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**The Romanian Decision-Making Process: an Inquiry**

Supervisor: Alex Fischer, PhD

Flavia Jurje  
Ph.D. Candidate  
2<sup>nd</sup> year  
[jurje\\_flavia@phd.ceu.hu](mailto:jurje_flavia@phd.ceu.hu)

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# The Romanian Decision-Making Process: an Inquiry

## Abstract

The aim of this paper is to explore the decision-making process in Romania, looking primarily at the institutions and actors' relations in this process. While there is an extensive body of literature on the importance of different phases of the decision-making process in Western countries, in Romania there is only scarce research on this topic and draws mostly on legal approaches. In addition, the existing studies point towards a poor policy-making process or as Ionita (2004) puts it "governing by default". Therefore, the purpose of this paper is to analyze thoroughly the decision-making process in Romania. More specifically, identifying the formal and informal stages of a policy process and investigating the administrative-legislative relationships in the process of decision-making are the main research directions of this paper. The paper will answer questions like what are the most important phases of a policy process (e.g. the administrative/pre-Parliamentary stage or the Parliamentary stages) and how does the executive interfere in the legislative process. Data collection was done based on unstructured, face-to-face interviews with Romanian policy-makers and members of the civil society. Findings point to the fact that on one hand, the pre-Parliamentary phases are the most important decisional arenas, and on the other, that executive bodies are reinforced at the expense of legislative policy making units.

## Introduction

The process of policy-making in Central and Eastern Europe in general, and in Romania in particular is very problematic: unclear roles (e.g. who is responsible for what?), with overlapping politico-administrative functions, very limited coordination and analysis of the causes of the problems and possible alternatives for a given policy, precarious implementation and evaluation. These result in ineffective and inefficient public policies in almost all areas, with the burden on society as a whole.

The aim of this paper is to explore the decision-making process in Romania, looking primarily at the institutions and actors' relations in this process. While there is an agreement that institutions matter by influencing the political power configuration, shaping political strategies and thus having an impact on the outcomes of policy processes, opinions differ on the actual causal mechanisms in place. There are three main streams/schools that approach institutions from different angles: rational choice (accent on formal and informal rules of the game that can alter the costs and benefits related to an action – see Scharpf 1997), historical (path dependency – see Steinmo et al 1998), and sociological institutionalism (focus on identities, norms, values of groups that can shape individuals – see Koelble 1995)<sup>1</sup>.

Each stream defines the concept of institutions in a different way, varying from narrow definitions (e.g. formal and informal rules as seen by the rational choice) to broad ones (including also traditions, identities or values in the case of historical and sociological

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<sup>1</sup> For an overview see also March and Olsen (1983).

institutionalism). This study approaches institutions as formal and informal rules of the decision-making process. More precisely, they refer to the various arenas of the decision-making process, where a specific reform is discussed. In order to identify these arenas, this paper employs, as the underlying conceptual device, the stagist approach of policy processes<sup>2</sup> (Jones 1977, DeLeon 1999, see also Kriesi 1980). It implies dividing a policy-making process in various phases/stages: problem definition, agenda-setting, identification of alternatives and decision-making, implementation, and evaluation. This disaggregated image of a policy process clearly depicts how policy-making is conducted and offers the possibility of mapping the actors that participated in different stages, thus revealing important insights for the analysis of policy-making. The current study focuses on the decision-making stage with tangential resort to agenda setting.

While there is an extensive body of literature on the importance of different phases of the policy process in Western countries, in Romania there is only scarce research on this topic and drawing mostly on legal approaches. In addition, the existing studies point towards a poor policy-making process or as Ionita (2004) puts it “governing by default”. Therefore, the main purpose of this paper is to provide an in-depth analysis of the Romanian decision-making process. More specifically, it will identify the formal and informal stages of a policy process and investigate the administrative-legislative relationships in the law making process.

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<sup>2</sup> The criticisms of policy cycles in terms of an outdated theory (e.g. Sabatier and Jenkins-Smith 1993, Sabatier 1999) are acknowledged. However, the stagist approach is not used as a theoretical device, but rather as a concept that helps reducing the complexity of policy-making by providing a clear picture of the steps of this process (see for example DeLeon 1999).

There are two main contentions advanced by this paper. First, the pre-Parliamentary phases are the most important decisional arenas. When drafting a legislative proposal executive bodies already consult social actors and other relevant stakeholders and are likely to agree upon the final policy decision before submitting it to the Parliament. Secondly, executive bodies are reinforced at the expense of legislative policy-making units. In important policy areas, the executive will use the legislative initiative power and will also have the capacity to put forward specific policy solutions by lobbying politicians to vote for that alternative in the Parliamentary committees and in the Plenum. For data collection, face-to-face, unstructured interviews with public officials and members of the civil society were conducted (for the interview guide and institutions affiliation of the interviewees please see Appendix). In addition, secondary data from official documents (for example various laws on the procedural aspects of the decision-making process, the Constitution) and Romanian Constitutional Law Treaties were utilized.

This study is of utmost importance for my PhD thesis, which investigates the impact of European Union pressure on the decision-making process in Romania, for at least two reasons. First, there is no political science research on the process of policy-making in Romania. In order to investigate how the decision-making process changes in various circumstances it is necessary to learn first how policy decisions are taken. Second, in order to test the hypothesis advanced in my dissertation regarding the polity dimension of decision-making (i.e. the institutions of decision-making – the importance of different phases of the decision-making and access points of state and non-state actors to this process) it is essential to have a thorough understanding of the policy process *per se*.

The paper is structured as follows. The first section will give an overview of the legal institutional design adopted in Romania after 1989 in order to learn about the formal executive, legislative and social relationships in the policy-making process and who is legally considered to have an impact on this process. The second part will introduce the formal stages of the Romanian decision-making process, followed by a finer-grained analysis of each phase of the decision-making and the links between each stage. Moreover, this assessment will highlight how institutions shape the power constellation and actors' strategies in the policy-making process. Conclusions follow.

## **The Romanian Case: Constitutional Arrangements**

In this part a short overview of the Romanian political sphere is presented. It mostly draws on the legal/constitutional arrangements by introducing on the one hand the legislative and the executive bodies and their attributes in the policy-making and on the other hand the non-state actors (political parties, trade unions, and business associations) and their legal access points in the legislation process.

After the dismantling of the communist regime, Romania opted for a semi-presidential system<sup>3</sup> as established by the 1991 Constitution and reinforced through the 2003 amended Constitution<sup>4</sup>. The president is directly elected, by popular vote for a fixed

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<sup>3</sup> A political system is deemed to be semi-presidential if it meets the following features, 'stipulated' by Sartori (1994, p.132): a) head of state is elected, directly or indirectly, by popular vote, for a fixed time span; b) bicephalous structure of the executive branch - power is shared between the head of state and the head of government; c) head of state is independent from parliament and cannot govern alone or directly; d) the head of government and his cabinet are subject to parliamentary confidence, and e) there is a substantial "autonomy potential" of each component of the executive branch.

<sup>4</sup> From now on the references will be made to 2003 amended Constitution unless stated otherwise.

time period of five years (articles 81 and 83 of the Constitution). The president and the government share the executive power, a fact that is not directly stated in the Constitution, but can be deduced from the roles, functions, and attributes of the two actors. The president is independent of the Parliament, and in almost all cases needs the countersignature of the prime-minister to issue decrees (art. 100), the main form of presidential governing. The prime-minister, the formal head of the government, and its cabinet are dependent on Parliament's confidence (art. 102 and 103). Constitutionally speaking, the executive components are relatively autonomous, i.e. they have powers of their own. However, there are inter-linkages between these components, as the institutional design is meant to assure a system of checks and balances between them, especially in preventing the occurrence of a strong president (see Verheijen 1999, p. 197).

The Parliament is bicameral, the Senate and the Chamber of Deputies, having by and large similar prerogatives. Bills and laws need to be approved by both bodies, making the legislative process long, tedious and difficult, and often ineffective (resource consuming). Laws need to be promulgated by the president in order to become effective. However, the chambers of the parliament may become strong 'veto players' (i.e. an individual or collective actor that can decisively and legally affect the decision-making process; see Tsebelis 1995) as their accord is required for several decisions to be made (both by the president and the prime-minister). For example, the president needs the approval of the parliament for mobilization of the army; he has only package veto, i.e. can reject an entire law with the possibility of the Parliament to override this decision. Likewise, the prime-minister and its cabinet are subject to the confidence of the Parliament,

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however the executive is the main actor to initiate legislation, firstly because it has the necessary technical capacity to do so and secondly because it has to implement its program. Thus, there are several instances where or through which the Government can influence the legislative process or create legislation. These are: legislative delegation, assuming responsibility by the government in front of the Parliament over a program, general policy statement, or bill package, possibility of the members of government to be in the same time MPs, and the possibility by the government to amend legislative proposals in the parliamentary committee stage of a decision-making process.

#### **a) Legislative delegation**

One special situation of increased government power is the case of legislative delegation where the cabinet, on the base of a Parliament habilitation law, can issue ordinances (can be emergency ordinances or simple) that are not (most of the times) subject to parliamentary debate. The emergency ordinance becomes effective as soon as it is sent to the Parliament, prior to the possible debate. If, however, subsequently, it is amended by the Parliament (or even rejected), the Parliament may formally decide on the effects it has produced so far, although not necessarily overrule these. While formally this procedure should be exceptional or extraordinary, in practice it is a very common tool for the government to “evade democratic policy-making” (OECD 2005).

#### **b) Assuming responsibility by the government**

This constitutional procedure allows the Government to bypass the ordinary legislative procedure by claiming responsibility over a program, general policy statement or

a legislative package. De facto, this is a ‘challenge’ for the Parliament, as it must decide between accepting it and dismissing the Government. Thus, the Parliament does not vote what the Government proposes to assume but votes on a motion of censure. An interesting example is the package on health care reform dated from 2005, when the Government, without a supportive majority in the Parliament, has managed to pass it.

#### **c) Members of the government can be MPs**

The legislation allows a ministry to be in the same time a senator or a deputy, whereby he/she might end up voting for the proposal the respective ministry propose. Needless to say this gives the Government a room for maneuver over the proposals it has submitted to the Parliament.

#### **d) Possibility by the Government to bring amendments to the legislative proposal in the parliamentary stage**

As it will be seen below, a legislative proposal will reach at one point in the decision-making process the relevant parliamentary committee that would have to investigate the proposal and make amendments where necessary before voting in the Plenum. The Government has the right to bring amendments to the proposal at this stage – regardless of who is the initiator – thus becoming, in case of approval of its proposed changes, a co-author of legislation which Deleanu (2001, p. 330) calls it “spectacular but inadmissible”.

In addition to these, the current Government has initially set a Ministry charged with the relation with the Parliament, and, following subsequent cabinet reshuffle, it has

been transformed into a department within the Government General Secretariat. While this body should work as a bridge between the executive and legislative “it is dysfunctional, lacks coherence, and they do not have the capacity to read and analyze the legislative proposals” (Interview with the representative of the Ministry of Interior). Therefore, the role of this body is treated as marginal in this paper.

Constitutionally speaking, the veto game is a twofold one with the Parliament and Government on the field. In practice, an active, popular and charismatic president, although with limited constitutional powers<sup>5</sup>, may be an important source of political power. From 2004 on, the current Romanian president, Traian Basescu has appealed to all his formally and informally channels to ‘shape’ law making. In several instances he refused to promulgate important laws (for example on anti-corruption reform, the Criminal Code) that he found as unsustainable and incompatible with what the European Union was demanding. In such cases, the parliament has to reexamine the law and can either amend it or resubmit the same format, situation that gives the President no other alternative than to promulgate it. Backed by popular support and [often] civil society organizations, using an aggressive but straightforward public discourse he puts pressure on the decision-making institutions.

The fall of the communist regime has also determined a rapid shift toward political pluralism, as a natural reaction to the single-party socialist system. Rapidly,

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<sup>5</sup> The president has very limited powers, and this is the psychological legacy of the communist regime: the constituent assembly wanted to prevent the emergence of another dictatorship. In a study on 28 post-communist countries, Armingeon and Careja (2004) have constructed a presidential power index, based on constitutionally attributed powers. In Romania, even after the 2003 amended Constitution, the president performs poorly with a score of 13 out of 29 possible (where 29 is the number of powers considered by the authors and scores given were 1 for exclusively power, 0.5 for shared power and 0 for lack of power). The president has only package veto, i.e. can reject an entire [project] law with the possibility of the assembly to override this decision.

politics came to be identified as party affairs and getting elected was the rule of the game. Consequently, the population has increasingly refrained from political participation a phenomenon accurately appreciated by Uslaner (2004, p. 11): “they created a democracy and nobody came”. In these conditions, intra- and inter-party conflict has constantly characterized the Romanian political landscape, with ideology playing little role. Nowadays, the leftist Social Democratic Party (PSD) is heavily exhibiting liberal features, while the National Liberal Party (PNL) shows much of a social party (especially regarding social protection policies). The Democratic Party (PD), socialist by statute, oscillates between center-left and right, and in December 2007 it has assimilated the dissident wing of PNL and formed the Liberal Democrat Party (PD-L). The Democratic Hungarian Alliance in Romania (UDMR) has never been in opposition, always supporting the party or the coalition in power! The nationalist Greater Romania Party (PRM) although constantly gaining an important share of the votes swings back and forth on their statutory beliefs, by mixing xenophobic attitudes with pro-European values. There is a fragmented party system and similar fragmentation characterizes intra-party activities (see Culic 2006). During the four electoral cycles after the communist fall “the main interest was focused on electoral campaigns, alliances and splits, positioning and re-positioning, and courting the media” (Ionita 2006). However, there is no study to assess the impact of this fragmentation – both of party system and of elites – on the structures and processes of decision-making. Nevertheless, party politics is believed to play a more or less transparent but determinant role in the decision-making process, as Ionita (2004) states:

“The crucial decisions are taken elsewhere, formally but more often informally: either at a lower level in a few powerful departments or at a higher level by party leaders who are not cabinet members” (p. 5).

A pluralist decision-making process, besides parties involve also trade unions, employers’ associations, and professional associations. While legal stipulations and analysis on the foundations, roles and activities of these actors exist, the image of the influence of trade unions and other social associations on the decision-making process, and their leaders’ activities are confused at least at the level of public opinion (Muntean 2003) and little researched at the empirical level. Formally, social partners are ensured direct access to pre-parliamentary debates on legislative proposals concerning social-economic issues, while experts from academia or think tanks are consulted when drafting legislation depending on the topic involved. For example, at the ministry and prefectures level there are special committees dealing with social partners with a main responsibility to facilitate the social dialogue.

## **The formal stages of the decision-making process: an overview**

This part will briefly describe the formal stages of a policy-making process. The notion of the policy process is attributed to the ‘standard’ or ordinary legislative process. An ordinary<sup>6</sup> policy cycle, for the Romanian decision-making process involves the following stages – the legislative initiative followed by drafting of the legislative act in the

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<sup>6</sup> There is also the emergency legislative process that generally differs from the ordinary one by skipping several steps and taking place within a relatively short time frame.

pre-Parliamentary phase, the examination in parliamentary committees (prefaced by an advisory opinion from the Legislative Council<sup>7</sup>), debate and voting in the plenum of the informed Chamber, examination, debate, and voting in the other Chamber, re-examination of the law, promulgation of the law, and publication. In other words, the decision-making process may be split in two main parts: the administrative/executive phase and the Parliamentary stage. In each of these two parts there are also sub-stages that all together form a policy cycle.

### **1. The executive arena (the pre-Parliamentary stage):**

The first stage of the policy process is the legislative initiative and it belongs to the Government, Parliament, and citizens<sup>8</sup>. However, the Government appears to be the driving engine in what concerns law initiative (usually a ministry and other public authorities, autonomous or subordinated by the Government, central public administration organs, Prefectures and County Councils through the Ministry of Interior, see Government Decision 50/2005). Any legislative proposal by the senators, deputies, and citizens must be communicated to the Government within three days from registration with the relevant Parliament's chamber.

The Government has the ability to make legislative proposals (e.g. law propositions, government ordinances) and to advance them to the Parliament, generally, by transposing its governance program into various policies. In addition, the Government is

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<sup>7</sup> This is a compulsory stage. However, its opinions are not mandatory. The Legislative Council should be solicited prior to the committee debate and can be appealed to during the debate.

<sup>8</sup> There are hardly any examples of citizen initiatives that have become laws, thus the Parliament and the Government are the main *de facto* actors for initiating laws.

the main actor in launching an emergency legislative process through emergency ordinances<sup>9</sup> (Ionita 2004, OECD 2004, 2005). The emergency ordinance is sent by the Government to the Parliament for approval in what is termed ‘emergency procedure’ (within a very short time frame) and it becomes effective once it has been sent to one of the Parliament Chambers (Deleanu 2001, Boc 2005). The Chamber concerned can eventually reject of the emergency ordinances, situation that implies bringing to an end its application, with the possibility to decide on the already produced effects.

The law initiator drafts the proposal within special working groups that is then sent to other relevant ministries for approval during governmental meetings. The working groups incorporate jurists, specialists on European Integration (for legislation concerning transposition of the *acquis*) and from the relevant domain of the law proposal, under the coordination of one State Secretary. At this stage the decision-making process is open for input from societal actors and business organizations.

The law initiator has to open the call for public consultations (between 10 to 30 days – see Law 52/2003 on transparency of public administration decision-making) and amendments can be brought by civil society members at the individual level or collective level, like for example the associations of local politicians, various NGOs. Moreover, the normative act draft is sent to other public administration units interested in the subject who have the possibility within five days to bring amendments. In the case of the legislative acts that transpose EU legislation, these were sent to the Ministry of Integration together with the convergence table of the draft legislation with the communitarian law.

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<sup>9</sup> The emergency government ordinances were considered to be, until recently, the main source of legislation in Romania; however efforts have been employed, under external pressure, to decrease the number of these acts, as were perceived as a threat to a democratic decision-making process.

After receiving comments, suggestions, points of view from these stakeholders, the drafter has to finalize the normative act that is then sent for approval to entities stipulated in the law (the consent of the Legislative Council, Economic and Social Council, the Supreme Council for National Defense). The Ministry of Justice plays an important role in the preparation of the normative acts, as its legal certification is mandatory.

All normative acts that received the necessary approvals are sent to the General Secretariat of the Government (GSG) that will check for the formal requirements necessary for the preparation of legislative acts<sup>10</sup>. If the technical criteria are not met, the draft is sent back to the initiator for modifications and after amendments again back to GSG (if not all observations were taken into consideration a rationale for this has to be provided as well).

The final decision belongs to the prime-minister who can approve, reject, or postpone the given legislative act. If there are new amendments brought during governmental meetings the GSG will inform the law initiator, who will then have to reformulate the law text and the whole approval/consent procedure has to be resumed. After the drafting of the final version of the legislative act, the proposal is sent to the Parliament.

All in all, the above is seemingly a very complex process. The main contention here is that this phase is the most important one in the policy-making process. For example, between 1990 and 2005, out of 4,822 law projects that became laws after the legislative procedures, 89.88% were initiated by the Government (Ionascu 2008). On the one hand, this supports the idea that the Government and its related agencies are the main law

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<sup>10</sup> It will analyze the solutions proposed, check the compatibility of the law draft with the internal legislation (both technically and substantially), with European regulations and other international treaties where Romania is a member. At this stage other external experts groups can be brought in at the request of the prime-minister.

initiators. On the other hand, considering the complexity of the decision-making process (see above), it points out that the executive bodies are more visible in this process. In addition, to recall the main instances where the Government can influence and even determine the legislative outcome (see section one above), the legislative delegation function further strengthens the Government vis-à-vis the Parliament. The objection here is that the Parliament may overrule an emergency ordinance. However, there are rare situations when the Parliament has exercised its veto for an emergency ordinance (Ionita 2004, Boc 2005). Furthermore, it can take months or even years for the respective Chamber to deliberate on the ordinance (Deleanu 2001, p. 347). Not least, the rate of use of what should be an exceptional procedure was considered to high, even on the eve of EU accession (52 emergency ordinances in 2005, decreasing from 70 in 2004, however still too high - OECD 2005). In fact, all these can be well interpreted as a modality to transpose a governmental program, voted in by the Parliament, into concrete public policies. The resort to this argument, although desirable from an electoral point of view, entitles the Government to ‘overtake’ the law-making attributes, traditionally with the Parliament.

Another important argument for the sustainability of the hypothesis on the importance of the pre-parliamentary phase is the increased participation of civil society representatives. While until 2004 “the flawed policy process, probably the most crucial (and ignored) source of poor governance, is characterized by *little public consultations*<sup>11</sup>, hasty decisions and poor implementation capacity” (Ionita 2004, p. 3), by 2005 the OECD SIGMA report on Policy-making and Coordination Assessment report has noted “an important improvement in the activities of ministries in consulting outside interests” (p. 7).

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<sup>11</sup> Emphasis added.

It has been increasingly acknowledged that such “consultations can contribute to improving the quality of policy proposals and to ensuring that they can be implemented” (OECD 2005, p. 7). Thus, policy proposals reaching the voting stage in the parliament that are endorsed by societal actors are more likely to be passed without much hassle. Furthermore, as it transpires from the interviews conducted, the substantial side of a proposal is built in this phase as the process allows for aggregation of the most important viewpoints – from civil society organizations, to business associations, or simple but high-spirited citizens. This point was specifically articulated by the representatives of the Ministry of Interior and Ministry of Labor (advisor to the State Secretary), the latter claiming that what is sent to the Parliamentary committees is already “a consolidated and laboriously version of the normative act”. The argument was also reiterated by the representative of the GSG stating that “all consultations take place before the final decision by the prime-minister and that in the parliamentary phase the social partners rarely intervene if at all”<sup>12</sup>.

## **2. The legislative arena (the Parliamentary stage):**

In the Parliament, the legislative process starts by receiving the approval of the Permanent Committees, followed by agenda setting (the legislative project is being placed on the agenda of one of the Chambers), examination in the specialized parliamentary committees, debate and voting in the plenum of the informed Chamber, examination, debate, and voting in the other Chamber, re-examination, promulgation, and publication of the law.

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<sup>12</sup> This refers to legislative proposals initiated by the Government and its related agencies.

Once on the agenda, a proposal is analyzed by the Parliament by sending it for discussions to the specialized working committee(s). At this stage, the legislative act can be directly amended by deputies, senators and the Government (regardless of who is the initiator). In addition, at this stage an indirect influence (through parliamentarians or government bodies) on formulating policy alternatives can be exercised by social stakeholders (formally, they can participate in the debate if invited by the members of the respective committee). However, given the fact that generally the law initiative and drafting of the normative act is taking place in the administrative arena it is often the case that members from the executive working groups will take part in the parliamentary committees' debate in order to explain and support their position vis-à-vis the policy draft (Constitution of Romania, art. 111). In addition, MPs non-members of the respective committee have the right to participate in the debate without the right to vote. Informally, as transpires from the interviews with the representatives of the Ministry of Interior, members of the government involved in the preparation of the draft law will contact and lobby politicians from the specialized committees in order to assure a certain degree of support. The rationale behind this practice is given by the expertise and background knowledge of the public servants involved in drafting the legislation. All these amendments are registered in the legislative act's report and resent to all members of the Parliament and Government. Moreover, the legislative Council has to check the legal and technical feasibility of the given legislative act.

Furthermore, when a decision is commonly agreed upon during the Committees consultations and compromises, the final vote in the Parliament is more likely to have a formal character, unless there is discontent from one or more groups on the results of the

committee deliberations. In this case, depending on the nature of the subject, a debate on specific articles of the proposed law may follow in the Parliament (Deleanu 2001, Boc 2005). Finally, the legislative proposal returns to the Chamber that has decisional power, it is then signed by the Presidents of the two Chambers, promulgated by the President and published in the official gazette (see Gaspar 1995, Boc 2005). It is noteworthy to add that the Government, regardless of whether it initiated the law proposal, can intervene at any point in the debate in the plenum and as often as it requires (see also the website of the Chamber of Deputies).

It is straightforward that the most important phase in the legislative arena is the committee debate (i.e. for the normal procedure). It is the bridge between the two main stages of the decision-making process, or “the turning point in the law-making process” (see the Chamber of Deputies). In practice, this stage is less parliamentary driven for at least two reasons. First, as discussed above, the Government has several avenues to intervene in this stage, ranging from constitutionally granted ones (e.g. right to participate in the debate) to less formal one (e.g. direct lobby or indirect via the Government representatives in the committee actually debating a particular legislative proposal or in other parliamentary committees). From a Government perspective, these interventions are meant to ‘overcome’ the “messaging up of the proposal by the MPs” (Interview with the representative of the Ministry of Interior). *Id est* it is of utmost importance to underline the expert efforts behind a proposal – technical and substantial via aggregated inputs from relevant stakeholders – and to preclude unwanted distortions. As the same respondent put it, “amendments made in the commission are unfounded [...] and the Parliament lacks the technical capacity to find correlations on the on the one hand, between amendments, and,

on the other, between the proposed modifications and existing laws”. Second, as a MP of the former Democratic Party (currently the PD-L) pointed out, the MPs members in the respective committee “already know how to vote prior to the debate in the committee”. For the respondent from the GSG, the Parliament is “just a voting machine”. In other words, the executive is empowered at the expense of the legislative!

## **Conclusions**

This paper has investigated the decision-making process in Romania. This area has been little explored before and has mainly drawn on legal contentions. Therefore, this study has innovated by shifting the focus from mere legalistic approaches to more empirical ones. This study is part of the arguments used in my PhD thesis to develop and test the hypothesis regarding the impact of EU pressure on the institutions of decision-making. Specifically, how does the EU pressure alter the importance of various stages of a policy process and the access points of actors to it? To answer this question this study has analyzed the decision-making process in Romania looking primarily at the most important phases and the relationship between the Government and the Parliament in this process.

This paper has identified the main formal and informal channels of policy-making pointing out that the most important phases of decision-making are the pre-parliamentary one and the debate in the specific parliamentary committees. When juxtaposing the two parts of this process in terms of the importance of the different stages, the former turns out to be of crucial importance due to several reasons. First, the necessary technical expertise

lies with the central administration. Second, the Government has been predominantly the main law initiator, both via normal procedures and emergency procedures. This has been fueled by the electoral and constitutional need by the Government to convert its program into palatable policies.

Furthermore, this study has analyzed the roles of the main actors involved in the decision-making process – the Government, the Parliament, the social partners (unions, business associations, CSOs). It has been shown that the Government is empowered vis-à-vis the Parliament, pursuant to the flexible Constitutional provisions – e.g. right of a government member to be in the same time a MP, right of the Government to participate in the debates in the parliamentary committees both, right to make amendments in the parliamentary phase to a project regardless of where the legislative initiative originates and so on – and to informal channels such as lobbying the MPs. In other words, the executive uses both formal and informal channels to advance its policy preferences to concrete public policies.

The driving force of this paper was to learn on the actual mechanisms (institutions, actors' relations and strategies) involved in decision-making and therefore has appealed to a lesser extend to theoretical principles. The theory that is employed towards testing the hypothesis in the dissertation is that on the Europeanization of member states and conditionality. However, this paper can be further developed by including data from the main bulk of interviews (scheduled for May 2008 in Bucharest) on several policy areas. The conclusions would be more specific, eventually tailored for each policy sector analyzed.

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# Appendix

## Interview Guide

For data collection on the importance of various stages of a decision-making process and access points to this process, face-to-face, unstructured interviews with public officials and members of the civil society were conducted in December 2007. Below, is the interview guide used:

1. Please enumerate the phases of a legislative process
2. In your view, please indicate what are the most important stages of a policy process and give arguments for your choice
3. What are the actors that participate in each stage of the policy process?
4. What are the formal and informal access points of these actors in the decision-making process?
5. Please enumerate the most important reforms implemented in Romania from 2004 on.

The actors that were interviewed are affiliated with the following institutions:

**Social Actors and intergovernmental organizations:**

1. Central for Public Policy, independent think-tank, Cluj-Napoca, Romania
2. Transparency International, Bucharest, Romania
3. International Organization for Migration, Mission with regional functions for Central and South Eastern Europe, Budapest, Hungary

**Central Administration:**

1. The Ministry of Interior and Administration Reform
2. The Ministry of Labor, Equal Opportunity and Family
3. The Ministry of Health
4. The Ministry of Environmental Protection
5. The Ministry of Development and Public Affairs
6. The Ministry of Foreign Affairs
7. The General Secretariat of the Government, the Department for Public Policy

**Parliament:**

1. The Democratic Party Parliamentary Group
2. The Social Democratic Parliamentary Party Group