

The social-legal impact of the implementation of the administrative-public reforms of the Republic of Moldova in the framework of the cohesion policy of the European Union.**Alexandru ARMEANIC**

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Abstract

The development of social and legal cohesion policy and the implementation of the reforms initiated by the European Union in the Republic of Moldova, together with the development of public administration are some of the basic requirements of European integration, as this is a key policy of the European Union. Regional policy is one of the fundamental negotiating elements in the negotiations on the accession of candidate countries to the European Union, and the successful completion of negotiations will be achieved once the legal framework has been harmonized with European standards. The process of enlargement of the European Union to the countries of Central and Eastern Europe is a major challenge both in terms of the Union's decision-making process and in terms of legal, economic and social cohesion within the Union. With the accession, the new EU Member States bring with them a number of difficulties, especially legal, economic and social, as the discrepancies between these new states and the more developed Western European states are very large, jeopardizing the legal, economic and social cohesion between the different regions of the European Union. In this context, the EU decision makers have emphasized the need to ensure harmonious development within the local and national policy by helping to bridge the disparities and gaps between the legal framework of the Republic of Moldova and the *acquis communautaire*. It should be noted that the necessary means have been allocated by the European Union through the implementation of various development projects to support European policies aimed at public administration reform in the Republic of Moldova. Therefore, the opportunity has arisen to revise the provisions on this issue, which must be brought into line with the creative imperatives of creating an efficient public administration that is adapted to social expectations. In this context, the administrative structure in the Republic of Moldova, is an indispensable activity, being determined and ensured by a broad spectrum of legal norms adopted, taking into account the best practices of the European Union in the field. The research problem was outlined through the following prism: Association Agreement signed by the Republic of Moldova with the European Union, other international regulations in the field of public administration, normative acts of the Republic of Moldova and other states in the field of organization and functioning of a public administration, according to the principles of legality and transparency.

Keywords: public administration, cohesion, harmonization of legal framework, disparities and legal gaps, local policies.

1. Introduction

The Constitution of the Republic of Moldova establishes a number of principles on which the organisation and functioning of local public administration are based. These are closely interconnected and ensure the efficient activity of local public administration authorities. The relationships within local public administration are determined by law, which establishes that: local and district councils, mayors and district presidents function as autonomous administrative authorities, solving public affairs in villages, cities and districts under the terms of the law (I.Miron D. 2009. p.17-18). Such a legal provision places the activity of local public administration authorities on an equal footing, they solve common problems, focusing on the principle of functional autonomy. As for the relationships between central and local public authorities, the law indicates that: they are based on the principles of autonomy, legality, transparency and collaboration in solving common problems. Practically all relations between local public authorities and other authorities are to be organized strictly in accordance with the interests of these authorities, respecting the principle of autonomy, without admitting any interference in their activity. In developing this idea, the law specifies that there are no subordination relations between central and local authorities, between first-level and second-level public authorities, except for the cases expressly provided for by the legal norm.

Approached in a systemic vision, the specific activity of public administration is carried out through a multitude of institutional forms that constitute an institutional gear, whose organizational principles vary depending on the problems posed, external pressures and own concerns, but which also presupposes its integration into the existing social, political and economic environment with multiple differentiations in space and time. From here, inevitably, the conclusion follows that administration is possible only in an integrated and organized system, the parts of which, while preserving the external unity of the state, interact, preserving their specific quality and normal functioning. Having the role of realizing political values, through which the general interests of society are expressed, public administration, viewed as an activity, is linked to power in the state. As for public administration, the multitude of administrative authorities of the state - and of local communities - determines the ordering, in order to realize the functions they have, based on two criteria, namely: the territorial criterion, to which the hierarchical structure corresponds, and the criterion of material or functional competence, to which the functional structure corresponds. Therefore, the entire system of public administration is arranged in the form of a mixed, hierarchical-functional structure.

Materials and methods

The functional structure of the public administration system, inseparably linked to its territorial structure, because its existence is inconceivable without a good territorial organization of the state. Proceeding to organize public administration through the Constitution and laws, the state establishes, on the one hand, the administrative organization of the territory, and on the other hand, determines the functions of public authorities in these administrative-territorial units (Diederichs O., Luben I. 1995, p. 3).

Social communities (Hardy J. 1995, p. 9), in relation to which the public administration system is established, form the population of the country, which is an important and defining element of the state. The public administration system is built to carry out activities of organizing the execution and enforcement of the law, which refers to

the entire population of the country and applies throughout the territory of the state and in its territorial-administrative units.

The territorial criterion – in a traditional view, is the basis for dividing public administration authorities into central authorities and local authorities, according to the territorial range in which the respective public authority can act. In a relatively newer conception, the motivation of the territorial structure of public administration is the collectivity of citizens for whom it acts, whose interests are managed by the respective public administration body. Thus, the central public administration authorities act in the interest of the entire human collectivity existing in the global social system, therefore at the state level, and the local public administration authorities have in mind the solution of the interests of local collectivities, therefore in a certain part of the territory, interests which, of course, are harmonized with the general interests.

Any administrative control, which must be effectively exercised over the activity carried out by local public authorities, must not pursue any other purpose than ensuring compliance with legality and constitutional principles, and the control of opportunity can only aim at the achievement of the powers that have been delegated to them, under the terms of the law. These relations are based on the following principles: legality, transparency, collaboration and non-interference in local affairs, principles established by law for public authorities within the administrative-territorial unit. If we analyze the structural component, then it is worth mentioning that local public administration is not a state administration, but an administrative structure that allows local communities to solve their local problems through their own administrative authorities, under the control of state authorities.

In all cases, however, the relationships between central, territorial and local public administration authorities are characterized by different degrees of dependence on the center, respectively, either through centralization or through administrative deconcentration or decentralization, principles that dominate the organization of public administration.

If we look tangentially, then state administration and local administration are complementary categories, in the sense that the administration of the country is entrusted to state authorities and local authorities which, without being state, fulfill the task of administering the interests of local communities, even if some of them also fulfill duties delegated by the state. From this perspective, the state, although coinciding with its territory, admits that within it there may be local communities that administer themselves, under the administrative control of state authorities.

3. Results and discussions

In conclusion, public administration ceases to be exclusively a state administration, dividing itself into state administration and local administration. In turn, state administration can be central or territorial, according to the way of organizing the state public administration authorities (4. Maurer H.1994, p. 19].

If we analyze clearly the administrative system in the Republic of Moldova, then it shows us that the Local Public Administration authorities in the Republic of Moldova have a declared full autonomy, but, in fact, this is limited, partly due to the interference of the Local Public Administration in their daily activity, partly due to their own financial resources being below the limit of necessity. Thus, the financial limit imposed by the Local Public Administration prevents administrative structures from providing people with

efficient and rapid resolution of crisis situations. The European Union comes in support with various projects and non-reimbursable funding, here an important role is played by the method and technique of working with these projects and funding, when financial resources are managed correctly, the results are visible; in this chapter unfortunately the Republic of Moldova has to learn. Most often, the management by the elected mayors of funds from outside the republic is incompetent, thus the result of these funding's being made with errors. The number of councilors for each administrative-territorial unit (5. Pașcaneanu T. 2010, p. 21) depends on the number of inhabitants according to statistical data from January 1 of the year in which the elections are held. Thus, the number of councilors varies between 9 - 43, and for the municipality of Chisinau a number of 51 councilors is established. The chairman of the district is elected by the district council, upon the proposal of at least one third of the elected councilors, with the vote of the majority of the elected councilors (6. Pașcaneanu T., Dandara L. 2024, p. 25-286).

The concept of fund management emerged in the context of relations with the EU and developed in response to the expansion and evolution of cooperation between the Republic of Moldova and the EU. Assistance, largely in the form of financing, contributes to closing the gap between underdeveloped and developed countries (7. Orlov M. 2011, p. 105-106).

For the Republic of Moldova, the concept of external assistance with the EU has a relatively limited scope. In the same vein, we note that the Republic of Moldova has too few financial possibilities to finance its own economic development from internal economic activities with the EU. In this context, the assistance provided by development partners plays a primary role in supporting the development of the Republic of Moldova in achieving the objectives set in the reform agenda. The budgetary support provided by development partners is complemented by technical assistance, which currently represents a valuable tool for providing advice in the field of public policy development and implementation, as well as reforming the public administration system.

Technical assistance is provided in a new and modern manner for the Republic of Moldova, thus the development of national capacities at the organizational and individual levels is carried out according to the principle of "learning by doing". Thus, the external assistance that Moldova benefits from records both the technical and financial component, both of which have a decisive role in the development process.

Thus, the European Union, being that trusted partner that supports the Republic of Moldova through financing, by promoting projects that include various structures. The beneficiaries of European support include: the State Chancellery, the Ministry of Finance, the Ministry of Foreign Affairs and European Integration, but also enjoy financial, technical and social support and the local and central administrative system.

EU assistance is used for key reforms in the justice, education, economic development and energy sectors.

The policy of public administration management plays an increasingly important role in the political landscape of our country, but the administrative system does not meet the challenges of the century of new technologies. One of the main problems that central and local public administrations regularly face is: bureaucratic abundance, lack of qualified managers; there is also a low interest in basic functions and an extremely high rate of staff turnover, which makes their efficiency substantially reduced.

It is worth highlighting the fact that the implementation of projects initiated in the Republic of Moldova is being carried out satisfactorily within public systems due to the lack of qualified personnel involved in regional projects.

Thus, without the involvement of external sources of support, public administration is not able to demonstrate a rhythmic development similar to Romania.

The two parties are deepening their relations through the EU-RM Association Agreement, which was signed in June 2014 and entered into full force on 1 July 2016. The new framework is innovative and ambitious, including a Deep and Comprehensive Free Trade Area (DCFTA) and an association agenda that aims to boost economic integration and political association between the Republic of Moldova and the EU.

Other priorities for relations with the Republic of Moldova include strengthening institutions, reforming the judiciary, improving the business climate, ensuring respect for freedom of expression, improving health and social conditions, and cooperating on issues such as border management, migration, and the fight against trafficking, organized crime, corruption, and money laundering (8. Vacarciuc, O. 2009, p. 58-59).

When it comes to financial assistance from the European Union, the EU is by far the largest donor, supporting political and economic reform and providing humanitarian aid [9] to the Republic of Moldova. Our country is therefore the largest recipient of EU aid per capita in the European neighborhoods (bilateral assistance provided to the Republic of Moldova under the European Neighbourhood Instrument (ENI) has increased considerably from EUR 40 million in 2017).

EU assistance is used for key reforms in the justice, education, economic development and energy sectors.

EU financial assistance to the Republic of Moldova has financed numerous and diverse projects, including:

1. Improving public administration and financial management;
2. Reforming the social assistance system;
3. Emergency aid to respond to heating tariff increases;
4. Solar energy production, agricultural waste and waste collection;
5. Reform of the healthcare system and equipment;
6. Care centers for young people and the elderly;
7. Aid in the event of natural disasters;
8. Rural economic activity;
9. Water supply and wastewater treatment infrastructure.

The EU also supports the implementation of confidence-building measures in the Transnistrian region through social and healthcare projects.

If we are talking about the EU's trading partners, then it is important to name the following member states, such as: Romania, Italy, Germany and the United Kingdom, etc.

The main products exported from our country to the EU are the following:

1. Machinery and equipment, for example electrical cables;
2. Textile products, including clothing, knitwear and footwear;
3. Agricultural products and beverages, including fruits, nuts, corn, wheat, sunflower seeds, oils;
4. Iron and steel (9. Teodorescu A. 2019, p.285-286).

4. Conclusions

Analyzing the projects implemented then, we observe that several areas on which the EU's attention is increased. Thus, the projects of the European Commission in the Republic of Moldova, covering areas such as governance and education, water and energy, human rights and security.

The projects cover most of the cities and villages in the Republic of Moldova, they are transmitted to the local administrative structures and within the institution the specific project is carried out, as well as within the institution the efficiency and progress of the project are monitored: "Rehabilitation of the water supply system in the Municipality of Nisporeni, Republic of Moldova (Rehabilitation of the water supply system in the municipality of Nisporeni, Republic of Moldova) Project will provide sufficient and safe drinking water, create an institution capable of sustainably operating, managing and maintaining the water supply infrastructure as well as establishing balanced local water governance".

If we refer to the effects of the projects implemented by the European Union then, we notice that, by using national systems, budgetary support favors the involvement of the beneficiary country and reduces its transaction costs.

Budget support operates in a development context where fundamental public administration systems, such as public financial management, may have major weaknesses. A partner country is eligible for budget support only when the public administration has a relevant and credible strategy to address these weaknesses. The Commission may also impose specific short-term measures to mitigate risks.

The criteria on public financial management are indeed one of the general conditions that are integrated into all new sector budget support programmes. These criteria are analyzed at the time of each payment decision. The Court states that the use of national systems constitutes a risk, but does not mention that in order to ensure good economic governance and sustainable development, there must be an effective system of and a solid domestic revenue base. This aid mechanism is one of the ways in which the Commission has responded to calls from the international development community and EU stakeholders for more effective interventions that focus on results and engagement and are less administratively complex, thus reducing transaction costs for partner countries. This can address the limitations of traditional projects in supporting key reforms (10. Grigoriu A. 2011, p. 52-53).

After the implementation of any project by European partners, some conclusions emerge and are announced in the form of a report analyzing whether the project's objectives are in line with the European Commission's expectations. It concludes that the country should improve its use of conditionality.

This should include:

1. Setting relevant conditions and performance indicators to better assess results and demonstrate their achievement;
2. Establishing a strong, proportionate and rapid response in case the Government of Moldova does not demonstrate sufficient commitment to comply with agreed conditions.
3. The allocation of funds as an incentive should be based on a stricter application of the existing methodology.
4. The Commission should make more systematic use of projects to prepare or support sector budget support programmes. Technical assistance dedicated to sector budget support should be better timed to support sector budget support programmes from the start.
5. The Commission should ensure that sustainability considerations are incorporated into the planning of all projects, assessing more systematically the capacity and political commitment of public authorities to ensure the sustainability of project results. The way the projects were designed was generally considered to be relevant.

The EU assistance channelled through them was partially effective in strengthening public administration. The scope of the projects and their timing were not always well coordinated with the sector budget support programmes.

The provision of specific technical assistance for budget support to develop administrative capacity only started several months after the start of the main budget support programme. Other technical assistance and twinning projects were not always used to prepare or support the budget support programmes. In general, the projects delivered the expected outputs. However, due to a lack of political will and other external factors, the results were not always sustainable. Analyzing the results of the projects, we can mention that the state needs to apply the existing measures more rigorously, in the context of the early warning system, so as to prevent or mitigate risks and should establish more clearly the actions that are required in case of materialization of the respective risks (11. Miron D.2009, p. 64).

These actions should be taken in a timely manner. The state should better correlate budget support programs with national strategies. The time programming of the aid provided should be structured, ensuring that there is a well-defined national reform agenda. The Commission should assess in particular the relevance and credibility of the country's strategy in relation to the available financial and institutional resources. However, there is a monitoring of the implementation of the Partnership and Cooperation Agreements between the EU and the Republic of Moldova and also of the Action Plan Republic of Moldova – European Union, which has left behind visible results.

By developing, implementing and evaluating the European Union's external assistance programmes for democratic development and good governance, regulatory reform and the development of administrative capacities, as well as poverty reduction and economic growth. The European Union is that community that promotes values, respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights. It is a reliable partner that since 1998 has been supporting the Republic of Moldova in raising living standards, by implementing projects, by allocating finances to the state budget (12. Mocanu, V. 2016, p. 107-108). The European Union's assistance to the Republic of Moldova is directed towards the reform priorities agreed in the European Neighbourhood Policy Action Plan with Moldova, which is actually an instrument for supporting the economic and democratic reform programme. As regards public administration, here too EU assistance is visible through various projects implemented by consulting companies from the European Union, which have trained civil servants and provided consultancy in various fields.

Also worth mentioning are the results of technical assistance and information exchange that offer the Moldovan administration the opportunity to benefit from short-term missions of the European Union experiences, seminars and round tables promoted at similar institutions in the EU member states. The program includes the structures of the central public administration. The Moldovan public administration has benefited on numerous occasions from assistance in developing public financial management systems in accordance with the best practices of the European Union (13. Munteanu A. 2009, p.36).

According to the established projects, the Republic of Moldova and the EU (European Commission, article: Ten priorities for Europe, <http://europa.eu/contact>) will cooperate in order to develop an efficient and accountable public administration, which will function on the basis of efficient institutions for the benefit of the entire population of the Republic of Moldova. The main attention will be focused on the modernization and

development of executive functions, in order to provide quality services to the citizens of the Republic of Moldova.

The dimensions that will be emphasized are the institutional and functional development of public authorities in order to increase the efficiency of their activity, and to ensure an efficient, participatory and transparent decision-making and strategic planning process. Likewise, work will be done to modernize public services, which includes the introduction and implementation of electronic governance, with the aim of increasing the efficiency of service provision for citizens and reducing the costs of business management.

Creating a professional public service, based on the principle of managerial responsibility and effective delegation of powers, as well as fair and transparent hiring, training, evaluation and remuneration, opting for efficient and professional human resources management of a major priority is also the promotion of ethical values in the public service and career development and last but not least the extension of cooperation to all levels of public administration, including local administration. The European Union is a community that has supported and will support our country according to the Association Agreement, which provides for the strengthening of political association and economic integration and has generated a constant increase in trade between partners (14. Grabbe H. 2012, p. 123).

The EU also agreed to provide macro-financial assistance to the Republic of Moldova if 68 precise and specific preconditions, including political preconditions, are met. The Council underlines that new efforts should be urgently channelled towards a more robust fight against corruption, with tangible results, accompanied by a deep reform of the judiciary, including the prosecutor's office.

We recall that the EU remains committed to supporting progress on the reforms needed to enable Moldovan citizens to benefit from the benefits of the Association Agreement, including the administrative system. At the same time, the way in which the Republic of Moldova is acting is often criticized by the European authorities. The reforms that are financed to change the way public administration is organised and operated, as is the case in other areas, are not being implemented in line with the commitments made by our state (15. Cornea, S.2017, p. 56-58).

The phenomenon of corruption also constitutes an obstacle to respecting the other essential principles underlying the organization and functioning of public administration, such as the principle of legality, transparency, impartiality, effectiveness and, in particular, that of satisfying the public interest. The role of public administration is to respond to the needs of citizens, who are the recipients of public services, the latter being guaranteed by the state and territorial communities. Only the conceptualization of the role that each public official must play and the missions that he is obliged to exercise according to the public interest and not the private one, will allow a progressive evolution in order to respect European principles and standards.

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