

This system led to the Parliament empowering of local authorities with a large number of tasks but without strictly establishing the way of implementation. Secondly, the central government has never established units that have a capacity of regional or local execution, which was inconsistent with what was happening in continental Europe. Thus, a paradox has been reached: the central government had almost unlimited power, but manifest indifference to the local level, a situation that allowed local authorities to benefit from a degree of autonomy unparalleled in Europe at the time.

In 1972 there was another significant change in the system during the years 1880-1890 by adopting the Local Government Act⁷. The number of counties was reduced from 62 to 47 (with an average of 730,000 inhabitants), the number of districts was also diminished (with an average of 125,000 persons), and the lower

⁶ Graduates of universities of Oxford and Cambridge.

⁷ The reform of 1972 was preceded by the work of the Redcliffe-Maude Commission and through two government reports.

level of cities and parishes (which had elected councils and insignificant tasks) remained unchanged.

Water supply and wastewater collection were nationalized in England and Wales in 1974. Since 1989 they have been privatized, like gas and electricity as well (1990 and 1991). In 1995, the responsibility of the police was transferred from the county councils to specific police authorities, controlled by members elected by the county, along with peace judges, appointed by the Minister of Interior. Institutional evolution is characterized by the diversity of local initiatives and through a stronger footprint of national authorities.

Through these reforms, the central government showed the same determination aimed at strengthening the effectiveness of local authorities like in the late 19th century. If we compare what happened in other European countries, the territorial changes made are the most radical and constitute an extreme case of what we call "northern European type" local structures (Marcou & Verebelyi, 382).

In the '80s, after the Conservative Party victory, the new government initiated a wide range of measures that have restructured deeply the local authorities' status, criticized mainly due to the excessive power of civil servants. An important measure was aimed at limiting financial powers, particularly the initiative of limiting the traditional land tax (rate) and to replace it with another local tax based on a flat tax rate per person (poll tax). This reform reduced the discretion of local authorities on local taxes. The government, relying on the principles of New Public Management, has sought to reduce the decisive power of local authorities, attacking "municipal empires" and their quasi-monopoly on the direct provision of social services.

In the "offensive" against the local authorities, the government used other tools as well:

- legal obligation to sell social settlements (to tenants);
- opening up towards competition in the provision of public services (local communities had to play a guarantor role and not a direct provider of services);
- abolition through the Local Government Act of 1985 of the Grand Council of London and of the six metropolitan councils.

Some texts that were restructuring local authorities were never applied or "were explicitly revoked" (Stoker, p. 372). But, overall, they put the government in a much stronger position in relation to local authorities.

In 2000, there were further changes on the local system of governance by adopting the law on local development (La documentation française, 2002: 283):

- abolition of the committee system used by municipalities, which existed for over a century, asking the municipal councilors to consult the public about the possibility of directly electing of the mayor;
- increased freedom of action of municipalities by introducing a general power to promote the economic, social or community environment welfare;
- new provisions for quality management (best value), which urged municipalities to find the best options for each public service, using to this end private companies if they were more effective⁸.

3. Local Development and the Role of Public Services in this Process in the Eu Countries

Local development is the process of development in a given region or administrative unit, which increases the quality of life locally. Thus, with regard to the local level, which, as we have seen, in each country bears a strong national footprint, it will be difficult to identify points of convergence.

However, it can be noted that satisfaction of communities needs has as basis their freedom to manage their own destiny. It is a right of free administration that we find in all European countries, but in different forms caused by economic, demographic, historical and institutional influences.

Similarity of public structures should be approached with great caution. Structures being variable, it is absolutely futile to seek absolute common institutions in different European countries. However, some proximity trends can be emphasized. Based on this finding we try a comparative approach, pursuing the following benchmarks:

- A. Role of local and institution building for local development;
- B. Local democracy and citizen participation;
- C. Effective competencies in local development.

3.1. Role of Local and Institution Building for Local Development

In a greater or lesser degree in all analyzed countries, one can speak of a right to free local management, but with specific nuances. In Germany it is Selbstverwaltung defined in the Constitution as "the right to carry out, on its own

⁸ This "modernization agenda" is the most radical program of the last century in terms of changes to local governments.

responsibility all the affairs of the local community", which corresponds to the term "libre administration" in the French constitution or self-government concept (Breuillard). In other words, the responsibility for local development is primarily local, using the right of self-administration.

Although at doctrinal level it played a major role in building European administrations, France appears with a complex and cumbersome administrative structure and, although there is a general orientation towards devolution and decentralization, it is estimated that the reforms initiated in the '80s did not change too much that France is administered especially from Paris.

Administrative-territorial division is controversial. It is charged for its complexity, that it fails to situate the local competencies at the level of local communities' problems. There are two major criticisms to which no real solutions have been found until now: the problem of community dispersion and that of intermediate communities.

Local development in Germany, federal state, is marked by a few fundamental principles: local autonomy, organizational autonomy, subsidiarity and complementarity through which local authorities and communities are responsible for this process.

Freedom and diversity patterns of these local authorities, according to tradition, history and particular needs within a land, represents an original form of application of these principles, a great freedom for the communities to manage their own destiny. Not incidentally, Germany is an example of democracy in which all sovereign powers are reverted to the citizens.

The force of the principle of subsidiarity impresses, as an element of solving local problems by the nearest level of authority, closely related to the principle of complementarity according to which the superior level authorities may intervene to solve a local problem only in case of inability of municipal authorities.

Local autonomy takes an original form, each level of authority having mandatory tasks and freedom to perform, depending on financial capacity, other tasks as well that correspond to the needs of the represented community.

The German state construction, the administrative levels and the relationships among themselves make any decision at one level to be influenced by lower levels through clear and transparent mechanisms. Thus, the governing process is achieved rather from bottom-up, starting from the needs of the individual, of the community and not top-down, as in the French model.

From a historical perspective it is noteworthy that the English local level from the 19th century (the Victorian model) can be seen as an exceptional case,

both operationally and politically, this balance representing the key to what we call the "Anglo" type (Hesse et al, p. 606).

Observing the local government system in the UK leads to the conclusion that it looks like a system in crisis because in the last two decades the powers of local authorities and local autonomy have been reduced. Decisional and financial autonomy have been limited, but the organizational structure at local level was the subject of an assessment in view of a radical reform.

Great Britain seems to oscillate between the traditional model based on common law and the attempt to borrow forms of local government from the mainland, resulting very often in a hybrid unable to function.

For now there are two important things to note for new tendencies.

First, Great Britain has embarked on a regionalization movement. Based on election promises, the government has undergone regional referendums the stability of the Scottish Parliament and of the Welsh Assembly. The first was adopted by a clear majority, but the second with a close majority. The development is unpredictable in the case of Scotland. The question whether England will experience a regionalization remains open.

The second change concerns the relaunch of local democracy.

The key traditional element of the local system is that the dominance lies just with the elected council and with its committees and that this should be exercised in a collegial and voluntary manner. It is clear that this system has become unfit for solving complex problems of modern administration. In order to remedy this problem more advanced options were submitted that have in common the idea of separation of powers and a certain separation of roles - deliberative function of the council from the executive. One of the options is to directly elect the mayor. Another option is to create a cabinet having as its head a cabinet chief elected by the council (most local authorities in England seem to tend towards this model).

3.2. Local Democracy and Citizen Participation

Local democracy belonged to representative democracy principle, but with some important differences over time. In England, universal suffrage (male) was established in 1835 for the first time (for municipal councils) and 1884-1894 (for counties and district councils). In France, the right to vote (men based on revenues), established locally in 1789 was abolished by Napoleon in 1800; male suffrage was restored in 1848. In the German states, the right to vote (based on

male suffrage based on revenues) was granted at the beginning of the XIXth century and it was converted into heavily restricted voting right in 1848 until 1919. Only after 1919 universal suffrage (male and female) was implemented locally. Since 1984, under a direct impetus for democratic procedures, local referendums as well as the direct election of mayors (and partly for the mayor revocation procedure) were introduced in most of the German Länder making Germany together with the traditional Swiss regime based on direct democracy, a representative of the European avant-garde.

English constitutional organization has traditionally maintained the "monistic" concept putting into practice elected councils that met both legislative and executive functions, according to the principle of collegiality and good faith. Recently there have been attempts, towards the complexity and increased professionalization of local government, to create a dualistic form of monocratic administrative leadership, of which the most obvious trend is the direct election of the executive branch (Wollmann, p. 328).

In France, since 1789 the functioning of local authorities was, according to a dualist model of separation of powers divided between the deliberative function of the elected council and the executive function that should be fulfilled by the mayor, the latter being elected by the council. This institutional organization, reminiscent of a "local parliamentary system," persisted, even if some form of "local presidency" has been integrated into the French local political practice.

Over the German institutional history, federal states have developed a variety of institutional options that have evolved from monist municipal organizations (in accordance with the model English) to dualistic organizations - with a mayor elected by the council (corresponding to the French model) or an elected mayor of the local population (like the model from the United States). Recently, almost all Länder have adopted different Charters which establish a (strong) mayor directly elected, and in some cases at the same time, integrating the revocation procedures in order to counterbalance the growing power of the mayor. This latter point of view can be seen as an illustration of the current trend of strengthening democracy today.

In all European countries, local institutions are based on the principle of representation. The diversity and complexity of public services, the need to establish links between elected representatives and citizens led to the search for new means of citizen participation and involvement in management control of local issues. In France, for example, consultative referendum and citizens'

initiative for planning was introduced as well as the requirement of exact informing regarding local obligations. The ways that ensure these can be grouped into three categories are: procedures of direct democracy, participatory techniques and user information, internal decentralization (Marcou, p.80).

The first category is very widespread, being found in most constitutions. In Germany, referendum and local initiative appear in municipal laws of the Länder since the '90s, in parallel with the direct election of the Mayor⁹.

In some countries, particularly those in northern Europe, participation is developed through associations. Thus, in large communities that manage important public services councils of users were established, who have an important role in evaluating the quality of services.

On the other hand, the introduction of new methods of neoliberal inspiration (NPM) has led to the redefinition of participation, as one of the customer. An example of this is the Local Government Act from 1999 according to which the ratio between the efficiency, effectiveness and economy must be determined in consultation with citizens, those who have an interest in local government efforts.

Citizen participation is represented at the neighborhood level. This path was chosen in countries with very large communities (Great Britain).

4. Competencies in Local Development

All European states today allow by constitution or by law, the general powers of the municipalities. The exception is Great Britain where local authorities did not exercise only those powers expressly assigned by law, exception that was removed by the Local Government Bill from 2000, an act that recognizes for local authorities a general competency for the economic, social and environmental development of the community. This general competency is not expressly opposing those tasks entrusted by law and authorizing local authorities to intervene in any matter of local interest, if it was not expressly assigned to another local, regional or national authority.

In all cases, a distinction is made between own and state delegated powers. In the second case, the control exercised by the state is very strong and usually they are funded from central resources. Their volume differs in the four countries

⁹ In Brandenburg, between 1994-1996, 10 mayors were revoked thorough referendum.

analyzed, depending on the volume of the powers delegated without being transferred. In terms of their competencies, some are mandatory for the local level, others are optional, in the name of public interest and according to resources, local authorities can achieve them or not.

In the northern part of Europe, most of the public sector can be found at local level. In Great Britain, although local authorities do not have many powers, the state provides only few features directly, some of which are assigned by law to the local authorities. Thus, the state has always regulated and controlled functions entrusted to municipalities, as well local organization so that it corresponds to its needs.

From these remarks, a conclusion becomes obvious: decentralization and local communities role in managing their own destiny is not just about the number of powers conferred. The conditions under which these powers are exercised should be also taken into account, as well as the resources of the communities. Thus, in Great Britain the resources available at the local level are strongly influenced by the state, and in France a critique regarding the unclear division of competencies is arising often.

5. Conclusions

In conclusion, it can be affirmed that local development in Europe is based on local potential, giving local communities competencies and resources to manage their destiny. The extent to which the state retains control over development differs and is manifested in varying degrees, but it is worth noting the unanimous will to implement administrative decentralization and the subsidiary principle, concrete ways being clearly drawn with nuances related to the tradition, history and culture. Broadly, the powers granted to local levels of administration are similar; the mechanisms of operation and cooperation between them are different. It is noted also the tendency to involve a range of actors in the development process: participation of citizens in decision-making processes and encouraging the private sector to get involved in the provision of various public services.

It is also worth noting that despite the general rhetoric on decentralization, self-management, there are numerous areas of local development in which the state intervenes either on behalf of the general interest, or justifying the failure of the local administration.

In terms of institutional structure, Romania is similar to the French model. Criticisms are close, but other issues are concerned such as:

- Maintaining a significant level of corruption;
- Supersizing of the government apparatus;
- Too much political involvement in the act of administration;
- Transforming administration in an enemy of the private sector;
- Discretionary distribution of resources to local communities;
- Systematic violations and changing of the status of civil servants;
- Massive transfer of responsibilities to local authorities without providing the necessary resources.

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BEST PRACTICES ON THE GOVERNMENT – PARLIAMENT RELATIONSHIP IN SOME EU COUNTRIES. AN ADAPTIVE APPROACH

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ABSTRACT

In the governing activity, the legislative and the executive have a deciding role. Their participation to the act of government is complex and has nuances, such as sometimes it is difficult to identify how much of government represents the intent of the legislative and how much that of the executive. The paper aims to perform a general presentation of the relationships existing between the Government and the Parliament, both in Romania and in other EU states and to argue the opportunity of the systemic approach of the governing process, emphasizing the process of legislative delegation, but also the parliamentary control exercised on the Government, control which lays at the basis of any contemporary political system. The comparative analysis will be performed between Italy, Spain and Romania and has as basis the common form of organizing of Parliaments, namely bicameralism, as well as the control and deliberation functions of the legislative and executive of these states.

Keywords: *government – parliament relationship, Romania, Italy, Spain*

1. General Considerations

The implications of the manner in which the relation legislative – executive are conceived are multiple, complex and exceed the sphere of the political.

The institution of the Government occupies one of the most important places in all Constitutions of the world, being known the fact that it is, usually, the holder of the executive power. In some constitutional systems is indicated the *duality* of the executive power, which belongs to the *chief of state and the Government* (example: France, Greece). In others, the chief of state is, at the same time, the

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representative of the executive power (ex. U.S.A., Luxemburg), but, in the vast majority of the cases, the constitutional regulations *confer to the Government a distinct position* in the system of separation of powers. As revealed in the specialty literature, "The historical roots of «Government», as public institution, as state power, are found in the period of absolutism, in the so-called "*curia regis*", seen in many of the European countries, and in the Romanian countries, in «Sfatul Domnesc». However, these institutions gained roles and significations closer to what Government means in the modern era, while, at the level of the central administration, the department started to outline, as state organizational forms, responsible for the "administration" of certain activity fields throughout the entire territory of the country" (Călinoiu et al., 2007: 90).

The Constitution of Romania sees a *system of connections between the Government and the Parliament, which acts both ways*, system which we will see from the content of the paper that is present in other European Union member states, as well.

In what concerns the *intervention of the legislative in the activity of the Government*, we mention, first of all, the fact that the Government, as well as the other bodies of the public administration, within Parliamentary control, must present the information and documents requested by the Chamber of Deputies and the Senate or the Parliamentary commissions. When a legislative initiative presupposes the modification of the provisions within the state budget or the social security budget, the request for information is absolutely necessary. The Constitution establishes that the members of the Government have access to the Parliament works, their attendance being obligatory only when their presence is requested.

A means that the Parliamentarians have to publicly inform themselves on the stage of solving of certain problems is the procedure of questions and interpellations.

Among the most important modalities available to the Parliament in order for it to act in its relations with the Government is the impeachment motion. It can be initiated of at least a quarter of the total number of deputies and senators and it must be communicated to the Government on the date of its lodging. The impeachment motion is debated three days after the date of submission, in the joint session of the two Chambers. In case it was adopted with the vote of the majority of deputies and senators, it is considered that the trust in the Government has been withdrawn. However, if the impeachment motion was rejected, the

deputies and senators who signed it cannot initiate a new impeachment motion during the same session.

There is also a possibility to engage the Government's accountability, in case it considers necessary to directly commit its accountability before the Parliament.

In what concerns the *Government's intervention in the activity of the legislative body*, it must be indicated that it particularly occurs in 2 situations (Muraru & Tănăsescu, 2001:542-543):

- with the occasion of exercising the right to legislative initiative (as also established in the Constitution of Romania, republished, in art.74 para. (1), according to which „*The legislative initiative belongs, as the case may be, to the Government, deputies...* ”);

- with the occasion of the referendum (usually, the task of organizing it is entrusted to the Government).

With his specific depth and accuracy, a classical doctrinaire (Negulescu, 1927: 483) stated that the legislative power has no original right, which to have created on its own, but only a right conceded by the constitutional power in the name of the Nation, such as it cannot delegate the right to make laws to another power, except by breaching a constitutional principle, the Constitution itself, the principle of the separation of powers and the *principle delegata potestas non delegatur*. The more recent doctrine attached itself to these considerations, saying that the „intervention of the executive power in the legislative field is an institutional substitution which derogates from the common law rules, finding with difficulty a rational argument in a political system based on the principle of the separations of powers within the state and on a written constitution, in which it is stipulated that the Parliament is the only lawmaking authority of the country.

2. Institutions Involved in the Relationship Between the Government and the Parliament in Italy, Spain and Romania

2.1. Italy

In this republic, the performing of the constitutional relationships between the Government and the Parliament is ensured by a minister without portfolio, who coordinates the Department for the Relationship with the Parliament².

² Minister for the Relationship with the Parliament – Italy - [http://www.governo.it/ rapportiparlamento/](http://www.governo.it/rapportiparlamento/)

The Department head coordinates the organizing and functioning of the Department and is responsible for its activities and for the results obtained with respect to the targets set by the minister; also, he coordinates the activity of the *Offices* (compartments/directions) at the general level and ensure a correct and efficient link between them and the *Offices* collaborating directly with the minister.

The most important structures are:

a) Office 1 – Scheduling the Parliamentary actions:

- elaboration and drafting of analyses which will be used in case of deliberations of the Council of Ministers and of Parliamentary examinations;
- presentation before the Chambers of the draft laws and regulations, as well as of the proposals for appointment to office, which are in the competence of the Council of Ministers;
- taking notes and acts for the minister at the end of the reunions/meetings;
- organizing the presence of ministers or undersecretaries before the Chambers;
- draw-up and coordination of reports with the Chambers and the Parliamentary groups for information and data transmission in case of law updating;
- elaboration of documents on interest topics for the minister.

b) Office 2 – The legislative process:

- ensure participation of Government representatives to the meetings of the Parliamentary Commissions or Councils, in view of supporting points of view or of examining certain measures;
- preliminary investigation of the authorization (or refusal) to present amendments proposed to the draft laws examined by the Chambers;
- transmission of answers of the Parliamentary Commissions to the requests regarding the draft laws or other informative elements elaborated by the competent administrations to the Parliament;
- performance of support activities in the relations the minister has with his counterpart in the European Union member states;

c) Office 3 – Parliamentary Control:

- solving possible conflicts, depending on the competence of the ministries;
- offering answers from the Council President, Council Vice-president or the minister for the relationship with the Parliament (or of their replacements) within the *Question Time*-type meetings;

- coordination of motions and resolutions presented in the Parliament;
- coordination of information from the Government to the Parliament;
- monitoring of daily orders approved in the Parliament.

2.2. Spain

The Government of Spain does not have in its composition a Minister for the relationship with the Parliament, but similar attribution fulfils the Secretary of State for the Relationships with the Congress of Deputies and the Senate - „*Secretaria de Estado de Asuntos Constitucionales y Parlamentarios*”³. This is in the subordination of the First Vice-president of the Government.

This State Secretariat is a communication body between the Government and the legislative body. The main activities of this institution refer to the adoption of the draft laws in Congress, motions, proposals of laws, interpellations, questions raised in different commissions.

Therefore, its main objective is to promote institutional dialogue, collaboration and transparency between the Government and the Congress of Deputies and the Senate.

2.3. Romania

In Romania, the institution currently entrusted with providing and coordinating the performance of activities within the constitutional relations between the Government and the Parliament is the Department for the Relationship with the Parliament⁴, which is organized and functions as a structure with legal personality within the work apparatus of the Government. This institution is managed by a minister.

According to its organizing and functioning act⁵, the department ensures and coordinates the execution of activities within the constitutional relationships between the Government and the Parliament.

Among the main duties of the Department for the Relationship with the Parliament there are:

³ Secretaria de Estado de Asuntos Constitucionales y Parlamentarios - <http://www.mpr.es/Ministerio+de+la+Presidencia/SecretariaEstadoRelacionesCortes/funciones.htm>

⁴ Department for the Relationship with the Parliament – Romania- <http://www.drp.gov.ro>

⁵ Government Decision no.26/2010 regarding the organizing and functioning of the Department for the Relationship with the Parliament, published in the Official Gazette of Romania, Part I, no.22 of 12 January 2010

- elaboration, on the basis of the proposals formulated by the authorities of the central public administration, of the Government's draft legislative program, and the assurance of its annual updating;
- follow-up and transmission of the draft laws initiated by the Government to the Parliament and passing them through the stages of the legislative procedure;
- performance of the inter-ministerial coordination, in view of Governmental support of the draft laws and of the Government's viewpoints on the Parliamentary legislative initiatives;
- elaboration, on the basis of the proposals from the interested ministries, of the draft law regarding the Government's empowerment to issue ordinances;
- receipt and distribution of questions and interpellations addressed by the Parliamentarians to the Government or its members; transmission of replies and their presentation within the deadlines established by the Parliamentary regulations.

3. Legislative Delegation

Legislative delegation is an institution specific to constitutional law and with close connections with the administrative law. According to this branch of law, legislative delegation represents the *transfer of certain legislative attributions* from the Parliament to the Government, in certain conditions established by Constitution or the law (Vida, 2000: 271).

3.1. Elements Specific to Legislative Delegation in Italy, Spain and Romania

3.1.1. Italy

The regime of Government's empowerment to perform a legislative activity is established in art.76 of the Italian Constitution⁶ and it refers to setting the guiding principles and criteria, to time limitations, as well as to clear fields in which the Cabinet will pass legislation through legislative decrees. It must be noted the fact that the Government cannot issue decrees with power of organic law without express delegation in this sense (Ionescu, 2008:179).

The exercising of the Italian Parliament's legislative function can be delegated by it to the Government in certain conditions and for a limited term.

⁶Constitution of Italy - <http://www.quirinale.it/costituzione/costituzione.htm>

The conditions are the following: adoption of a law empowering the Government to issue regulations with the power of law, in which are mentioned the general principles of the legal regulation; establishment through the same law of a deadline for the exercising of the legislative power by the Government; the exact, clear indication of the object of regulation.

Also in this state there is a legislative delegation which operates directly on the basis of the Constitution, by virtue of which the Government, in extraordinary situations, of necessity or emergency, can adopt, under its own responsibility, temporary measures with the power of law. These measures are sent, on the very day of their adoption, to the Parliament, in order to be especially converted within five days at most. The decrees, unless converted into law, within 60 days since publication, no longer produce legal effects. The problems connected to the effects such decrees caused is settled through law.

3.1.2. Spain

In Spain (Ionescu, 2008: 279-280), on the grounds of the constitutional regulations referring to legislative delegation, according to art.82 of the Constitution, the Cortes General may delegate to the Government the duty to pass legislation in fields that are not reserved to the organic laws. These regulations cannot refer to the field of exercising the fundamental rights and the public liberties, the field of the electoral system or fields established in the autonomy statutes.

Legislative delegation is granted through a frame-law, when it has as object the elaboration of a new legal regulation or through an ordinary law, if legislation systematization is targeted, by means of codification. The Government empowerment law will comprise express dispositions referring to the fields in which the Government can intervene with primary legal regulations and to the time period in which it can do so. Legislative delegation is not assumed, it cannot be done for undetermined time and it does not allow the transmission of this competence to other public authorities, through sub-delegation.

The frame-laws through which legislative delegation is authorized cannot establish rules for the modification of the frame-law and cannot allow the issuance of rules with retroactive character.

The Spanish Constitution⁷ regulates in art.84 the conflict of competence between the Parliament and the Government in the case of legislative delegation,

⁷Constitution of Spain, http://en.wikisource.org/wiki/Spanish_Constitution_of_1978/Part_III

as well. Thus, if during the application of the frame-law in the Parliament is introduced a legislative proposal or an amendment that contradicts the law for the empowerment of the Government to pass legislation, the Government is entitled to oppose its promotion. Still, in such cases, legislative proposals are promoted, regarding the total or partial abrogation of the dispositions comprised in the Government empowerment law.

The normative acts issued by the Government on the basis of the frame-law are called *legislative decrees*.

Apart from this form of legislative delegation, the Spanish Constitution also allows the *legislative delegation of constitutional nature*, by virtue of which, the Government, in case of extraordinary necessity and emergency, may issue temporary legislative dispositions, which take the form of *decree-laws*, but which cannot affect the organizing of the fundamental state institutions, the citizens' rights and liberties, the regime of the autonomous communities and the electoral system. The decree-laws are subjected, immediately, to the Congress of Deputies, which debates them and votes them or rejects them within 30 days at most, according to a special procedure established by the Regulation (Ionescu, 2008:233).

3.1.3. Romania

In the opinion of the Romanian authors, the institution of legislative delegation is extremely nuanced and, many times, defines only a part of reality, which this real phenomenon covers, with strong influences on the organizing and functioning of the democratic institutions of government and the state of law.

According to an opinion, legislative delegation consists in the assignment by the ordinary lawmaker of a legislative competence to the Government, with temporary character and in consideration of a determined situation, which it can exercise through a specific normative act, called ordinance (Muraru & Constantinescu, 2002:9).

In this optic, no public authority can work unless under the sign of its competence. This formula is not only true, but it also represents an axiom of the state of law. In the same opinion, unlike the law, the ordinance is the expression of an "*assignment competence*", being the consequence of investing the Government with a specialized attribution.

The Constitutional Court also defined legislative delegation as being an exceptional Government substitution procedure into the Parliament's legislative

prerogatives, such as through ordinance the Government may primarily regulate, modify or abrogate the existing regulation.

Therefore, the institution of legislative delegation summarizes, in essence, the possibility granted by the Parliament to the Government that, within certain limits and with observance of certain conditions, to adopt acts that contain regulations with power of law which, in the Romanian legal system, have the name of ordinances (Tănăsescu et al., 2008: 1086).

Legislative delegation must be examined in relation to the provisions of art.61 para. (1) of the Romanian Constitution, republished, according to which *"the Parliament is the supreme representative body of the Romanian people and the only lawmaking authority of the country"*.

It may be concluded that legislative delegation represents the transfer of legislative duties to the Government or to the head of state, as the case may be, through an act of will of the Parliament or through the constitutional way, in exceptional situations. In both cases, the transfer is limited and conditioned. Only certain prerogative scan is transferred to the Government, for a limited period of time and under a well-defined Parliamentary control. This transfer, under formal aspect, can be hidden behind a constitutional or legislative competence granted to the Government to issue ordinances.

It must be noted the fact that the current constitutional dispositions did not emerge on an empty terrain, but on the basis of a quite rich legislative, doctrinaire and practical evolution (Muraru & Constantinescu, 2002:12-13). Thus, even though the Constitutions of 1866 and 1923 did not make reference to the institution of the legislative delegation, in the state practice the executive power was recognized the right to take, through decree-laws, the measures necessary to preserve the state, on condition that they are imposed by a case of absolute necessity and they are subsequently ratified by the Parliament. Under the regime of the Constitution of 1938, the issue of legislative delegation did not come up because the king was the „Head of the state” and he was exercising both the legislative power, by means of the National Representation, and the executive power, through the Government. The Romanian Constitutions of 1948 and 1952 did not contain dispositions regarding legislative delegation, either (Muraru & Constantinescu, 2002:14).

The Constitution of 1965 entitled the State Council that, between the sessions of the Grand National Assembly, to establish regulations with power of law, which were subjected to the debate of the Grand National Assembly, in its first

session. Also, the Council was able to establish such regulations during the sessions of the Grand National Assembly, when the economic and social needs imposed the urgent adoption of measures and the Grand Assembly was not convened in plenum. These regulations were subjected to the debate of the Grand Assembly upon the resuming of the plenum works.

The Romanian Constitution of 1991 established in art.114 that, on the one hand, the Parliament may adopt a *special law for the empowerment* of the Government in order to issue ordinances in fields that are not the object of organic laws and, on the other hand, the fact that, *in exceptional cases*, the Government may adopt emergency ordinances. They enter into effect only after the submission before the Parliament, for approval. If the Parliament is not in session, it will have to be convened.

In relation to the current provisions of the Romanian Constitution⁸, *legislative delegation may operate in three aspects:*

1. *Legislative delegation to the Government by means of an empowerment law;*
2. *Legislative delegation of constitutional nature*, on the basis of which the Government may resort to the primary regulation of certain social relations, in exceptional situations;
3. *Legislative delegation which operates in favour of the head of state*, in case of a state of siege or of a state of emergency or of partial or general partial mobilization of the armed forces or the state of war.

1. *Legislative delegation on the basis of a law for the empowerment of the Government to issue ordinances*

The basis of the matter is constituted by the provisions of *art.115 para. (1)-(3) of the Romanian Constitution, republished*. On the basis of these constitutional provisions, the Government can adopt ordinances to the extent to which the Parliament approves a *special law* to empower it to issue ordinances.

The empowerment law must establish, mandatorily, the field in which the Government can intervene with primary legal regulations and until the date until which it can issue ordinances. In the empowerment law it is indicated the lawmaking field that the Parliament makes available to the Government in order to ensure their legal regulation and the time period during which this regulation can be performed.

⁸According to the provisions of art. 92 para. (2), 93 para. (1) and 115 of the Constitution of Romania, republished;

With respect to the field in which the Government may issue ordinances, in principle, there are no restrictions, except for the field reserved to organic laws, expressly outlined by art. 73 para. (3) and other provisions of the Constitution.

The deadline for issuing ordinances must be a certain date and it must be considered as a maximum limit of legislative delegation. Issuing ordinances after this deadline represents a breach of Government's competence, which brings forth the unconstitutionality of the ordinance.

The ordinances issued on the basis of an empowerment law are published in the Official Gazette of Romania, Part I. they enter into effect on the date of their publishing or on a subsequent date indicated in their text.

In order to ensure the compatibility of the draft ordinances proposed by the ministries with the empowerment law, the Government introduced a prior control procedure, by means of the Department for the Relationship with the Parliament⁹. Thus, this institution has the duty to verify the classification of the drafts in the field for which the Government was empowered to issue ordinances. These drafts will not be included in the work agenda of the Government without the favourable service of the department.

2. Legislative delegation of constitutional nature

The constitutional framework is constituted of the provisions of *art. 115 para. (4)-(6)*, and the regulations issued on the grounds of this type of delegation bear the name *expedite ordinances*.

Thus, according to art. 115 para. (4) of the Constitution of Romania, republished, the Government may adopt expedite ordinances *only in extraordinary situation, whose regulation cannot be postponed, having the obligation to give reasons for urgency within the acts*.

According to art. 115 para. (6) of the Constitution, the expedite ordinances:

- *cannot be adopted in the field of constitutional laws,*
- *cannot affect the regime of the fundamental state institutions, the rights, liberties and duties established by the Constitution, the electoral rights*
- *cannot target measures for the forced passing of assets into public ownership.*

⁹This procedure is regulated by art.32 of the Regulation regarding procedures, at the level of the Government, for the elaboration, approval and presentation of the drafts of public policy documents, of drafts of normative acts, as well as of other documents, in view of their adoption/approval, approved through Government Decision no.561/2009, published in the Official Gazette of Romania, Part I, no.319 of 14 May 2009.

The expedite ordinance enters into effect only after its submission for debate in urgency procedure before the Chamber competent to be notified and after its publication in the Official Gazette of Romania. The Chambers, if they are not in session, must be convened within 5 days from submission or, as the case may be, from sending. If, within at most 30 days from submission, the Chamber notified does not render a decision on the ordinance, it is considered adopted and is sent to the other Chamber, which also decides in urgency procedure. The expedite ordinance comprising regulations of the nature of organic law is approved with the majority indicated in article 76 paragraph (1).

Expedite ordinance can also be issued in matters reserved to organic laws, unlike simple ordinances. Thus, the first paragraph of article 115, which refers to Government ordinances issued on the grounds of an empowerment law, establishes that the Parliament can empower the Government to issue ordinances only in fields that are not the object of organic laws.

Such a restriction does not exist for the Government in case it adopts expedite ordinances in the conditions of a constitutional legislative delegation, situation regulated by para. (4) of the same art. 115 of the Constitution.

In the situation of expedite ordinances paragraph (6) of art. 115 must also be observed, paragraph according to which *they cannot be adopted in the field of constitutional laws, cannot u pot affect the regime of the fundamental state institutions, the rights, liberties and duties established by the Constitution, the electoral right and cannot target measures for the forced passing of assets into public ownership.*

Because in the legislative practice in Romania it was established that the issuance of expedite ordinances often transformed from a constitutional exception into a common rule –which brought severe and constant criticism from the European bodies, as well as negative feedback in the mass-media from the perspective of the fact that, in this way, the role of the Parliament as sole lawmaking authority is breached, thus infringing the principle of separation of powers within the state–*it was necessary to adopt measures that lead to the substantial limiting of the number of expedite ordinances and to their issuance only in cases truly extraordinary.*

For this purpose, in year 2003, at the level of the Government a decision was made that all drafts of expedite ordinances must be previously approved by the delegated minister for the relationship with the Parliament.

In year 2005, this approval was legalized through *Government Decision no. 50/2005 for the approval of the Regulation regarding the procedures, at the level of the Government, for the elaboration, approval and presentation of drafts of normative acts for adoption, republishing, as subsequently modified and completed (afterwards, abrogated).*

At present, this procedure is regulated through *Government Decision no. 561/2009 the approval of the Regulation regarding the procedures, at the level of the Government, for the elaboration, approval and presentation of drafts of public policy documents, of drafts of normative acts, as well as of other documents, in view of adoption/approval.*

Art.31 of this Regulation establishes the following procedure of prior approval of drafts of expedite ordinance:

- *the drafts of expedite ordinance are approved, prior to starting the consultation procedure established in art. 24 of the same Regulation, by the Department for the Relationship with the Parliament, from the point of view of the opportunity to promote them through legislative delegation, in the sense of a strong motivation of the extraordinary situation whose regulation cannot be postponed, as well as of the presentation of the consequences of not adopting the draft of normative act in an urgency regime;*

- *in the situation in which the service is unfavourable, the draft of expedite ordinance can be redone in the form of a draft law and will be promoted as such, with the fulfilment of all procedures established in this regulation;*

- *if the authority which elaborated the expedite ordinance draft claims the need to promote it in this form, even after obtaining an unfavourable service, granted according to the provisions of the Regulation, the draft, accompanied by an explanatory note regarding the reasons for not accepting the unfavourable service, is put on the work agenda of the Government meeting where a final decision will be adopted.*

The opportunity approval is valid for a period of 20 calendar days since the date of their issue.

It must be signalled the fact that each expedites ordinance draft must fulfil several form conditions established on the normative acts in effect, as follows:

- *the draft must comprise, as an obligation, a preamble¹⁰ in which to justify the urgency;*

¹⁰According to art. 43 para. (3) of Law no. 24/2000 regarding the legislative technical regulations for the elaboration of normative acts, republished, with subsequent modifications, republished,

- the project *Justification note* must comprise, presented distinctly, the objective elements of the extraordinary situation which imposes immediate regulation, the use of the urgency Parliamentary procedure not being sufficient, as well as the possible negative consequences that would occur in the absence of taking the proposed legislative measures¹¹.

3. *Legislative delegation which operates in favour of the head of state*

In the specialty literature there are opinions according to which legislative delegation may also operate in favour of the head of state (Vida, 2000: 285), because both the emergency regime and the regime of the state of siege presuppose a legislative delegation within the limits necessary to prevent and combat the dangers they imply.

It is considered that the measures taken through decree by the President of Romania in case of instituting the state of siege or the state of emergency or those regarding the declaring of partial or general mobilization of the armed forces can and must take the shape of a normative decree. These decrees occur in the legislative field, they comprise primary legal regulations, issued on the basis of a constitutional legislative delegation to the President of Romania. The decree, issued in such situations, must answer the actual social situations that call for the proclaiming of the state of siege, of the state of emergency of the mobilization of the armed forces. Such a decree is, by necessity, a normative one, because it must allow, in case of the state of siege, a regime of restriction of the public liberties, and in case of foreign threat or internal troubles, to consecrate the expansion of the police duties, of the duties of the other public authorities endowed with competences in ensuring public order and the extension of the competence of the military tribunals.

From those presented above, we can conclude that in Romania the wide use of ordinances in the process of government justifies the increasing interest for this category of normative acts.

However, it is noted the fact that the high number of expedite ordinances does not contribute to the legislative stability Romania would need. Even though, through the manner in which the constitutional provision regarding legislative

“the preamble must comprise the presentation of the factual and legal elements of the extraordinary situation which imposes the resort to this regulation path”

¹¹ As indicated in art. 31 para. (1) of Law no.24/2000, republished, with the subsequent modifications.

delegation was reformulated, an attempt was made to limit the excessive use of this regulating manner, the current statistics show that, in practice, this did not happen. Still, the practitioners consider the fact that in decisions adopted in the last years, the Constitutional Court tried to lend a helping hand through the answers given to questions emerging from the present constitutional regulation.

4. Parliamentary Control

4.1. The Exercise of Parliamentary Control Through Questions and Interpellations

4.1.1. Italy

The Italian Parliament also uses as Parliamentary control instruments the questions and interpellations.

The questions are simple and concise requests through which an answer is requested regarding the accuracy of a fact, of information from the Government or which refers to the Government's intention to make a decision on a determined problem. When he/she formulates a question, the deputy must specify if he/she wants a written or a verbal reply.

The questions are firstly addressed to the president of the Chamber, who can refuse to ask the question, if it does not observe the rules indicated in the Regulation for this type of control instrument or if it is not proper from the point of view of coherence, Government competence in the matter or if it violates the private life of individuals or the prestige of institutions.

The questions must be published in the Official Report of the session in which they were addressed. Within two weeks from their formulation, they are introduced on the agenda of the first session in which time is allocated for answers to questions. On the work agenda of a session there cannot be introduced more than two questions formulated by the same deputy.

As a general rule, if the work agenda is not fully consecrated to a subject, at least the first 50 minutes from the beginning of each session are reserved to questions and answers to questions. If the Government considers that it is not able to reply to a question, it sets a day within a month, in which they are ready to offer

the requested answer. If the author of the question is not present, the answer is postponed for a subsequent meeting.

A Parliamentarian may request, also, an answer to a question during the works within the commission he/she is part of. These answers offered within the commissions are published in *Bollettino delle Giunte e delle Commissioni Parlamentari*.

According to the Procedure Rules of the Chamber, time is assigned for verbal questions, once a week (usually on Wednesday). Those who address the questions are given one minute to illustrate the content and two minutes for the right to reply. The Government benefits of three minutes to offer the answer requested.

The oral questions are presented first to the president of the Chamber, no later than at 12:00 hours of the day prior to the meeting.

In case of questions whose answer must be given within the commissions, time is assigned twice a month, usually on Thursdays. The questions must be formulated through the commission president, no later than 12:00 hours of the day prior to the answer session.

The time allocated for questions was introduced in the Italian Senate only in 1988. According to the Senate regulation, at least once a month time is assigned to answer to the questions regarding actuality aspects.

During the time assigned for answers to the questions, the Government is represented by the prime minister, the vice prime minister and the profile minister. In practice, this Regulation has only been observed a few times.

The *interpellation* consists in a question addressed to the Government or to one of its members, regarding the reasons which were at the basis of a political decision of the Cabinet regarding a determined problem.

Two weeks after the submission of an interpellation, it must be included on the meeting agenda. It is not allowed to submit more than two interpellations of the same Parliamentarian within a single meeting.

Before completing the term of two weeks or even on the day when it is on the agenda, the Government may declare that it cannot answer to the interpellation, giving reasons for this action, or may postpone the answer only if the person who submitted the interpellation accepts an extension of the deadline.

If the Parliamentarian who addressed the interpellation is not satisfied with the answer received, it may trigger a special procedure for transforming his/her interpellation into a motion.

Anyone submitting an interpellation is entitled to speak for maximum 15 minutes and after the Government's answer, he/she may indicate, for maximum 10 minutes, if he/she is satisfied with it or not.

The interpellations are published in the Official Report of the session in which they were addressed.

4.1.2. Spain

The deputies and the Parliamentary groups may address *interpellations* to the Government or any member of it. The interpellations are submitted in writing to the Office of the Congress of Deputies and have as object aspects of motivation of the purposes of certain activities of the Government or of any ministerial department, in matters of general policy.

The interpellation submitted is published and put on the agenda of Congress of Deputies 15 days since submission. On the deadline indicated on the agenda of the Chamber, the interpellation is submitted to debate in plenum. Within the debate, apart from the author of the interpellation and the person targeted, one representative of each Parliamentary group may speak. The interpellation may give rise to a motion through which the Congress of Deputies expresses its position with respect to the problem up for debate.

Also, the deputies can address *questions* to the Government and to each of its members.

The questions are submitted in writing to the Congress Office. The Regulation establishes that questions aiming at a personal interest of the author or at the interest of another person, as well as those implying strictly legal aspects, are not accepted.

The questions are put on the agenda. The author of the question can request a verbal answer, either in the plenary session of the Congress, or within a Parliamentary commission. Also, a written answer may be requested. In this case, the answer will be given after 8 days since the written notification of the questions.

4.1.3. Romania

Parliamentary control on the activity of the Government, exercised through questions and interpellations, represents an important component of the constitutional relations between the Government and the Parliament, consecrated

in art.112 of the Romanian Constitution¹², republished, Chapter IV „*The relationships of the Parliament with the Government*”.

At the same time, within Law no. 115/1999 regarding ministerial accountability, republished, in art. 3 para. (3) is specified the fact that the Government and each of its members have the obligation to answer questions or interpellations formulated by deputies or senators, on the ground of art. 112 para. (1) of the Constitution of Romania, republished, in the conditions established by the regulations of the two Chambers of the. These Regulations¹³ detail the procedure referring to the addressing of questions and interpellations, as well as to the receipt of answers for each of the two Chambers of the Parliament.

The regulations also establish restrictions regarding the object of the questions and interpellations which can be addressed and offer solutions in objective situations of non-observance of the regulated deadlines.

The question is a simple request to answer if a fact is true, if an information is accurate, if the Government and the other bodies of the public administration understand to communicate to the Chamber the information and documents requested by the Chamber of Deputies or by the permanent commissions or if the Government has the intention to make a decision on a determined issue.

The interpellation consists in a request addressed to the Government by a Parliamentary group, by one or several deputies, by means of which explanations are requested with respect to the Government policy in important problems of its internal or external activity. Given the complex object of an interpellation, as indicated by art. 112 para. (2) of the Romanian Constitution, republished, the Chamber of Deputies or the Senate may adopt a *simple motion* by means of which to express their position, including, with respect to an issue that made the object of an interpellation.

In view of ensuring a good performance of the activities deriving from the application of the mentioned legal provisions, the Department for the Relationship with the Parliament has the duty to permanently collaborate both with the

¹² „Art.112- (1) The Government and each of its members have the obligation to answer the questions or interpellations formulated by the deputies or senators, in the conditions established by the regulations of the two Chambers of the Parliament

(2) The Chamber of Deputies or the Senate may adopt a simple motion through which to express their position with respect to a domestic or foreign policy issue or, as the case may be, regarding an issue that made the object of an interpellations”

¹³ Chapter III art. 165 – 180 of the Regulation of the Chamber of the Deputies and Chapter III art. 158 – 165 of the Senate Regulation

apparatus of the technical secretariats of the two Chambers and with the designated personnel in the Governmental institutions with responsibilities in the field.

The questions and interpellations formulated by the deputies and senators are sent to the ministers targeted, with an *accompanying address signed by the minister for the relationship with the Parliament*, in which is specified the *type of answer* requested (*written, oral or written and oral*), the *due date* for sending the written answer and, as the case may be, the *date of the meeting* in which the verbal answer session is scheduled.

Within the *Government meetings*, the Department for the Relationship with the Parliament presents information regarding the questions and interpellations to which the members of the Government are expected to answer in the following week.

Also, at the end of each Parliamentary session *information* is elaborated regarding the *formulation and transmission of the answers to the questions and interpellations; the sustaining in the plenum of the two Chambers of the Parliament of the verbal answers; attendance to meetings of the dignitaries appointed by the prime minister for sustaining the verbal answers; the situation of outstanding requests at the end of each ordinary Parliamentary session.*

The deputies and senators may also address questions or interpellations to the *Prime-minister*, from whom they request, as the case may be, a written and/or verbal answer. In these cases, the Department for the Relationship with the Parliament immediately starts the procedure of consultancy with the responsible ministries or institutions, according to the topic of the question or interpellation. Depending on the object of the question or the interpellation, there can be notified one or several institutions that will issue to the Department for the Relationship with the Parliament, urgently, their point of view.

The file of the question or interpellation (which comprises the question/interpellation and the answers obtained during the consulting procedure) are handed over to the person designated to elaborate the Prime-minister's draft answer.

In the situation when the object of the question/interpellation is preponderantly political, the answer is elaborated directly by the person appointed by the Prime-minister, without consulting other institutions.

The regulated deadline for the elaboration and transmission of the written answer of the Prime-minister is 15 calendar days.

In case of questions and interpellations for which verbal answers are requested from the Prime-minister, they can be presented, as the case may be,

before the Chamber of Deputies or the Senate, by the prime-minister or by a minister appointed by him/her.

The scheduling of the meetings dedicated to the verbal answers to the questions or interpellations will be communicated to the person designated by the Prime-minister, who, as the case may be, will confirm the prime-minister attendance to the above-mentioned meetings or will communicate to the Department for the Relationship with the Parliament the minister assigned to present the answer.

4.2. The Impeachment Motion

4.2.1. Italy

In Italy, as well, the most efficient means of Parliamentary control is the impeachment motion, which brings forth the Government's resignation.

The motion can be submitted by 1/10 of the number of deputies or senators and must be motivated. Three days after submission, the motion is debated and subjected to the vote of the members of the respective Chamber, by nominal call. For the adoption of the motion is necessary the vote of the relative majority of the Chamber where it was submitted.

Also, there is the possibility that the Government undertakes responsibility out of its own initiative before either of the two Chambers of the Parliament, for a draft law, an amendment or a Governmental decision. The Italian Constitution establishes, however, that the negative vote of one of the two Chambers, with respect to a proposal belonging to the Government does not have as compulsory effect its demission (Ionescu, 2008:184).

4.2.2. Spain

The Spanish Government is politically accountable, in its entirety, before the Congress of Deputies.

This political accountability may be put in discussion either upon the request of the Government, or due to the initiative of the legislative body.

In the first case, the Prime-minister poses to the Congress of Deputies the issue of their trust in the Government for a program or a statement of general policy. The request in this sense is presented in writing and motivated to the Congress Bureau, and the submission to vote can be done only after minimum 24

hours since submission. In order to obtain the trust, is necessary the vote of the simple majority of deputies. In case of withdrawal of the trust granted to the prime-minister, the competent Chamber designates a successor for him/her.

In the second case, an impeachment motion is submitted, in writing and motivated, by at least 1/10 of the deputies. This proposal must contain the name of the Prime-minister's successor; this person must have previously accepted the nomination.

The submission of the motion is notified to the Prime-minister and to the spokespersons of the Parliamentary groups. It is allowed to submit alternative motions in the two days following the submission of the first motion; all these motions will be debated simultaneously, but the vote can only occur five days after the submission of the first motion. However, each motion is voted separately.

For the adoption of a motion is necessary the vote of the absolute majority of deputies and the candidate proposed for the position of Prime-minister through the motion adopted is considered to have received the trust of the Congress of Deputies.

However, if the impeachment motion is rejected, its signatories cannot submit another motion during that Parliamentary session (Ionescu, 2008:234).

4.2.3. Romania

The impeachment motion represents the means of Parliamentary control with the most serious impact on the Government because in the situation of adopting the motion, the Government is considered demitted. Therefore, the impeachment motion represents a sanction that the Parliament may apply to the Government in certain cases, well-established by the fundamental law.

Thus, the Constitution of Romania, republished, establishes, in art.113, the fact that the Senate and the Chamber of Deputies, in joint session, *may withdraw the trust* granted to the Government by means of adopting an impeachment motion, with the vote of the majority of the deputies and senators.

The impeachment motion can be initiated by at least one fourth of the total number of deputies and senators and is communicated to the Government on the date of submission. The impeachment motion is debated after 3 days since the date when it was presented in the joint session of the two Chambers.

If the impeachment motion was rejected, the deputies and senators who signed it cannot initiate, during the same session, another impeachment motion,

except for the case when the Government undertakes responsibility, according to article 114. Thus, the Government can undertake responsibility before the Chamber of Deputies and the Senate, in joint session, *on a program, a statement of general policy or a draft law*. The Government is demitted if an impeachment motion, submitted within 3 days since the presentation of the program, of the declaration of general policy or the draft law was voted in the conditions of art. 113.

If the Government was not demitted, the draft law presented, modified or completed, as the case may be, with amendments accepted by the Government, is considered adopted and the application of the program or the statement of general policy becomes compulsory for the Government.

5. Adaptive Government – Parliament Relationship

Adaptive government – parliament relationship is the ability to efficiently and quickly deal with crises and the changes reality imposes. The government and the parliament must propose appropriate legislation for changing circumstances. In order to do that, it must be highly adaptive, so that it may be successful in proposing appropriate legislations to answer new challenges as they arise (Zaban, 2012:2). In order to succeed at this, the flexibility of the public sector must be increased, which in turn will increase its ability to act to bring change to strategic policy in order to bring to the quick restoration of society and/or the economy. Flexibility in the public sector is expressed in the human, organizational, procedural and service aspects. Creating change entails changing people's attitudes, creating new knowledge and using rarely used knowledge (for instance, scientific knowledge), as well as cooperating with various sectors outside the government, such as the civil and corporate sectors, but also including the cooperation of "regular" people in the decision making process, alongside the authorities and policy makers on the different levels (Zaban, 2012:2).

6. Conclusions

We may conclude that in all three states which made the object of the study the institution of legislative delegation has a common starting point, namely the

exceptional situation, the acceptance of legislative delegation being considered connected to the fulfilment of certain Governmental duties, in the conditions in which the Parliamentary intervention is not possible.

In all cases, we notice that the control procedure by addressing questions and/or interpellations constitutes a common means that the Parliamentarians of the states analyzed have available in order to publicly inform themselves on the stage of solving certain problems.

Obviously, one of the most important tools available to the Parliament to act in its relations with the Government and which has the most serious impact is constituted by the adoption of the impeachment motion, by means of which the trust granted to the Government by the Parliament is withdrawn.

In the study performed on the legislation in Italy, Spain and Romania, we noted that the impeachment motion represents a sanction that the Parliament may apply to the Government in certain cases well established by the fundamental law.

If in Romania the impeachment motion must be initiated by at least one fourth of the total number of deputies and senators, in Italy it may be submitted by 1/10 of the number of deputies or senators, thus the vote of the relative majority of the Chamber in which it was submitted being necessary. We notice that in Italy and Romania the impeachment motion can be initiated with the vote of the deputies and/or senators, while in Spain only by the deputies.

It is important that the government and the parliament have the ability to adapt their relationship and deal with the challenges as they arise. The adaptivity is not merely a stand-alone objective, the public sector must adapt in order to keep on functioning efficiently.

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SCREEN TOURISM – PROJECT MANAGEMENT FOR A NEW REGIONAL PRODUCT

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Abstract

“Screen tourism” is a relatively new concept that relates to tourism activities induced directly or indirectly by an attraction or destination identified while watching film productions, TV, video game or internet. In this respect we are actually speaking about persons who are interested in audio-visual media such as films and TV and later on are attracted by and do visit production sites and different other related locations in order to find more specific information. At the level of a region, the screen sector and tourism businesses could clearly maximise the potential economic gains from such events through enhanced collaboration. Even if it is difficult to develop instruments meant to identify and measure the screen sector’s economic impact on tourism, having as an objective to foster multilateral collaboration and dialogue between policy makers and stakeholders across these sectors should be a priority. The paper propose an exploratory analysis regarding Bucharest-Ilfov Region capacity to improve regional policies for building and later on strengthening the brand of the region as a screen tourism destination – and defining this as a core objective. The use of the screen sector as a catalyst for tourism development needs a strategic vision of its future; from this point further one can define as subsequent objectives to increase the SMEs’ understanding of the benefits of collaborating and working together and to encourage and support them in becoming more proactive in designing new products and services which take advantage of this new market opportunity that screen tourism represents. This process will enable SMEs to become more innovative, thus creating added value, which will finally determine improved competitiveness and growth.

Keywords: screen tourism; production sites; innovative potential; added value.

1. Introduction

Increasingly often tourism activities are induced directly or indirectly by an attraction or destination identified while watching film productions, TV, video game or internet. This particular angle of approaching tourist destinations is called screen tourism.

Block (2003:10) argues that the challenge of values is not to negotiate the importance of one over another, but to act on them. It is exactly the case of screen tourism – a value to act on. We speak in fact about capitalising on the major

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economic and cultural opportunities presented through screen. Screen tourism demonstrates the power of film, TV and commercials, as well as games, mobile and internet-based content in attracting tourists to visit destinations seen on screen.

The value of film production – speaking about direct revenue generation and beneficial impact on employment and on the local economy – has been demonstrated in numerous occasions. For example, Oxford Economics reports that in 2011 the UK film industry had a total economic impact of about 5,5 billion euros to UK GDP, creating the equivalent of more than 110 thousands full-time jobs in the UK. In addition to the direct value of film production itself, there is also the long term economic benefit provided by tourism as a result of visits to a destination seen on screen. Nevertheless, whilst there are numerous situations globally that demonstrates an evident growth in tourism after a destination has been seen on screen, the direct mathematic correlation and the economic impact are difficult to be measured. Visits to a particular destination may increase directly after a movie is released all over the world, but more often such an increase is less immediate, screen products having a long lasting effect on the image regarding the specific destination and creating the motivation to see a location in the future and hence not an immediate economic impact but a delayed one. Also, in case of a single attraction such as a church, a castle, a museum etc. where individual entrance tickets are sold it may be easy to measure the impact, whilst the measurability of the impact on regions, towns or cities is much more complex. Tourists coming to visit these destinations mention several motives for their visit – therefore it is difficult to make the number of additional visits determined specifically through screen products distinctive.

Trott (2012: 71) argues that, generally, radical innovations are not easily adopted in the market. Potential adopters experience difficulties to comprehend and evaluate radical innovations due to their newness in terms of technology and benefits offered. Consequently, adoption intentions may remain low. To a certain extent this is also the case for screen tourism.

In this context it becomes a must the development of strategies designed to encourage both screen production and tourism generated through the use of new and existing screen products – otherwise opportunities for screen tourism could be missed and significant economic impact lost; a direct result of these should be an increased collaboration between the screen and tourism sectors.

2. Findings

The methodology adopted in order to define the project management process that could be implemented in Bucharest-Ilfov Region – with the support of the interested stakeholders – for screen tourism development consisted of interviews with people interested either by the domain (film critics, regional development consultants) or by the positive economic results of such an initiative (representatives of tourism industry, central and local authorities). The starting assumption for the research endeavour is that if such a domain is to be developed the project is of particular importance and therefore needs to be carefully managed in order to obtain the support of all interested parties and consequently the intended results.

Film productions started to be shoot in Bucharest long time ago – in fact immediately after this industry occurred in Romania. It has not taken a long time to international producers and filming companies to discover and appreciate the rich historical heritage of the city.

In fact, by now more than 160 productions were shoot – partially or entirely – in Bucharest and surroundings, most of them in the last ten years. Sound names, both of directors and actors, linked their professional activity to the town of Bucur. We are speaking here of directors such as Costa-Gavras with *Amen* (2002), Francis Ford Coppola with *Youth Without Youth* (2007), Katja von Garnier with *Blood and Chocolate* (2007) or Klaus Menzel with *What About Love* (to be released).

Regarding actors, Bucharest hosted names such as Andy Garcia (*Modigliani* – 2004, *What About Love* – to be released), Sharon Stone (*What About Love*), Tim Roth (*Youth Without Youth* – 2007), Tom Berenger (*Diplomatic Siege* – 1999), Olivier Martinez (*Blood and Chocolate* – 2007), Wesley Snipes (*7 Seconds* – 2005, *The Detonator* – 2006), Steven Seagal (*Attack Force* – 2006, *Born to Raise Hell* – 2011, *The Mercenary: Absolution* – to be released), Cuba Gooding Jr. (*One in the Chamber* – 2012), Jean-Claude Van Damme (*Six Bullets* – 2012), Nicholas Cage (*Ghost Rider 2* – 2012), Vinnie Jones (*The Mercenary: Absolution* – to be released); Gerard Depardieu, Harvey Keitel, Laura Morante (*A Farewell to Fools* – 2013) etc.

Not only the look of the city or the surroundings are the elements that encourage producers and directors to come to Bucharest, but also the quality and professionalism of the Romanian actors and filming crews to be found locally.

Romanian studios – such as Castel Film for example – are excellent counterpart and interface to connect to local resources.

Regarding the different stakeholders that are needed in order to develop screen tourism and the strategies involved, the interviewed persons considered as effective a mix of destination management organisations, the film industry, tourism businesses, the municipality and its inhabitants, and film commissions. Each destination should identify who the different stakeholders are within each category and carefully consider their different agendas with various priorities – and further on to plan properly in order to develop screen-related tourism and adopt a sound strategy. Strategies in the municipality should involve both council officials and people in the town or city. It is important that the residents are involved because their lives can be impacted by the growth of screen tourism, especially when it is the case of small or concentrated destinations – such as the centre of Bucharest. For that reason, it is important to take local citizens into consideration while planning a strategy.

Having together these stakeholders is an important first step, but without a plan of actions for making the Bucharest-Ilfov Region a screen tourism destination the project would never be implemented. In this respect, during the discussions with the interviewed persons it became clear that the process could be considered as including three stages.

The first one is before the film/TV production. There is a need for proactive work, early in the production process, since when the film is ready to have its premiere it is too late to capitalise on the benefits that could be gained from a screen product. It is necessary to develop a systematically research for film and TV projects as well as to search in the region for interesting filming locations. Whenever possible, get the premiere and secure rights; a media strategy should be designed and followed. Collaboration between local businesses and film/TV production companies should be encouraged; last but not least the use of locals as extras should not be ignored. Time management is essential and planning should start in advance, ideally when the production decides to shoot in the region or destination.

The second stage refers to the period of time during the film/TV production shooting. The opportunities should be exploited by creating unique events or producing “behind the scenes” videos and interviews. Likewise, social media should be used to create communities centred around the film or TV show.

Representatives of the film commission should get involved as advisors. Also, during this stage new attractions should be created for example by securing the property of the sets or costumes.

Finally, the third stage concerns the aftermath of the film or TV production. If possible, the premiere should be hosted locally and guided tours should be organised. Themed events and talks should be hosted in the region and film-souvenirs produced. In time, package holidays are to be offered for potential screen tourists. And as a must, keep the cooperation between stakeholders going, improve it and share the experience and knowledge to other interested parties. Partnerships are essential in order to capitalise on the potential impact of screen products on tourism.

3. Conclusions

Notwithstanding the theme of the paper imply an extensive discussion, some conclusion could be excerpted from the research endeavour.

Screen products are increasingly used by tourism destination marketing organisations to market their destination. With its potential for related marketing campaigns screen tourism is a global phenomenon and money is invested in these activities having as goal to increase the awareness of the destination brand and to convert viewers of films to become future tourists. Screen tourism is seen as a new way to market a destination by adding new aspects which might attract more tourists.

The revenue generated by film and TV productions for the region, its beneficial impact on employment and the local economy is indisputable. The increasing interest in attracting film and TV productions to different places is due to the fact that these are recognized as a growing creative industry that will generate revenue for the local economy. And it is not only about a focus on impact on jobs created, growth in local tax revenue, new business activities and expenditure during the shooting itself, but also about seeing screen tourism as having a long term economic benefit. However, the actual correlation and the economic impacts are difficult to measure – in this respect specific instruments are still to be developed.

A key element in order to capitalise on the potential impact of screen products on tourism is the issue of partnerships – which is not obvious for all

stakeholders. As we can imagine, film production companies are primarily concerned with producing and marketing their movies and not with the potential tourism the product could generate afterwards. Likewise, some tourism organisations are still unfamiliar with focusing on screen products for marketing purposes. Very often even if tourist organisations have a screen product not all decide to capitalise on it; uncertainty of who should be doing what and a lack of knowledge of the film sector from a tourism perspective had a negative impact on potential partnerships. Too many times the reasons for a lack of collaboration is a lack of understanding of the other sector's work.

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THE ACCOUNTING INFORMATION SYSTEM – AN INDISPENSABLE COMPONENT OF PUBLIC SECTOR GOVERNANCE

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Abstract

As economic processes became more and more complex, so did accounting. Today's accountant cannot just hide behind invoices and bills, and just play with numbers. The accountant's activity must not only be a passive intervention on the facts of an organization, but a proactive one of supporting management and economic processes. Accounting is developing to be an important interface between governance processes and the whole of the organization. The new role of accounting within the organization places it at the junction of strategy and operation, acting as a bridge between all compartments of that organization and the higher processes as management and governance. This paper tries to reveal the role of accounting as a prime source of information for organization administration processes, next to consecrated sources as marketing and market research.

Keywords: *Strategic management, accounting, audit, public sector governance, interface*

1. Introduction

Why do many firms outsource accounting? How come, that a leading Italian retailer has entirely outsourced its financial and accounting functions, in order to be able to concentrate on its strategic priorities? The classical model of an organization puts accounting under a negative spotlight; some scholars even omit to mention accounting in management or business manuals. There seems to be an ideological separation between management and accounting which has led to the wrong belief, that accounting only exists because it is required by law.

Modern accounting appeared at first in its simple form of keeping books of commercial records in 15-th century Italy as a necessity derived from intensified relationships and partnerships between the Italian states of the time. Bookkeeping was basic, however adequate for the needs of the period, but lacking any theoretical support or a unified practice.

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A class of „account specialists” emerged only in 19-th century England as result of the legal establishment of an early form of institutional audit, for the protection of the investing public. These „account specialists” actually were the first modern accountants. The increasing complexity of business relationships and of the effectiveness demands from audits spawned the need of personnel with specific knowledge of the accounts that shareholders of the time owned. Recent studies all over the world however have shown that the role of accounting has changed over time. The modern accountant is also a financial analyst, performance controller and information supplier (Xydias-Lobo et al., 2004).

Based on this observation, this paper approaches the role and relationships of accounting and audit within a modern organization. Also this paper tries to answer the question whether accounting as an informational resource is as important as marketing or market research to the strategic management and to what extent it can serve as an influence factor on the quality of the strategic management decision.

The paper is structured as follows:

- Part one determines the requirements of the strategic management regarding accounting;
- Part two approaches the definitive factors of the quality of management and of management decision;
- Part three builds a model in which accounting and audit are part of a system for generating management success;
- Part four will finally point out some development directions of accounting and management in the knowledge economy and their positive impact on management processes;

It is impossible to claim that accounting information fully meets the needs of its user groups (Atrill and McLaney, 2005). However, based on its conclusions, this interpretative approach to accounting and its relationship to the strategic management wishes to be a starting point in redefining the role of the accountant in the organization.

2. Conceptual Dimensions of Accounting and its Role in Determining Performance Advantages

There are two approaches on the success factors of organizations which do not exclude, but rather complete each other: a human oriented one and a system

oriented one. The first states that the main information source of the organization is the human resource, which constitutes, based on knowhow and creativity, the main spark of differentiation and gaining competitive advantages, thus contributing to the success of the organization. The systemic approach takes the HR-approach and integrates it with the other sources of information as accounting and marketing into decision models. The systemic approach enables accounting to orientate towards organization's management (Feleaga, 1996) and to take new dimensions.

At this point, it is important to raise the following issue: is it relevant to speak of competitive advantages for the public sector, where there is practically no competition? The answer is yes. While there is no competition on the sense that it is used in the private sector, namely the competition for market shares, there is a competition between public institutions for allocated funds. In many countries a new allocation principle emerges, which states that the more performant a public institution is, the better access to public funds it has. A competitive advantage in the public sector translates not in bigger market shares but in better funding because of increased performance, or in short, the competitive advantage of a public entity is its performance, translated in efficiency, effectiveness and economy. In order to avoid misunderstandings, we will further refer to competitive advantages as performance advantages.

Accounting provides an important performance advantage for an organization that helps create better decision making value and provides an integrating perspective to the management's strategic functions (Islam and Kantor, 2005). In order to do this, accounting must meet certain demands like accuracy, sensitivity, malleability, timeliness, completeness and consistency of information, without disregarding the legal constraints that are imposed by its fiscal nature.

If the accuracy issue is covered by the main objective of accounting namely to give an accurate and real image of the organization's financial situation, which is enforced by IAS 1 and by the legal framework of accounting, the same cannot be said for the other three requirements. The sensitivity of the accounting information refers to the need of the strategic management, to measure any change in the organization and of its environment, and the effect that it has on it. In order to do this, accounting information must be presented in such manner, that the cause and effect of changes are clearly visible. The malleability of the accounting information refers to the fact, that this information must be presentable and usable in all kind of reports, without deforming it. Accuracy, timeliness, completeness and consistency are demands which are derived from the information technology and need no further description.

There is one further constraint on accounting information, namely cost effectiveness. This issue raises two conflicts between the four above mentioned demands: accuracy vs. timeliness (the more accurate the information is, the more it takes for it to be processed) and completeness vs. information overloads (Xu et al., 2003).

3. Elements for the Quality of Governance Processes; the Importance of High Quality Accounting Information

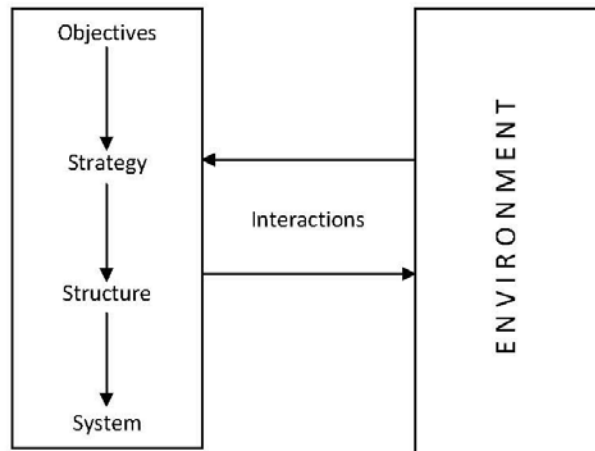
Governance is basically a system of elements that work together in order to manage an entity of economic nature, and is composed of at least the following three parts: management (strategic and operational), audit and a group of stakeholders (in the case of public entities such as society, credit ordinates of higher level, and so on). Although obvious, it is not enough to say that valuable information is a quality factor for governance. Governance is a complex process which engulfs aspects of all areas of the organization. Governance can be modeled. One of the simplest models is the Plan-Do-Check-Act model, which also stands at the base of management quality.

The model set up by Alfred D. Chandler in 1962 and shown in figure 1, states that organizations, through interactions with the environment, achieve their objectives and define strategies. Objectives and strategies create an internal structure of the organization. Also the system provides the flow of information and other resources to enable the management process to operate. (Islam and Kantor, 2005)

One essential characteristic of management as opposed to other human inputs into an organization is its decision making role (Iancu, 2011). The word management conjures up the concepts of control, leadership and decision making (Ryan, 2001). These three concepts are in this regard the key factors which influence the quality of management.

Control and leadership are more personal features, involving psychological aspects like authority, charisma and respect. The decision making process however is much more complex, involving high quality, accurate and timely information. This information has two main sources: an external one, coming from the environment of the organization, and an internal one which is supplied mainly by accounting and which defines the strategic position regarding budgets,

finances, costs. In this regard, accounting information is constrained by its usability, next to being accurate and timely.



(Source: Islam and Kantor, 2005)

Figure 1. The Model of Chandler

Decision making stands also at the base of control and leadership. Good decisions give authority and win the respect of the employees, ensuring that controls reach their goals and the employees follow their manager's decisions.

Another key element of management quality is the human factor itself. Not referring only to the above mentioned psychological qualities, but also to the professionalism and the qualification of the manager, it is important to keep in mind, that an organization is only as good as its management.

4. Control System Components as Key Elements of a System to Generate Managerial Success

In the second half of the 20th century, a very bold comparison between the principles of thermodynamics and economics has been made by Nicolae Georgescu Roegen (Dragan and Demetrescu, 1994). In this theory, the notion of entropy was introduced to the field of economics. Thermodynamics state that all systems have a natural tendency to decay from an orderly, low entropic state to a chaotic, high entropic one. Entropy is in this case the amount of energy which cannot be transformed into yield (useful energy). Georgescu Roegen has stated the principle of according to which, a closed system cannot turn energy into yield for

an indefinite period of time. However, the rate of decay of the system can be accelerated or decelerated.

Engineers have learned to use this property, and have devised ways to control the rate of decay, by using so called feed-back control loops. Since every system will decay over time, more and more energy from the outside will be necessary in order to have the same amount of yield. By controlling the rate of decay, feed-back loops reduce the amount of new energy which has to be fed into the system to a minimum.

Since an organization is basically an open system, the same assumptions can be made for them. Over time, organizations will decay from an orderly into a disorderly state, and the rate of decay can be controlled and be set to a minimum. It is the main role of governance to control this rate of decay. The decay of organizations and the limitation of its rate by governance can be related to the following statement: “People do not what you expect, they do what you inspect” (Villalonga, 2007).

For an organizational process to be controlled, the output must be measured, compared with the set objectives, actions must be planned and executed (Matei, 2003).

The accountant’s work is currently aimed at satisfying the management’s need for future oriented information (Albu and Albu, 2009) and at the efficient allocation of resources. Thus, the accountant has got to be more than a simple employee. He has an important influence on the decisional process of the management, given by the nature of the information it supplies and its effect on the quality of the management. Managers do not only use accounting information to make decisions regarding business, but also to communicate (Feleaga and Feleaga, 2007) with the environment, shareholders and stakeholders of the organization.

A clarification is due at this moment: literature (Horvath, 2007) states that controlling is a tool of strategic management. However, without diminishing the other functions controlling has within the organization which places it from a functional point of view with the management, for the purpose of the model it is best to separate the two activities and put controlling on the same level with accounting.

Accounting data and accounting systems which capture and process the information of the organization, provide the raw materials with which auditors work. In order to understand these systems, and the data they process, an auditor

must first be a qualified accountant. Thus accounting is a creative process, which involves identifying, organizing, summarizing and communicating information about economic activities, whilst auditing is primarily an evaluative process (Porter et al, 2008). Audit has a benefic effect on the management, due its correction and recommendation dimensions, leading to the continuous improvement of the decision making process and the accounting and controlling system as well.

The growing responsibility of the decision factors of organizations which in the new economic context becomes a key factor of a successful and result oriented management (Matei and Popa, 2010), demanding the correlation of the accounting and the information it supplies to the modernization tendencies in the field of managing social and economic entities.

5. Conclusions

The characteristics of tomorrow's public accountant are not essentially different from the ones of today's accountant: independence, moral behavior, discerning capacity, imagination, tact and the willingness for accountability. These trades are the result of professional and personal education, knowledge of accounting principles and business practices and the ability to express thoughts. As society's expectations become increasingly demanding they will put more strain on the public accountant's person. The public accountant must thus prove his abilities to understand and adapt to the changing economic environment but also to the organization's dynamics.

Accounting is not a passive intervention but a proactive one for direction economical and managerial processes, building and optimizing relationships with all sectors of the organization. Accounting is a conception discipline, establishing development trends of the economy. It is an important value adding interface of the management and governance processes with the environment of the organization (Dumitrescu, 2012). It has to optimize the use of its present and future information sources as they will become in the future main reference points in reporting to the future realities of the economic life.

Also, a new configuration of the qualification of the accountant will be necessary, which will have to be, besides a specialist in financial and book keeping problems also a generalist with the corresponding knowledge and responsibilities. Accounting has interfaces with other domains, giving it a more

general knowledge dimension. Accounting works with numbers behind which results, phenomena, interpretations of the processes which gave birth to these figures are hiding. Thus the tunnel image of the accountant's qualification is becoming obsolete, forcing him to penetrate adjacent domains.

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INSTITUTION OF PARLIAMENT IN THE CONSTITUTIONAL MONARCHICAL REGIMES. COMPARATIVE ANALYSIS

Daniel Dumitru BUZATU ¹

Abstract

Institution Parliament has distant origins. Iceland before the year 1000, Sicily in 1130 and England in the 1300s knew the existence of assemblies that would constitute, in the next century, the model of deliberative Assembly. In the eighteenth century, the British Parliament - taking advantage of the weakness of monarchs – that introduce for the first time the governance model of responsibility of government to deliberative assembly. This model was subsequently adopted in France and Belgium. The US Constitution created a bicameral parliament (Congress), which balances presidential power today. Parliamentarism is the mirror of democratic practices and unicameralism and bicameralism is also an expression of the balance of powers and avoiding abuse of power. The existence of one or two legislative chambers have certain advantages and disadvantages.

Keywords: bicameralism, parliament, monarch regime, unicameralism

1. Introduction

In the constitutional history of the world, a long and tumultuous history emerged as a theoretical and practical reality the Parliament. As for the appearance of Parliament in the world that 'it is still historically inaccurate to say that Britain is the mother Parliament has grandfathering in Iceland and also Poland claims simultaneity. But it is true that it served as a model and for continental observer anglomania is not without foundation. "(Frnacois Borella). We can conclude that the emergence of Parliament as an fundamental politico-legal institution in a organized society was actually a natural reaction against despotism and tyranny of feudal absolutism. In the eighteenth century the British Parliament taking advantage of the weakness of monarchs, forced the parliamentary model of governance regime and introduced for the first time the Deliberative Assembly

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Government responsibility. The US Constitution created a bicameral parliament (Congress) that balances presidential power today. (Calinoiu & Duculescu: 2010, p.169)

Parliament therefore appears as a political and legal institution consisting of one or more bodies, meetings or rooms, each consisting of a number of members, having, a greater or lesser power of decision. Parliament should not be confused with committees or commissions, which usually are created by parliamentary chambers, comprise a smaller number of members or consultative assemblies that do not have decision-making powers.

Parliament has and must have a place and an important role in the state system. Therefore the competence should reflect the need to create conditions expressing the will of the people that elected they represent direct, immediate.

Powers of Parliament are specific to the accomplishment at the highest level of state management. As such functions are senior parliament, deliberative functions. Being directly elected by the citizens, by vote, it represents the will of the people and is entitled to exercise its most important rights.

Usually when we talk about Parliament say that it is the legislature, the sole legislative body. Such characterization results either express constitutional provisions or principles of law recognized universally settled.

2. The Parliament

Parliaments in today's constitutional systems consist either of an assembly (chamber), or two or more. Parliaments consist of a single structure are unicameral assembly, and those consisting of two or more assemblies has bicameral structure.

Structure of the Parliament is closely related to the structure of the state. Federal state structure requires the existence of a second chamber of Parliament to represent their interests. Hence the rule structure bicameral parliaments in federal states.

In a bicameral system, the chambers can have the same legitimacy and competence or different skills Analyzing the bicameral system is considered the second chamber may be presented in three phases (Iancu, 2009, p.135):

- **Aristocratic Chamber** - it corresponds to the historical origins of parliament, as a transitional phase of their regimes between old aristocratic and modern

democratic regimes. Thus appear the Parliament House of Lords in England. Later when the cities and counties have designated their representatives formed the House of Commons.

- **Federal Chamber** - it corresponds to the federal structure of the state, reflects its double character of law subject, but composed of several state form imprint. Therefore the federal state has two chambers: a chamber representing the federal interests, and the second represents the interests of the nation. Thus the US Congress is composed of the Chamber of Representatives and Senate and Swiss parliament consists of the National Council and the Council of States in Germany exist Bundestag and Bundesrat et.

- **Democratic Camera** - is the name of the second chamber of the bicameral parliaments in unitary states. The second Chamber can be chosen by direct universal suffrage and, or may be chosen indirectly; sometimes it is considered democratic apparently, sometimes going as conservative.

3. Parliament Institution in the United Kingdom of Great Britain

A feature of British constitutional system is the absence of a constitution in the formal sense of the word. This does not mean the absence of a constitution in the material sense. Constitution of England is presented as a set of custom enough plus legal texts adopted by the Parliament of particular importance for the development of political institutions in the country. For the relationship between government and the governed, in general, it is considered that the UK would have unwritten constitution. In reality the British system of government is based both on constitutional ancient custom: statutes and laws passed by Parliament, as the various parliamentary practice, which can be added and some decisions of courts (Ionescu: 2008, p. 470).

Britain's political evolution provides a classic example of transition from absolute monarchy to a constitutional monarchy (Chrimes: 1978, p.121). Britain today is considered, rightly, one of the countries with a typical parliamentary political system.

In terms of the structure of British constitutional law should be noted that although the UK, as shown, has a written constitution, it nevertheless has a rich parliamentary practice, classic papers on the guarantee of rights and freedoms of the entire practice Parliament acts issued by it in important areas.

British Parliament, one of the oldest institutions of English constitutional edifice is composed of the Queen, the House of Lords and House of Commons, was formed as a political body around King summoned by it, in particular, in order to obtain subsidies for Crown but also to advise him on various issues concerning the kingdom. The source of these subsidies consist, of course, the taxes on income taxes previously established by the Assembly of the great nobles (Ionescu: 2008, p.473).

The origin of the House of Lords, as the body of nobles having the power to advise the king, must be sought even before the Norman Conquest in 1066. Initially, the House of Lords has held a clear superiority to the House of Commons, as a result of its privileged position in relation to the Crown. In addition, the House of Lords exercised control over the appointment of members of the House of Commons till electoral reform in 1832. By the powers conferred on him the Middle Ages, the House of Lords has held a place equal to that of the House of Commons on legislative and financial aspects. Also, it was for the House of Lords to judge ministers indicted by the House of Commons. The Parliament Act of 1911 established the following changes in the relations between the two legislative houses (Ionescu: 2008, 476):

- a. a bill becomes law in finance even without approvals of House of Lords within one month after its adoption by Common Chamber;
- b. draft laws can become law even without approvals of House of Lords, if these are discussed in House of Commons during three consecutive sessions and two years have passed between second reading of the Project in its first session and third reading in the third session;
- c. The maximum duration of the mandate of Parliament was reduced from 7 to 5 years. This makes any bill introduced by the House of Commons after 2 years of its mandate slowly and not be practically rejected by the House of Lords. In present House of Lords is considered as an advisory body and endorsement of the views of legislators technique of bills that are submitted for its reexamined, its political role being extremely low.

In terms of recruiting members of the House of Lords, it is the hereditary basis. Traditional British aristocracy is not as large as it was in past centuries. In order not to endanger the existence of the House, the decrease in the number noble families, the sovereign and the government have the right to appoint new lords. Act which enshrines the right is Life Peerage Act and was approved by Parliament in 1958. In this way, the social composition is adapted to dynamic of

social-economic realities of the country. In 1963 Parliament passed a new Peerage Act that authorized by the lords to renounce their title. Also, by the same act, descendants of Lords were given the right to become members of the House of Lords. It is estimated that by 1999 more than 500 seats in the House of Lords were occupied by new generations of lords recruited from outside the traditional British nobility.

An important aspect of Lords is its political composition. If the office of Member of the House of Commons is disputed between the two main parties: Labour Party and the Conservative Party in the House of Lords are represented almost three political parties. In addition to these parties, are the represented of the Liberal Party, and independents. Representatives of the three parties, plus independents form four political groups.

Currently, the House of Lords performs five functions:

- a. Judiciary function. House of Lords has the role of a Supreme Court of Appeal in civil and criminal problems;
- b. deliberative organ of the projects what are sent by the other chamber;
- c. Legislative function. In legislative matters, the House of Lords has limited powers. In the present House of Commons is the main actor in the legislative process. With these you;
- d. Constitutional function. The queen present the message of the throne in the House of Lords. It also authorizes the Prime Minister to include I n the Government some of lords;

In connection with the functions of the House of Lords deserve to be mentioned Parliamentary Act of 1911, which establish the jurisdiction of the House of Lords ruling in matters of taxes and Parliamentary Act of 1949, which brought some changes of 1911, reducing the range between reading sessions on financial laws.

House of Lords remains a constant political life of Britain, being preserved not only as a political institution with deep roots in the system of government, but also in the public consciousness.

House of Commons is the body that focuses practically whole legislative power of Parliament. Members of the House of Commons are appointed after elections organized in generally from 5 to 5 years universal suffrage. In England universal vote was introduced in 1918, with women, gaining the right to vote in two successive stages. The electoral system is based the majority of one single vote tour.

By law it is ensured a specific representation for Wales, Scotland and Northern Ireland. Each member of the House of Commons, representing a constituency that does not necessarily coincide with administrative units. In the UK, the constituencies are possible equal in terms of population, despite differences. The geographical and historical region that separates the other. The law lays down a very strict delimitation of the scope of a constituency.

The House of Commons is chaired by the Speaker, parliamentary himself elected to this position by members of the House. Speaker is elected at the beginning of each parliamentary term for a term of 5 years, but not by vote. The two major parties - Labour and Conservative Party - agree on a person to be designated Speaker. In this way, the Speaker is impartial and do not play any political party. From 1885 it appointed a deputy Speaker whose task is to replace the speaker in some cases chairing parliamentary debates. It has the task of leading debates in the House and to ensure compliance with the rules and procedures of the House of Parliament (Ciorciovel Marius).

British Parliament shall meet at least once a year, mainly to approve taxes and government grants loans. Under a law of 1911, the Parliament cannot work more than 5 years. The Chamber shall form two parliamentary groups, each comprising MPs belonging to one of the two main parties. British parties being built on strict principles of discipline, Members actively supports the political program of the party that proposed candidates, voting according to his interests. Each parliamentary group is headed by a leader.

In the House of Commons parliamentary opposition has all requirements to criticize the government, the Prime Minister, the cabinet and other components. The parliamentary majority is a supporter of government requests to the Board. The right to dissolve the Chamber shall hold to monarch, but in fact the Prime Minister is asking its dissolution, and King act.

It can be said that the main task of the House of Commons is to vote laws. In addition to this feature, the Chamber has other functions conventionally non-legislative functions (eg, control of the government).

Legislative function. Parliament may legislate in any area under its sovereignty, King accepted and recognized by the courts. Scope of the law is practically unlimited. In terms of the legislative process, the important role it holds the House of Commons. Thus, if a bill was approved by the House of Commons, but rejected by the House of Lords, it can be approved by the Queen in a given period, acquiring the force of law.

In the British legal system, there are two types of laws: public law and private law. Public Laws are initiated by the Government or Parliament, House of Commons having essential role in their adoption. Laws governing private social relations of particular interest. They are introduced to parliament as a petition. If the legal effects of the two types of laws are common, their adoption procedures differ. For each type of law exists a complex legislative procedure. The differences between the two categories of documents consists of the following: all the action taken is to change the general law or the distribution of funds budget, the administration of justice, etc. shall be established by public law; provisions whose objective is to establish subjective rights belonging to natural or legal persons are laws. The procedure for adoption of such legislation is similar to some extent with legal proceedings.

While members of the House of Lords do not receive any compensation, members of the House of Commons have an annual allowance plus allowances for reimbursement of travel expenses, secretarial, transportation. Members of the House of Commons submitted 5% of their salary to retirement homes. Former Members of Parliament, who four years of service and age 65 are entitled to a pension representing 1/60 of their salary per year of service. It provides a pension for family members of deceased House of Commons. Instead, members of the House of Lords do not receive pensions.

4. Parliament Institution In Japan

The cradle of ancient cultures and civilizations, Japan experienced a tumultuous political development, periods of civil war and fight for supremacy, and several major wars with neighboring states. Political organization of the country alternated between a centralized and autocratic regime and decentralization of the country, under the leadership of local leaders or feudal families.

The first Japanese state - Yamato - was founded in 400 after Christ, in the island of Honshu, is strongly influenced by Chinese civilization. He expanded in the following centuries, the authority of the entire Japanese archipelago, and the southern part of Korea.

In which concern political regime in Japan, Universal Encyclopedia authors calculated that it would be difficult to fit into one of Japan's major categories of political regimes known. If the Japanese are unanimous in admitting that their country a parliamentary regime-type practice English, they use expressions such

as "Japanese democracy" or "Japanese monarchy". Japan, which has ceased to be an empire, it became a democracy and a republic much less. "This difficulty in a legal definition criteria related to constitutional reflecting weakness in Japan.

Under the Constitution of Japan, Diet is the supreme organ of state power, is also the sole legislative organ of the state. Consecrating the bicameral system, Constitution of Japan institutionalizes the two Houses of Parliament or the House of Representatives and House of Councillors. Both chambers are made up of elected members representing the nation. The terms of the House of Representatives (480) is four years and the House of Councillors (247) is six years, half of its members are renewed every three years. Nobody can take part in while in both chambers.

Elections to the House of Representatives takes place in the 300 single-member constituencies, based on the majority system, and 11 multi-member constituencies on the basis of proportional representation on the lists.

For the House of Councillors there are 47 multi-member constituencies, Metroplitan or prefectures, and a national constituency for the remaining places. Voting takes place on a mixed direct elections.

Each of the Chamber has the function of judge litigation in the quality of Parliament. To give forfeiture of membership, it must be passed by a majority of at least two thirds of the members present.

Meetings of the two Houses shall be public, but they will not have this character if a two-thirds majority of members present or greater so decide.

In the draft or proposed laws, they will be adopted in principle by both chambers. An important provision of the Constitution (Article 59) is that which provides that a project or a bill passed by the House of Representatives, which was rejected by the House of Councillors, will acquire the validity of a law if it is adopted again by the House of Representatives with a majority of at least two thirds of the members present. Without prejudice to the provisions of the Constitution also has the possibility of convening the House of Representatives by a Joint Committee of both Houses. In case the Chamber is silent advisors within a 60 days on the project or proposal adopted by the House of Representatives, which has sent the text, the House of Representatives may consider it rejected the other room.

The project budget must be presented as a priority in the House of Representatives. In budgetary matters, the decision of the House of Representatives

will prevail if both Houses agree not to hold a joint committee. The same provisions apply when diplomatic treaties.

Each of the two Houses may carry out investigations, requesting the examination of witnesses and production of documents. Prime Minister and other Cabinet members have access, at any time, to get the word on the subject discussed, but they cannot be part of any of the two Houses.

In the framework of the Diet it is created a Tribunal composed of members of both Houses, whose mission is to judge dignitaries are investigated in view of their revocation.

Important notes on the operation of the Japanese Parliament (Diet) can be found in the law of the Diet.

As regards the relations between the two Houses of the Diet, Law no.79 of 30 April 1947 contains detailed provisions. It is instituted the institution of joint committees composed of 10 commissioners elected by a Chamber and 10 the other, competent to resolve situations in which there is disagreement about the bill or legislative proposal. The Commission shall adopt the text with a two-thirds majority of the Commissioners present. With the exception of the final text voting, the committee works with an absolute majority, but in this case the President shall have the casting vote. Final text adopted by the joint committees are discussed primarily in the Chamber who sought reunion committee. If the Joint Committee has not adopted a common text, each of the two presidents must inform the Chamber to which they belong on this.

5. Conclusions

Parliament as an institution to ensure the representation supreme interests of the people, is one of the main pillars of a state structure. In this context it should be stressed parliamentary structures ability to adapt to social, political and historical context. Thus, in the cases analyzed, the parliamentary institution adapted the transformation of anachronistic monarchy in modern states, democratic. It is also worth attention representativeness of members of parliament, there is a balanced level of local and regional interests.

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THE EUROPEAN DECISIONAL SYSTEM ANTE AND POST THE LISBON TREATY. COMPARATIVE ANALYSIS

Maria POPESCU¹

Abstract

Creating and defining political institutions is a primary task of all the fundamental laws of the Member States of the European Union. *EU's institutional system was established as based on concepts and methods unknown nationally and internationally, to create European Communities. If at the beginning, institutions lacked competence except on trade, economic and social progressive European institutions begin to have and skills in other areas: legislative, executive, judicial, and foreign banking. Institutional reform wrought by the Lisbon Treaty envisaged, on the one hand, further democratization of European decision-making system by increasing efficiency, strengthening the participatory and transparent nature, and on the other hand, European institutional system adapt to the increasing more Member States.*

Key words: Lisbon Treaty, European Parliament, competences

1. Introduction

The institution means a united group of legal rules common regulatory criterion of an object, object ensuring its unity and permanence. Political institutions include bodies required to achieve political power and rules on this achievement [Muraru John, Simina Tanasescu, p. 35].

Each political community requires institutions in order to govern to society, as each society requires common rules and a method for the preparation, implementation and control [Schutze Robert, p. 79].

When it comes to political institutions, we must understand that they do not only include normal and organizational forms, but also their lives and enforcement [Victor Popa, p. 7].

EU's institutional system was established as based on concepts and methods unknown nationally and internationally, to create European Communities. If at the beginning, institutions lacked competence except on trade, economic and social

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progressive European institutions begin to have and skills in other areas: legislative, executive, judicial, and foreign banking.

Union institutions, their tasks are defined in Title III of the Treaty on European Union. Article 13 of the Treaty establishes the institutional framework of the European Union to promote its values, its objectives, its interests, its citizens and its Member States, and ensure the consistency, effectiveness and continuity of its policies and actions. Union institutions are: the European Parliament, the European Council, the Commission, the Court of Justice of the European Union, European Central Bank and the Court of Auditors. Each of these institutions is characterized by its distinctive structure and decision-making mode.

The principle of conferral, specific principle of federal organization, govern the delimitation of competences in the Union [Ion Diaconu, Andrei Popescu, p. 210]. According to Article 5, paragraph 1 of the Treaty on European Union, under the principle of conferral, the Union shall act only within the limits powers that have been assigned by Member States treated to achieve the objectives set out there in [Lisbon Treaty].

The principle of empowerment was established at the beginning, by the Treaty establishing the European Economic Community, which subsequently confirmed by the Treaty establishing the European Community in Article 5, which was translated by the Lisbon Treaty in the Treaty on European Union [Nelly Militaru Ioana, p. 32]. The interpretation of Article 5 states that, by their will, the states will transfer skills to achieve the objectives of the Union. At the same time it is clearly stated that any competence not conferred upon the Union in the Treaties remain with the Member States.

The Lisbon Treaty establishes the legal basis on the Functioning of the EU's institutional system, establishing the duties performed by each institution.

The European Parliament exercise, jointly with the Council, legislative and budgetary functions. This exercise of functions of political control and consultation in accordance with the conditions of Article 14, paragraph 1, is based on Article 16 paragraph 1 of the Treaty on European Union.

The European Council shall provide the Union with the necessary impetus for its development and shall define the general political directions and priorities. It shall not exercise legislative functions under Article 15, paragraph 1 of the Treaty on European Union.

The Commission shall promote the general interest of the Union and take appropriate initiatives to that end. This ensures application of the Treaties, and

measures adopted by the institutions pursuant thereto. The Commission oversee the application of Union law under the control of the Court of Justice of the European Union. It shall execute the budget and manage programs. It shall exercise coordinating, executive and management in accordance with the conditions laid down in the Treaties. With the exception of foreign and security policy and other cases provided for in the Treaties, it shall ensure the external representation of the Union. It shall initiate the Union's annual and multiannual programming with a view to achieving inter-institutional agreements under Article 17, paragraph 1 of the Treaty on European Union.

The High Representative conducts the Common Foreign and Security Policy of the Union. It contributes by proposing the development of that policy, which he shall carry out as mandated by the Council. It works similarly in terms of common security and defense policy, in accordance with Article 18, paragraph 2, of the Treaty on European Union.

Court of Justice of the Union ensures compliance with law in the interpretation and application of the Treaties, in accordance with Article 19, paragraph 1 of the Treaty on European Union. According to the principle of conferred powers, the EU institutions have limited powers, each of which may act only within legal regulations.

Referring to the allocation of jurisdiction, the Court of Justice held that it has the nature of an irreversible transfer. However, according to the Lisbon Treaty, must be analyzed irreversible transfer subject to the provisions under which any Member State may decide to withdraw from the Union, under Article 50 of the Treaty on European Union. Therefore, the transfer is irreversible, possibly during the State is a member of the Union [Nelly Militaru Ioana].

2. Decision Making Process at the Level of European Parliament Post-Lisbon Treaty

When adopting the Treaty of Paris in 1952, and the Treaty of Rome in 1957, it was expected that Parliament will be composed of representatives of member nations. This characterization corresponded to his training as Parliament was directly elected. In 1986, the European Unique Act, introduced, in addition new procedures, the approval and cooperation.

From one treaty to another the legislative powers of European Parliament have been gradually expanded. A turning point in this sense was the Treaty on

European Union, signed at Maastricht that established the bases of today European Union. By the Treaty of Maastricht the legislative and supervision powers increase with the introduction of co-decision procedures. According to this treaty, European Parliament has the right to ask the Commission to submit a legislative proposal in matters that, in its opinion require the elaboration of a community act. Also, the whole Commission must be approved by European Parliament.

Next step was made by the Amsterdam Treaty. Once with this one the co-decision procedure was simplified, and the field of action was extended.

In 2003, the Nice Treaty is the promoter of extension of co-decision in the framework of European Parliament and of proportional redistribution of seats.

The Parliament is big winner of Lisbon Treaty, the same as other institutional reforms. In a way it is a legitimate process of growing powers, having in mind that is the institution of citizens. At the end European Parliament win the right to co-decision in the budgetary field as the Council. Speaking about European Parliament, we can say that, by this treaty, is in place an explanation of its fundamental role in the functioning of [Luzarraga Aldecoa Francisco Llorente Guinea Mercedes].

Under the Treaty of Lisbon, the representation of citizens shall be proportionately decreasing, with a minimum threshold of six members per Member State and a maximum of 96 seats. The number of MEPs cannot exceed 750, plus the President.

Plenum is the official organ of decision-making in the European Parliament. Article 229 of the Treaty on the Functioning of the European Union states that the European Parliament meets in plenary at least once a year, an annual session, but Parliament decided to divide the annual session in 12 sessions and meet for one week each month. This option was constitutionalized by a protocol annexed to the Treaties [119, p.94].

Decision-making procedure is governed by Article 231 of the Treaty on the Functioning of the European Union, which states that Parliament shall act by a majority of votes cast, unless the Treaties provide otherwise. Quorum is provided by a third of the component Members of Parliament. There are times, however, when Parliament decides otherwise than by majority vote. The European Commission President is elected by a majority of members that compose it. If the motion expressed against the Commission, it shall be adopted by a majority of two thirds of the votes cast, representing a majority of the members composing the European Parliament [Tursi Corina].

The specific elements of the voting procedure and principles that apply are set out in Articles 158-171 of Regulation of the European Parliament.

The European Parliament exercise together with the Council legislative and budgetary functions. It exercises functions of political control and consultation in accordance with the conditions laid down in the Treaties. Follows from that provision that the European Parliament meets the legislative function, budgeting, monitoring and elective positions.

In terms of legislative function, the main task of the European Parliament is to adopt European legislation. Unlike national parliaments, the European Parliament has no right to develop a formal draft laws. However, the Commission may require the introduction of a draft law, this prerogative being recognized by the Maastricht Treaty. To forward legislative proposals are, with few exceptions, a constitutional prerogative of the Commission.

Co-decision procedure was introduced by the Maastricht Treaty and the Lisbon Treaty replaces the notion of co-decision with the ordinary legislative procedure. Under Article 289 of the Treaty on the Functioning of the European Union, the ordinary legislative procedure is to adopt jointly by the European Parliament and the Council of a regulation, directive or decision on a proposal from the Commission. This legislative procedure is generalized and is applied in fields such as agriculture, energy, justice, home affairs, health and structural funds.

Treaty on the Functioning of the European Union regulates a set of special procedures that can turn the main legislative chamber in Parliament, for example when adopting a statute for its members.

Parliament's legislative powers are extended in the field of external relations. After Lisbon, Parliament has become a major player in the agreements.

Parliament's budgetary powers are predate the Treaty of Lisbon. They distinguished between compulsory and non-compulsory expenditure, the latter being expenses not resulting from binding financial commitments entered into as a result of application of EU law. Parliament's powers were initially limited to this second category. The Lisbon Treaty however gave the distinction between compulsory and non-compulsory expenditure, Parliament became an equal partner in the process of adopting the annual budget of the Union. Also, according to the new regulations, the Parliament together with the Council, through a special procedure adopted annual budget. But budgetary powers do not stop there. Parliament approves budget implementation downloading Commission.

But the most relevant aspect of novelty that brings the Lisbon Treaty, in addition to the substantial increase in legislative and budgetary powers is that the

European Parliament acquires powers constitutional policy, namely the revision of the Treaties.

Article 48 of the Treaty on European Union provides four distinct review procedures: the ordinary with the Convention, the ordinary without Convention simplified revision procedures passerelle clauses.

The Lisbon Treaty provides, moreover, for the decision of the European Parliament through its involvement in exclusive areas, data in the past, the competence of the Council. These decisions, such as enhanced cooperation-building, the use of the flexibility clause on police and judicial cooperation in criminal matters or some decisions that allow the extension of the scope of the Treaty for the future European Prosecution case [Luzarraga Aldecoa Francisco Llorente Guinea Mercedes, p. 161].

3. Council in New Architecture Decisional

Since the Treaty of Lisbon, the European Council becomes an institution of the European Union, under Article 13, paragraph 1 of the Treaty on European Union. The organization, functioning and powers of the European Council are set out in Article 15 of the Treaty on European Union and Article 235 of the Treaty on the Functioning of the European Union. Under Article 15, the European Council is composed of Heads of State or Government of the Member States, its President and the President of the Commission. High Representative of the Union for Foreign Affairs and Security Policy participates in its work.

Article 10, paragraph 2, of the Treaty on European Union states that Member States are represented in the European Council and the Council by their governments, which in turn are responsible democratic to national parliaments, or to their citizens. From those provisions results that the Treaty of Lisbon has provided rules to increase the accountability of members of the EU institutions.

Although the European Council President and Chairman of the Committee are official members of the Council of Europe, they have no right to vote, if the Council decides by vote. They are not full members but honorary members of this institution. Their status is not different from the High Representative of the Union for Foreign Affairs and Security Policy, who, although not an official member of the European Council, however, participates in its work [Schutze Robert, p. 100].

The European Council meets twice a semester, but if the situation so requires, it may meet in extraordinary meetings. These meetings are seasonal and are held in Brussels. European Council meetings are not public [Rules of Procedure of the European Council, Article 4, paragraph 3].

European Council decides by consensus, unless treaties provide otherwise according to the, Article 15, paragraph 4 of the Treaty on European Union. The general rule is, therefore, unanimity of the Member States. But there are situations where the European Council decides by qualified majority, in which case the rules provided for the Council on what constitutes a qualified majority.

One of the most important innovations of the Lisbon Treaty in the European Council is the disclaim of rotating presidency for the post of President of the European Council [Tratatul de la Lisabona “pe înțelesul tuturor”]

Permanent President is elected by the European Council, but not of its members. The term of office is two and half years, renewable. Advantages of a permanent president are that ensures greater stability of this institution [Dungaciu Dan, Vohn Arvatu Cristina].

As regards the constitutional powers, the European Council shall be assigned by the Treaty of Lisbon, an important role in that it is involved in all stages of the ordinary revision procedure and the simplified revision procedures, from proposal to completion time review procedures. Another area in which it manifests these constitutional powers is the voluntary withdrawal of a Member State.

Constitutional powers of the European Council is also reflected in limited areas where it is conferred the ability to establish, unilaterally, a bridge between procedural limits of competence established by the Treaties. Such small bridges known as catwalks, are provided, for example, Article 31, paragraph 3 of the Treaty on European Union and Article 86, paragraph 4 of the Treaty on the Functioning of the European Union.

The European Council may unanimously adopt a decision stipulating that in cases other than those referred to in paragraph 2, the Council shall act by a qualified majority, shown in Article 31, paragraph 3 of the Treaty on European Union.

The European Council may, at the same time or after a decision amending paragraph 1 in order to extend the powers of the European Public Prosecutor to include serious crime, cross-border dimension and amending accordingly paragraph 2 as regards the perpetrators and accomplices in serious crimes affecting several Member States indicated in Article 86, paragraph 4 of the Treaty

on the Functioning of the European Union. In the above, the Council shall act unanimously after approval by the Commission and after consulting the European Parliament.

4. Conclusions

This analysis, although not capture all aspects of existing procedures in the European Union, aims to highlight the step forward that was the Treaty of Lisbon.

Parliament is the big winner of the revision of the Lisbon Treaty, as it represents at institutional level citizens. Together with the Council, exercise legislative and budgetary position. Exercise and functions of political control and consultation. Choose the Commission President. Parliament appears strengthened by extending its functions, the generalization of co-decision as the ordinary legislative procedure. Gain the constitutional powers, namely the revision of the Treaties.

European Council becomes an institution of the European Union since the Treaty of Lisbon. Tasks of focusing on executive function. He also exercises constitutional functions in that it is involved in all stages of review, provide guidance for Member States to withdraw from the Union. He also still exerts institutional functions and powers of the European Union's policy on foreign policy and security policy and mediation functions.

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ANTICORRUPTION STRATEGIES IN EASTERN AND CENTRAL EUROPE. COMPARATIVE ANALYSIS

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Abstract

The majority of authors consider that one single definition, generically valid, cannot be given to this phenomenon. The term of corruption drifts from the Latin “corruptio, -onis”, which means obliquity from the morality, honesty, but also immorality, debauchery. According to other authors, the root of the word “corruption” descends from the Latin verb “rumpere”, nominating, therefore, a fracture, a fissure, a crime. Historical evidence shows that attempts to rein in corruption are as old as corruption itself (Riley, 1998). In recent years, anti-corruption rhetoric has been increasing in most governments, often in response to increased attention of the media and civil society activism, and because of actions taken by some international agencies to fight corruption (Kaufmann, 1999).

Keywords: corruption, anticorruption strategies, integrity, reform

1. Introduction

Corruption is a threat to democracy, to the law's supremacy, to social equity and justice, it erodes the principles of efficient administration, undermines the market economy and endanger the stability of state institutions

With a history of thousands of years, starting from ancient times, corruption is one of the worst behavioral patterns, but, at the same time, it belongs to the behavioral patterns that are widespread among the civil officials or elected representatives of the community. During the last century, it also affected the behavior of the private sector. Interest and concern towards this phenomenon increased and national and international reactions took place.

Although there are numerous studies that consider these issues, up until now, there hasn't been universally adopted a widely accepted definition that would cover all possible acts and deeds which constitute corruption, irrespective of the jurisdiction.

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Choosing one single definition of corruption is very difficult. Taking into account a review of existing literature and bibliographic sources on this topic (Amundsen and Fjeldstad 2000), academic research can be classified using at least the following criteria: in the context of different social sciences, according to the most important debate and discourse, and depending on the discussions that place in various governmental and nongovernmental organizations that have corruption, as their object of investigation. What is to be included and what is to be excluded in these definitions? What are the different types of corruption? What is the difference, if any, between corruption and the pursuit of wealth?

Research on corruption has particularly focused on the classification of its various forms in order to operationalize the concept of analytical judgment and practical reasoning. Therefore, there are many opinions regarding the best way to classify corruption into categories and subcategories. Some researchers have defined corruption as a particular state-society relationship and they make a distinction between 'political' corruption and the 'bureaucratic' one. Another classification is that considering 'functional' corruption and 'dysfunctional' bureaucracy. Other researchers have tried to link corruption with other phenomena or processes. For example, political sciences have recently tried to place corruption, and the fight against it, on the agenda of democratization process. A strict definition of corruption, limits it to the staff, to certain sectors or to specific transactions (as the case of corruption is defined as a behavioral deviation of the officials).

The decisional role of the state is reflected in most definitions awarded to corruption, which express it as a particular state-society relationship (and, some might say, a corrupt one). Studying corruption has become multidisciplinary and wide, ranging from the efforts of theoretically modeling of a generally met situation towards a detailed description of a single corruption scandal. It was studied as a matter of political, economic, cultural and moral underdevelopment. The fact that corruption very often occurs in complex situations is based on the simplicity of its triggers and motivations. For example, the *Source Book*, published by Transparency International, argues that public administration programs, government reform, law enforcement, public accountability and the creation of institutions to prevent corruption, all of these are only some elements in a long process that needs as much support as possible and involves the change of attitude at all levels. Moreover, it was argued that as countries are improving their modernization stages, reaching higher development levels, corruption does not disappear, but on the contrary, it just takes different forms (Girling, p.3).

2. Anticorruption and Transition

Historical evidence shows that attempts to rein in corruption are as old as corruption itself (^{Riley}). In the past recent years, anti-corruption rhetoric has been increasing in the vast majority of governments, often in response to increased media attention and civil society activism, and because of actions taken by some international agencies to fight corruption (Kaufman).

This does not mean that the efforts against corruption in different countries by distinct institutions hasn't been undertaken seriously, rather it suggests that there are many whose commitment to address the problem is dubious.

In order to be successful, any anticorruption strategy should consider each actor, to understand his/her motivation and to identify the factors conducive to corruption. The understanding of the interaction between each actor can be helpful in achieving an anti-corruption strategy.

The Winners and the Losers in Corruption (McCusker, p.16)

Corruptor	Corrupted	The 3rd actor
Win	Win	Win
Win	Win	Loose
Win	Loose	Win
Win	Loose	Loose
Loose	Win	Win (the aim of an anti-corruption strategy)
Loose	Loose	Win (the aim of an anti-corruption strategy)
Loose	Win	Loose
Loose	Loose	Loose

However, the initial 'shock therapy' is not sufficient, as long as the memory of the ancient corrupt structures remains and the reformed agencies believe that the recent non-corrupt, free of benefits relations are only temporary. A new described in details and reliable structure regarding non-corrupt transactions must be built where individual motivation has changed from the purely economic one.

The transition from socialism is a unique historical process. The countries have never tried such a radical and simultaneous transformation of both institutions, political and economic ones. Underpinning these changes was to become a complex set of reforms that requires the building of basic state institutions, creating the foundation of a free market economy and imposes the transferring of wealth from state to the private sector.

Why was transition marked by state capture and administrative corruption? Certainly, corruption has deep roots and had been existed in these countries long before transition. Due to fundamental differences in terms of corruption, in the frameworks of different market economies, and not only there, it is difficult to compare the levels of corruption before transition period with the current one. So, it is impossible to provide well defined evidence regarding the transition's effect on corruption (Holmes).

Taking in this configuration, corruption, was facilitated by three factors: (i) rewriting an unprecedented volume of laws, regulations, and policies, (ii) the extraordinary redistribution of wealth from state to private sector, (iii) the virtual absence of institutions, either they be internal or external to the public sector – a fact that could effectively verify the abuse of public authorities during the transition, in many countries.

At the same time, in many regions, this aspect shows the considerable variation of state capture's levels and of administrative corruption. What are the factors explaining this variation? Part of the response is set in the various institutional and structural legacies with which countries have started the process of transition (Blocker).

3. Anticorruption in Bulgaria

Several years after the start of the transition process in Bulgaria (1989) the problem of corruption has moved up on the agenda of Bulgarian society. It gained prominence with the progress of the country's EU accession talks after 1999, and topped the political and social debate at the time of the country's EU accession in 2007. Since the start of the European economic crisis in 2008 corruption has been displaced as the most important issue from people's worries by jobs, income, and poverty but has nevertheless remained high on the country's political and social agenda. The 2009 government came to power on a strong anticorruption agenda, and indicators showed some advances have been accomplished in anti-corruption in its first two years. But these were lost in 2012 – 2013 when the government lost power amidst accusations of conflicts of interest and corruption. The new government, and parliamentary majority, established in 2013, with the least voter support on record, has been facing daily anti-corruption street protests, which started barely weeks after the government stepped into office. (Alexander Stoyanov, Ruslan Stefanov, Boryana Velcheva, p.6)

An Integrated Strategy for Preventing and Countering Corruption and Organised Crime was adopted in 2009, followed by an action plan to prevent corruption in 2011-2012.

Bulgaria amended corruption-related provisions in the Criminal Code following ratification of international conventions. Efforts were made to keep the framework consistent, for instance by extending part of the criminalization of bribery of domestic public officials to their foreign counterparts. According to the Council of Europe's Group of States against Corruption (GRECO), the current criminalization of bribery and trading in influence provide a fairly sound basis for the prosecution of various corruption offences. Additional amendments were adopted in response to concerns raised by the European Commission and others regarding the lack of results of the criminal justice system against corruption and organized crime. A draft new Criminal Code was published for consultation in December 2013 and presented to Parliament in January 2014. (COM (2014) 38 final)

Since Bulgaria's EU accession, the European Commission has reported regularly on efforts to prevent and fight corruption and organized crime, and reform the judiciary. In July 2012, the Commission noted that over the previous five years, the cooperation of the Bulgarian authorities with the CVM had been inconsistent. The report called for more consistent implementation to bring together disparate actions (COM (2014) 38 final). The latest report, in January 2014, acknowledges a few steps forward but notes that overall progress has been not yet sufficient, and fragile (http://ec.europa.eu/cvm/docs/com_2012_411_en.pdf).

4. Anticorruption in Hungary

Hungary has an integrity and prevention-oriented approach within its public administration.

The EU accession process resulted in the elaboration of an anti-corruption legal framework, which would match the European standards. The post-accession period is characterized by a somewhat slower development of the legal regulations. By and large, though, Hungary has well developed legal regulations concerning corruption, nonetheless, diverse reports and evaluations indicate that investigation and enforcement are lacking (TI 2009). It is estimated that the black

economy of the country is large and amounts to 15-18% of official GDP, which also to a degree reflects the size of corruption.(Mihaly Fazekas).

The Hungarian Government adopted a two-year anti-corruption program in early 2012 comprising a range of integrity-related measures for the public administration. It does not cover the business sector, Parliament and local governments. Nevertheless, some municipalities have adopted ethical codes, which mostly provide general guidelines on fair treatment of clients without necessarily covering practical rules on gifts or favors. In the latest annual integrity research of the State Audit Office, the factors raising the risk of corruption have increased by 5% as compared to the previous year, while the use of soft control measures such as codes of ethics has slightly improved. (COM(2014) 38 final)

In relation to the central public administration, the anti-corruption program focuses on prevention policies, such as the setting up of an integrity management system that started in 2013. This includes the appointment of integrity officers responsible for monitoring compliance with ethical requirements, anti-corruption training for civil servants, publication of a code of conduct for employees of state institutions, corruption impact assessment of governmental proposals and decrees, protection of whistleblowers, and further awareness-raising activities. Based on a Green Paper on ethical standards in the public service, a code of professional ethics of public servants and a code of conduct and ethical process for law enforcement bodies were adopted in mid-2013. (COM(2014) 38 final)

Hungary has reinforced its integrity education system, introducing anti-corruption related matters in the national core curriculum since 2012. It has set up postgraduate program for public servants focused on integrity issues and included integrity program in the curriculum of the National University of Public Service since 2013.

Anti-corruption and integrity-related policies, both on the prevention and the repression side, are largely covered by a wide range of legislation. An extensive criminal legal framework is in place, covering both public and private sector corruption. A new Criminal Code has entered into force in July 2013. The Code contains a number of new provisions on corruption offences, such as simplified definitions of crimes and longer prescription terms. In addition to active and passive trading in influence, the Criminal Code criminalises budget fraud and provides for new aggravating circumstances for a range of corruption-related offences. The Council of Europe Group of States against Corruption (GRECO) noted that the new legislation met an acceptable level of compliance with its

recommendations. Several additional amendments, including some to the criminal procedure code, were recently adopted to ensure speedier court proceedings.

5. Anticorruption in Poland

In the pre-accession period, the European Commission criticized countries of the former Eastern bloc for excessive sluggishness in fighting corruption. In response to this criticism, national anti-corruption strategies were formulated and more or less successfully implemented.

Under European Commission pressure, Poland also adopted a document on September 17, 2002 called “A Program for Fighting Corruption – An Anti-Corruption Strategy”. The tasks imposed by this document on individual ministries and central government institutions had to be accomplished by the end of 2003. (COM(2014) 38 final).

In October 2004, a substantially better document was adopted: “A Program for Fighting Corruption – An Anti-Corruption Strategy – Implementation Phase II for 2005–2009”. The goals and tasks of the second phase of the Strategy’s implementation were set out for specific areas of public life – within their framework a general goal and strategic goals were defined; both informational-educational and organizational changes were proposed. The entities responsible for carrying out specific tasks were designated, and deadlines set for their completion. (Grażyna Czubek and all, p.9)

Perceptions of corruption in Poland have improved, but priorities of successive governments have lacked continuity. Some ministries have introduced their own systems to prevent corruption, with limited coordination. Poland's last anti-corruption strategy expired in 2009. Following domestic and international pressure, consultations on a draft 2014-2019 Program for fighting corruption are now underway.

A 1997 law governs conflicts of interest and asset disclosure.² The Council of Europe's Group of States against Corruption (GRECO) found that Polish criminal law provides a sound basis for the investigation, prosecution and adjudication of corruption offences, with a legal framework largely compliant with relevant standards in the Criminal Law Convention on Corruption. Poland has adjusted the penal code provisions in line with the Convention.

MPs are required to file declarations on their financial situation with the Speaker of the Sejm or of the Senate annually and upon taking up and leaving office. Such declarations are available online.

The law requires benefits received by MPs or their spouses to be disclosed in a public register of interests kept by the Speakers of the Sejm and Senate (COM(2014) 38 final).

6. Conclusions

Corruption is part of a broader phenomenon, typical of any organized civil activity. The success of all social actions that have a certain aim is dependent on the participants' will to comply with rules or regulations adopted by the organization or to follow the behavioral patterns (Dumitrescu, 2011) that prevail in those communities.

Compliance is a necessary condition for the survival of the social order - whether it is an order governed by the market or it is a political order governed by the state. Organizations seek to ensure individual compliance and group compliance through using a combination of positive stimuli, basic motivation and negative incentives. The balance may be difficult to overcome, due to the fact that the use of a set of incentives may undermine the objectives of other organizations by preventing, for example, the willingness to produce. However, in order to solve this issue properly, effective tools must be on their positions. And, as Amartya Sen points out, not only the tools, but also the rules of conduct must be similarly, as their *'importance can be particularly attached to the behavior of people invested with power or with authority(Amartya)'*.

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