

THE IMPLICATIONS OF THE ADHERENCE TO THE EUROPEAN UNION OVER THE ACHIEVEMENT OF A FUNCTIONAL MARKET ECONOMY IN ROMANIA

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Abstract: The transition to the economy with competitive market intersects in a good measure with the adherence of Romania to the European Union. We take into account both the preparation period of the conditions of pre-adherence, when between Romania and the European Union functioned an Agreement of association, and also the period after the formal official adherence on the 1st of January 2007. Romania's adherence to the European Union has special implications over the achievement of a functional market economy through the assimilation of the communitarian acquis, especially in the competence field but also through the perspective of the introduction of the unique currency Euro. The benefic effects started to manifest even since the moment of the signing of the Association Agreement, through financial assistance of which Romania benefited. The adherence perspective obliged Romania to adept properly the business medium and to improve the macroeconomic stability. The communitarian aquis must be assimilated in its integrity, not an easy thing, especially if we take into account that this is also affected by a certain dynamism due to the changes produced in the European space. The alignment to the European structures means the reformation on new coordinates of all the components of the socio-economic and politic life. The corollary of all these transformations and efforts is the Romanians' status of European citizens.

The transition and reorientation to the Occidental Europe represented , after the year 1989, primordial objectives for the countries from Central and East Europe, a fact that led to the first plan of the preoccupations the integration, first economical, with the West-European countries. The collapse of the socialism in East Europe allowed the transformation of the centralized planned economies into economies with competitive market and the integration, from the political and economical point of view, in the European Union.

The European Union is, as size, the third government institution in the world. This is a remarkable achievement, especially if we take into account that even its architects are not sure what it exactly represents. Till now there hasn't existed a government institution resembling to the European Union. It isn't a state, although it acts as a state. Its laws have priority before the laws of the twenty-seven states which form it and they are compulsory. It has a unique currency- euro, used by many of its members. It regulates the commerce and the exchanges and it coordinates the energy, transports, communication, and more an more, the education, over the national borders from its interior. Its citizens have common passport. It has its own parliament, which emit laws, and an European Justice Court, whose decisions are compulsory for the member states and the citizens of the European Union. It also has a president and an army force. The European Union circumscribe many important characteristics of a state, but it can't put taxes to its citizens , and the member states still have the right to veto over the decisions

which regard the use of their troupes. The European Union is not a territorial entity, doesn't have territorial demands, being, actually, an extraterritorial governmental institution.

The process of transition from centralized planned economy to an economy with competitive market assumes reforms in the following domains: macroeconomic stabilization, reorganizations at the microeconomic level and the creation of a new institutional frame. The macroeconomic stability has as an objective the over passing of the lack of balances in what regards the level of prizes, the exchange rate and the budget system, which manifest in the countries with transitional economy. The reforms at the microeconomic level are necessary for the stabilization of the viable markets, for the transformation of the large state enterprises into entities legally separated, for their privatization, the liberation of the prizes and the opening of the economies to the international commerce, assuring, moreover, the opportunity to enter and get out of the market, the reform of the institutional frame which must assure a meaningful and necessary decentralization of the adopted economic decisions. Simultaneously with these transformation processes there are distinguished the efforts of making compatible with the European project, following the logic of the adherence to the European Union. All that supposes transition to the performant market economy, and also the fulfillment of the conditions of the organic adherence to the European Union, subscribes in the general tendency of globalization, drawing nearer Romania to the modernity tendencies defined by the global world. Determinative in the accomplishment of the strategic objectives of our country is the general effort of understanding of the stake which the present historical moment has, in which the formulas of administration of the power are redefined, a new global economic and political order being redefined. This aspect supposes the rapid finalization of the internal transition and the ending of the convergence process with the European project of economy and society. All these processes find its finality in the integration of the economy and of the Romanian society in the European economy and society, respectively in the European Union.

Since the 1st of January 1995 The European Agreement has been approved which instituted an association between Romania, on one side and the European Communities, on the other side. The agreement stipulated that Romania becomes associated member and that the bases for the future adherence are settled (which became reality after 15 years), being specified the fact that the purpose of the association is the support of Romania to become member with full rights of the European Union. Romania had contacts and agreements with the European Union even since the sixth and seventh decade of the previous century, being concluded commercial and technical agreements, but also to benefit of the customs communitarian favors. The agreement for commerce , commercial and economic cooperation between Romania and the European Union however was signed only in the 1990 year, and beginning with the year 1991 Romania beneficiated of financial assistance given through the PHARE Program. The negotiations regarding the association of Romania to the European Union started and were finished in 1992, through the signing of the Agreement in Bruxelles, ratified by the Romanian parliament in 1993 . The association of Romania to the European Union meant, on the economic plan, the creation of a free exchange area, economic and financial cooperation for the restructuring of the Romanian economy, and on the political plan, the creation of the institutional frame for the realization of a permanent political dialogue between the parts. The European agreement of association of Romania included stipulations for every main activity sector: bilateral commercial

exchanges, compatible economic frame with the communitarian mechanisms, institutional frame, legislative domain. The financial assistance was covered from two sources: PHARE Program, in which the allocated funds were not returnable, and the loaning offered by the European Bank of Investments, till their availability expiring. The financial assistance was evaluated periodically according to the established priorities, to the absorption capacity of the Romanian economy, to the possibility of returning of the credits, to the market economy progress and of the economical restructuring.

In this context, Romania sees in the affiliation to the European Union “an extraordinary chance to overcome the returning trap and the realization of the secular modernization aspiration”. (Daianu Daniel, 2002). The success in the accomplishment of the nominal and real convergence criteria expresses the capacity of an economy to catch up with the target group countries of the tough nucleus type of those from the European Union, process called, in the specialized literature, “catching-up”. The convergence perspectives depend on the way in which the *macroeconomic stability* is assured, being necessary, in this sense, the next conditions: a sufficient degree of price stability, a quick economic raising, especially of the production; the financing of the lack of balance of the paying balances through long term capital entering; *financial stability*, which needs the preparation of the banking system to face the increased competition on the market and the strengthen the prudential regulation frame and the supervision of its effective using. The European Union was constituted in the year 1957 through the signing of the treaty from Rome (which came into operation on the 1st of January 1958), at the very date being called the European Economic Community or the Common Market, later being transformed, together with the other European communities (CECO and EURATOM), into the European Union. The founding members were: France, Germany, Belgium, Luxemburg, Italy and Holland. Nowadays it includes 27 countries with the perspective that different timing other countries to adhere (Turkey for instance).

According to the UE site www.europ.eu, the present state members are the following: Germany, Austria, Belgium, Denmark, Spain, Finland, France, Greece, Ireland, Italy, Luxemburg, Holland, Portugal, The United Kingdom of Great Britain, Sweden, Cyprus, Estonia, Hungary, Leetonia, Lithuania, Malta, Poland, The Ceh Republic, Slovenia, Slovenia, Romania, Bulgaria.

Romania has chosen the European integration model considering the European construction as a social innovation. The option for this model is justified by the attractivity exercised by the European Union Project. From all the integration models, the European one has the most distinctive features for its maturity phase, respectively the global type European society construction. Started from economic elements, the European model of integration has got to the functionality of the Economic and Currency Union, structures with unique system of transnational government and it prepares to generate specific processes for a post national European society, through the construction of the politic union. The idea of European model for the globalization project has uncontestable fundamentals, despite the fact that the American model is more well known. The Europeanization is an essentially formula of global type, while the Americanization is one of absolute extension of the functioning of the preglobal model. The competence between the models is, in fact, a conflict between totally opposed tendencies of the world evolution. The European model is particularized through the stage to which it got to and works, when it aims directly at the interior convergence and

the multidimensional cohesion. It is known that the incipient forms of European economy, functionally and geographically limited, have followed the logic of the neoclassic theory of the international commerce. The European economic model, in its essence, has debuted in clearly derived variants from the classical and neoclassical paradigms. It isn't accidentally the fact that the germs of the model have appeared in the most evolved economic continental area. In the present the model mechanisms have evolved from the spontaneous market to the regulation market. This meant the subordination of the communitarian function of the market in order to consolidate the social finality of the system.

The evolution and realizations of the integration process in the European Union have determined its transformation into an actor of first importance on the scene of the international life, aspect which is put into evidence also by the following facts: The European Union represents the main commercial power, being on the way of becoming the main economic power in the world; according to the Treaty from Maastricht, it manifests actively in the external political and security plan, and also in that of the internal businesses and of justice; at the reunions of "the 7" state group strongly industrialized, which became, starting with 1998, of "the 8" through the inclusion of Russia, the European Union is represented as a self-being entity, becoming in this way the 9th member of the group; the admission in the European Union has become the main objective of external policy of the central and east-European countries, the assembly process of reforms in these countries being conceived also as a part of their preparation for adherence; the European Union represents, in the case of all the candidate countries, both as the main economic and commercial partner, and the main assistance provider in the favor of these countries (Randasu Venera, 2005).

When it is talked about the economic integration, this supposes both the market integration, and the economic policy integration (Pelkmans James, 2005). Many of the economic policies refer to the market behavior or to the structural results, of performance or distributive of the markets. The integration of the market is a behavior notion which indicated the fact the actors' activities from the markets of the different regions or member states are connected to the application conditions and the offer from the whole Union, fact materialized in an meaningful _transfrontier circulation of the goods, services and factors . Also, the potential tides, which aren't effectively noticed, present interest in the limitation of the offerers or in the customers' behavior. On a market of perfectly homogenous goods or services or on a financial market of a certain type, the integration of the market can be quantified through the convergence degree of the price. Comparatively with the integration of the market, the integration of the economic policy uses different instruments. Certain elements of the economic policy are expressed through specific regulations, and others through competences that leave a large way of action, whose using can vary in time and can involve non-reglementary methods, such as, the budgetary expenses .In this sense, the integration of the economic policies can't be quantified directly. That is why the integration of the market leads, generally, to the increase of the welfare; o higher integration of the economic policy may be or not good for the aggregating welfare.

The efficient crossing of the distance till the full, efficient, competitive and performant integration into the European Union depends, on a large measure, on the affirmation of the new economic and business environment. For Romania, at the same time with the passing to the free economic system, the problem of the creation of a market economic medium adapted to the new conditions was raised. The experience till

now of the capitalist society has underlined the fact that its market medium presents two inconveniences: it generates monopole and leads to the accentuated polarization of the society into rich and poor people. The solution which took shape was that, by offering the possibility of free initiative manifest and by the efficient allocation of the resources, the state to contribute to the creation of the conditions for the functioning of the market economic medium, assuring the economic progress and the social security of its citizens. For this it was and it is necessary the accomplishment of such objectives as: a) the development of the enterprising spirit of the economic agents for the increasing of the performances and the solving of some fundamental problems regarding the assurance of the currency resources, the knowledge of the markets and of the requirement., the adoption of the best economic decisions; b) the assurance of the creative function of the market, in such a way that, on the basis of personal interest, of the initiative and managerial creativity of the economic agents, to be assured the allocation and the efficient using of the resources; c) the correction of some market imperfections, manifested through inflation, unemployment, inequity of the incomes distribution, the society polarization, social exclusion, the pollution of the surrounding medium; d) the creation and the conservation of the competitive medium through government settlements. In consensus with these, Romania has anterior acted for: the assurance of the stability of the guaranteed institutions of the rightful democracy state, humans rights, the respect and the protection of the minorities, the existence and the functionality of the market economy; the assurance of the capacity to face the competitive pressures and the market forces; the assurance of the capacity of the assumption of the full member obligations of the European Union. It was also pursued: the peripheral precession of the key moments of the quality as an associate of the European Union by the transition to the market economy and democracy; the elaboration of the intern legislative frame for democracy and market economy, with the accent on the aspects and elements which to make possible the functionality of the European agreement according to the settled calendar; the amelioration of the society structure through the thoroughly studying of the legislative and institutional reforms; the politic collaboration with the European Union; the hastening of the economic macro stabilization process; the development of the cooperation with the other associated states as a coalition of the constituency of some compatible structures with the communitarian ones. The conceived strategy and elaborated for the achievement of such desiderates has aimed especially, at the government macroeconomic policy and the consolidation of the competitive mechanisms. Through these objectives, the market economic medium becomes an institutional instrument, which assures the adaptation to change and economic functionality, necessary for the assurance of the economic and social efficiency. The market economic medium presents also some particularities related to decentralization which comes from the predominance of the private property, of the operativity and adaptability of its mechanisms to the economic-social conditions in a continuing changing. The external opening principal presumes that, in the conditions of the growing of the interdependency of the countries of the world, of the word integration, each country to choose an open economy, which to be able to connect with the other countries' economy. Also, the market economic medium presents some structures and components such as: the free moving of the prices, the right to property and the stimulant system; the profit, as general motivation to the economic agents' initiative; the requirement and the offert; the risk and the incertitude; the economic contracts which characterize the rules of the game, of the business environment; the

intervention of the public power in the establishment of the rules of the game, through legislation and regulations; the creation of the government and non-government adequate institutions; the decentralization of the administrative tasks to the inferior hierarchies, the bank network and the monetary, currency and credit policy; the choosing of the economic intervention levers etc. (Diaconita Ioan, 2004). The economic medium concept can't be dissociated of the business medium concept, which represents that structure in which are included economic institutions and politics which assure the harmonious functionality of the competitive market.

The effective integration, not just formal, of Romania in the European Union constitutes a primordial strategic objective both of the external politics, and of the internal one. Romania manifested purposefully the option for the complete integration and the decision to fulfill all the engagements assumed through the Association agreement, as I presented, it was signed in 1993 and it became operational sine 1995. Our country was preoccupied by the realization of the necessary accommodations in the plan of the economic mechanism which to allow its passing from the associate status to that of full rights member of the European Union. The purpose of the agreement was the creation of the proper context for political dialogue, for the development of the commercial exchanges and of the economic relations between the parts, of a basis for technical and financial assistance given to Romania by the European Union and of the adequate context for the gradual integration of our country in the Union (Dobrescu Emilian, 1998). The pragmatic approach of Romania's integration into the European Union has structured starting from the established premises, at the European Council from Copenhagen in the year 1993, of the preliminary criteria for the acquiring of the member quality of the European Union, as well as: the creation of a functional market economy and the assurance of the capacity to handle the competitive pressure and the market forces from the interior of the Union; the creation of the institutions which guarantee the democracy, the rightful state, humans rights, the respect for the minorities, their protection; the capacity to assume the obligations which come from the member quality of the European Union, including the adherence to the politic, economic and monetary purposes of the Union aspects which, in a closer form, we have already signed.

The major *objectives* of Romania in the adherence context to the communitarian structures aims at: the consolidation of the politic system and of the democracy's institutions; the efficiency of the structures and mechanisms of the market economy; the creation of an economic climate and one to offer maximum of satisfaction and benefices to its citizens; the consolidation of our country's status on the European and international stage in terms of stability and security; the strengthen of the politic, economic and cultural cooperation with the member states of the European Union and with the candidate states. The commission's position regarding our country's request for adherence to the European Union (Botez Octavian, 1999) was elaborated after the evaluation of three group criteria: political, economic and the capacity to adapt the communitarian aquis - dependent process on the capacity of the administrative and legislative systems of the country to put into practice the principles of democracy and of the market economy and of the observing and application in practice of the agreement's requests in what regards the fulfillment of the economic criteria, it has been mentioned that Romania has made considerable progresses for the creation of a market economy, but it is still considered that the judicial system is fragile enough, that the process of taking decisions in economic problems hasn't permanently been coherent,

that a great part of the Romanian industry is old, and the agriculture must be modernized. Romania's capacity to assume the obligations which the full right member quality implies is evaluated according to the next aspects (Ragalie Stefan, 2000); the obligations established according to the European Agreement and the recommendations of the White Book, considering that the rhythm of the application is sometimes slow; the incomplete taking over by the Romanian legislation of the essential measures of the unique functioning market; other parts of the communitarian aquis not to meet difficulties in the long term application in certain domains, like education, research and technological development, the youth's problems and the professional training, fishing, small and middling firms, consumers' protection, the international economic relations and the development programs. Our country also must make meaningful efforts in domains such as: audio-visual, telecommunications, surrounding medium, social problems and working places, taxes, energy, transports, justice, internal affair, agriculture and in the social domain.

As a result, with the purpose of the acceleration of the plenary integration process in the European Union, Romania must take action especially in the following directions: a) the substantial acceleration of the reform process on the internal plan, of the privatization, of the administration reform, the functionality of the public institutions, the economic prevision; b) the full adaptation of the Romanian legislation to the communitarian settlements, respectively the assurance of the adequate taking over of communitarian aquis and of the institutional-administrative context for the application of the settlements; c) turning into practice, in time and in their integrality, of the adherence Agreement of Romania into the European union ; d) The assurance of the context and the necessary instruments for the efficient functioning of the whole system of reports with the European Union, in the continuing of the decisions of the European Committee from Luxemburg.

The policy in the competitive domain is essential in the economic constitution of the European union from varied reasons (Pelkman James, 2003), among which we consider essential the following two: first the promoting of the fundamental idea after which the competition and the competitive markets are the main way to achieve the economic objectives from the Treaty and , secondly the setting up of the intern market may fail or may give unsatisfactory results if the practices in the business domain at the national level would meet effective barriers in the competition's way from other member states. The competition's policy is one of the first commune policies adopted by the European Union, with a special part in the creation and consolidation of the commune market. The competition's policy has evolved and became varied continuously, in the Union, both on the communitarian level, and national level, accompanying the process of deepening of the integration. The development of the Competition's Policy has been a complex, difficult and controversial process, which led to its transformation in an essential instrument for the regulation of the structures and the strengthen of the discipline of the market forces with the purpose of the achievement of the essential objective- the formation of the unique intern market. The importance of such a policy has raised while the integration process developed towards the phase of European and Monetary Union and the competitive medium has become more functional in the communitarian economic space.

The treaty Of the European union include, among its principles, that after which the member states must adopt an economic policy in accordance with the opened market economy principles based on loyal competition. At the basis of the development

and application of the competitive policy have been identified a series of reasons (Prisacaru Petre, 2004), among which : specific reasons, which refer to the importance and the part of this policy in the economic constitutional system of the European union and which are underlined by the provisions of the successive treaties of the European Union from Roma, Maastricht and Amsterdam, and the general reasons, related to the market economic system, in which the general fundamental motivation was offered by the constant disorders in the functionality of the market mechanisms being missed the existence of some instruments that assure the adequate allocation of the resources , the maintenance of the choosing possibilities of the customers, the promoting of the technological innovation and the autonomy of the industrial organizations - indispensable conditions of the economic progress on a long term. As a result, we consider that the application of the competitive policy contributes to the achievement and consolidation of the intern market of the European Union, because it assures the adequate function of its mechanisms and the promoting of the economic efficiency, through the counteracting of the anticompetitive practices at the national and communitarian level, as well as through the prevention of the distortion on the market which can appear after the restriction of the part of the public authorities in the economic policy.

The fundament of the European Union, as it is known is constituted by the market economy. It is a generally accepted fact that a competitive economy assures not only the best functioning of the intern market, but also the competitiveness and the performance of the European industry on the world stage, generating, also, benefices for the costumers and for the whole society. The proposed reform in the competition's domain has as main objectives (Profiroiu Marius, 2003): the strengthen of the regulations and the application of the competence's law- it refers to the effort concentration of the Commission over the essential problems which affects the Community interest and creates serious competitive problems; the effective decentralization- through the implication of the authorities and instances from the member states and the simplification of the application procedures; the reduction of the bureaucratize - starting from the interior of the companies and continuing to the level of social partnership. The special process of reformation of the European regulations regarding the competition brings in front of the communitarian instances and authorities of the European Union, generally, and of the Commission especially, major challenges, like the consistent application ,safety and uniformity of the legislation and perfect clarity of the rules, imposing, in this way, the adaptation of the presented system to the radical changes from the legal, economic and politic medium, in which the complete integration must be made, that is the maturing of the integration process, the continuous enlargement of the market and the accentuated globalization process of the world economy. On the international level, The Commission places an important accent on the cooperation actions in the competitive policy domain. The integrated market offers benefices only if there are created the conditions for the manifestation of the free game of the market forces, which imposes the authorities that handles these problems to act in a coherent way otherwise the contradictory decisions produce distortions and inefficiency. As an interesting part, Romania engaged to adopt and introduce a policy in the competition's domain based on the same principles with those subscribed in the treaty over the European Union. The evaluation of the conformity with the aquis regarding the competition and of the states' capacity to resist the competitive pressures of the intern market results from the share of the application of this aquis. The aquis regarding

competition covers both the antitrust policies, and the control policies of the help state, including rules and procedures of combating of the anticompetitive behavior and of preventing of the granting by the governments of the state helps which distorts the competition on the intern market.

The settlement of the competition in our country through an organic law, that is The Competition Law no.12/1996, with the ulterior modifications and completions, has become necessary for the creation of the specific discipline of the free market, which settles the balance and determines favorable effects to the normal development of the economy and the costumer's protection. The content of this law basis both on the knowledge of the economic actors over what it means the competition's freedom, and on a state policy, promoted through the abilitated authorities, regarding the normal conditions in which competition can take place.

Related to the *chapter "Competition"*, Romania has negotiated aspects related to the state assistance, the ferrous metallurgy sector and the capacity of application of the legislation in the domain. In this sense, our country has engaged to apply the communitarian aquis, to train the experts of the Competition Council, to develop the administrative capacity of this institution, to monitor the state assistance and to achieve official investigations, etc.

The legislation from the competition domain presents a large diversity of anticompetitive practices, which can be used by the economic agents in the attempt to obtain competitive advantages. Usually, the big organizations refer easier to a series of anticompetitive practices (such as, for instance, the agreements between them or the abuse of dominant position, the fusions and other forms of concentrations among the enterprises etc.) than those of medium or small size, but, these don't always have also market power, because in that market there are also other competitors who act in the sense of maximizing the profits. Also, the Competition Council has concentrated and still concentrates its attention and resources on the serious cases of braking the legislation in the domain of competition and on the cases of economic concentrations reveled from the point of view of the possibility of twisting the competitive medium, due to (Angelescu Coralia, 2005): a) the elimination of the obligation of the notification of the agreements which belong to the excepted categories "in block"- so the Competition Council doesn't accept the exception through decision, and the expectations are considered legal through law, in the measure in which they fulfill the criteria mentioned in the Competition Law, and b) the substantial increase of the valoric limit under which doesn't exist the notification and authorization obligation of the economic concentrations. The monitorization of the markets for the identification of some phenomenon and anticompetitive practices a more active presence from the Competition Council and the affirmation of its part in the observing of the competitive rules. As a result, the specified activity in the competitive domain has been materialized in the opening of some investigations from its own initiative, but also of some investigation on the basis of some applications or notifications of the economic agents. The majority of the official investigations refer to the breakings considered to be the most noxious, respecting the agreements on horizontal between the competitors. Such agreements badly disturb the competition, because the participant organizations act concentrated, especially related to the stabilization of a price level which to bring advantages for the commerciants, lacking the consummator of the possibility to choose also the money benefices which the free game of application and offert on the basis of the competition between the producers.

The European Union has a unique currency- EURO, which is operational in the most developed countries (except Great Britain). In the conditions which the exterior commerce of Romania is oriented about 2/3 towards this market, it is justified the appreciation that the using of EURO is benefic also for our country. Romania must construct a reference system based on Euro not USD. The unique European currency is a factor of stability which will reduce a lot the loosing of the local economic agents generated by the fluctuations of the USD in comparison to the national currency. The Romanian banks manifest the interest to constitute and develop deposits in EURO using in this way a single currency, in comparison to the multitude of those used till lot long ago, available for all the financial, banking and commercial operations. In the present moment, it can be chosen, the unrolling of the transactions, between EURO and the national currency. The benefic effects of the introduction of the EURO manifests, so, firstly, over the exterior commerce. EURO will reduce the costs associated to the currency exchange, estimated at 1-2% from the transaction value. The elimination of the monetary barriers facilitates the access of the member states on the communitarian state markets and the number of intermediates is reduced. The Euro currency assures also the advantage of transparency, because the expression of all these prices in the same currency allows the choosing of the providers which have the smallest expenses and exports in the countries which offer the highest incomes. Many advantages related to the introduction of the unique currency are helped by the European Central Bank. As a result Romania's adherence to the European Union has implications in all the compartments of its economic-social and politic life.

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