

RECOMMENDATIONS FOR STRENGTHENING REGIONAL GOVERNANCE IN ROMANIA

Abstract

Regionalisation was a large debated subject in Europe in the last twenty –five years. In the last two years there was a political will in Romania to led a territorial reform aiming to strength economic competitiveness and to raise the structural funds absorption. The present article aims to fix some conceptual boundaries for a proper understanding of the subject, as well as to formulate alternatives and recommendations for the Romanian policy-makers who have intent to create administrative regions in Romania. The recommendations are based upon current theories and models identified in the literature review and upon our work experience in administrative reform.

Keywords: regionalisation, regional governance, territorial-administrative reform

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RECOMANDĂRI PENTRU ÎNTĂRIREA GUVERNANȚEI REGIONALE ÎN ROMÂNIA

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Rezumat

Regionalizarea a fost un larg subiect de dezbatere in ultimii 25 de ani in Europa. În ultimii doi ani a existat o puternică voință politică în România de a realiza o reformă teritorială care să urmărească întărirea competitivității economice și creșterea absorbției fondurilor structurale. Articolul de față își propune să fixeze granițele conceptuale pentru o mai bună înțelegere a subiectului , cât și să formuleze alternative și recomandări pentru cei care elaborează politici publice ce intenționează să creeze regiuni administrative în România. Recomandările sunt bazate pe teoriile curente și pe modelele identificate în literatura de specialitate, dar și pe experiența noastră în reforma administrativă.

Cuvinte cheie: regionalizare, guvernanta regională, reformă administrativ-teritorială



1. CONCEPTUAL DELIMITATIONS

Regionalisation was a developing neo-liberal idea in the nineties in Europe assuming that regional decentralization will both strengthen economic competitiveness and deepen the integration and led territorial reforms. The results are contradictory. Many member states remained centralized, the regional disparities did not decreased, inter-regional co-operations are asymmetric due to the different positions and conditions of regions (NISPAcee Annual Conference, 2013).

Accession to the European Union implied the beginning of a new phase of development for Central and Eastern European countries. In our opinion the concept of regional governance for a new EU country can be translated into democratic governance, meaning transparent and accountable governance at local and regional level, capable of enhancing participation and assuring the rule of law (Profiroiu et al., 2011, p. 277).

Regional governance is a collective term (OECD 2005). As Broadway and Anwar (2009, p. 242) defined it, governance is "the formulation and execution of collective action at the local level. Thus, it encompasses the direct and indirect roles of formal institutions of local government and government hierarchies, as well as the roles of informal norms, networks, community organizations, and neighbourhood associations in pursuing collective action." In other words, "Regional Governance" means collaboration between leaders of the three sectors (public, private, and non-profit) in order to set up the region's competitiveness strategy and implement it.

Globalisation has weakened national capacities to influence economic performance; it has promoted the role of the region as a site of sustained competitiveness, by its 'natural' capacity to facilitate collective learning (Keating, 1998).

The spatial planning, as set of ideas and practical measure regarding the ordering process of spatial components and resizing theirs interrelation, is sustained by administrative-territorial organization, which is a complex modelling of territorial structure by Constitutional regulations in order to define the territorial-administrative units, considered the best at a fixed moment for implementation of norms and local development policy from economic, financial, cultural and social perspective (Pușcașu, 2000, p.74)

The term "region" was defined differently by different institutions. The Assembly of European Regions has defined regions as " the territorial body of public law established at the level immediately below that of the state and endowed with political self-government" (AER, 1996). However, European regions have different statuses, which vary according to their history, their culture and their constitutional principles and characterize the territorial organisation of each state. AER (1996) have considered that the regions

are an essential and irreplaceable element of European development and integration and is convinced that states with strong regional political structures, legislative powers and their own finances can optimally resolve their economic and social problems.

On the other hand, the European Institutions defines the region rather from the administrative point of view as an echelon immediately inferior after the state level (European Communities, 2007). According to the Nomenclature of Territorial Units for Statistics (NUTS) that identifies the territorial administrative units depending on the size of the territory, there are three sub-national level: the municipality, the department / county and regional level. The resolution of European Parliament (the 18 November 1998) recommended to the member states to regionalise their interne structure and offered them a "Community Charter of regionalization" which tried to fix the main principles of this process.

Also it would be interesting to note that there are six theoretical models of regionalization in Europe¹:

- Model 1: regions endowed with the power to pass primary legislation, whose existence is guaranteed by a Constitution or a federal agreement;
- Model 2: regions empowered to pass primary legislation and whose existence is not guaranteed by a Constitution or a federal agreement;
- Model 3: regions empowered to adopt legislation according to a framework (principles, general dispositions) established by national legislation and whose existence is guaranteed by Constitution;
- Model 4: regions empowered to adopt legislation according to a framework (principles, general dispositions) established by national legislation and other regional acts, whose existence is not guaranteed by Constitution;
- Model 5: regions endowed with decisional power (without legislative power) and with councils (deliberative authorities) directly elected by the citizens;
- Model 6: regions with decisional power (without legislative power), whose councils are elected by local authorities.

However, four main categories of regions that could be identified in Europe vary in terms of the political power and influence: constitutional regionalism (Germany), strong regionalism (Italy), decentralised regionalism (France) and administrative regionalism (Norway) (AER, 2010, p.17).

¹ Locatelli's speech at *International Seminar Implication of establishing regions in Romania* in 2002.

Another conceptual delimitation in this context refers to the terms of regionalization and regionalism. Regionalization generally means a new level in the territorial organization of the state with all that this implies: the creation of regional institutions and transfer of the regional administrative competences at the regional level (Apostol Tofan, 2006). Regionalism on the other hand, starts from the idea that region is defined by a set of economic, human, social, cultural, linguistic characteristics that justify the creation of a political body whose autonomy will be recognized more or less extensively. It is the awareness about the local community's common interests and aspiration to manage such interests (IPP, 2003).

'Regionalism' is the political notion which favours the process of regionalisation; it is generally seen to imply some struggle for a degree of political autonomy on behalf of the region(s) concerned (AER, 2010, p.15). Regional governance is mainly (Scherer, 2005; Bauer-Wolf, 2005) described as conscious, purposive and specifically legitimized interaction between key actors of different subsystems, namely administration, policy, economy and civil society, within a defined region, with the aim of influencing the socio-economic development of the region in the direction of a commonly acknowledged ideal state, or at least of what is acknowledged as an improvement of the present situation. As Arthur Benz (2004) noted regional governance refers to regional actors (representatives of interest groups, business, unions and other organisations) that organise themselves through negotiation and networking, in addition and in constant collaboration with governmental institutions, specifically territorial authorities at local, regional, national (and European) level.

The term „Regional Governance“ is used to analyse new forms of political coordination on the regional state-level adequately. On the other hand, hidden behind the term “Regional Governance” lie also scientific and political demands as to how regional policy can be effectively and efficiently shaped. “Regional Governance” is even understood to be a kind of healer of various fundamental challenges to political steering in a modern state (it is seen as bringing the answer to problems like the globalisation, existing democratic deficiencies, etc.) (Böcher,2006). Perceived as core of competitiveness, of governance, of planning and identity, regions have become important actors in the construction of integrate Europe, but also within national territories' restructuring from administrative and political point of view (Legendijk and Cornford, 2000). As consequence, in order to be aligned to European norms, but also to obtain a sustainable development at national level by reducing existing regional disparities, all member states of certain size have undertaken regionalization processes.

Romania presents a strange situation: while a county, as defined by the ERA, is a region since it has a county council (a directly elected assembly, whose president exercises the executive function in the county), a county, as defined by the European Union, is a smaller territorial unit, comparable to NUTS 3,

and the 8 development regions, although compatible according to the latter definition, are not regions within the meaning given by the Council of Europe. Regarding to the opportunity of regionalization, there are contradictory points of view: while some politicians and experts would to initiate this process as soon as possible aiming to recuperate the losses generated by the existent low absorption rate of European funds, others have considered inopportune to start the regionalization process at actual moment in the context of economic and financial crises.

Even if, the Romanian existing literature regarding regionalization process is abundant, few of it have referred to regional governance.

This papers aims to fix some conceptual boundaries for a proper understanding of the subject, as well as to formulate alternatives and recommendations for the Romanian policy-makers who have intended to create administrative regions in Romania. The recommendations are based upon current theories and models identified in the literature review and upon our work experience in administrative reform.

2. REGIONAL CONSTRUCTION IN ROMANIA FROM HISTORICAL PERSPECTIVE

The spatial-temporal references of spatial planning have been related to the historical and political events that affected Romania's history. Apparently repeatable from conceptual point of view, the most important elements of spatial planning enforce the same approach, pluridisciplinary and systemic in the same time (Puscasu, 2000). During the time, Romania was always divided by regions, but the period 1997-1998 represented the beginning of new regionalization process in Romania. Thus, new documents regulating this process were approved, such as Green Paper for Regional Development in Romania (1997) and the Law no151/1998 on regional development.

If we look backward, from administrative point of view, as it is mentioned in a study undertaken by Association Academia of Advocacy, Romania was divided, after 1918, into "județe, plăși and comune", and in 1938 appeared "ținuturi" (regions). In 1950, our country was organized after sovietic model in "regiuni" (regions) and "raioane" and in 1968, it was undertaken a territorial-administrative reform, through whom Romania return to division into "judete, orase si comune". Between 1997-1998, the actual division of territory into eight development regions has been drawn. The aim of regional division was not far for administrative decentralization (Popescu Criveanu, 2012), but rather than for adapting Romania administrative –territorial organization to those existing in European countries (Bucur, 2012), in order to solve the statistical reporting issue at the European level.

After Romania's Revolution, a first discussion regarding the "regionalization" concept have emerged in 2001. In 2002, a meeting of presidents of Romania's county council took place in Sinaia, within

"Seminar on regionalization in Romania". In this context, it was mentioned the existing traditions of regionalization in Romania, outlining the creation of 16 regions after the Second World War. These administrative entities were adapted, at least from dimensional point of view, at actual requirements for the European regions.

With the preparation and implementation of a regional development policy in Romania, and starting with shaping the eight development regions, formed by concluding association agreements, between 4 to 6 council counties, the institutions required for managing these policies were created. Their main role, besides designing and implementing a regional development strategy became the management of non-reimbursable European funds. Therefore, the European Union attaches great importance to these institutions.

"A development region is neither a distinct territorial community nor a deconcentrated institution of state administration" (IPP, 2003). At the same time it does not have moral personality. Among the criteria that were taken into account for delimiting regions were geographic neighbourhood and the existence of economic and social disparities between counties that would have to be solved by implementing a regional policy.

In each region, there are two institutions involved – the Regional Development Agency (executive authority) and the Regional Development Council (deliberative authority). The regional development policy is managed nationally by National Regional Development Council (NRDC), with a deliberative function and actually by the Ministry of Regional Development and Public Administration with executive powers. The first Regional Development Act (Law no. 151/1998) established the institutional framework, principles, aim, jurisdiction and the specific tools needed to implement the regional development policy. This law was amended by the law 315/2004, which introduced the concept of border - cooperation between regions.

3. CRITICAL POINTS REGARDING ACTUAL REGIONALISATION PROCESS

The lack of efficiency and effectiveness of actual development regions have given birth to several critics from all parties involved in the process.

On the one hand, actual development regions' delimitation have combined the concept of development region (supposing the definition of territories with development problems, for example problems regarding rural space, industrial decline) with those of administrative region (functional region with same dimension, composed of sub-regions at different socio-economic levels. Initially conceived for pre-

accession funds absorption, and after for structural funds, actually our regions were shaped according to the principle of administrative regions.

On the other hand, because the present region didn't overlap the historical regions, they didn't use the potential of cultural identity, which it could generate favourable consequences for regions residents if it would be used adequately.

To this, it could be added the political weakness of council for regional development in relation with local and county authorities.(Profiroiu, 2010) So long as regional councils are not the result of direct election, and development regions being only voluntary association of counties, they don't have political power to request funds from local and county authorities (which have financial autonomy) for implementing different projects of regional interest and they could not coordinate efficiently the divergent interest of counties. In reality, the county council presidents, involved in the council for regional development, will always take into consideration the mandate received at their county in case of divergent interests. Although there is an independent review committee (composed of independent experts), important decisions, those related to large investments financing are result of negotiation or imposition of the county authorities that take part to the regional development council, not a result of rational decision-making process in the interest of whole region.

The representation of regional interests is a fact required in conditions of Romania's territory and population. Regional institutions should be established as the voice by which not only local interests are been represented in relation with central authorities, the counties having a too much dispersed power from this point of view, but also as the authority that brings counties together and help them cooperate in matters that exceed local boundaries (e.g., infrastructure, environment) (IPP, 2003).

At the moment, between local and central authorities significant disputes have occurred regarding their position related to actual status of development regions:

- on one hand, actual regions status offered the opportunity to the presidents of county council to use Regional Development Agencies for absorbing European and national funds and to decide without affecting own county interests;
- on the other hand, there is a Government dissatisfaction due to the fact that actual regions don't successfully succeed to coordinate regional development in the counties. So that, this task remains mainly a responsibility of the central government. Additionally, the actual regions could not be used as implementation tools of government decisions.

4. RECOMMENDATIONS FOR STRENGTHENING REGIONAL GOVERNANCE

Whatever the outcome of the debate on these institutions' status might be, it is obvious that their current internal construction is transient. Decisions to be taken in this regard should contribute on the one hand to streamline activities and on the other hand to strengthen the representation role of regional interests exceeding the moment of focusing on the national or local ones.

Also, in order to improve public services delivery, it also is necessary to assess the impact of regionalisation process both from administrative point of view, and from beneficiaries' perspective. As consequence, it have to be analysed the implications of such complex process both from the public institutions management and changes that could occur by adding of a new intermediary level, and also from quality of administrative perspective.

The regions thus delimited should meet several criteria, such as: economic and geographic (natural and man-made resources, relief, climate, vegetation), functional (they should function as a system with its own specific individuality and self-regulating internally, among their own component parts and inter-regionally with the neighbouring systems), political and administrative (administration facilities, communication means, promotion of subsidiarity) and historical, cultural and traditional (identity issues, cultural issues, etc.) (Văcărel, 2004).

The Bogota Report established the list of criteria that support region delimitation aiming at their economic development: (1) size (population, area); (2) natural borders; (3) transportation systems; (4) social and natural factors; (5) homogeneity and complementarity of the production factors (Otiman et al., 2013, p. 88; Văcărel, 2004).

It is obviously that political context had a crucial role in the territorial-administrative organization's history. The territorial-administrative reform from 1918 was determined by the creation of Romania, as national unitary state. In 1938, the creation of 10 "tinuturi" (regions) had as aim the decentralization of several competencies. Non-being feasible, the "tinuturi" were abolished and after 1950, the soviet regime organised the territory according to its model on regions and raioane. Several improvements had taken place in 1952, 1956 and 1960, reforms that reduced the number of raioane and regions accordingly of transformations of socio-economic structure of the country. A new reorganization has been accomplished in 1968. Spatial resizing of county took into consideration the communication networks potential in order to facilitate relations between capital of county, towns, cities and rural polarising centres, and the conditions for socio-cultural activities, ignoring in some cases the affinities and historical linkages between territories.

Functional criteria was used in territorial delimitation after 1968, but as auxiliary criteria. Ten functional zones were defined taking into consideration historical, economic and natural factors. Sub-zones, areas, axes, territorial corridors generated by territorial resources distribution, concentration of the population and urbanization rate, however ignoring differences of suitability in terms systematization requests (Pușcașu, 2000, p.76). Geographic criteria was also considered, by delimiting of four zones: zone with safe and known resources, zone with complex resources, mountains zone and zone for agriculture development. The selection of adequate administrative units should depend also of spatial organization into hydrographical basins, a requirement due to the physical-geographic specificities and to economic reasons regarding water consumption and resources.

Nowadays, as usually, the regionalization process has to gather the political consensus of all parliamentary parties, each of theirs representatives trying to negotiate their interest in order to get more influence and power. Several proposals of regions delimitation were initiated by main parties, but a Constitutional amendment has to get two of three third of the Parliament votes. The actual coalition, Social-Democrat Union has an unique chance to revised the Constitution, but if the process will not be finished before the beginning of new European budgetary-planning period (2014-2020), the opportunity windows will be passed up.

Due to the fact that regionalization process involve a redefinition of competencies and responsibilities of central and local public administration, this process has to be accompanied by an administrative and financial process, but unforgiving the creation of mechanism that could enhance the state control and coordination capacity to the territorial level.

As the Ministry of Regional Development and Public Administration has shown “regional decentralization has the mission to increase legitimacy and efficiency of local authorities to plan and achieve economic, cultural and social strategic objectives at regional level, with long –period impact on modernization of Romanian society”.

Since the public authorities have agreed on the need for the administrative-territorial reform in Romania, this should trigger the initiation of a process to amend current legislation in the field. It is easy to understand, that the regions existence as functional territorial- administrative units request three simultaneous administrative processes, necessary to be correlated and which are interdependent. These processes are Constitutional revision, elaboration of normative framework needed for the regions organization and functioning and elaboration of normative framework regarding decentralization of competencies.

Whether the solution adopted in the next period is increasing the decentralization process or rethinking territorial structure, two directions should be considered. On one hand, fiscal decentralization should continue and be correlated with the process of public services' decentralization; on the other hand it requires a revision of the financial balancing.

The administrative-territorial reform implies the existence of a coherent and complete framework in the area of public services. How they are divided between different levels of government and how their administration is conceived depends on the effectiveness of regional governance. The expected reform impact would be obtained if precise regulations to this regard will be adopted.

The actual Romania's Government Program (2013-2017) refers also to the mandates that will be transferred to (judetean) county level, which will not be abolished. It was noticed that "decentralization process has to envisage the all three levels: local (communes, towns, cities), judetean (county) and regional one, so that the majority of deconcentrated public services from county level has to become decentralized institution of local /judetean interest in coordination/subordination of local authorities".

Laws which regulates local public finance (Law no.273/2006), must also be reviewed within the reform context due to the fact that "regionalization without decentralization of administrative and fiscal authority loses its effectiveness" (Tidwell, 2009). Regions have to have their own fiscality.

The development regions could become more efficient in coordinating and encouraging local economic development, by amending the actual legislation on regional development in Romania in order to strengthen the powers of existing structures and to change the status of regional institution. As a result, the reform will become more effective and thus the regional development policy will have a real impact. One of the goals of these changes should be a better circuit of non-repayable European funds allocated to administration and local economic agents.

Regional governance usually requires cooperation between county authorities, other institutions with regional interest or missions and organizations from private and non-profit sectors. Regional authorities could play an important role in the economic development process, by provisioning public goods and through measures that counteract market failures such as externalities and poor information.

For example, regional authorities could provide public infrastructure, co-financed by state government. In addition, it could provide public services (waste management, water provision higher education and training services, transports services) to both sectors (business and households). To finance its services, regional authorities have to impose taxes that are part of cost of doing business or could receive financial transfers from the state. If regions will have own fiscality, these taxes could vary

between regions and will have to be taken into consideration in business and household location decision. Also, regional authorities have to impose regulations affecting business and economic activities. Furthermore, the decisions that vary across regions, could be an incentive to generate economic growth than other. In addition, it is important that such decision to be adopted by consultation with local stakeholders from private sector and civil society.

Moreover, effective governance incorporates *community building* processes that develop leadership, enhance social capital and personal networks, and strengthen a community's capacity for improvement (Dabson 2006, 5)

In the context of the need for legislation revision, the main normative acts envisaged within the reform, were outlined. But it is equally important on the one hand to take into account the harmonization of this legislation with other adjacent normative acts and on the other hand with the Romanian economic and political realities.

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