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THE FUTURE COLOR OF THE FUTURE

Abstract: *The Eastern Europe will remain under pressure from the crisis and most likely will increase the rate of entry. The economies of these countries are rudimentary and legislative chaos and corruption will be aggravating factors in the whole equation of crisis. It remains doubtful that these countries will receive support from the EU. It is also possible to see the withdrawal of western banks in these markets, with particularly aggravating consequences. The economic situation of Romania is figured by falling exports that caused a decline in industrial production, lending slowdown with results in lower turnover for retailers, auto manufacturers and construction companies. All these were seen in decreasing revenues to the treasury, drop in living standards and so on. Mainly, we had a year not much different from the one that passed. Will remain the same imbalances and we have some similar debate like now. Although the prospects of a major collapse seem to be becoming more remote, as deteriorating macroeconomic indicators, fundamentals stability are becoming increasingly fragile. Although we do not think we have part of such a scenario in 2010, should not totally out of account this perspective, especially because the entire financial banking system may be turned into a scenario with infinite money supply.*

JEL classification: C62, D61, D92

Key words: *crisis, developed and emerging economy, economic stability, flows*

Let's consider how the global crisis had began with Lehman Bro., such as a temporal convention, the most important in terms of

effects and that happened then was blocking lending and further world wide explosion of disbelief on the circuit of financial flows, then actually began to decline in real consumption, following global effect was slow speed of movement of money. From here we "feel" the deflation, into a period where we met often wonder: "Where are the money?" It's easy. Money had disappeared in the two flows:

1 a monetary unit now off less debt per unit time than before the crisis and

2. repayments of loans which are natural money are no longer returning to money supply, banks now are no longer the currency multiplier through credit. It is more important the first channel. The point is that nothing that caused the crisis is resolved. Now, the humanity has no an alternative system (monetary, financial, economic etc.). The humanity is the same as before, except that the worldwide crisis determined more caution. We can see how much has changed the people's expectations. Renounced consumption was not really a consumer need: The world is no longer so eager to change their car, house, make cruises, to cram the shopping cart at the supermarket, and the examples may follow a long line. But the peoples did not give up to strictly necessities, that they consider necessary: daily lives, so we can draw first conclusions: consumption is at a minimum level below which can't drop. The correction in consumption took place and now people save money. Some may say that could save those who have. May be right, but may be enough for economy. Before crisis that does not save any.

Before the crisis many specialists (private) in different areas "knew" that walking is good to the real economy and will continue (I do not mean express Romania). Now all "know" it would be worse to apocalyptic. Why did governments during crisis? Bail-out from the declarative, warranties, cheap loans, and the issue of currency. What was the effect? Was only apparently insufficient or maybe not? We think the effect was "slow speed comparative with lower velocity of money". This is a very important effect and sufficient to draw a pink box in a seemingly bleak future crisis. This is a crisis of confidence into the system which live in for a hundred years. We consider that is extremely difficult to give up this system

from a simple reason: we do not know how to do it. The return to gold or to farm life is like return to heaven. That's never gone happen. It is just not human. Human is now doing things that satisfy and ignore the possible future negative effects.

Many have thought that 2009 will be worse. Many believe that in 2010 or 2011 will be worse. Some, who knows, maybe think about Maya timing that is not a just a fantasy and that Christmas of 2012 will be the last. Maybe this is just an (fill the blanks) exercise: to say that today is comparatively with 2009.

It also talks about the improved economic recovery in developed countries and investors' risk appetite, which is correct. Indeed, in developed economies there is a certain exuberance of investors who believe that "The Great Recession" is rapidly approaching an end, pushing it to quickly search for opportunities even exotic markets. If such behavior would materialize for Romania should feel this not only by the mysterious but the icing flows of economic relations. So far did not feel anything.

The future is black? No, maybe is pink. We consider the actual crisis as a problem of perception (not as an official statistics!):

- The banks no longer give loans? No, are more people or firms who do not owe(s)!;
- The number of insolvent and bankrupt is increasing? No, the market share is issued to the others!;
- People are affected by inflation? No, peoples die of swine flu, heart attack or road accident, no inflation!
- ... and the list could be longer than a catastrophic list.

Figures and especially their interpretation are unnecessary. The world has excelled so far in misinterpretation of data. Some certain elements, quantitative about excesses had exist long time before the Lehman Bro. Before, we lived into a bubble, we had bought beds for better dreams, and now we have to return to normal. That's all. The crisis is a crisis of human nature and people will not ever mass suicide, so the future is not black.

The most economists, include those from Goldman Sachs (GS) support idea, for some time, that the “BRIC countries” (Brazil, Russia, India and China) could be among the countries that will dominate the world by 2050, especially China which GS has just said a sound economic policy and there will be a Chinese shares rally. (I can not mention that Goldman Sachs was among the banks that have indirectly tried to attack the Romanian currency (RON) in the fall of 2008.)

We should ask how China achieved economic growth of 8% in 2009 when the rest of the developed world decreases that is almost exactly the markets of China. Let’s think what’s happened if China's economy hyper stimulated is headed for collapse, not to boom predicted by most economists. Let’s think about the future color of future.

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NEGOTIATING IN A GLOBAL BUSINESS ENVIRONMENT

***Abstract:** Negotiating in International Business become more complex due to the rapid development of the globalization process and to the evolution of communication tools. Companies are attracted by favorable key locations in view of lowering production costs and increasing profit margins. Such international communication process can often fail because the local counterparts have taken more time to learn how to overcome the obstacles normally associated with international/cross-cultural negotiations. Failure may occur because of time and/or cost constraints. Thus, it is very important to take into account cross cultural aspects in doing business abroad. This paper, on the one hand, highlights the specificities of international business negotiations and, on the other hand, stressed the impact of cultures in doing business overseas. The goal of the paper is therefore twofold. First, to give an understanding of the roots of negotiating, what it really consists of, and then to provide some cross cultural insights.*

International Business Negotiations: an overview

Styles of negotiation vary markedly across cultures. Countries vary on such key aspects as the amount, and type, of preparation for a negotiation, the relative time on task versus interpersonal relationships, the use of general principles versus specific details, and the number of people present and the extent of their influence. Although cultural stereotypes are simplistic, many of them contain elements of truth. For example, Asians generally prefer to use a consensus-based team style in negotiations, Americans are likely to give one negotiator complete control, Mediterranean cultures can become “confrontational”, and negotiations with Middle Eastern cultures can be drawn out and contain many subtleties.

Negotiation is generally the preferred strategy for creating win-win solutions in international situations. Businesspeople should, for example, consider selecting negotiation when any of the following conditions are

apparent: their power position is low relative to their partner's; the trust level is high; available time is sufficient to explore both parties' multiple needs, resources and options; or when commitment - not merely compliance - is important to ensure that the agreement is carried out.

Effective negotiators base their strategy and tactics on the characteristics of the situation and the people involved. Although it would be easier for international managers if there were one best way to negotiate, no guaranteed formula for success exists. The most important individual characteristics for international negotiators are good listening skills, an orientation toward people, a willingness to use team assistance, high self-esteem, high aspirations, and an attractive personality, along with credibility and influence with the home organisation. In the same way, effective negotiators recognise and manage the impact of each different situation on the bargaining process from both their own and their opponent's cultural perspective.

However, these individual and situational characteristics, although significant, are not the most important factors determining negotiated outcomes. Indeed, *process* is the single most important factor in predicting the success or failure of a negotiation. An effective process includes managing the negotiation's overall strategy or approach, its stages, and the specific tactics used. As with other aspects of negotiating, process varies markedly across cultures. In preparing for an international negotiation, team members should learn as much as possible about the foreign culture, its negotiating patterns, and especially its style of negotiation with outsiders, and then approach the actual bargaining sessions with as wide a range of options and alternatives - in behaviour and substance - as possible. In initial meetings, negotiators should emphasise developing a relationship with their bargaining partners. During the discussions, negotiators should assume difference in negotiating style until similarity is proven.

Finally, effective negotiators have high expectations and make high initial offers (or requests), proceed by asking a lot of questions and refrain from making very many commitments until the final stage of the negotiation. The most effective negotiators approach sessions searching for synergistic solutions – solutions in which both sides win.

Types of Negotiations

Understanding the importance of identifying the type of negotiation one is involved in often means the difference between success and a poor outcome.

Out of habit, most people enter into every negotiation in the same way. This is not only time-consuming, but also counter-productive. Everyone is different. Every situation is different. So one should vary the approach to negotiating according to the person one is dealing with, and according to the desired outcome of the negotiation process.

There are three types of negotiation that are commonly used in the business world. Viewed in a one-dimensional linear flow, at one end is the *Quick Type*, the other end the *Deliberate Type*, and right in the middle is the *Compromise Type*.

The Quick Type

This approach should be used when one needs to negotiate in a hurry. The main consideration of using this type of negotiation is that the businesses contact with that individual or organization is limited only to the current deal. A characteristic of the quick style is that it is fairly competitive for both the buyer and the seller. Both take a position; neither is keen to move from that position.

Most academic researchers refer to this type of approach as a “distributive negotiation”. The behavioral characteristics exhibited by parties using a quick approach style of negotiation have been researched at length. The person using this type of negotiation sees competition as a necessary part of winning and will focus on the deal at the expense of any relationship.

Lax and Sebenius (1986) describe distributive negotiation as competitive, with both parties attempting to claim benefits for themselves (Roy H. Andes, art. 27, P 125). This is win-lose negotiation type, for the gains of one party necessarily deprive the other party of the same value. This type of negotiation often destroys relationships and the immediate value is seen as the prize.

The Compromise Type

This type of approach to negotiation is often seen as an effective form of negotiation, as each side walks away from the table with some form of deal. The relationship is preserved and an outcome is achieved, often fairly quickly.

This style is used when it is obvious that both parties want to reach an agreement even if there still are a couple of points that need to be resolved. Phrases such as, "Let's split the difference!" or “Let’s meet half way!” are commonly heard during this type of negotiation. Even if it is a win-win approach, it often results in a sub-optimal outcome. Nevertheless,

as pressure is applied to budgets, forecasts and incentives, this type of negotiation is becoming very popular.

The Deliberate Type

If the quick type of negotiation is for use when there is no ongoing business commitment, then the deliberate approach it is used in order to develop or maintain a long-term relationship, when it is more important to come to an agreement that satisfies both parties.

This approach is usually used when negotiating contracts that can last for long periods of time (sometimes decades). This being the case, there are some aspects negotiators have to take into account:

- The deliberate type requires co-operation and relationship building in an effort to reach an agreement;
- It does not develop without a lot of time and hard work;
- It means moving forwards, sideways, backwards and back again!

Many deliberate negotiations can turn into a quick negotiation and then back again in a number of hours. This process continues until agreement is finally reached. Just because one decides to adopt a deliberate style does not mean the other side will see it the same way.

The decision about which style to use is in direct connection to the desired outcome of the negotiation. If one faces a negotiation with the approach “I know what I want and I'm going to get it at all costs” then the expected outcome will reflect such lack of planning and consideration.

Outcomes

Outcomes vary with each type of negotiation—and preparation is the key. The question of the desired outcomes is ultimately as serious as the choice of a negotiating style. Without realizing that the different outcomes exist, it is difficult to know:

- where to start a negotiation, and
- if one has achieved the best outcome.

One should also know when is the time to leave a negotiation. Sometimes the outcome is simply not going to be worth the effort involved to close the deal. It is helpful to have a model against which to measure the resulting outcome. Negotiators who have a number of predetermined possibilities as outcomes have a better chance of getting what they want than negotiators who aim only for the right result. Aim high, yes—but spend time in preparing more than one desired outcome.

Realistic Outcomes

This is the best result - both parties are satisfied by the transaction. This could result from the quick, compromise or the deliberate approach.

These outcomes offer the classic satisfaction of mutual benefits: both sides feel they would like to do business again. This is the outcome for which one should strive in every situation.

Although it can and does happen that both sides have that success feeling after a quick negotiation, usually this kind of outcome is the result of the deliberate approach, where both sides are working together in a creative manner to achieve a realistic result.

Acceptable Outcomes

As we move down the scale, the outcomes start to represent more closely the quick approach of negotiating. In the case of the acceptable outcome, one will get to the end of the negotiation and feel that, while the deal might be acceptable, one could have had a better outcome. If this is the case, one should not accept the other side's position as given and should always ask for a better deal.

Worst possible outcome

One can be faced with the worst possible outcome in all negotiation types, but it is a far more common outcome of the quick type. This is a lose-lose situation.

If one uses the deliberate negotiation style and still comes to the worst possible outcome, it is usually because someone becomes emotionally involved in the process. Many times companies have lost thousands of dollars due to managerial ego standing in the way of a good deal. Creative problem solving does not have a chance—because someone is standing there stubbornly with only one thought paramount: "I'm absolutely right and you're definitely wrong."

If the worst possible outcome is considered as an option, then it is far easier to make a decision and look for creative solutions. Many negotiators invite the worst possible outcome because of their method of planning—or more accurately their lack of planning. The worst possible outcome is vital in the planning process because after going past this point, the negotiation should stop. The worst possible outcome should still be one the parties involved should be able to live with.

Negotiating across cultures is far more complex than negotiating within a culture because foreign negotiators have to deal with differing negotiating styles and cultural variables simultaneously. In other words, the negotiating styles that work at home generally do not work in other cultures. Thus, cross-cultural business negotiators have one of the most complicated business roles to play in organizations. They are often thrust into a foreign society consisting of what appears to be „hostile“ strangers.

They are put in the position of negotiating profitable business relationship with these people or suffering the negative consequences of failure. And quite often they find themselves at a loss as to why their best efforts and intentions have failed them.

For example, a negotiator may be given a short period of time to attempt to obtain better contract terms to in country A, where negotiations typically take a long time, than the terms to which country B agreed. A negotiator may simply feel that „what works in the home country is good enough for the rest of the world“, which is far from the truth. In fact, strategies that fail to take into account cultural factors are usually naïve or misconceived. Typically, the obstacles to overcome include:

Learning the local language, or at least being able to select and use an effective language translator;

Learning the local culture, including learning how the culture handles conflict, its business practices, and its business ethics, or at least being able to select and use an effective cultural translator;

Becoming well prepared for the negotiations, that is, the negotiator must have a thorough knowledge of the subjective matter being negotiated.

Thus, effective cross-cultural negotiators understand the cultural differences existing between all parties involved; and they understand clearly that not understanding the differences serves only to destroy potential business success.

Realistically, it is nearly impossible to learn „everything“ about another culture. This is because each culture has developed, over time, multifaceted structures that are much too complex for any foreigner to understand totally. Therefore, foreign negotiators need not require total awareness of the foreign culture, they do not need to know as much about that culture as the locals. However, they will need to know enough about the culture and about the locals' negotiation styles so as not to feel uncomfortable during (and after) negotiations. Besides knowing enough not to fail, they also need to know enough to win. For example, in negotiations between Japanese and American business people, Japanese negotiators have sometimes used their knowledge that Americans have a low tolerance for silence to their advantage.

In order to succeed in international negotiation, business people have to develop a cross-cultural process. This usually includes both strategy and tactics. Strategy refers to a long-term plan, and tactics refers to the actual means used to implement the strategy.

2. Culture & Values in International Business Negotiations

The word “culture” is often used loosely in everyday language to describe a number of quite distinct concepts; for example, the word is often used to describe concepts such as “organisational culture” as well as “arts and culture”. What all of these concepts have in common is the implication that culture is an abstract entity which involves a number of usually man-made, collective and shared artifacts, behavioral patterns, values or other concepts which taken together form the culture as a whole. For example, people in an organisation are said to “share the organisational culture” – yet, at the same time, they define the organisational culture.

Historically, the word derives from the Latin word “colere”, which could be translated as “to build”, “to care for”, “to plant” or “to cultivate”. Thus “culture” usually refers to something that is derived from, or created by the intervention of humans – “culture” is cultivated. With this definition in mind, the word “culture” is often used to describe something refined, especially “high culture”, or describing the concept of selected, valuable and cultivated artefacts of a society.

On a more basic level, “culture” has been used to describe the modus operandi of a group of people, such as implied by organisational culture. This concept of culture implies not only the shared modus operandi but also the shared values that underpin the modus operandi. A company can be said, for example, to have a “highly competitive culture”, thus implying that competitiveness is valued highly within that company, or in other words forms a core value within the company as a whole. Hence it can be argued, that “competitiveness” is a shared value among those people working in that company. It also implies that the company as a whole will behave very competitively in the way it is conducting its business. Thus the concept describes both the underlying value as well as the behaviour that can be observed. Notably, the concept does not necessarily imply that all employees share the same value to the same degree, but it does imply that the employees will be more likely to share the common value, and express it, if not necessarily individually, then collectively. On a broader scale, Triandis introduced the concept of “subjective culture”, or a “characteristic way of perceiving its social environment” (Triandis, 1972, p. viii) common to a culture. Based on these perceptions, and what has been perceived to work well in the past, values are passed on from generation to generation.

Not surprisingly this concept of shared values resulting in shared behavior and artifacts has also been applied to other groups outside one's own group or society. For example, Kroeber & Kluckhohn definition of culture reads "Culture consists of patterns, explicit and implicit, of and for behavior acquired and transmitted by symbols, constituting the distinctive achievements of human groups, including their embodiment in artifacts; the essential core of culture consists of traditional (i.e. historically derived and selected) ideas and especially their attached values; culture systems may, on the one hand, be considered as products of action, on the other, as conditional elements of future action."(Kroeber & Kluckhohn 1952, p. 181; cited by Adler 1997, p. 14)

This definition implies the existence of a larger "culture" (or meta-culture) of the different cultures that make up one's society's culture. Using this concept, it is implied that one can distinguish between the culture of the society of which one forms part – and the culture of another society at large, of which one does not form part. This concept is manifest in the usage of the word "culture" when talking about, for example, the "French culture" – or the multifaceted values and resulting behaviour and artifacts that abstractly represent France, the French society as well as the French person at a high level of abstraction. In other words, the concept of "French culture" implies that the society shares certain values and exhibits resultant behavior and artifacts, which can easily be distinguished from other "cultures", such as the "German culture" or the "Spanish culture".

The idea of a shared, yet distinctive, set of values held by one society with resulting behavior and artifacts is also fundamental to the basic idea of "culture" within the realm of intercultural communication. Hofstede (2001) defined culture as "the collective programming of the mind which distinguishes the member of one group or category of people from another"(p.9). The "mind" stands for head, heart, and hands – that is, for thinking, feeling, and acting, with consequences for beliefs, attitudes, and skills. Hofstede expands the concept of "collective programming" by suggesting that culture could therefore be situated between human nature, which is not programmed, nor programmable on the one side – and the individual's personality on the other side. This idea of the culture in the individual is particularly useful for explaining the concept of culture on the one side – as well as allowing for the diversity of individual personalities within any one culture.

Another concept of culture, yet not a contradictory but rather refining concept, is put forward by Hall. Hall (1983) views culture as

often subconscious. He compares culture to an invisible control mechanism operating in our thoughts. In his view, men become only aware of this control mechanism when it is severely challenged, for example by exposure to a different culture. Hall believes that members of a given society, internalise the cultural components of that society, and act within the limits as set out by what is “culturally acceptable”: “Culture has always dictated where to draw the line separating one thing from another. These lines are arbitrary, but once learned and internalised they are treated as real.” (1983, p.230)

The above definitions see culture as a concept that is subconscious most of the time, and which represents a set of shared values that manifest themselves in the behavior and other artifacts of a given group. Culture is also “programmed” – or learned, i.e. it does not form part of the human nature and it is distinct from individual personality, however it is shared by the members of one group.

Spencer-Oatey (2000) extends the concept of culture. She introduces a number of additional factors apart from values and resultant behavior/artifacts, including a description of the functions that “culture” performs: “Culture is a fuzzy set of attitudes, beliefs, behavioral norms, and basic assumptions and values that are shared by a group of people, and that influence each member’s behavior and his/her interpretations of the “meaning” of other people’s behavior.”(Spencer-Oatey, 2000, p.4).

The inclusion of an interpretive element in the culture concept is significant in as far as this explains not only what culture is, but also the function which culture performs in everyday life. It considerably expands and clarifies the idea hinted at in Hall’s definition, i.e. the role of culture as both an influence factor for behavior as well as an interpretation factor of behavior. The interpretative role of culture, as introduced by Spencer-Oatey, is especially important when considering cross-cultural interaction or reaction towards products created in a different cultural context.

How to Cope in a Cross Cultural Business Environment

The impact of international business in domestic markets compels us to ask a question: “How can we survive in this global playing field, and what can we do to run our businesses more effectively?” Nowadays, businesses of all sizes search for suppliers and customers on a global level. International competition, foreign clients and suppliers may become a danger, but they may also create huge opportunities to develop our business. The increasingly global business environment requires managers to approach the negotiation process from the global business person's

point of view. This approach includes aspects which are usually unimportant in domestic negotiations. Some of the components of a cross cultural negotiation process are more complex and difficult, but will increase our success in avoiding barriers and failures in the international business arena.

When doing business internationally, we need to consider (Salacuse, 1991):

- The negotiating environment
- Cultural and sub-cultural differences
- Ideological differences
- Foreign bureaucracy
- Foreign laws and governments
- Financial insecurity due to international monetary factors
- Political instability and economic changes

If we consider the fact that negotiating with our fellow citizen is not an easy task due to many individual differences, it would be reasonable to suggest that negotiating with foreigners may be even more difficult. The way we perceive and create our own reality may be completely different to our counterpart's way of thinking, behaving and feeling. Unfortunately, knowledge of any foreign language is not enough to face and solve the problem. Language is a cluster of codes used in communication which, if not shared effectively, can act as a barrier to establish credibility and trust. We need more effective tools, and the most important is knowledge of all factors that can influence the proceedings. Nations tend to have a national character that influences the type of goals and process the society pursues in negotiations. This is why specifying and understanding cultural differences is vital in order to perform successfully in inter-cultural communication (Schuster-Copeland 1996, 33). As we better understand that our partners may see things differently, we will be less likely to make negative assumptions and more likely to make progress when negotiating.

Factors influencing cross-cultural negotiations

Negotiating Goal and Basic Concept: When analyzing this aspect, we should ask ourselves a range of questions such as: How is the negotiation being seen? Is mutual satisfaction the real purpose of the meeting? Do we have to compete? Do they want to win? Different cultures stress different aspects of negotiation. The goal of business negotiation may be a substantive outcome (Americans) or a long-lasting relationship (Japanese).

Protocol: There are as many kinds of business etiquette as there are nations in the world. Protocol factors that should be considered are dress codes, number of negotiators, entertainment, degree of formality, gift giving, meeting and greeting, etc.

Communications: Verbal and non-verbal communication is a key factor of persuasion. The way we express our needs and feelings using body language and tone of voice can determine the way the other side perceives us, and in fact positively or negatively contributes to our credibility. Another aspect of communication relevant to negotiation is the direct or indirect approach to exchanging information. Is the meaning of what is said exactly in the words themselves? Does "...it's impossible" really mean impossible or just difficult to realise? Always use questions to identify the other side's needs, otherwise assumptions may result in you never finding common interests.

Risk-Taking Propensity - Uncertainty Avoidance: There is always risk involved in negotiations. The final outcome is unknown when the negotiations commence. The most common dilemma is related to personal relations between counterparts: Should we trust them? Will they trust us? Certain cultures are more risk averse than others, e.g. Japan (Hofstede 1980). It means that less innovative and creative alternatives are available to pursue during the negotiation, unless there is a strong trust-based relationship between the counterparts.

View of Time: In some cultures time is money and something to be used wisely. Punctuality and agenda may be an important aspect of negotiation. In countries such as China or Japan, being late would be taken as an insult. Consider investing more time in the negotiating process in Japan. The main goal when negotiating with an oriental counterpart is to establish a firm relationship, which takes time. Another dimension of time relevant to negotiation is the focus on past, present or future. Sometimes the past or the distant future may be seen as part of the present, especially in Latin American countries.

Decision-Making System: The way members of the other negotiating team reach a decision may give us a hint: who we shall focus on providing our presentation. When negotiating with a team, it's crucial to identify who is the leader and who has the authority to make a decision.

Form of Agreement: In most cultures, only written agreements stamp a deal. It seems to be the best way to secure our interests in case of any unexpected circumstances. The 'deal' may be the contract itself or the relationship between the parties, like in China, where a contract is likely

to be in the form of general principles. In this case, if any unexpected circumstances arise, parties prefer to focus on the relationship than the contract to solve the problem.

Power Distance: This refers to the acceptance of authority differences between people. Cultures with low *power distance* postulate equality among people, and focus more on earned status than ascribed status. Negotiators from countries like Britain, Germany and Austria tend to be comfortable with shared authority and democratic structures. When we face a high *power distance* culture, be prepared for hierarchical structures and clear authority figures.

Conclusions:

As one can see, the literature on international negotiation is rich in intercultural approaches outlining cultural characteristics or cultural typologies of the negotiators. They go as far as prescribing “recipes” about dealing with Americans, Japanese, Arabs, etc. The utility of these approaches is, however, limited. Usually they are based on opinions, common observations, instead of scientific analysis (which is very difficult to make). Since many of these models are created by authors coming from “Western” schools, they present only one side of the story: the Western perspective. The styles presented in these models are not static. They are complex and dynamic, evolving and continuously changing. Furthermore, most of these models do not take into consideration the fact that some cultural dimensions are becoming more homogenous due to the globalization process.

However, knowing these different styles can be useful for the negotiator as they provide him with an image of the cultural differences throughout the world and some general guiding lines for understanding and dealing with cultures. The professional negotiator will go beyond these stereotypes and will be careful about using some “recipes” in intercultural negotiations.

These models also show that every culture, drawing on its special talents, has its own contribution to make to international negotiation.

Our individual attitude towards the other side and biases which we sometimes establish all determine our assumptions that may lead the negotiation process towards win-win or win-lose solutions. Do we feel more comfortable using a formal or informal approach to communication? In some cultures, like America, an informal style may help to create friendly relationships and accelerate the problem solving solution. In

China, by comparison, an informal approach is proper only when the relationship is firm and sealed with trust. In this context, flexibility and information are vital key success factors in conducting international business negotiations in a complex and dynamic global business environment.

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L'ORGANISATION ADMINISTRATIVE DE LA FRANCE

Resumé: L'histoire de la France est marquée par la création et l'empilement de multiples structures administratives: communes, syndicats intercommunaux, cantons, arrondissements, agences ou associations inter-communales, pays, communautés de communes, départements, régions.

La plupart de ces structures ont un budget un président et un bureau constitué de quelques élus qui perçoivent des indemnités.

Ces structures ont un pouvoir qu'elles défendent bec et ongles et s'efforcent d'élargir.

Nous proposons aux lecteurs une visite guidée de chacune de ces structures en recherchant ses forces, ses faiblesses et surtout ses missions souhaitables, en évitant les redondances entre les structures.

La commission Balladur a proposé des pistes pour une évolution nécessaire de l'organisation administrative française. Mais une modification significative ne verra le jour que si les élus et les citoyens finissent par imposer l'interdiction du cumul des mandats électifs au premier degré et à limiter les indemnités perçues par les élus pour des missions au second degré, nous y reviendrons, mais commençons notre inventaire des structures.

1- LA COMMUNE

Cette communauté de vie a été constituée, à l'origine, en France autour d'un lieu de culte. En Bretagne, la paroisse, le « plou » en breton, a dessiné les contours de la commune. Ceci explique une spécificité française: les communes sont de taille réduite (la distance à pied de l'église) à tel point que la France compte 36000 communes et à elle seule presque autant de communes que ses partenaires européens.

Avant la guerre 1914-1918, les communes rurales vivaient en semi autarcie et les bras, nombreux, permettaient d'entretenir la voirie par les systèmes de corvées.

Les familles s'organisaient autour du puits, du four banal, le service d'eau et l'électricité étaient absents de ces communes. Les services communaux étaient assurés par l'entraide et le budget communal presque inexistant.

A partir des années 1950, les français ont demandé l'eau, l'électricité, l'assainissement et le baby boom de ces années a considérablement augmenté le rôle et les budgets des communes, qui pour autant ne disposaient pas de ressources supplémentaires.

Les communes ont alors eu recours à deux systèmes: l'appel à des subventions provenant d'autres structures administratives, en particulier le département ou la création de syndicats intercommunaux. Autrement dit les communes, par manque de moyens financiers, ont-elles même accepté une dépendance à d'autres structures.

Depuis la fin de la deuxième guerre mondiale, cette évolution s'est accentuée et l'organisation intercommunale s'est progressivement substituée à la responsabilité communale d'abord pour la distribution de l'eau, de l'électricité puis pour la collecte des déchets, la mise en place de zones industrielles, mais aussi pour des écoles de musique etc...

Il est apparu évident aux élus communaux que la taille communale était insuffisante pour assurer certaines missions: infrastructure, rôle économique social culturel et sportif. Si bien que l' élu communal est à la fois en charge de problèmes de sa commune, mais il est aussi membre d'une autre structure ayant en charge une mission particulière (eau, électricité...) sur une zone géographique plus large que la commune.

Cette organisation éloigne le lieu de décision du citoyen de base qui parfois ne dispose d'aucune information sur les décisions prises. Il est donc impératif que dans chaque commune, les élus membres de structures intercommunales, rédigent des compte rendus de mandat à destination du conseil municipal et par delà, de la population, sinon la démocratie au 2ème niveau ne fonctionne pas.

Par contre, les élus locaux, en particulier des petites communes, connaissent bien les situations économiques, financières, familiales de leurs administrés et ils jouent un rôle social important en liaison avec les partenaires sociaux.

En définitive, la commune continue à gérer son patrimoine local: voirie, terrains, forêts, bâtiments et en particulier l'école communale. Elle

est le moteur du tissu social de proximité: école, associations...Mais elle délègue les missions économiques (zone industrielle), les infrastructures lourdes (eau, électricité, assainissement). Elle peut aussi contractualiser avec des structures intercommunales pour mieux réaliser des missions économiques, sociales, sportives...La contrepartie indispensable de ces délégations est l'information permanente des citoyens sur les enjeux et les décisions prises.

En respectant cette obligation et en intégrant l'intercommunalité, les communes ont encore de beaux jours à venir.

2- SYNDICATS INTERCOMMUNAUX

LA commune seule ne pouvant faire face à certaines missions, elle a adhéré à des syndicats intercommunaux, mais elle a aussi perdu son pouvoir sur le domaine du syndicat ce qui est logique, ce domaine est en général limité à une seule mission.

Par contre ce transfert de pouvoir ne doit pas se faire sans un contrôle permanent des décisions du syndicat par exemple par un vote sur le compte rendu d'assemblées générales. A l'inverse, les délégués syndicaux doivent dépasser leurs problèmes locaux et atteindre une vision globale, ce qui est en général le cas.

Toutefois, une dérive démocratique existe dès que le syndicat intercommunal de base s'intègre dans une structure de type « poupée gigogne ». Par exemple un syndicat des eaux regroupant deux communes peut adhérer à un syndicat dit de production de 60 communes qui lui-même adhère à un syndicat départemental. Chaque syndicat désigne ses représentants au syndicat immédiatement supérieur mais sans en référer aux communes et bien entendu aux citoyens.

Plus le nombre de niveaux augmente et plus la démocratie s'étiole et le citizen lambda se désintéresse ou pratique le soupçon.

Cette stratification pyramidale des syndicats conduit assez souvent à une quasi spécialisation de certains élus qui, après chaque élection municipale, sont reconduits au syndicat de base et bien souvent au syndicat secondaire, etc.

Ces spécialistes sont la mémoire de la pyramide et bien souvent ils finissent par prendre leurs décisions sans recueillir l'avis à chaque niveau de la pyramide et en particulier de la commune qui leur a donné délégation. Si bien que parfois, les syndicats intercommunaux décident de manière autonome par rapport aux communes, pire parfois, un conseiller municipal votera pour un projet au conseil municipal et votera contre en tant que délégué au syndicat intercommunal.

Une information permanente et des rencontres entre les membres des différents niveaux doivent être mis en place sinon il n'y a plus de démocratie participative mais une atomisation des centres de décisions qui s'ignorent les uns les autres quand ils ne se contredisent pas sur une même mission.

3- LES ARRONDISSEMENTS

Les arrondissements n'ont qu'une seule utilité, permettre l'organisation des élections législatives: un député par arrondissement. Si l'arrondissement constitue le territoire du député, il n'exerce aucune mission administrative et en pratique, le député intervient auprès d'une commune, d'une communauté de communes pour telle ou telle mission. Il faut aussi ajouter que les arrondissements ont été découpés de manière artificielle pour des raisons politiques. Les arrondissements ne jouent aucun rôle dans l'organisation de la vie du citoyen.

4- LES CANTONS

Les communes se sont regroupées autour d'une commune centre d'un bassin de vie de 10 à 12 communes. Ces cantons permettent l'élection des conseillers généraux qui gèrent les départements. En tant que tel, le canton organise une seule manifestation, le comice agricole dans une commune du canton tous les deux ans depuis les années 1850 environ. Mais ce serait très réducteur de limiter le canton à l'organisation des comices car le conseiller général est très souvent un excellent animateur de l'intercommunalité dans son canton et son représentant au département, source de multiples subventions pour les communes.

Les cantons sont en zone rurale à l'origine de la création des communautés de communes même si parfois certains cantons ont éclaté: certaines communes préférant organiser l'intercommunalité en dehors du canton, d'autres y restant attachés.

La présence d'une métropole économique importante est souvent à l'origine de ces séparations.

5- LES COMMUNAUTES DE COMMUNES;

A partir des années 1990, les communes ont souhaité remplir certaines missions en se regroupant par exemple pour la création de zones industrielles. Au lieu de s'appuyer sur les cantons, le législateur a proposé la création de communautés de communes ce qui a provoqué la mise en place d'une nouvelle fragmentation territoriale.

Ces communautés pouvaient prendre en charge certaines missions et étaient parfois encouragées financièrement à se regrouper, les autres missions restants aux communes. Parfois, les communautés de communes

ont pris en charge des compétences qui relevaient de syndicats intercommunaux qui du coup sont devenues des prestataires de service des communautés de communes. Par exemple, si les communautés de communes d'une zone géographique prennent la compétence-ordures ménagères-, le syndicat intercommunal de collecte et traitement n'est plus qu'un prestataire qui fixe la charge financière de chaque communauté de communes (com.com).

Ensuite chaque com.com répartit la charge entre les ménages soit par une taxe soit par une redevance. Si bien que pour un même syndicat intercommunal, les modalités de paiement seront différents entre les ménages suivant l'appartenance à telle ou telle com.com...pas facile de s'y retrouver!

La création des com.com était une nécessité pour certaines missions, par contre, il aurait été judicieux d'interdire aux com.com les compétences déjà assurées par des syndicats intercommunaux. A terme, les syndicats intercommunaux devront se transformer en syndicats de communauté de communes, ils assureront une compétence précise par délégation des com.com. Si tel est le cas, le syndicat intercommunal remplira la mission technique (exemple collecte et traitement des ordures ménagères) répartira les coûts entre les com.com qui ensuite récupéreront auprès des usagers suivant leur propre modalités. Malgré tout, il y a un enchevêtrement de compétences et mise en place d'une pyramidalisation des structures ce qui éloigne d'autant le citoyen.

Une première simplification facile à faire, consiste à supprimer les cantons qui n'ont quasiment aucune réalité en zone urbaine et qui ont été remplacés par des communautés de communes en zone rurale.

6-AGENCES ET ASSOCIATIONS

Pour remplir certaines missions assez souvent bien délimitées, les élus, à tous les niveaux, s'appuient sur des structures du type associatif relevant du droit privé et de la loi de 1901. Parfois il s'agit d'une association culturelle locale par exemple l'organisation de cours de musique et de chants: l'association reçoit une subvention d'une commune, d'une com.com voir d'un département et en contre partie, elle met en place un service de qualité. Ce type de fonctionnement permet de s'appuyer très souvent sur des passionnés et décharge les élus qui peuvent se concentrer sur d'autres missions.

Cependant, dès lors que l'argent public est versé à une association, celle-ci doit, même si elle relève du droit privé, justifier de la bonne utilisation des subventions, en présentant des bilans financiers.

Cependant, certaines associations, couvrent un territoire étendu, c'est par exemple le cas pour la protection des rivières et des bassins versants, la structure est tantôt une agence tantôt un institut.

L'association propose un programme de travaux à son comité de pilotage, comprenant des élus, recherche de subventions et conduit les travaux sous sa responsabilité, les élus perdent la maîtrise technique sauf si le comité de pilotage exerce un contrôle technique en fin de travaux.

Certaines agences prélèvent auprès des communes ou des syndicats primaires une contribution puis ensuite, elles subventionnent des travaux réalisés sous la maîtrise technique des communes ou des syndicats primaires. C'est ainsi le cas pour l'eau domestique et l'assainissement avec les agences de l'eau.

Ce mode de fonctionnement est à privilégier sur le cas précédent. Certaines associations sont encouragées par l'autorité préfectorale à se transformer en syndicats intercommunaux soumis aux règles du droit public et au contrôle des élus

Les agences et associations rendent des services incontestables. La forme associative peut être conservée pour des missions précises avec un contrôle minimal des élus. Par contre, des règles de droit public doivent être imposées pour des missions lourdes et étendues géographiquement.

7- PAYS

En général, c'est à partir d'une identité culturelle et de paysage qu'ont été constitués les pays. Tantôt c'est l'existence d'une forêt mythique: Brocéliande, tantôt c'est le fleuve qui fait le trait d'union: Basse Vilaine, tantôt c'est un marais: la marais dolois, tantôt la présence d'une roche particulière: le pays pourpre, etc...

Des élus politiques s'associent aux élus des chambres consulaires et aux acteurs économiques pour faire des propositions pour leur pays. La structure juridique est associative de droit privé ce qui est à éviter. Mais surtout les missions des pays sont déjà couverts par les communes, les com.com., les syndicats intercommunaux, les départements, il y a risque de doublon évident.

Tout au plus, le pays peut être une instance de réflexion voire de proposition, il ne doit en aucun cas devenir responsable technique, encore faut-il que les élus aient le temps de siéger dans ces instances de réflexion sans tomber dans la réunionite. Bien entendu, cette position minimaliste peut être critiquée car le citoyen ressent parfois viscéralement son appartenance à un pays.

8- DEPARTEMENT

La création des départements reposait sur des limites naturelles si possible et sur un principe simple: tout citoyen résidant dans le département doit pouvoir se rendre à cheval au chef lieu du département dans la journée! Cet acte de naissance comportait à terme des évolutions indispensables.

A l'époque de Napoléon, les communes et les départements étaient les deux structures administratives fortes.

Les compétences des départements étaient très étendues, toutefois contrôlées par le préfet représentant de l'état. Les moyens de transport, de communication, les zones de chalandage des entreprises correspondaient assez bien à la taille des départements

Il est évident que l'informatique, les infrastructures modernes, la mondialisation des échanges commerciaux ne sont plus compatibles avec la taille départementale.

Par conséquent, les départements devront à brève échéance abandonner certaines compétences: la création de grandes infrastructures (autoroutes, ports, aérodromes etc...) l'organisation et le développement économique.

Par contre, à partir des com.com, la taille des départements reste bien adaptée aux interventions sociales: comités locaux d'insertion, maisons de retraite etc...La proximité est dans ce domaine à privilégier. Il en va de même pour tout ce qui relève de la vie collective, sportive, culturelle, le tourisme La production et la distribution de l'eau, les réseaux d'électricité, de fibres optiques, l'assainissement, le traitement des déchets sont autant de missions de proximité à la taille d'un département.

Les départements ne sont pas morts mais ils doivent réduire la voilure et se concentrer sur des missions sociétales de proximité et sur la convivialité.

9- LA REGION

Lorsqu'un français rencontre un autre français à l'étranger, il pose invariablement la même question: De quelle région êtes-vous?

La notion d'appartenance à une région est très forte même si souvent pointe le pays: Je suis breton et bigouden(Quimper)! La taille des régions françaises actuelles correspond assez bien à des missions économiques et de création d'infrastructures même si ici ou là, il faudra modifier certains contours régionaux.

La région doit se concentrer sur les infrastructures, l'économie mais aussi la formation universitaire, les lycées et la formation continue, sur la recherche et l'innovation, autrement dit, elle doit se substituer aux départements en tant que relai local de l'état. Ces transferts des départements vers les régions prendront du temps, mais à terme, ils seront nécessaires et ils s'imposeront d'eux-mêmes.

L'organisation des élections européennes en France est effectuée par région mais, et c'est très regrettable, les régions, circonscriptions électorales, n'ont rien à voir avec les régions administratives.

Le législateur, au lieu de rechercher la meilleure lisibilité a introduit une cacophonie supplémentaire.

Ce tour d'horizon montre que les économie d'échelle et d'urbanisation imposent un effet taille à cause des moyens de transport et de communication. Ainsi, on passe pour de nombreuses missions de la commune à la communauté de communes, du département à la région, et de l'état français à l'Europe.

Ces évolutions inévitables doivent éviter tous les doublons et imposer une gestion rigoureuse des structures et des rémunérations des élus.

Enfin, il faut reconnaître que les citoyens ont une notion d'appartenance variable selon la structure administrative. Ils ignorent la plupart du temps l'existence et le rôle des structures intercommunales, mais, ils sont très attachés à la commune: le taux de participation aux élections municipales en témoignent. L'appartenance à « un pays », à une région est en général très forte, par contre, le lien entre le citoyen et son département est beaucoup plus lâche.

L'identification à une association est pour certains militants, une question de vie ou de mort, même si la vision est souvent très focalisée. Si bien que la remise à plat des structures administratives devra « laisser le temps au temps »

Il faudra procéder par étape pour éliminer les doublons, bien définir les missions de chaque structure, éliminer les structures inutiles ou pour le moins, limiter leurs rôles. Mais comme disait Le Général De Gaulle: « La France est le pays des fromages » et à chaque structure, il y a des fromages , autrement dit , des indemnités. Les élus devront être courageux pour réformer l'organisation administrative de la France, ils devront dépasser les petits calculs politiques.

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NEW TASKS IN THE FINANCIAL MARKETS

Abstract: *The World Wide Web and the Internet have inspired the world of bankers generated plenty of creativity; the information technology has enables a number of new business models. The Internet develops monetary markets in which clients can act at any time from any location with a Net connection. In addition to developing electronic banking, the Internet offers the potential for new forms of distance-education and learning, and for improving the quality of medical care, trans-sector approach to governance, etc.*

This paper presents an approach for analyzing the impact of the Internet in the banking area. Some banks have changed their existing model to adapt to this new technology. Other seems to be mystified by these changes and unable to handle them. Choosing a business model is the key for a bank, and changing one's business model is an important aspect of strategy for the traditional banks that are threatened by a competitor on the Net.

Keywords: *information and communication technology, e-banking, internet users, information technology*

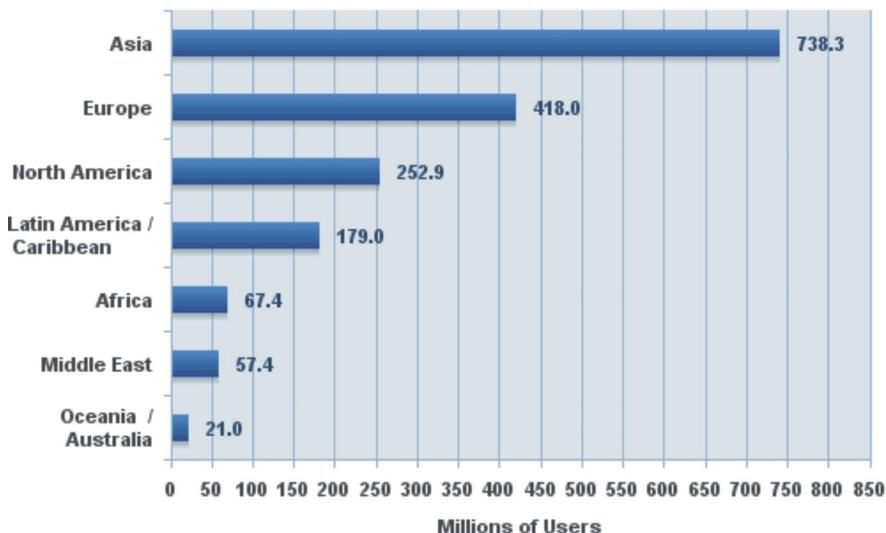
While the economic slowdown is curbing e-commerce growth somewhat in most markets, there is evidence so far that the online retail market has remained steady due mostly to the lower prices and convenience offered via online shopping. Spending on online advertising also continues to grow in the face of economic uncertainty and in 2010 online advertising should account for around 13% of overall ad spending worldwide (1). The same trend is to be seen in electronic banking comparing with traditional banking.

A worldwide communications infrastructure it's provided by The Internet that brings together banks and clients. The user of the Internet runs a browser program on a personal computer and the Internet provides

standards for companies and individuals who want to provide information or content on the Net.

The past years has witnessed a revolution in information technology. (IT) Popular and academic articles describe this “new economy” and new business models enabled by IT. Databases, computer, and communications networks are omnipresent in postindustrial countries. The Internet provides one of the most important foundations for worldwide connectivity, and its impact on banking been spectacular (2). We believe that the Internet and electronic banking are an important step for this century, like it was the Industrial Revolution more than two hundreds years ago. England was the place were Industrial Revolution began with late eighteenth century technological breakthroughs in the production of textiles, coal, and iron, and the innovation of steam engines, now world came with a new revolution that is Internet.

Figure 1. Internet users in the world by geographic regions for September 30, 2009



Source: Internet World Stats – www.internetworldstats.com, Miniwatts Marketing Group

Each specific technological breakthrough represented a quantum jump forward in production and productivity. As the general principles involved were extended to other industries, economic growth, measured

by production per person, increased and became self-sustaining. In nowadays, the Internet allows global market access for information, e-commerce, e-banking, etc.; over 1.7 billion people (see figure 1) can access the Web and reach the site of a bank with a product or service offered on the Net. Many banks are developing electronic client/ bank relationships, resulting in a remarkable increase in efficiency.

The Internet and electronic banking lead to a restructuring of organizations, new tasks and responsibilities for employees, and very different ways of operating a business. Most of these changes are invisible compared to other revolutions.

We did observe that information technology is more subtle compared to the massive physical changes of the agriculture or industrial revolution. However, we should not be misled by the lack of change in the physical environment. The electronic process has saved time and money; it has reduced errors and resulted in better customer service and higher satisfaction. Information technology has enabled companies to develop new structures and management techniques: the company in the example is a virtual manufacturer (4).

Table 1. World internet usage and population statistics for September 30, 2009

World Regions	Population (2009 Est.)	Internet Users Dec. 31, 2000	Internet Users Latest Data (sep 2009)	Growth 2000-2009 %
Africa	991,002,342	4,514,400	67,371,700	1,392.4
Asia	3,808,070,503	114,304,000	738,257,230	545.9
Europe	803,850,858	105,096,093	418,029,796	297.8
Middle East	202,687,005	3,284,800	57,425,046	1,648.2
North America	340,831,831	108,096,800	252,908,000	134.0
Latin America/Caribbean	586,662,468	18,068,919	179,031,479	890.8
Oceania / Australia	34,700,201	7,620,480	20,970,490	175.2
WORLD TOTAL	6,767,805,208	360,985,492	1,733,993,741	380.3

Source: Internet World Stats – www.internetworldstats.com, Miniwatts Marketing Group

In the technology revolution will be winners and losers, banks that will succeed and prosper and those that will fall by the edge. Some new banks will become dramatic successes, and some will fail. Traditional banks that adapt have a bright future; those who stay with their traditional business models are at great risk.

Adopting a new business model requires the organization to change. Managers have to identify critical resources and decide how to augment them so they become a system of resources for competitive advantage. Electronic banking and the Internet provide new opportunities for banks and managers willing to take advantage of them. The challenge for bankers is great; they must choose a business model for the twenty-first century, develop a competitive strategy, design an appropriate organization, and execute their strategy.

Network externalities are extremely important for a number of electronic banking initiatives. An electronic hub that matches clients and banks of equipment becomes more valuable to each client as more banks participate. The Internet is more valuable to sellers if there are more potential clients, so both groups gain as the site grows (see table 1).

The banks from Southeastern Europe and especially those that are present in Romania have shown carelessness for on-line clients, by imposing high charges for this service. It took more than 5 years for this fare to begin dropping.

In the present banks are not encouraging so many on-line clients, and they are not taking into account very serious e-commerce potential. Of course, small number of internet users it was a reason for banks not to consuming effort in this direction. Things are changing now and economic environment is very dynamic. Now, banks are trying to attract and make loyal potential consumers.

Liang in the research "Effects of electronic commerce models and industrial characteristics on firm performance" found that increased net access has encouraged firms to use web based e-commerce to expand their markets, and that e-commerce most benefits industries with high information intensity products. Industrial characteristics can affect e-commerce performance significantly and the results show that its impact on the banking industry is higher than in software, advertising, and others (9).

The Internet and electronic banking provide both opportunities and threats. There are a number of banks that have been very successful, either as start-ups or as traditional banks moving to embrace the Internet.

Globalization with its benefit and opportunities bring a new global economic interdependence. The increase of globalization is based mostly on technology and innovations.

The banks that have delayed going online face declining market share and clients confidence. Henry C. Lucas say that the threats from the Internet come in two kinds—a direct assault on your business model and missed opportunities. So, in our point of view the most important one for the business is a missed opportunities.

We can see in the table 2, what's the meaning of opportunities, just by looking at the user growth in the last 9 years. If banks ignore that and do not focus on this potential clients they will missed opportunities.

Table 2. Internet usage in Romania, Europe

EUROPE	Population (2009 Est)	Internet Users, Latest Data	User Growth (2000-2009)
Europe	803,850,858	418,029,796	297.8 %
Romania	22,215,421	7,430,000	828.8 %
Rest of World	5,963,954,350	1,315,963,945	414.3 %
TOTAL WORLD	6,767,805,208	1,733,993,741	380.3 %

Source: Internet World Stats – www.internetworldstats.com, Miniwatts Marketing Group

The prospective market from Romania has a major potential for growth if we are thinking that half the population is not yet enrolled in the banking system. This is creating big opportunities for companies offering services in that direction.

Vitality of nowadays economy is due to computers (in most part) and impervious expansion of communication. Since the introduction of electronic banking, and due to its growing convenience for most individuals, the Internet market has grown into a profitable competitive venue for the banking industry. Improving the efficiency of Internet banking is now considered to be very important to the banking industry. The EU enlargement process brings new dimensions and challenges to the e-business environment in the new member states and in the candidate countries as well (6).

Some authors make known that one path for obtaining a sustainable competitive advantage is through an interacting system of resources, at least some of which emerge as rare, valuable, inimitable, and non-

substitutable. So we can conclude that the challenge for bank's managers is clear: they must create an appropriate e-business model, articulate a strategy, and develop the management skills and organization structure to implement both the model and strategy and this is the quintessence of management in the Internet economy of this century.

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ORGANIZING AND KEEPING THE ACCOUNTS OF NON-PROFIT ORGANIZATIONS IN ROMANIA – A FEW ASPECTS

***Abstract:** The unprecedented level of development reached by society in the present has determined, among other things, the emergence of an unparalleled number of extremely diverse economic and social problems. Some of them were solved by measures taken by the existing state institutions when the problems occurred, another part were solved by creating new institutions, and most of them could not be and will not be solved by the state on the simple grounds that the state itself is their source.*

***Key words:** associations, foundations, accounting*

***JEL:** M41, K20*

For this reason a deep-rooted idea emerged over time regarding the necessary existence of certain private institutions, without lucrative purpose, to replace the incapacity of the state to deal with the previously mentioned problems. Because in order to be able to have full legal capacity, any entity must be legislated, non-profit institutions created in the most various fields have been, over time, covered by the law. In Romania, the first legislative act which regulated non-profit institutions was law no. 21 of 1925 on associations and foundations. The post communist era brought about, after more than seventy years from the publication of the first law on associations and foundations in our country, another regulatory act governing their activities, i.e. Government Ordinance no. 26 of 2000, which repealed law no. 21 of 1925. This regulation is also in force at present and creates the general framework for the activity of non-profit institutions (associations and foundations) in Romania. Political parties, trade unions and religious groups do not

operate under GO no. 26 of 2000, their activity being regulated by other legislative acts.

According to the specified legislative act, natural and legal persons who intend to carry out activities of general interest or in the interests of certain communities and, as the case may be, in their non-patrimonial personal interest can create associations or foundations.

An association is the legal entity created by three or more persons who, on the basis of an agreement, share, without being entitled to restitution, their material contribution, their knowledge and their lucrative activity, in order to accomplish activities of general interest, of community interest or, if such be the case, of their personal, non-material interest

A foundation is the legal entity created by one or more persons who, based on a legal act *inter vivo* or for cause of death, constitute the assets designed permanently and irrevocably for achieving an objective of general interest or, if such be the case, of community interest.

Both associations and foundations acquire legal personality upon registration in the “Register of associations and foundations” at the Court Registry of the territorial jurisdiction where they are located. In order to acquire legal personality, in the case of an association, its members draw up the memorandum and articles of association in authentic form or certified by a lawyer. In the case of foundations the memorandum of association must be drawn up in authentic form.

The memorandum of foundations and associations include, otherwise being subject to absolute nullity:

- a) the identification data of associate members, respectively founders: name and, if such be the case, their permanent address or headquarters;
- b) the intended purpose;
- c) the non-profit entity;
- d) the headquarters of the non-profit entity;
- e) the operating duration of the non-profit entity - for a determined, and then expressly indicating the term, or for an undetermined period of time;
- f) initial assets of the non-profit entity ;
- g) the nominal composition of the initial management, administration and control bodies of the association or rules for their appointment, in the case of foundations;
- h) the person or, where appropriate, the persons entitled to conduct the procedure for acquiring legal personality;

i) the signatures of the associated members for associations or of the founders for foundations.

The articles of association for foundations and associations include, otherwise being subject to absolute nullity:

- a) the above mentioned elements, with the exception of those under letters g) and h);
- b) the indication of the purpose and objectives of the non-profit entity (association or foundation);
- c) the categories of material resources of the non-profit entity;
- d) the tasks of the management, administration and control of the non-profit entity;
- e) destination of assets, in case of dissolution of non-profit entity;
- f) the procedure for acquiring and loss of the partner status, for associations
- g) the rights and obligations of partners for the associations
- h) the procedure for appointing and modifying the constituents of the management bodies, administration and control, for foundations.

The initial financial asset of the association, whose total value should at least equal the national minimum gross salary, at the date the association is created, consists of contributions in kind and / or in cash of the partners. If the contribution is in kind, the authentic form of the memorandum and articles of association is required. In the case of foundations, the initial financial asset should include goods in kind or in cash, whose total value must be at least 100 times the national minimum gross salary, at the date the foundation is created. As an exception, foundations whose exclusive purpose is to conduct fundraising operations to be made available to other associations or foundations, with the purpose to create the programs by the latter, may have initial financial assets totalling at least 20 times the national minimum gross wage.

Associations can establish subsidiaries or branches and the foundations subsidiaries under the provisions of GO no. 26 of 2006.

The bodies of the association are:

- a) the general assembly;
- b) the board of directors;
- c) the auditor or, where appropriate, the audit committee.

The general assembly is the management body, consisting of all partners. The general assembly has the competence to:

- a) establish the strategy and overall objectives of the association;
- b) approve the income and expenditure budget and balance sheet;

- c) elect and revoke the board members;
- d) elect and revoke the auditor and, as the case may be, audit committee members;
- e) create branches;
- f) amend the memorandum and the articles of association;
- g) dissolution and liquidation of the association, as well as to establish the destination of assets remaining after liquidation;
- h) any other duties stipulated by the law or articles of association.

The board of directors shall ensure the enforcement of the general assembly's decisions. It can include persons outside the association, within no more than a quarter of its membership. In exercising its jurisdiction, the board of directors:

- a) submits to the general assembly the activity report for the previous period, establishes the income and expenditure budget, the balance sheet, the proposed income and expenditure budget and the programs of the association;
- b) concludes legal acts in the name and on behalf of the association;
- c) approves the organization chart and staff policy of the association, if not otherwise provided by the articles of association;
- d) carries out any other duties stipulated in the articles of association or established by the general assembly.

The memorandum of association may provide for the appointment of an auditor or an audit committee. If the number of associates exceeds 15, the appointment of an auditor is required. This may be a person outside the association. If the association does not have the obligation to appoint an auditor, each of the partners who is not a member of the board of directors may exercise the right of control. For associations with more than 100 members enrolled until the last general meeting, internal financial control is exercised by an audit committee. The internal audit committee comprises an odd number of members and board members cannot be auditors. At least one of the auditors must be a certified accountant or chartered accountant. In fulfilling its duties, the auditor or, where appropriate, the audit committee shall:

- a) verify the way the association has managed its assets;
- b) prepare reports and submit them to the general assembly;
- c) may participate in board meetings, without voting rights;
- d) carry out any other duties stipulated in the articles of association or established by the general assembly.

The bodies of the foundation are:

-
- a) the board of directors;
 - b) the auditor or, where appropriate, the audit committee.

The board of directors of the foundation is the management and administrative body and ensures the achievement of its goals and objectives, exercising the following duties (which are extended compared to those exercised by the board of directors of associations, as foundations do not have general assemblies):

- a) establish the overall strategy and the programs of the foundation;
- b) approve the income and expenditure budget and balance sheet;
- c) elect and revoke the auditor or, where appropriate, the audit committee members;
- d) create branches;
- e) conclude legal acts in the name and on behalf of the foundation;
- f) establish the income and expenditure budget;
- g) approve the organization chart and the staffing strategy of the foundation;
- h) amend the articles of association;
- i) carry out any other duty stipulated by the law or articles of association.

Amending the purpose of the foundation can only be done by the founder or the majority of the founders who are alive. If none of the founders is still alive, amending the purpose of the foundation can only be done by a four-fifths vote of the board of directors. In all cases, amending the purpose of the foundation is done only if it has been totally or partially accomplished or if it can no longer be accomplished.

The audit committee consists of an odd number of members; the rules presented for the audit committee of association are also valid for foundations.

The income of associations may result from:

- a) membership fees;
- b) interests and dividends resulting from investment of available amounts, according to the law;
- c) dividends from companies established by associations or federations;
- d) income from direct economic activities;
- e) donations, sponsorships or legacies;
- f) resources obtained from the state budget or local budgets;
- g) other revenues provided by law.

The income of foundations has the same sources as those of associations, except membership fees.

Associations and foundations can establish companies and dividends obtained from them, unless reinvested in the same companies, are mandatory used for achieving the purpose of the association or foundation. Associations and foundations may carry out any direct economic activity if it has an ancillary nature and is closely related to their main purpose.

In case of dissolution of the association or foundation, assets remaining after liquidation cannot be transmitted to natural persons. These assets can be transferred to private or public legal persons having the same or similar purposes, through a procedure established in the articles of association of the foundation or association.

According to article 10 of the Accounting Law no. 82 of 1991 with amendments and additions, the responsibility to organize the accounting activity concerns the manager, credit accountant or other person who must ensure the management of that particular organization. The regulation establishing the implementing rules of the accounting law for non-profit institutions was approved by OMPF no. 1969 of 2007.

Legal persons without lucrative purpose (non-profit) have the obligation to organize the accounting activity, respectively financial accounting and, when necessary, management accounting.

Accounting is organized and carried out, usually by separate departments, managed by the chief financial officer, accounting officer or other person entitled to fulfill this position. These persons should have higher economic degrees.

Accounting can be organized and carried out based on agreements for the provision of accounting services, concluded with natural or legal persons authorized according to the law, members of the Body of Expert and Licensed Accountants of Romania.

The responsibility for the incorrect putting into practice of accounting regulations concerns the chief financial officer, accounting officer or other person entitled to have this position, together with his staff. If accounting is carried out based on agreements for the provision of accounting services concluded with natural or legal persons authorized under the law, members of the Body of Expert and Licensed Accountants of Romania, it is their responsibility for keeping the accounts, according to the law and contractual provisions.

Legal persons without lucrative purpose, who perform economic activities according to the law, are obliged to organize and keep the

accounts according to tax regulations in force, separately for non-lucrative activities and economic activities of their structure.

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THE EU CONTRIBUTION TO THE IMPLEMENTATION OF THE CONVERGENCE OBJECTIVE IN ROMANIA (2007-2013)

***Abstract:** Although the EU is the richest region in the world, however, there are significant disparities between its Member States on the GDP / inhabitant, the labour productivity and the employment. To reduce these disparities, all the Member States have taken measures in the joint regional development policy and in the economic and social cohesion policy. At the political level, the strategy document adopted by the Council says that, each member country must develop a political document called a development strategy which negotiates with the European Commission for the preparation of Sectoral and Regional Programs.*

In 2007, the European Commission approved the cohesion policy of the National Strategic Reference Framework 2007 to 2013 of Romania which establishes the European Union priorities and interventions that can help achieve the convergence objective.

The National Strategic Reference Framework 2007 - 2013 links the National Development Plan 2007 - 2013 with the Community Strategic Guidelines and the revised Lisbon Strategy.

The National Strategic Reference Framework with the National Reform Program and the Convergence Program respond to all the efforts made for achieving this convergence by defining the direction of the national action for the recruitment of European policy objectives and strategies.

Keywords: *structural funds, regional disparities, convergence, economic and social cohesion, regional competitiveness.*

JEL Classification: *O18, R11, F15*

The profound political changes which began in December 1989, especially the access to information not yet of public awareness during the

Communist regime realized the discrepancies between Romania's development model and the development model of the European Member States of the European Union. Romania's EU accession perspective led to the adoption of a new philosophy of development to ensure the organic correlation of the economic, social and environmental aspects.

The EU is currently one of the richest regions in the world, but there are wide disparities both between its different countries and within them, regarding the gross domestic product per capita, the labour productivity and the employment of labour. The instrument that explicitly addresses the disparities between the European regions and countries is the common regional policy involving the transfer of resources between the Member States through the European budget.

A regional policy objective is the economic and social cohesion in the sense that all the members of the European Union benefit from the reduction in disparities between the poorest regions and the more prosperous ones.

After the last enlargement, the European Commission has continued to simplify the management of the cohesion policy as a politically based strategy document adopted by the European Union, each EU country must prepare a policy paper on the Development Strategy to be negotiated with the European Commission, this document representing the sectoral and regional programs.

In this context, Romania has prepared, for the period 2007 – 2013, a National Development Plan which represents the document for strategic planning and financial programming and foster multi guiding economic and social development of the country in accordance with the principles of the EU cohesion policy. The plan sets the objective of reducing global swift of their socio-economic disparities between Romania and the other European Union member states. The plan treats in detail the specific objectives of the development process on six priority directions. These directions are: the increasing competitiveness and the developing the economy knowledge, the bringing to European standards of the basic infrastructure with emphasis on a sustainable development of infrastructure and vehicles by reducing environmental impact, the priority to protect and improve environmental quality providing improved life standards by providing public utility services especially the water and waste management, the risk prevention and the intervention in cases of natural disasters, the improvement and the better use of the human capital aimed to promote social inclusion and strengthen the

administrative capacity to develop modern and flexible labour markets, a rural economy and an increased productivity in the agricultural, forestry and fishing sector, containing provisions on the rational use of the land, the ecological rehabilitation of degraded or contaminated land and food safety objectives to reduce the disparities of development between regions and within them, intending to improve the administrative performance of the local public infrastructure, the national and cultural heritage protection and the integrated rural development.

Since Romania's EU accession, the European Commission approved, in July 2007, the National Strategic Reference Framework 2007 to 2013 for a priority action of the EU structural instruments in the economic and social cohesion policy, which links the priority of the National Development Plan 2007 - 2013 and the Community Strategic Guidelines on Cohesion 2007 - 2013 and the revised Lisbon Strategy.

National Strategic Reference presents Romania's economic and social situation and a Synthesis of the Sectoral Operational Programs (SOP) and the Regional Operational Program (ROP) to be implemented in order to achieve the convergence objective.

At operational level the European Commission adopted national and regional programs for each EU country. They are defined only at the aggregate level or the most important priorities were highlighted as the most important steps.

European Commission sets specific necessities of the regions and of the less developed countries around three new priorities called Community objectives: convergence, regional competitiveness and employment, namely the European territorial cooperation. The programs under the Convergence objective aim the countries and the less developed regions whose GDP / inhabitant is less than 75% of average.

In these regions, we have to work towards improving the conditions that stimulate the growth factors that lead to a real convergence.

Following the 2007 EU enlargement to 27 members, the EU average GDP / inhabitant dropped and several regions are no longer eligible for the convergence objective. In this case, the European Commission proposed a temporary support for regions in which the objective conditions have not changed and have not completed the process of convergence. These regions will be supported until 2013.

To achieve the strategic vision of the National Strategic Reference Framework 2007 - 2013 in cohesion policy, the European Commission has earmarked Romania for period 2007 - 2013 with a total of

approximately 19.67 billion euro of which 19.21 billion euros for the "Convergence"; the national co-financing is estimated at 5.35 billion at a rate of 73% from 27% of the public and private sources. For a second goal, "European territorial cooperation", there remained 0.43 billion euros. The main instruments used by the EU structural funding programs under the Convergence objective are: the European Regional Development Fund (ERDF), the European Social Fund (ESF) and the Cohesion Fund. These three structural funds are based on the following principles: the principle of concentration on the objectives, the principle of programming for several years, the principle of addition, the principle of partnership with the European countries, the local community and the local development actors. We need to make clear that the liability, the management and the destination of the structural funds are the responsibility of the European Commission.

The European Regional Development Fund's mission is to co-finance productive investment, to modernize and diversify the economic structure of the countries and the regions covered by the Convergence objective.

The courses of action are: the establishment of closer links between research institutions and development, the improvement of the access to finances and the encouraging of the new business initiatives, the expansion and the modernization of basic infrastructure such as transport networks, telecommunications and energy, water supply and facilities, environmental protection, in particular by supporting eco-industries, to rearrange disused industrial sites, preventing natural and technological risks, the use of less polluting vehicles and the use of renewable energies; consolidation of the institutional capacity of national and regional governments to use these funds.

The European Social Fund's mission is to co-finance actions such as professional training and help at work. The key areas of action are: improving quality and response capacity of existing institutions on employment, education systems and social services and insurance, increased investment in human capital to enhance education, adapting skills and access for all citizens to the labour market to adapt skills and access for all citizens on the labour market, promoting adaptation to changes by the government administrative capacity.

The Cohesion Fund was established in 1992 to help the poorest countries of the European Union to be integrated in the Single Market, particularly investing in transport infrastructure and environmental protection. This fund aims to countries whose GNP / inhabitant is less

than 90% of average. It is estimated to remain a priority the trans-European transport networks and the environmental infrastructure taking into account the necessities of the new EU countries.

The European Commission, which has responsibility for the use and the destination of the structural funds, has taken steps to reform the basic principles for improvement trying to implement the convergence objective in the Member States. Thus, the following improvements were considered necessary and urgent: encouraging a more strategic approach to programming, further decentralization of responsibility between partners present in the different countries and the regions and at the local authority level, improving efficiency and quality of programs financed by a strengthened and a more transparent partnership, by clearer and more rigorous monitoring mechanisms, a simplified management system by introducing additional transparency, differentiation and proportionality, ensuring an adequate financial management.

Most financial resources will focus on the poorest countries and regions, focusing on new member states. We believe that an effective regional development policy will spore if annual dialogue with European institutions will be held which can include reviews on the progress and the results of the national and regional programs.

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SOME ASPECTS THAT CONCERN THE ECONOMICAL-FINANCIAL LEVERS WITHIN THE FINANCIAL MECHANISM FUNCTIONALITY

Abstract: *Between the public financial resources that are meant to satisfy the general society needs, the precise modality of sampling, distributing, and control of their use within a created normative background, and the instruments with which the state interferes within the economy on different levels of the financial cash flow networks related with the general consolidated budget, there are conditional links. These links assure that the economical - financial levers are used, the objective support being offered by the public finances science. From this perspective, some important financial categories such as: taxes, public expenses, public budget, budgetary credit, state loans, social contributions etc. could be used as financial – economical levers provided that they facilitate the positive solution of some economical or social expectations.*

The goal of using the financial – economical levers is to contribute to the improvement of the performances in different activity fields which need and allow the state intervention. These are conceived and put into practice by the political decision-taking factors. The impact of their use could be a positive one if their specific functioning mechanism is well known. Some financial-economical positive effects could be obtained throughout the use of some specific financial instruments coming from the private finances field.

Key words: *financial-economical levers, taxes, public expenses, budget, credit, subsidies*

General considerations:

Within the effort of consolidating the national economy, the state appeals to a management mechanism in which a series of specific financial instruments act. These are meant to measure the need of public financial resources at central and local level, to identify their sources and

their origins, to prioritize the budgetary allotments according to budgetary credits creditors and users.

In order to stimulate the above mentioned process, in fact, in order to improve and to stimulate the budgetary process, the state uses a set of financial instruments which influence and generate effects within the economical and social process. This set of financial instruments act as financial – economical levers. The use of these instruments comes into actuality and becomes very important considering that they have a vital role in fighting the effects of the economical crises. The errors and the lack of determination of the Romanian governments, concerning the promotion of some efficient economical policies, which created a favorable environment for the extension of the economical crises, are the cause of the insufficient focus over the financial sector, of the promotion of inadequate fiscal policies and the cause of the absence of the institutional reforms in order to reduce the budgetary effort and to sustain the convergence with the aid of the economies made.

Considering a general approach, the instrument is a force which is used in order to stimulate a process, an activity or an action.

Related to the economical field, the financial – economical levers mean the use of some financial instruments that positively influence the financial and economical activities, in accordance with the established objectives throughout the promoted economical policies and throughout the implemented government programmes.

The most well known and the most important financial - economical levers come from the public finances domain, the main role being played by taxes and compulsory obligations established by the public authority. If they are used in a smart manner they can influence the economical processes with the aid of their capacity to stimulate or to inhibit.

It is based upon the positive co interest effect of the actors involved in the process of reaching the goal through financial stimulation. Secondly, it is taken into consideration the negative co interest towards the risk of accomplishing the goal. The risks can be diminished through penalizing the negative factors.

In order to accomplish the established goal by using the financial – economical levers, some requirements must be solved, requirements which refer to their belonging to the existing economical system categories or by using some new ones, such as diminishing the actions of the used instruments, in order to accomplish themselves and such as

analyzing the links existing between them and different components of the financial – economical mechanism

The negative component concerning the use of financial – economical levers

During the improvement of the economical processes, the negative aspect for using the financial – economical levers must be thoroughly analyzed. There are plenty of examples within the fiscal and budgetary practice in Romania. The implementation of the minimum tax is an obvious example of inefficiency, considering the discomfort created at the level of the economical operators, and considering the low fiscal capacity. Another example refers to the procedure of balancing the local budgets aiming to improve the local administration process.

The way it is accomplished, puts into question whether the action belongs to the financial – economical levers or it should be strictly analyzed as a discretionary budgetary process. If the budgetary rules indicated within the laws were respected, without any political influence, this aspect supposes the accomplishment of a legal framework¹, of some clear methods of distributing some public financial resources.

The procedure is based upon a mathematical pattern which supposes specific criteria (local territorial surface, the number of the locals and the financial potential of that locality, determined as a proportion between the income tax collected in the locality and the number of locals). If the procedure was respected, the process could be considered as being a normal one. Some observations could be made related to the insufficient criteria which could be improved. In reality, the distribution of financial resources to the territorial administrative units is not properly done, the issue related to the leaders' political appurtenance being a vital one. The budgetary principles are not respected, and the competition and the transparency are not encouraged within the local development process.

Types of financial – economical levers:

The specialized literature confirms that the most used financial – economical levers are related to the public finance way of distribution. With the aid of some economical categories, such as taxes, contributions, subsidies, loans, etc, some social – economical objectives are accomplished and the real economical processes are influenced. A presentation of such support instruments is realized in the following scheme:

FINANCIAL – ECONOMICAL SUPPORT INSTRUMENTS

- price
- Tariff
- Cost
- Benefit
- profitability
- exchange rate
- subsidies
- Interest
- Interest rate
- Bank rate
- fines
- penalties

- Taxes
- loans
- subsidies
- investments
- transfers
- stock exchanges
- pensions
- compensations

- Currency issuing
- Retribution systems
- Redemption systems
- Fund systems

If we believe that the support represents a force which is used in order to stimulate a process, to accomplish an action or activity, the above mentioned economical categories can be considered as being major or minor intensity financial – economical levers.

Within the market economy and especially within the budgetary process, some economical categories, such as price, tariff, cost, benefit, profitability, exchange rate, interest, interest rate, bank rate, are the result and the effect of the specific market economy laws.

The mission of the state power to appeal to financial – economical levers in order to influence the economical processes, throughout the above mentioned categories is difficult, almost impossible within a market economy where the economical laws must be seriously taken into consideration and respected. The prices are very difficult to be controlled within the public sector or private one, without appealing to other financial support instruments such as budgetary subventions.

Some comments could also be made about fines and penalties. The public power makes use of these administrative measures very often in order to discipline and determine the economical operators to respect the

financial – fiscal order. In this case, we talk about economical punishments, about appropriate and necessary inputs during the budgetary process. In this case, the fiscal fines, the interests, and the penalties applied for the miscalculation the non-declaration, the non-payment of the budgetary obligations plays the role of financial – levers. The role of the fine is the one of reducing the tax evasion.

The currency issuing is an instrument of the central bank which functions according to rules and mechanisms imposed through specific own rules.

The currency issue cannot be used as an economical lever in order to influence the monetary policy. The retribution system can be analyzed as being efficient or inefficient, the positive or negative economical effects are related to this aspect. Considering the fact that the retribution system is not based on economical issues, the negative effects are transferred in budgetary slide-slips within the budgetary process as well as within the private environment. The assumption of the responsibility for the approval of the unitary retribution² is the most relevant prove to which are added the statements of the reglementation concerning the reorganization of some agencies, institutions, and national authorities³.

The redemption used methods, can be considered as being financial – economical levers provided the accelerated, lineal or digressive redemption specific for the Romanian economy, influence the real economical processes.

The funding system can be considered as being part of the economical – financial levers, concerning that it influences the real economy, more precisely by assuring the financing of the road infrastructure, environment infrastructure, or other economical sectors that need special funds.

Taxes in the financial – economical levers

The fiscal system is defined as being the taxes asked from the contributors. This system has several functions which regard: the financing of the public expenditure, the redistribution of the primary incomes and the settlement of the economical activities or the rehabilitation of the economical unbalances.

Throughout the taxes, an individual or a corporate body which own goods or has incomes, contributes to the creation of the public finance resources needed to cover the public expenses paid from the general consolidated budget.

The second function that concerns the redistribution of the primary incomes, supposes that with the aid of the taxes, a redistribution of the incomes in order to satisfy the peoples' needs is wanted. The goal is to assure some minimum life standards for those that do not have any incomes.

Regarded from the perspective of the stabilization of the economical activities or the correction of the unbalances aimed to lead to economical efficiency, the taxes become obvious instruments of the economical policy. They can stimulate, discourage or stabilize the behavior of the tax payers and of the consumers in general and especially the behavior of the economical operators, by appealing to a financial – economical lever system, whose effects can be seen immediately or after a period of time.

If we refer to taxes as main fiscal economical levers, we have to emphasize that these become the most secure financial public resource, a way of stimulating investments, orienting the consumption, extending the external exchanges, correcting or counter-balancing some negative trends in the evolution of the economical – social processes.

The economical – financial levers that are used in order to improve de fiscal system, through creating new taxes, additional costs to the existing taxes, the growth or the reduction of the taxation rate, etc. can be used on short term, having immediate effects. This must be applied correctly and transparently.

We can conclude that the role of the taxes “acts at financial, economical and social level⁴”. The first role of the taxes acts at financial level, in order to create de necessary financial resources needed to cover the public expenses. At economical level, the taxes can influence the business environment. But, the economical – financial levers are present at social level in order to support the social or the health policies. The taxation of some products, such as cigarettes, alcohol, coffee must be interpreted as being a social or health protection policy. Other social protection measures consist of low or inexistent AVT for some services or products.

Another set of fiscal instruments are the discounts, postponements or tax sparing for the economical operators. These have the role to allow the operators to take loans, acting as factors that can compensate the evolution of the interest rates.

Loans and subventions.

Within the states based on a market economy the states have several ways of interfering in the economy⁵, such as non-reimbursable or reimbursable subventions, etc

The subventions represent a non-reimbursable transfer from the state budget to an economical operator. The size of subventions are according to the foreseen loss and which is given in a single tranche or in several tranches, according to the amount of losses, aiming to maintain the productivity of that certain company which is not able to recuperate all the costs through the selling prices.

The reimbursable subvention is considered to be an intermediary form between a subvention and a loan and it functions according to the success of the activity. If the activity is profitable, the subvention will be paid back, if not, the subvention remains a public expense.

The contribution of the state to a certain economical operation together with a private operator is seldom used.

The state bailment is given to the banks, in order for the economical agents or individuals to obtain loans. The bailment has the role to balance the risk of a bank. Throughout the financial – economical levers, the state intends to reduce the aids offered to the economical operators, by encouraging the business environment in other ways. The major request is to create a legal framework for the aids given by the state based upon precise and correct criteria, published, in order to be well-known, as for the economical operators that meet the conditions to be able to benefit from state aids in a transparent competitive system. This type of aids, are justified because the state obligates the services or goods suppliers to fix low prices related to the expenses, in order to reach social protection. This situation is present in the urban transportation sector, in agriculture, in the heating system, etc.

Even though the subventions are practiced in numerous states, there are well justified opinions that state that these subventions do not protect individuals, becoming inefficient and incorrect. These should not be given to producers that do not cover their expenses from the incomes, they should be given to the consumers. So, it is considered that appropriate prices in relation with the expenses should be fixed, and the subventions should be given to persons or economical agents that cannot cope to their level. In this way the subventions reach to those that the state wants to protect.

Even though in certain periods the subventions help the support and functioning of the public or private enterprises that are passing through a crises or have losses, the general tendency is to reduce them, because they reflect the level of the state interference in the market mechanism and does not encourage its free functioning. It could be appreciated that the subventions represent a financial instrument used by public authorities which balances the differences within the redistribution of the incomes, but their use often creates problems. The EU policies, impose strict interdictions concerning the allotment of public expenses for economical objectives and goals, these being strictly competitive issues within “de minimis” aids. But, for a change, subventions are accepted within the common agriculture policy.

The place of investments and transfers within the financial – economical levers system

At a large scale, the investment concept is the same with: allotment, placement, endowment. At a restricted scale, it represents an expense made in order to obtain valuable and long term goods.

The investment represents⁶ “the engagement of some resources in order to obtain some benefit during a long period of time” or “action that supposes the expense of some amounts of money hoping that in the future the incomes or other benefits will be greater than the invested amount”.

These issues emphasize the financial element of the investment process and its final goal, reaching financial or other types of benefits.

In order to delimitate the role of the financial – economical levers in the investment process or budgetary transfers, it must be specified that these are considered to be instruments used by the state in order to influence real economical processes. Therefore, we consider that the public investment process can be considered as being a part of the economical – financial instruments considering the fact that these influence economical sectors which need to be stimulated, such as the development of the public road infrastructure, tourism, and agriculture, etc.

Social public expenses and financial – economical levers

The social needs represent an important component of the state social policies and supposes the use of the public financial resources, in order to improve the living standards of the population.

The engagement of expenses for social – cultural activities is based upon the welfare state concept, whose principles are the following⁷:

- To ensure a minimum income

- To rise the social security for disfavored categories (elderly, ill handicapped people, orphans, unemployed etc)
- To ensure a decent life standard

The social cultural expenses represent free services or partly free which are used by the whole population or by a certain category. The importance of this budgetary effort is done in order that these expenses will contribute to the economical development of that state, to ensure social balance.

Another category of public expenses are those for social security which include the following type of expenses: pensions, allowances, aids for which the persons that receive them must fulfill some requirements. Their goal is to diminish the effects of the social risks.

The main characteristic of the actual financing system for these activities is that the funds are formed by social contributions, based on the solidarity principle. These aids, redistribute the incomes realized by the producers in favor of those who do not produce, with a negative effect over the economical growth.

As a matter a fact, not all of these expenses can be considered financial – economical levers. Such public expenses are formed, allotted and used within the budgetary process. We can though consider as being economical – financial levers the measures taken in order to stimulate this process, such as: the employment of the young graduates, the employment of the unemployed forces, professional reorientation of the unemployed, etc.

The role of the financial – economical levers aiming to support actions that contribute to the economical crisis surpass.

The role of the economical – financial levers can be fully proved in the effort of surpassing the economical crises. The analyzed methods are meant to search for solutions in order to reduce the budgetary expenses and in order to stimulate the fiscal system for the rise of the budgetary income collection rate.

The growth of taxes during economical crises is difficult and it is not recommended. Some analysts consider that the AVT has an inflationist effect as any other tax rise, except the income tax, which will lead to tax evasion (8% from the GDP).

Another possibility consists of the progressive taxation, for example based on taxing levels and offering deductions in order to distribute the fiscal burden.

In order to increase the tax collection there could be implemented some programs dealing with the spread of debts over a longer period of time for the contributors which propose strict payment charts and reorganization plans. This measure was used during the years 2002 – 2003 with the aid of a specialized programme through which over 1000 companies have promised to pay the current debts in the same time with the registered arrears. The implemented programme led to the increase of the budgetary collections and the decrease of the budgetary deficit at almost 1% of the GDP in the year 2004. The programme was abandoned once the negotiations with the EU started.

Even if the fiscal facilities are thought to affect in a negative way the market and to reduce the budgetary incomes, through a strict distribution over a longer period of time of the budgetary obligations, the possibility to foresee the budgetary incomes is improved.

The acting power of the financial – economical levers through promoting some fiscal inputs, can be oriented towards some economical sectors which bring some added value, create working places, and automatically assure social protection. Such sectors are: the construction field or the agriculture. The agriculture can be stimulated by offering subventions for the surface of the worked land or for the number of animals. Offering some state bailment or subventioned interest for the construction of greenhouse can be efficient. These could make the Romanian market less dependent on fruit and vegetable imports and it would have positive effects over the external balance. The agriculture is a sector which in 2008 contributed to the economical growth and is a field that is going to develop.

No taxing of the reinvested profit is the key solution. On long term it can create unbalances, but on short term it can bring benefits.

The safe source for the rise of the budgetary incomes remains the income absorption by reducing the fiscal evasion. This is an important financing source for the anti-crisis program, Romania is the EU country with the highest fiscal evasion level, with a percentage of 21%, the average of the EU being 8% - 10%.

Conclusions:

The economical – financial instruments have an important role in the economical mechanism and act as modern economical management methods. The efficient use of the economical – financial levers ask for the use of some administrative methods. Some financial forecasts, programs

and plans have to be realized, in order to find out how fast, difficult and with what results is the economy developing, and also which are the sectors that need help. A financial control is needed over the way of conservation, administration and management of the state assets and money, over the modality of tax and tariff establishment by the state, over the way of punishing the tax evasion.

The use of the economical – financial levers is a political decision handled by the leaders. In order to improve their use, efficiency is needed as well as consequence and all the process must be characterized by transparency, predictability for the users.

The role and the importance of the economical – financial levers, must be analyzed according to the intensity of the effects. The field that they act in, can be an economical one, financial, fiscal, budgetary, social or cultural one. The individualization of the economical – financial levers, comes from the authority that has promotion abilities, according to the evolution of the institutional framework and to the functioning mechanisms of the market economy.

It must be specified that the efficiency of an economical – financial instrument depends on the moment when it is applied. The beginning of the economical crises at the end of 2009, in the same time as the formation of the new parliament, was the right moment to apply some corrections to the 2009 budget, but the moment was missed by the government invested by the parliament.

Notes

1. ***, Law nr.273-2006 regarding local public finances
2. ***, Law nr. 330 from 5 november 2009
3. ***, Law nr. 329/2009.
4. Brezeanu P., Marinescu I., “Public finances and fiscality”, Editura Fundației “România de Mâine”, București, 1998, p. 44
5. Nicolae Grigorie, Mariana Cristina Cioponea, - “Public finances and fiscality”, Editura Fundației România de Mâine, București 2004, pag. 104
6. Nicolae Grigorie, Mariana Cristina Cioponea, - Public finances and fiscality, Editura Fundației România de Mâine, București 2004, pag. 105
7. Nicolae Grigorie, Mariana Cristina Cioponea, - Public finances and fiscality, Editura Fundației România de Mâine, București 2004, pag. 105

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6. Stancu Ion - *Finances* Editia a IV –a, Editura Economică, București, 2007 ;
7. The local public administration law nr. 215 din 23 aprilie 2001
8. The local public finances law nr. 273 din 2006

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LE RISQUE DE DESTRUCTION DE LA COUCHE D'OZONE

Resumé: *L'ozone est une molécule simple, constituée de trois atomes d'oxygène - O₃. Avec le peroxyde d'hydrogène H₂O₂ (l'eau oxygénée) et du radical •OH, il représente la catégorie des plus puissants oxydants atmosphériques. Avec les oxydes d'azote, le formaldéhyde, l'acide sulfurique, les nitrates et le peroxyde-acétyle, l'ozone constitue une des plus toxiques combinaisons, connues sous le nom de brouillard oxydant ou le smog photochimique, consigné pour la première fois dans la ville de Los Angeles, raison pour laquelle elle s'appelle aussi le smog L.A. La concentration maximale de l'ozone est rencontrée dans la stratosphère, à une hauteur de 40-55 km, dans la zone de l'équateur et à 25 km, dans la zone des pôles, et a le nom d'« ozonosphère ».*

Mots clé: *la destruction de la couche d'ozone, effets (conséquences), solutions et alternatives*

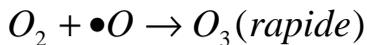
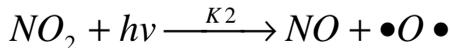
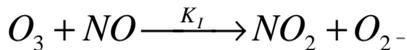
1.L'ozone et son rôle dans l'atmosphère

Le rôle de « couche d'ozone » est essentiel pour la préservation de la vie sur Terre, fonctionnant comme couche filtrante pour les rayons ultraviolets (UV) venus du Soleil, qu'elle absorbe et transforme en chaleur. De ceux-ci, les plus dangereux pour la vie sont les ultraviolets β (UVB), qui ont une grande longueur d'onde, comprise entre 240-300 nanomètres.

Dans la stratosphère, l'ozone se forme comme un produit d'absorption des radiations ultraviolettes par l'oxygène, et dans la troposphère, il arrive par diffusion et mouvements de l'air, auxquels on ajoute les décharges électriques qui engendrent des atomes libres, capables de faire union avec une molécule d'oxygène pour former O₃.

La vitesse de la réaction de décomposition de l'ozone dépend de la concentration des réactants, alors que sa réaction de réformation dépend de l'intensité de la lumière, respectivement elle sera plus intense le jour

que la nuit, raison pour laquelle la concentration d’ozone est plus grande pendant le jour. L’ozone réagit avec l’oxyde d’azote, formant le dioxyde d’azote, en conformité avec les équations ci-dessous:



2. L’état actuel de la couche d’ozone

En 1985, les hommes de science qui effectuaient des études sur l’Antarctique ont découvert un «trou» dans la couche d’ozone. Pour l’année 2001, une réduction de 50-60% de l’épaisseur de la couche d’ozone a été envisagée, pour une surface de 28 mil. km² (voir fig. no. 1.). Ce trou représente une zone où la concentration d’ozone est plus réduite que celle

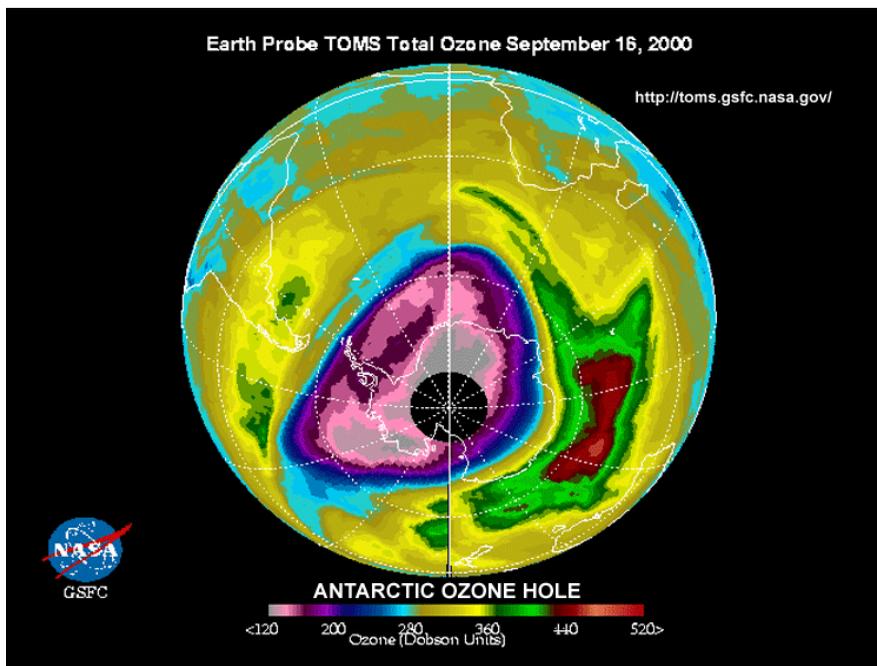


Fig. no.1. La destruction de la couche d’ozone au Pôle Sud (source : <http://toms.gsfc.nasa.gov/>)

normale, étant appréciée une réduction de 40% de l’épaisseur de la couche

d'ozone. Le phénomène a été identifié aussi sur l'archipel Spitzbergen de l'Océan Arctique et sur le nord et le nord-est du Canada, au-dessus de Groenland, de l'Atlantique du nord, de la Russie et de la presqu'île Scandinave (voir fig. no. 2).

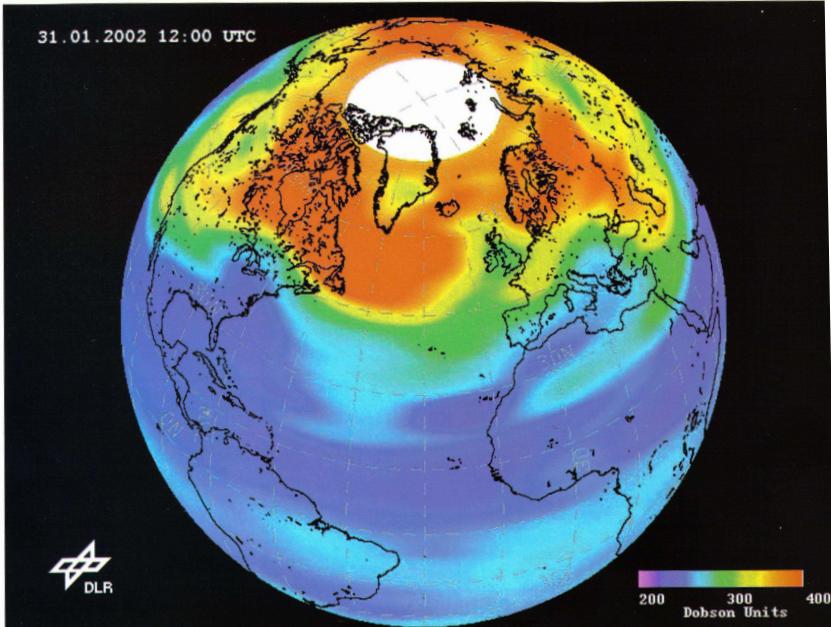


Fig.no.2. Le niveau bas d'ozone en 29 janvier 2002 (source : ESA, European Space Agency, 2005, cité par Bălteanu et Șerban, 2005)

Le trou d'ozone sur l'Antarctique est beaucoup plus prononcé que celui sur l'Océan Arctique, dû au grand gradient de température entre l'océan et la calotte de glace antarctique (surtout pendant l'hiver austral). Ainsi, il se crée un courant tourbillonnaire (Vortex), qui se déploie jusque dans la stratosphère (ozonosphère), l'air chaud montant sur le contour (l'extérieur) de la calotte et l'air froid descendant dans l'extérieur. L'ozone de la stratosphère est véhiculé ainsi vers le bas, vers la troposphère, où il entre dans les réactions d'oxydation connues. Durant l'hiver, l'ozone ne peut plus se régénérer, l'ozonosphère des deux pôles étant dans le noir (sans lumière solaire, qui contribue à la formation des molécules d'ozone).

Au-dessus du Pôle du Nord, le gradient de température est incomparablement plus réduit que celui d'Antarctique. Ici, il manque un vortex de l'ampleur de celui du Pôle du Sud, raison pour laquelle l'amincissement de la couche d'ozone est plus réduit.

3. Les substances chimiques qui détruisent la couche d'ozone.

En 1974, deux chercheurs américains ont découvert que les substances chimiques appelées chlorofluorocarbones (CFC), peuvent détruire la molécule d'ozone. Dorénavant, les spécialistes ont démontré que les CFC et d'autres substances chimiques, tel les halons, détruisaient la couche d'ozone de la Terre, ayant des conséquences très graves la vie.

Les *chlorofluorocarbones* ont été produits pour la première fois en 1900. À partir de 1930, ces composés chimiques ont été fabriqués à échelle industrielle en tant qu'agents de refroidissement. On a trouvé d'autres applications des CFC, parmi lesquelles: le nettoyage des matériaux plastiques, des métaux et des composantes électroniques, comme propulseurs dans les sprays, agents d'écumage pour écumes industrielles et polyuréthanes. Leurs avantages sont incontestables: elles ne sont pas toxiques pour les gens, ne sont pas inflammables, sont stables chimiquement, légèrement solubles et ont un prix bas de production. Ainsi, on en est arrivé à une production de 1.209 millions de tonnes de CFC en 1986, suivie par une réduction significative du CFC (voir fig.no.3).

Les chlorofluorocarbones (CFC) ont été considérés comme des substances chimiques parfaites dû aussi à des avantages tels : possibilités faciles d'entreposage, ils n'entrent pas en réaction avec d'autres substances, ils ne sont pas corrosifs et n'ont pas d'odeur.

Les CFC utilisés comme agents de refroidissement dans les congélateurs, réfrigérateurs, appareils d'air conditionné et pompes thermiques, représentent 25% de la consommation globale de CFC (Duma, 2006).

Plus de 25-30% de la consommation globale CFC est liée à la production d'écumes et éponges, l'industrie utilisant ces substances pour réaliser des semelles pour les chaussures, les éponges pour les chaises et salle de bain, isolations pour les réfrigérateurs et emballages.

Les CFC qui se trouvent dans les aérosols représentent 27% du total de chlorofluorocarbones utilisés dans le monde.

Le chlorofluorocarbone 113 est utilisé comme solvant pour le nettoyage des circuits électroniques, des instruments de précision, des

métaux et des vêtements et représente 16% de la consommation totale de CFC (Niac et Naşcu, 1998).

Les CFC qui arrivent dans l'atmosphère, étant très stables et inertes de point de vue chimique, ne se détruisent pas dans la troposphère, comme il arrive à d'autres substances (surtout organiques). De la sorte, les molécules de CFC arrivent dans la stratosphère, où les rayons UV à courte longueur d'onde les décomposent, libérant les atomes de chlore.

L'atome de chlore (Cl●) est très agressif chimiquement et il est responsable pour le détachement de la molécule d'ozone. Celui-ci reste dans l'atmosphère une longue période (100-500 ans), pendant lesquels il détruit plus de 100.000 de molécules d'ozone (Duma, 2006).

Les CFC ne sont pas les seules substances qui détruisent la couche d'ozone, mais l'attention se dirige surtout sur eux grâce à leur potentiel élevé de destruction de l'ozone et à la longue durée d'existence des molécules de CFC. D'autres substances chimiques qui produisent la destruction de la couche d'ozone sont les chlorofluorocarbones halogénés et les halons.

Les chlorofluorocarbones halogénés (HCFC) sont apparentés avec les CFC et contribuent eux aussi à la destruction de la couche d'ozone, mais aussi à l'effet de serre (l'échauffement global) (Duma, 2006).

Les halons - sont des substances chimiques entièrement halogénées, qui ont une période d'existence relativement longue. Par leur détachement dans la stratosphère, on libère des atomes de brome, qui sont 10 à 100 fois plus agressifs que le chlore en ce qui concerne l'effet destructif sur la molécule d'ozone.

À part les halons, qui sont utilisés dans les systèmes de refroidissement des réfrigérateurs, une autre source de brome est le bromure de méthyle, utilisée comme pesticide. Les extincteurs utilisent eux aussi des halons, en retrouvant ici 7% de la production mondiale de substances halogénées (Niac et Naşcu, 1998).

À la destruction de la couche d'ozone peuvent contribuer aussi *les engrais chimiques azotés*, l'oxyde d'azote émis par les avions qui volent dans la stratosphère et *les éruptions volcaniques*, le phénomène étant observé au-dessus des îles Philippines et a été mis sur le compte des émissions de chlorures de carbone résultées suite à l'éruption du volcan Pinatubo en 1991 (Duma, 2006).

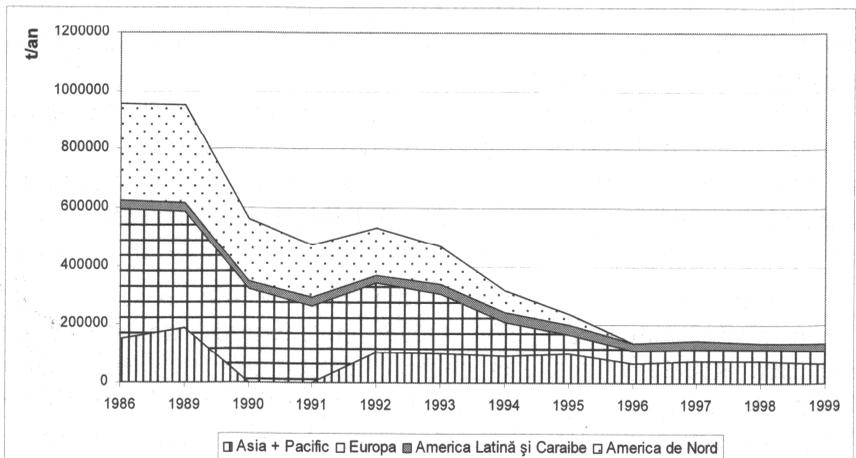
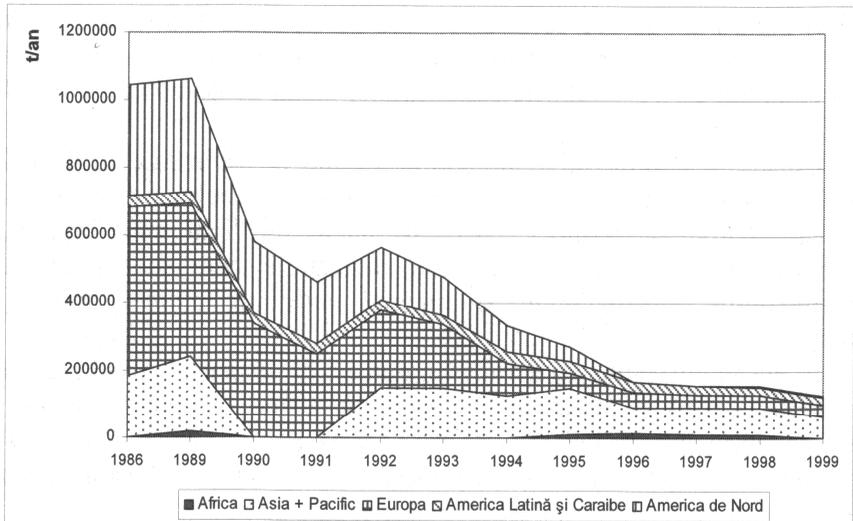


Fig. no. 3. La consommation et la production (tonne/an) de chlorofluorocarbones au niveau régional en 1986 et 1989-1999 (Source : Le Programme des Nations Unies pour l'Environnement, UNEP, 2002 (graphique après Bălțeanu et Serban, 2005))

4. La destruction de la couche d’ozone

La destruction de l’ozone est un processus extrêmement complexe. Les CFC et les autres substances dangereuses pour la couche d’ozone échappent des systèmes de refroidissement des réfrigérateurs, des congélateurs et des appareils d’air conditionné sorties d’usage, des sprays qui utilisent comme propulseur le fréon, des processus de fabrication des écumes industrielles et des processus de nettoyage des circuits électronique, des métaux, etc. Une fois échappées, elles montent dans les couches supérieures de l’atmosphère.

Les molécules de CFC si de halons arrivées dans la stratosphère sont attaquées par les rayons ultraviolets solaires (fig. 1a), libérant un atome de chlore, ou brome conformément à la réaction:

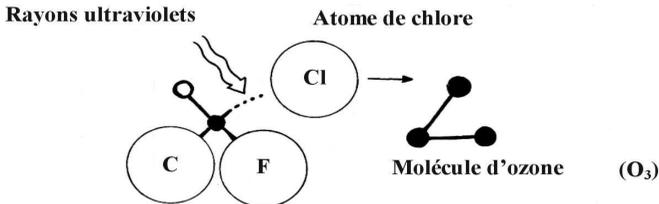
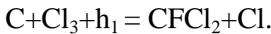


Fig. 1a. La destruction de la molécule de chlorofluorocarbène (source : Duma, 2006)

Le chlore libéré s’attache bientôt à une molécule d’ozone, se liant à un de ses atomes d’oxygène - qu’il (fig. 1b), laissant derrière lui une molécule ordinaire d’oxygène, en conformité à la réaction catalectique :

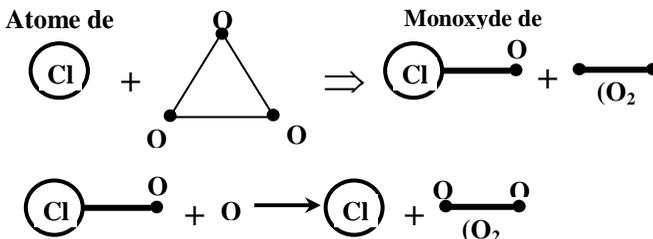
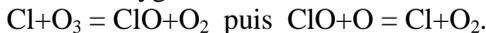


Fig. 1b. Le détachement du monoxyde de chlore avec la libération de chlore et la formation de nouvelles molécules d’oxygène (source : Duma, 2006)

Le composé chlore-oxygène (monoxyde de chlore) est instable chimiquement et se détache rapidement.

L'atome d'oxygène libre s'attache à un autre atome d'oxygène libre, formant une molécule d'oxygène (O_2). Ainsi, de deux molécules d'ozone se forment trois molécules d'oxygène, deux résultées du détachement d'un atome d'oxygène de la molécule d'ozone et une résultée par l'attachement des deux atomes d'oxygène. (fig. 1c).

L'atome de chlore resté libre s'attache à d'autres molécules d'ozone, continuant le processus de destruction pendant une période supérieure à 100 ans, parfois même jusqu'à 500 ans dans le cas du CFC 115, qui est utilisé comme agent réfrigérateur dans les grands congélateurs de l'industrie de la viande, des bateaux de pêche, ou des grands magasins alimentaires (Duma, 2006).

Le chlore réagit comme un catalyseur, respectivement comme une substance qui provoque des réactions chimiques, sans subir lui-même un changement.

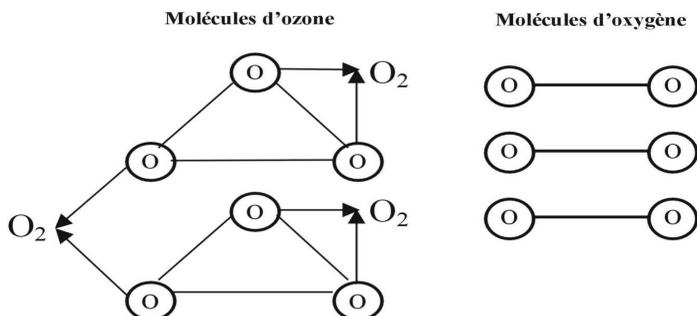


Fig. 1c. La formation des molécules d'oxygène à partir des molécules d'ozone (source : Duma, 2006)

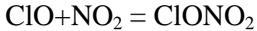
Un aspect particulièrement important, et inquiétant en même temps, est représenté par le fait que les CFC ont besoin de 15 ans pour arriver à la couche d'ozone. Ainsi, au niveau de l'an 2001, on remarquera dans la stratosphère les CFC produits au niveau de l'an 1986, quand la production a été très grande.

L'amincissement de la couche d'ozone apparaît au moment où la concentration des atomes de chlore dépasse 1,5-2 parties par milliard.

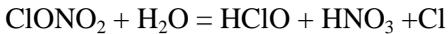
Un rôle important dans la destruction de la couche d'ozone ont les nuages stratosphériques situés à une altitude de 25/30 km, altitude où se trouve aussi la couche d'ozone. Ces nuages se sont formés par la

cristallisation des molécules d'eau autour des centres de condensation, représentés par HNO_3 en suspension. Les nuages stratosphériques se forment dans des conditions de température basse (-85°C) et de pression, aussi, très réduite (environ 5 mb).

On a observé qu'une partie du ClO libéré par la destruction de la molécule d'ozone était stockée dans le nitrate de chlore résulté de la réaction:



Dans cette combinaison, le chlore est inoffensif pour l'ozone. Mais, dans les cas où les molécules de ClONO_2 rencontrent les nuages stratosphériques, formés en cristaux de glace, la réaction chimique suivante a lieu:



Le chlore libéré se constitue en quantité supplémentaire de destruction de l'ozone stratosphérique. Ce phénomène est plus accentué au pôle sud, où la température moyenne est plus basse qu'en Arctique (Duma, 2006).

5. Les Conséquences de la destruction de la couche d'ozone

L'augmentation du niveau de rations UVB produirait des conséquences désastreuses sur toute forme de vie de la Terre, y compris sur les gens, telles que:

brûlures graves dans les zones exposées au Soleil;

baisse de l'activité et, implicitement, de l'efficacité du système immunitaire, qui a comme résultat une augmentation significative du pourcentage d'infections et cancer de la peau (mélanome); pour chaque diminution de 1% de l'ozone de la stratosphère, on enregistrera annuellement, au niveau mondial, entre 60.000 - 500.000 plus de cas de cancer de la peau;

l'augmentation du pourcentage de cataractes et aveuglements;

baisse de l'efficacité des programmes de vaccination, surtout chez les enfants (Duma, 2006).

L'augmentation de la concentration de rayons UVB provoque la diminution des dimensions des feuilles à des plantes telles : le haricot, le chou, le soja, qui deviennent plus vulnérables aux agents nuisibles et aux maladies. Ainsi, la baisse des productions agricoles aurait des conséquences plus que négatives sur la quantité de nourriture, surtout dans

les pays du tiers monde et dans les pays ayant une population nombreuse, tels la Chine et l'Inde.

Les effets négatifs sur la vie marine se concentrent surtout sur le plancton. Ainsi, une série de plantes et animaux microscopiques, qui vivent en suspension près de la surface de l'eau, vont se réduire numériquement, respectivement quantitativement. Les animaux qui se nourrissent de plancton baisseront en nombre eux aussi, dû à la disparition des ressources trophiques. Les prédateurs réduiraient eux aussi leur nombre, dû à la même cause. L'homme serait affecté tout d'abord, par le fait que la quantité de poisson comestible baisserait et les poissons restés auront toutes sortes de maladies plus ou moins dangereuses, qui, même si elles ne produisaient pas leur mort, raccourciraient leur durée de vie.

Chaque baisse de 1% de la concentration d'ozone de la stratosphère signifie une augmentation de 2% de la quantité de rayons UVB dans l'atmosphère, ce qui cause un pourcentage plus élevé de 3 à 5% des cancers de peau, des cataractes et une baisse de l'efficacité du système immunitaire (Duma, 2006).

Les substances chimiques qui détruisent la couche d'ozone sont responsables aussi pour 20% du total du processus d'échauffement global (l'effet de serre).

La superficie actuelle qui a été détruite de la couche d'ozone de la zone de l'Antarctique, dépasse 4 fois le territoire de l'Amérique du Nord. La ville de Punta Arenas du sud de l'État de Chili, à plus de 115.000 habitants, située sous le cône de projection de ce trou dans la couche d'ozone, enregistre des dosages des radiations β (UVB) de plus 1000 fois supérieurs au normal, spécialement les jours ensoleillés. Les brûlures de peau sont aussi fréquentes, qu'elles sont devenues « une normalité » et les cancers de peau ont proliféré de façon alarmante. Les animaux sont affectés par l'aveuglement, surtout les moutons, les lamas et les lièvres, qui sont devenus aussi myopes, que les chasseurs n'utilisent plus d'armes, « il suffit de se pencher pour les attraper par les oreilles » (Sciences et Vie, 1992).

Bien sûr que la destruction d'une grande partie de la couche d'ozone produirait une vraie catastrophe écologique. Effectivement, le biot de la Terre serait brûlé comme un poulet au rôti et son recouvrement serait impossible au temps historique.

L'ozone, si utile dans les couches supérieures de l'atmosphère, est dangereux lorsqu'il apparaît en grandes concentrations dans la troposphère, étant une composante du smog photochimique.

6. Solutions et alternatives

La destruction de la couche d'ozone se réduirait par l'arrêt de la production et de la consommation de chlorofluorocarbones. Bien sûr que, pour ceci, il doit exister des alternatives, dont on mentionne :

Pour les systèmes de refroidissement - le mélange propane / butane qui est utilisé dans les nouveaux modèles de réfrigérateurs *Greenfreeze* produits en Allemagne.

Pour les solvants - eaux non-ionisées, de la glace, nettoyage demi-sec, lavage à froid avec la scission des bulles d'air, gazes sous pression - ceux-ci étant des alternatives aussi pour les processus de nettoyage des systèmes électroniques utilisés pour la production d'ordinateurs.

Pour les aérosols - pulvérisateurs mécaniques, non-spray, gazes sous pression et inhalateurs de poudre sèche pour utilisation médicale, avec la mention que l'utilisation des aérosols dans les sprays a été arrêtée dans tout le monde, à l'exception des pays de l'Europe Centrale et de l'Est et, bien sûr, dans le tiers monde.

Pour les extincteurs - l'utilisation des mélanges de gazes inertes tel azote / argon ou dioxyde de carbone / azote / argon, qui peuvent remplacer les halons.

Pour les écumes et les éponges - dans ce cas il se pose le problème si l'utilisation des écumes, des isolations et des éponges est nécessaire vraiment; dans le cas où elle est absolument nécessaire, on peut les remplacer avec des fibres de verre, papier ou carton.

Pour les agents d'écumage: dioxyde de carbone, monoxyde de carbone, eau et pentane.

Une autre solution existe déjà, c'est la récupération et le recyclage ou la réutilisation des CFC des réfrigérateurs sortis d'usage, qui mènerait à la baisse de la production de CFC (Duma, 2006).

La destruction de la couche d'ozone et l'échauffement global « offre » à l'humanité une des plus sombres perspectives. Par leurs effets cumulatifs, le bios de la Terre subira des changements qui peuvent être dramatiques pour la société, changements qui dirigeront le géosystème sur des « coordonnées » difficiles à prévoir, n'étant pas exclue une possible catastrophe écologique.

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A CYBERNETICS APPROACH FOR THE DECISION MAKING INTO THE EDUCATIONAL SYSTEM

Abstract: *The national system of education shall solve one of the most difficult and most important social and human issues – the education and training of the young generation, of the labour hand. The system of education appears as a subsystem of the national educational system and of the society. That is why it appears the urgency of the artificial unrestriction of the university educational subsystem by the economy system. Economy’s vision of the university’s education subsystem must respond in these conditions to the following questions: What services and under what form should give the university at a time? Who should provide these services? What methods and strategies will be addressed and who will be the beneficiaries of these services?*

Key words: *educational system, cybernetic structure, decision making*

1. Introduction

The development of education, in general, and of educational system, in particular, have led to the appearance, in each country, a series of institutions of education of different levels, shapes and forms, which form the national system of education of that country (Dima Ioan Constantin (coord.), Mihăescu Diana s.a, 2006), *system designed, organized and operating under the general principles of general educational principles with organizational character, and others with legal character* (Cristea, S., 1996).

2. The representation of educational system

Thus, the university national system of education in Romania analyzed from the cybernetics perspective (Figure 1) is a *subsystem of the global economic and social system* (Dima Ioan Constantin (coord.), Mihăescu Diana ș.a, 2007), which presents on the one hand the

requirements of contemporary economic and social education on the younger generation, the training of the and labour hand and specialists and on the other hand - the purpose, recovery and efficiency of institutions of education and, materialization in its specific product - trained people, labour force, professionals able to integrate themselves efficient and creative spirit in the economic and social activities. Always between the *entry and exit flows* act over a *loop of adjustment and optimization*, called *reverse connection* (feedback), which is characterized by dynamism and openness to new, developing and acting in accordance with the economic and social requirements, according to the scientific, cultural and technical progress, with the Romanian people's aspirations, in terms of civil society and the democratic state.

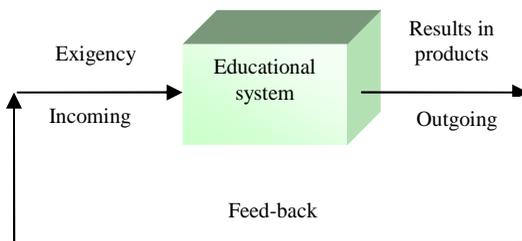


Figure 1 The cybernetic representation of the education system

As a subsystem of the *educational system*, the contemporary **educational system from the cybernetic perspective**, has few *defining characteristics* (Constantinescu C., Cristea S., 1998):

- it is an *opened system influenced by the global social and economic system and by the other social subsystems* (politic, cultural, social) under the organizational aspect, the circulated contents and the used methods;
- it has a *global character* because it engages the assembly of the school organizations;
- it has a *teleological character*, oriented toward reaching some finality on long and medium term;
- it has a *self-controlling character*, it analyzes all the time its own results, under which implement alternative strategies to achieve their educational purpose.

Inside the educational system are united specialised institutions involved in the process of academic training, research and culture, responsible to realise in an organised, planned and methodical way the educational desiderates, high level institutions which are organised and function correlated, following some principles, in order to realise some educational finalities, specific for a historical era. *The design and the realisation of the educational functions* through specific contents and methods, organised formal and informal are realised according to some general educational principles and correlated with the degree of the society's economic, social and political development.

In the post-modern vision, *the educational system* contains the assembly of the institutions which participate to the organization of the "school's architecture", the general development of the studies on cycles, majors etc. From this perspective the educational system it is an ***open cybernetic system*** including besides the academic institutions with a *formal* character and specialised institutions in the informal training, like *professional training centres, clubs, camps, tv and radio programs*, on one hand and on the other hand various social agents with which the university establishes relationships based on contracts - for organizations, professional schools, church -, or consensual - for family, local community. (Cristea C. Gabriela, 2002).

3. Characteristics and subsystems of educational system

The analyses of the education system, in a limited sense, creates the methodological premise necessary for correct definition of its main cybernetic subsystem – educational process- where take place: *training*, base activity, designed and directed by the teachers and *learning*, realised by the student as an effect of the training.

The educational system (Dima Ioan Constantin (coord.), Mihăescu Diana, 2006) as a cybernetic system it is characterised through a high *complexity*, its structural elements being more numerous then the one mentioned frequently when is about the *education system's structure* (Cristea M., 1994):

- ***the elements of command and control:*** principles and values used as reference criteria in various appreciations and decisions; educational politics which are finalised in priorities and strategic options; objectives at the system's level, training cycles, study years and disciplines; curriculum, inclusive the procedures of current

appreciation and examination; legislation, settlement including the one of authorization or institutional accreditation;

- **structural elements:** the segmentation on cycles and training forms;
- **resources:** the human resources (teachers, pre school and scholar population, managers and administrators at different levels and its characteristics – repartition on age and sex groups, professional competences and cognitive abilities, motivation etc.); material infrastructure (buildings, facilities, educational means etc.); financial resources.

The most important **factors** with a significant effect over the educational system are:

- intellectual elements of the university's educational offer, attached to the training process (curriculum, plans and training programs, majors and academic training profiles);
- financial management of the training processes at the university level;
- the human resources trained in the educational process (the number of the teaching staff, personal implied in the teaching activity, management ability for leading the academic process);
- the institutional and organizational frame at the level of the academic institutions;
- the material base of technical, informational and communicational endowment at the academic level.

The educational system can be analysed from the point of view of the *external interaction* having in view the fact that *out of the cybernetic system's properties it is known that any other cybernetic system it is opened, therefore interacts with the exterior through entrances and exists*. If there are analysed **the reports** between the *educational system* and the exterior world, in general, can be used a relatively simple **pattern**, which emphasised the *entrances* at the level of goods and services, the academic human resources and *the system's exits* at the graduates level, the specialised labour force on a certain field of activity.

Because of the fact that the educational system can be analysed as a subsystem of the global social and economic system, the organization, the content and the principles which stay at the base are determined by other economic and social systems characteristics (Marinescu Cosmin, 2001). The educational system can influence other systems. **The economic system** offer a pragmatic justification of the educational subsystem, and the educational system having in view the economic state can propose itself either to *answer to some economic and*

social needs of the moment, either to meet the needs of the educated one, or to prepare the necessary labour force for new types of activities and economic products which are expected to predominate in the future. For example the economic and social processes which can be defined for the *industrial economic revolution* (computerized the production processes, to transform the science into production factor) ask for the development of some superior human qualities, based on a high system of personal values, necessary for compensating the impersonal nature of technology, what implies the conception of some *educational system* which can prepare and to offer the opening toward the forms of *permanent education* (Baron T., Baron C., 2000).

At its turn *the politic subsystem*, through dominant ideology, influence the *value's principles of selection* which can be transmitted through the academic education: an *doctrinaire* educational system, preoccupied only by the transmission of some doctrines, an militant educational system, beside the doctrine, can be transmitted a number of essential values, an educational system directed through essential values of humanities or *nondirective* based on persuasion, without the intention of imposing something. The politic subsystem influence equally, the *population's access at different levels of education* (limited, free, through various contests) of *the access to decision making regarding the educational system*, as well as the participants to the decision making and to the levels of taking a decision (national, regional, institutional).

The cultural subsystem offer the philosophical justification of the cultural opening toward an *differentiated education having in view the skills* or an educational system leveller, having in view the force with which are imposed in society the conceptions regarding the need of a *leveller education, democratic or aristocratic*, or the prestige that have some scholar cultures conceptions: eclectic culture (“only what it is more profound and better”), the open culture (“everything that it is made by the man in the society”) or the necessity of a selective culture, produced by cultural elite.

Social system (the state, territorial communities) influence the orientation and the functioning of the educational system through multiple *mechanisms of regulation of the reports between the state and educational system* (Șerban Iosifescu (coord.), 2001): normative regulations (laws, governmental decrees ministerial decisions, regional agreements); institutional mechanisms of organising and administration of the educational system at national level, regional, local and institutional

(ministerial organisms, school inspectorates, administration boards etc.); financial mechanisms (budgetary allocations, financial control etc.); control mechanisms through objectives and results (the evaluation of the academic institutions based on the obtained performances); the market mechanisms (the introduction of the competition's mechanisms and the fulfilment of some efficiency criteria, especially for the educational system institutions).

The natural and demographic subsystem influences the size and the compositions of the *student's flux which enter in the system*, but the extension or the retraction of the school network, of the academic staff having in view the birth rate, age weight etc. The demographic drop in the Romanian rural communities, as a follow up of the birth rate's drop and the young population's migration to the urban environment was strong, was dramatic diminished or disappeared completely of the school population. In some villages there are no more students, and the schools are left. In other villages the number of students is small being a big problem regarding the profitability of maintaining some schools (Mihăilescu I., 2003).

4. Conclusions

The educational systems are differentiated between them by the institutional openness, some of the being rigid (allowing only a limited access to an initial education), other are supple, in the sense that they allow a permanent education and a continuous training, valuing the other informal educative influences and non formal which people receive from the society meant to satisfy the demand of the population's training, trying to correlate the training offer with the labour market's needs. The institutions which answer to the need of the population's education are numerous, but there is a lack of flexibility having in view the training offer.

The analyses of the educational system supposes not only the component elements and the existent relationships between its structure, its internal process, as well as the connections which they develop with a economic, cultural and social environment in which it is integrated.

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STUDY REGARDING INTEGRATION OF NATURAL DISADVANTAGED AGRICULTURAL AREAS IN ECONOMIC CYCLE

***Abstract:** The agriculture potential output is influenced by several factors. Some of them are general, centered on economic and financial leverages; others are more specific, focusing on natural disasters vector results. Yet all of them can generate local microclimate and environmental changes that reflect on economical dimension of agricultural exploitations or areas. Our study is based on analysis, synthesis and data processing from specific areas of Bacău County and aims to provide social rehabilitation and economical integration support decision suggestions.*

***Key words:** disadvantaged areas, rational exploitation, ecological products, anti-erosion measures, cultivation specific system.*

***JEL classifications:** R14, Q15, Q56, Q57*

Introduction

Since 2008, many localities from Bacău County were declared disadvantaged areas, with specific natural conditions. They are also located in the basin Drobeta / Pojorâta and Motoșeni and Stănișești. Here are the necessary rehabilitation works (areas affected by natural disasters) and reconstruction of natural capital (damaged areas).

The relation between regional development and environment has than fundamental aims to creating on long-term harmony between it and the socio-economic processes. Thus, the decision makers of economic field must take responsibility for the consequences on the environment. The future of area study is bound to preserve soil fertility, and interests

present and future generations should be oriented towards the adoption of technologies needed to achieve a healthy food.

Material and method of working

In the perimeter of Basin Drobotfor - Pojorâta were analyzed demographic and natural aspects, production, management (based on statistical data of the territory, using questionnaires) and were quantified influences with the help of specific indicators of this field.

In terms of number of inhabitants, settlements in the area of analysis have between 4000 and 5000 persons are considered, the sociological perspective, medium-sized. It was found that the population, compared to 1989, decreased a little. The person employed in the active economy is approx. 65% (of which 13.5% working in out of locality) and agricultural activity in 85% of working population (can do manual work hoeing, weeding, mowing and harvesting, but the shepherd). Among those active persons, in the last period, went to work abroad approx. 50%.

In inside of locality are 3328 households (430 new homes), the share of young families representing about 60%.

The labor market is poorly developed, the populations of hilly areas are farmers and beekeepers, and the degree of organization is in its early stages.

The studied area is characterized by increased degradation, particularly by torrential erosion, favored by dominance of sandy rocks, features of relief, but also by anthropogenic activities. The process has intensified and as a result of the use of land: fragmentation (Low18/1991), the orientation of the parcels and works on the direction of slopes on direction of slopes.

The exposure slopes have significant implications on the structure of crops and the establishment of associative exploitations. The antierosional agrotechnical measures on these sloping lands, considered imminent, are: the territory organization, selection of plants, the specific production system, specific technological actions, actions for land improvements.

Results and discussions

1. Current situation of agriculture

Analysis of use of land in the hydrographic basin Drobotfor shows a different distribution such as vegetal formations and the area occupied by these formations. Lack and / or fragmentation of forests reveals

anthropogenic activities predominantly agricultural, with vegetal crops applied, especially in the bottom of the slopes and in the meadows rivers Drobotfor Pojorata - subject to management and technology used to achieve them. Across subbasin Pojorata prevail areas occupied by pastures, meadow, vineyards and orchards (land occupied by vineyards and orchards - cherry, pear etc. - are present in the vicinity of localities).

The legal position of agricultural land governed by Law 18/1991. The land (6831.89 ha) -in perimeter Drobotfor / Pojorata - is fragmented on the 3036 exploitations. Thus, there are 1066 exploitations with areas less than 1 ha, 986 with areas of 1.1 - 2 ha, 588 with areas of 2.1 - 5 hectares, 222 with areas of 5.1 - 10 ha, 127 with areas 10.1 - 25 ha, 46 with areas of 25.1 - 100 ha, 1 exploitation with area of more than 100 ha. As a result, the average area on exploitation is less than 2 ha – critical situation regarding efficient and sustainable exploitation. Ownership and the mode of operation are the first conditions that may elucidate the role of viable exploitations to solve problems of agriculture, from the rationalization and organization of activity and of their territory.

In vegetal production and animal production prevailing tradition, empiricism, the trend is toward diversification; considerations relate to the provision of family food needs and achieve revenue. Of course, in sole commercial exploitation, things are different, the purpose of the activity to obtain a profit. Therefore, the production structure is oriented towards specialization.

The main cultures practiced on agricultural exploitations (60% of exploitation have as their object the cultivation of plants) are cereals, fodder plants and technical. Their yields obtained in 2007 were low: wheat 1.7 t / ha, barley 1.2 t / ha; grain maize 1.4 t / ha, sunflower 0.9 t / ha, fodder plants 3 t / ha. In a small proportion are included vegetables, potatoes, alfalfa. Because these cultures are obtained in the, individual households, the small size of them not facilitated the creation of a rigorous statistical basis on their share in the area held on the exploitation. Besides the show, mention that the plant products are not sold. Also, the territory includes a fruit-growing exploitation of 100 hectares, the sole exploitation with legal personality.

With a greater openness to market are the products of animal nature. In locality, there is an exploitation specializing in raising sheep, the size is 100 head, and destination marketing products is integral to the local fair

In individual households, along with crop production is a growing number and variety of animals and birds, but also families of bees (187), bred milk cows (785), sheep (2465), goats (105), pigs (77 actual source), horses (147), + hen turkeys (4515), ducks + geese (1005). For them, there are 60 ha of pasture, managed by the local council, growers lucerne (50 ha) and corn silage (50 ha).

In Drobotfor basin, production system practiced in the culture of plants is traditional with insertion of elements to increase, based on policulture and practiced in the open. In animal husbandry, production systems are traditional - sheep transhumance.

2. Perspective on issues of agriculture development

The area Drobotfor / Pojorata can be exploited by exploitations (field crops, vegetable, forage, mixed, and vines and pomicole, zoo technical) and modern forestry, after the preliminary works to improve the conservation and proper slopes and erosion. Thus, the agricultural favorability, respectively the structure crops recommended for different tilt is on slopes below 10% → vegetables, wheat, mash, corn, peas, sunflower, rapeseed, sugar beet, perennial grasses (*Bromus*), on slopes of 10 - 15% → 60% annual crops (of which 1 / 2 fall), 40% perennial crops, on slopes of 15 - 20% → 40% of annual grasses and perennial autumn, weeder 20%, 10% forage herbs, 30 % forage legumes, over 20% → destination forestry.

The most rational use of land and directions of development of the agricultural exploitations is defined by determining the number and types rotation to be organized.

The crops suitable for protection against soil erosion in the basin Drobotfor are perennial legumes and gramineae which protects from year of vegetation, grain cereal, legumes and perennial gramineae in the growing season of year, annual forage plants, legumes annual grain are poorly protective.

The favorability is even better the texture culture and the period of exploitation are higher. So, in rotation, the structure should fall weeding crops rate and annual plants. To achieve rotations for 4-6 years with these cultures, the association of owners is required. Specified for that should be taken into account and meet the owners of certain products, staggered crops need to be more technical, labor, available opportunities for producers and mechanization of the work.

The situation in the exploitations impose measures in the future: re-production technologies, the meaning of optimal allocation of production

factors determining the level of production, depending on the effort required, given the costs, projected production environments must ensure that the necessary balance between income and expenses, while enabling and producing a profit, resizing fleet of cars and tractors, which allow execution of the entire volume of agricultural best periods, filling gaps in existing plantations and the establishment of young plantations, establishment of own funds to support production technologies and realization of investments, development of recovery programs plantations reached the limit of economic exploitation.

In Droboțor, use of advanced technologies or improving existing ones could have positive impact on revenue growth, in the case of family exploitations, or profit, in the case of commercial exploitations. In this sense, first, should be respected rotation crops.

Needs for food, and primarily for profit, in conjunction with "good agricultural practices", the rotation crops must contain the autumn cereal, rape seed (biodiesel) and / or forage, maize (grain and silage), sunflower, alfalfa (with field rotation jumper).

To wheat, for example, that may be obtained on the effect of stabilizing the soil, and analyzed the variations in profits, more, if they use organic crops, the profit is more than double compared to conventional technologies.

From the analysis of the structure of expenditure production is found high share of expenditure with the seed, generated by the high quantity to hectare and its price, as a resource for organic production.

Culture of maize for grain, the variable costs have 94% of total expenditure, which has strong impact on the training cost of production.

In the structure of this indicator are relevant (as a share) the mechanical works spending, as is culture weeding, not give herbicides, is required multiple mechanical weeding. Also, following the division of culture on small areas (a phenomenon specific land slope) occurring return repeated at short intervals of time, with increasing influence on fuel consumption and therefore on growth of expenditure.

For alfalfa, the biggest variable expense is recorded for the period of exploitation with the mechanical work, in the II-IV years of exploitation, these costs increased by approx. 1.7 times compared to the year of establishment. The explanation lies in the increased number of work and maintenance work related to culture.

Given the influence of size and of other factors on the production and economic results, and the changes about the operating system and the

management practice, is necessary to use changes in areas planted, with increase the land.

The structure of categories of land in the area examined was determined according to the insurance needs of consumption and formation rotation. Thus, the following calculations, based on variables - number of inhabitants, consumption per capita and the average production obtained in 2007 - were obtained as:

- for cereals (wheat + maize), the required annual sowing = 711.7 ha, representing 15.76% of total arable;

- for sunflower (for vegetable fats), the required annual sowing = 293.93 ha, representing 6.52% of total arable.

Mention: words needed in main agricultural crops suitable in terms of protection against soil erosion shall ensure an area of 1005.63 hectares (is 11.2% of the perimeter basin analysis). If the high culture with its reserve the arable with slope to max. 10% (although it may get up to 20% if that vine plantings and trees are not investors), 6.3% of the perimeter basin back of the alfalfa (for animal feeding) and rapeseed (for sale).

The lands with slopes of 10-15% will be for life and plantations of trees (16.9% of the area studied) in order to avoid the offset, which is costly for small businesses. The vine can put on land less favorable for the cultivation of field plants. The conditions of slope in the area Drobotfor / Pojorata are favorable for obtaining grapes and aromatic white wines, as well as table grapes. Currently, the vines are the hybrid direct producers, to be replaced with new plantings vine fruitful, they must be located on land which does not require expensive solutions for interior and anti arrangements with broad possibilities of mechanization and lifting continuous indices of economy The economic conditions (the existence of financial availability) refers to the offer of setting up a wine-growing plantations. Thus, if there is placed a short distance of a good service for winemaking products and close to a good and cheap way of communication, the price that the seller and the loss or reduction of quality is lower.

An important technical factor is the land form and size of parcels determined the level of exploitation expenditure. Uneconomic use of energy has raised costs, thus small exploitations must circumscribe in conceptual organized areas, underpinning the establishment of use in the agricultural perimeter.

The technical criteria are determined by: anti arrangement, construction of roads network etc.. If land is slope is uniform and depth of

erosion was not, anti arrangement can run with ordinary mechanical means, and traces the paths are easy to build. For land with sloping uniform, with frequent changes of exposition and frequent places with pronounced erosion of depth, will call the various solutions and specific interventions.

Where are slopes of 10-12%, should use anti agrotechnical works (works of deep soil, administration of chemical fertilizers or green), grass etc. On slopes less than 12%, targeting rows of vineyards and orchards was on the bend. It designs permanent buffer strips (4-5m wide) along water courses and strip grass the bend between the rows of vines or trees.

On the land with low fertility and slope greater than 12%, protection against erosion requires the offset arrangement of land. Planting distance should be 2.0-2.2 m between rows, to ensure work mechanization and 1.0-1.2 m between vines per row.

So, stop or reduce loss of water and soil, due to leakage on versants requires practicing anti curtains, grass bends, channels terraces, and coastal

The main shortcoming of tree plantations is age, leading to a potential decline (excluding exploitations with 100 ha). The alternative is the establishment the new plantations.

The organization of land for this purpose, pursuing and achieving the best conditions for preventing and combating soil degradation, creating optimum conditions for the execution of the work of tree care and recovery of production must include works of land improvement, fragmentation, trace roads etc. On slopes of 12% - 18%, are required the grass bands between rows of trees (ratio 1:2:3 or 4, depending on the slope and distance between rows.

For establish a hectare of orchard with apples, for example, the land preparation it means an investment of at least 10-15 thousand euros (semi intensive and extensive exploitations, which they recommend the area studied). Annual maintenance costs, to enter the rod, also are high, and fructification starts at 4-6 years. It follows that the recovery of investment is high and is preferably a combination of such owners for the business, which involves the cost of storage.

In plantations of pear production, the expenditure are higher by 15% -20% compared to the apple, it is more profitable to growth pears, but culture is more demanding. To invest in plantation of cherry is only 50% - 60% of the cost of production for plantations of apple.

As a feature of the area Drobotfor / Pojorata, as was specified, the assurance of agricultural products is essential.

Thus, to the requirements of annually livestock products, respectively 63.5 kg meat, 240 kg milk and 280 pcs. eggs, the production per capita are achieved 30.78 kilograms of meat, milk and 466.72 l 652 eggs. The deficit is found in meat product.

Therefore, can use the mix of industries and growth of sheep for meat and rational exploitation pasture and meadow. By using the rational and full of pasture and meadow land with slope between 15 and 20%, annual to increase over 6,000 head fattened sheep (approximately 141,435 kg meat) that far exceeds the needs of consumption and therefore production can be marketed fresh or processed (if the Association to access funds for IMM).s).

Also, can to increase the herd of cows, and, milk production, whereas the maintenance of the meadows and pastures, their yields (3 tons / year) may be double. Therefore, in the livestock can be organized associative exploitations in the production and processing, which will increase value added.

Conclusions

In the area Drobotfor, are predominant agricultural activities, as a means of ensuring the needs of food and income for family. The exploitations are, in generally, small, and least connected to market and poorly capitalized. The solutions obtained after completion of diagnostic analysis regarding capacity the use of the land, knowing the area potentialities, as premise for development of basin Drobotfor.

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KEYNESIAN RESURGENCE – THE WAY TO GO IN CURRENT ECONOMIC ISSUES

***Abstract:** The current financial crisis is the worst we have ever seen since the one in 1929 – 1933. Although Keynesianism has become, over the last few years, more and more of an undesirable economic doctrine, due to state interventionism within the economy, current events have created a stir concerning the return to traditional Keynesianism, as the only way to efficiently counter the effects of an economic crunch the lights of which we have never seen before.*

But there have also been countries which have adopted concrete Keynesian policies in order to diminish the negative impact of the current crisis, and, while some countries have adopted such measures, Romania still lingers in a state of political uncertainty which further deepens the economic crisis.

Adopting serious, complete and concrete measures laid out by the famous British economist may be the only way out for a country already in disarray.

Key words: Keynesian school of thought, crisis, resurgence

JEL classification – A10 (General Economics - General)

Today's global economic system, which is under the sign of turbulence, has come to be criticized after years in which acclamations were constant concerning it. Understanding the issues raised by current events are paramount to finding the solutions to the problem. I remember many managers saying to their employees "all that you tell me is true, but you only give me the issues – whereas I also want solutions". How can we solve the current avalanche of job losses, increased unemployment, closing of factories and all the social costs which the current crisis have

put up as giant hurdles for economists worldwide and the economic theory to climb?

People are losing their jobs worldwide, factories close, companies go bankrupt. This is a fact, and while many economists still wage a war according to which saltwater or freshwater theories are correct, we find ourselves confronted with an increase in unemployment the likes of which we have never seen before, not even in the 1929 – 1933 crisis. Rather than combating other economists' theories concerning the righteousness of one theory or another, we should be concerned to find worldwide solutions to real problems. During periods of economic boom, disputes between economic theories are acceptable, and arguments are easy to find. But it is times like these, when the world seems to be coming to an end, when the real role of economic theory should be revealed.

Theories about employment, labor, have been formulated by many acknowledged economists, two of which have made their mark more than others, namely Sir John Maynard Keynes and professor A.C Pigou. As a convinced keynesist, of course there is an amount of subjectivism when I regard such theories. But, rather than this being just a hunch, current events have proven, if there was any need of proof, that Sir Keynes had it right. He correctly described mechanisms which later came to be included in and known as the "Keynesian school of thought".

During this period of uncertainty, Keynes' key element was the presence of the state, namely the government, in economics. This theory was largely disapproved by renowned economists such as Milton Friedman or Frederick Hayek, but it seems today's state of affairs has given the state an increased role. Let us just imagine where would the U.S. economy have been without the help of its government? Where would AIG, or GM, or large banks have been? And even with state intervention, perspectives are still somewhat bleak. But it is widely accepted that an even greater depression was avoided. This is due to Keynesian measures which have been undertaken. So, what makes Keynesians different? First of all, in contrast to Monetarists, Keynesians tend to place greater importance on the role of fiscal policy over monetary policy in the ups and downs of the economic cycle – during the last few decades, this was largely and fiercely debated by Milton Friedman and his followers, which considered fiscal policy rather pointless, but current measures adopted, for example, in Bulgaria, like the decrease of the VAT tax to just 10% have given the country a boost and, together with other measures, set up the basis for an earlier exit from the crisis period by comparison to our

country. A second idea is that Keynesians advocate government intervention, especially during periods of recession, where the standard recommendation is for increased government spending - especially on capital projects such as infrastructure - and tax reductions in order to stimulate aggregate demand. Large infrastructure projects have considerable economic benefits, from various perspectives, such as creating jobs during a time of economic crunch, helping the country become more powerful when exiting the crunch. Look at the U.S. for example, and the way they managed to create a large part of their infrastructure after the North vs. South War, not to mention the war of independence. Better roads provide access, to the world, which Romania desperately needs, they provide a gateway for a large scale of direct foreign investments, because investors are widely known to invest in a country with greater infrastructure. According to the last few studies, Romania's infrastructure is adapted to the level of traffic which existed in the 1950s. Can we really expect to be competitive with such an infrastructure?

The second mentioned aspect was tax reductions in order to stimulate aggregate demand. This comes against Romanian politicians for example, which, in their limited wisdom, are talking about tax increase. Studies revealed we have the most overburdening taxation system, with almost 150 taxes. Bulgaria and the Ukraine have already adopted measures for diminishing taxes, and they seem to work. What are we waiting for? The only sane thing to do in periods of crisis is to encourage demand, because if we try to limit it, this would only prolong the crisis. If a buyer can not buy the things he needs, how can the company which produces the goods or services survive? This mechanism is so simple, it is at the very core of economics. A need or craving, once satisfied, creates other needs.

Another aspects of the Keynesian school of thought also states that, during times of boom, it is necessary to adopt measures to dampen demand such as raising taxes and interest rates, and throughout the business cycle regulation of economic activity should be preferred. This is a measure of common sense, if you think about it, because the current crisis, is the result of over-optimism concerning banks, subprime credits, and toxic assets. These assets were allowed into the system by zealous banks, which today do not even exist anymore.

So, why did the financial crisis of 07 – 09 called for a revival of the Keynesian school of thought, so criticized by acolytes of M. Friedman?

The first and foremost argument would be that, in the wake of the disaster, the free market consensus (which lasted ever since 1776's Smith "Wealth of Nations") began to attract negative comment even by mainstream opinion formers from the economic right. Let us take a look at how Keynesian ideas reentered the spotlight of global economics, after several decades in the shade.

It all began in 2008, when free-market expert Martin Wolf, who is a chief economics commentator at the Financial Times, announced the death of the dream of global free-market capitalism, and quoted Josef Ackermann, chief executive of Deutsche Bank², as saying "I no longer believe in the market's self-healing power." This statement alone, coming from two people which represent an authority concerning present day economics, should have sparked a wave of concern, even among Monetarists. It was obvious that their system was flawed. Another notable event was recorded when economist Robert Schiller began supporting robust government intervention in order to solve the financial crisis, specifically citing Keynes. After that, the floodgates opened and more and more economists, even convinced Monetarists began to see the error of their ways. Notable was also James K. Galbraith's speech at the 25th Annual Milton Friedman Distinguished Lecture to commence an attack against the already created consensus for monetarist economics. In his speech he demonstrated that Keynesian economics were far more relevant for tackling the emerging crises such as the one we are in today.

But the damage had already been done, and what happened next we know, unfortunately, all so well. A series of major bailouts followed, as the world witnessed the "twilight of the gods", starting on September 7 with the announcement that the U.S. government was to nationalize the two firms which oversaw most of the U.S. mortgage market—Fannie Mae and Freddie Mac. In October, the British Chancellor of the Exchequer made reference to Sir Keynes' theories as he announced plans for substantial fiscal stimuli to counter the worst effects of recession, so, in accordance with Keynesian economic thought. After that, similar policies have been announced in other European countries, but also in United States, and even China³. So, the issue is raised, how can we possibly, as a country, see economic measures other than purely Keynesian? We hear politicians talking about an increase of the VAT (from 19 % to 22 %), other taxes are foreseen to increase as well. How can this be? When all around us are seeking Keynesian measures and state intervention, not to

mention a decrease in fiscal pressure, to exit the crisis, we try to go deeper into it? Any common sense economist would certainly be outraged.

Continuing this train of thought, we already know that prominent Keynesian economists, which include the Nobel Prize winners Paul Krugman⁴ and Joseph Stiglitz, the first being described by the Financial Times as a "radical Keynesian economist", argued that Keynes was the economist who provided the greatest single insight into the crisis. But, the issue is raised, why should we listen to Nobel laureates and the only economist who ever came up with concrete measures to overcome such periods of depression. Mr. Krugman even called for the stringent need of a new Bretton Woods, but we must not forget that, there, Keynes's ideas came in second to Harry Dexter White's own system. Perhaps today's events are a warning, because we did not listen to the right man? It would have been very interesting to see the evolution of the world in a Keynesian oriented system.

Continuing the ideas eloquently mentioned by the Lord of Tilton, there is an urgent need for an international coordination of fiscal or monetary stimulus, and of cooperation among international economic institutions such as the International Monetary Fund and World Bank, which he, among others, had helped to create at Bretton Woods in 1944, and which many argued should be reformed at a "new Bretton Woods".

Such need for reforms transcended the columns of Krugman in the NY Times, and became obvious for example at the G20 and APEC meetings in Washington, D.C., and Lima, Peru, which took place in 2008. There has been some action towards coordination and confluence, Keynesian style, when IMF and United Nations economists as well as political leaders such as British Prime Minister Gordon Brown coordinated international approach to a possible fiscal stimulus, which would help overcome the most negative effects of the crisis. For example, the President of the World Bank, Robert Zoellick, suggested that all the developed countries pledge 0,7 % of their stimulus package to a vulnerability fund for assisting developing countries, in which the effects of the crisis are even more dire.

Political leaders all over the world are turning back to Keynes for advice. In a speech on, U.S. President Barack Obama⁵ revealed a solid plan for the expansion of domestic spending levels, in order to combat the current recession, ergo reflecting Keynesian thinking. The plan enabled America to say that, today, the worst part of the crisis is over. This is the kind of measures we need, but in a context of political uncertainty, strikes

and a toxic election campaign, such plans are skipped to make way for useless political struggles.

Other countries adopted similar reforms. What is more surprising, China is one of them, a country which, to some, was perhaps the furthest from a Keynesian school of thought. The change in direction was firstly revealed in a speech⁶ delivered in 2009 entitled Reform the International Monetary System, by Zhou Xiaochuan, the governor of the People's Bank of China. Basically, every line of that speech did nothing but revive Keynes's idea of a centrally managed global reserve currency. As argument, and with a bit nostalgic, Mr. Ziaochuan expressed disappointment that Keynes's system was not the successful one at Bretton Woods. He then argued that national currencies are basically unsuitable for use as global reserve currencies, due to the fact that is presented by the Triffin dilemma, meaning the difficulty faced by reserve currency issuers in trying to simultaneously achieve their domestic monetary policy goals and meet other countries' demand for reserve currency.

But the question will remain, as to how effective the changes, viewed from a Keynesian perspective, will be in the coming years?

According to the Financial Times, China is doing pretty well concerning the recovery⁷. This issue was resolved by a partnership between government officials and private investors, which shows signs of result, such as rises in commodity prices, a 13% rise in the Chinese stock market over a period of 10 days, and a big increase in lending—reflecting the government's success in using state owned banks to inject liquidity into the real economy. “E pur si muove”, would Galileo Galilei say. So, progress exists.

Lately, emerging economies in the BRIC group have also reported better economic indicators, sparking signs of recovery⁸. This indicates high success rates in Keynesian oriented economic measures. So, it came as no surprise when the IMF reported a better than expected global economic outlook forecast in July this year, though warning the recovery is likely to be slow. But, even if it is slow, it will recover. This change towards moderate optimism was hailed by Paul Krugman⁹, as well, who announced, in his columns, that the world had been saved, due to an unprecedented response to the crisis, from the threat of a second great depression, thanks to, what he called, the "Big Government". Also, the US economy showed signs of improvement, emerged from a severe recession in the third quarter of 2009, sparking hope and optimism.

So, it has also been proven, to some extent, of course, that Keynesian economics are still more than adequate to be implemented, to minimize the effects of a crisis which has already consumed more jobs and created more losses than anyone can count. Issues raised are not completely solvable only by choosing the correct economic doctrine to be implemented. Concrete action, decrease of fiscal burden, lower interest rates, and an encouragement of consumption, through the increase of government spending, represent the answer to a quick resolve over this economic crunch. Keynes had the answer. It has been proven in economies around the world. Let us hope the Romanian government, whichever it may be, has the necessary wisdom to choose the right way to counter this economic struggle which has, so far, made us pay dearly.

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COMPETITION BETWEEN COMPANIES AND STATE AID WITHIN THE GLOBAL CRISIS CONTEXT

*Abstract : Since December 2008, the Member States of the European Union have been benefiting from a Temporary Framework drafted by the European Commission that establishes more permissive rules for granting State aids within the context of the economic and financial crisis, but harsher loan conditions. This framework is a component of the **European Economic Recovery Plan**, adopted by the Commission in November 2008. Considering the (total) amounts authorised by the European Commission at the end of 2009 as crisis measures, it may noticed that they exceed the sum of Eur 3,500 billion, namely they exceed 25% of the Gross Domestic Product of the European Union¹.*

Large amounts of money have been made available for Romania, amounts coming from European funds, but the high interests and the small funds that are found at the level of the local authorities raise major problems regarding the co-financing thereof and implicitly regarding the borrowing thereof. Consequently, without thinking that we have some kind of magic formula, we will attempt to present below the support measures that companies may benefit from with a view to dealing with the crisis as well as possible and to overcome the same in an honourable manner, by complying with the rules of the market economy game and of the economic competition.

Introduction

The world economic and financial crisis still is, unfortunately, the main subject of mass-media and of the agenda of authorities and economic and administrative bodies, at international, national or national level.

Given that the world financial situation is quite hard, more and more Romanian companies are struggling harder and harder to guarantee the financing they need, faced with the lack of liquidities. Therefore, a set of measures was designed with a view to facilitating the access to credits

and to provide an effective help to the businessmen, both from the Member States of the European Union, as well as from the European Commission in order to overcome difficulties brought about by the crisis.

As a result, the **European Commission** adopted the “**Communication on responding to the crisis in the European automotive industry**” at the beginning of 2009², proving the availability to support certain industries (for example, the automotive industry) in the attempt to deal with the crisis, to decrease the negative effects and to secure long-term competitiveness.

The **Communication** contains a “**European Economic Recovery Plan**”, in which the automotive sector is identified as a sector in need of a strong political response. According to the plan, the **key elements** of the public aid relevant for the automotive sector refer to:

- supporting the demand, with a view to helping the repair of the effects produced by the limitation of credit possibilities;
- facilitating the adjustment by amortising the costs related to restructuring, especially as regards workers and consolidation of the training thereof;
- encouraging the upgrading of plants, for the purpose of securing a sustainable competitiveness of this industry at world level, and
- assisting the industry with a view to implementing the radical technological changes requested by the climate changes.

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I. Member States of the European Union have at their disposal a great number of “**TRADITIONAL STATE AID INSTRUMENTS**”, which may support industries and which are also a **way of promoting research and innovation, environmental protection and the automotive industry restructuring as well**, when the same is necessary, maintaining at the same time normal competition conditions within the European single market. The European Commission decided to support industry in its efforts to maintain investments in technologies of the future (such as, for example, green technologies, by reducing the fuel consumption and alternative propulsion) during the crisis. Such operations may be carried out by means of the seventh Framework Programme for research, but also by means of the European Investment Bank. Consequently, Member States were requested to offer their support for research and development purposes in the environmental field and to increase their investments in

“green” transport infrastructures such as the ones regarding electric motor vehicles and vehicles using hydrogen, in a coordinated manner with a view to avoiding expensive overlaps and to maximising impact. For this purpose, the study of all possibilities of administrative simplification of research and development programmes and of public-private partnerships for research and development is needed.

In order to increase the demands for new motor vehicles and to improve consumer confidence, the European Commission is considering the recycling and recovery programmes, because they will counteract the short-term decrease of the demand for motor vehicles. Therefore, Member States of the European Union are invited to use as much as possible the procedure of public procurement with a view to achieving short-term stimulation of the demand for less polluting motor vehicles, with a lower fuel consumption, provided that such phenomenon is connected to an increase of investments in infrastructure and to the renewal of the car fleet and public transportation, including of heavy motor vehicles.

Under these conditions of economic insecurity, countries are likely to protect their industries by raising barriers in front of trade. Consequently, on the one hand protectionist measures deepen the crisis in stead of reducing it, and on the other hand, normal competition (in compliance with the rules of the game) on the open markets may help fighting against the current crisis. Nevertheless, the European Union aims at creating any trade barriers with respect to third countries and will not tolerate the return to protectionism.

Among the **public support measures** drawn up for the automotive manufacturing sector, the following are worth mentioning:

1. Public support measures for the automotive manufacturing sector that do not make up State aids;
2. Support measures in the form of State aid that may be granted to the automotive manufacturing sector without the previous authorisation of the European Commission;
3. Support measures in the form of State aid that may be granted to the automotive manufacturing sector after receiving the authorisation of the European Commission.

1. Public Support Measures for the Automotive Manufacturing Sector that Do Not Make Up State Aids

Member States of the European Union have various possibilities to support the automotive manufacturing industry that do not entail risks in the competition environment, namely:

- support measures having as objective the increase of the demand for certain categories of products. These generally refer to the financial support granted to consumers for scrapping old motor vehicles and for purchasing new ones, with high performances (less polluting and with low fuel consumption). If the aid is granted without discrimination regarding the origin of the product, in this case the financial support is not a State aid;
- if the general policy measures cannot be accessed by all companies on the territory of a Member State, these are not deemed to be State aid;
- if the conditions of the De Minimis Regulation³ are complied with, the State may grant aids up to a maximum value of Eur 200,000 for a period of 3 fiscal years (or State guarantees of up to Eur 1.5 million), but they may not be deemed as State aids;
- if the revision of the method for setting the reference and discount rates is communicated to the European Commission and the State aids are in the form of State guarantees, the State has the possibility to grant loans or guarantees to the automotive industry, facilities that do not make up State aids given that they are not granted under market conditions.

In order for a State guarantee not to be considered as State guarantee, it must cumulatively comply with the following conditions:

- the borrower must not present financial difficulties;
- the cover of the guarantee is determined at the time of granting the guarantee. Consequently, the guarantee is connected to a specific financial transaction, to a fixed maximum amount and to a limited duration;
- the guarantee does not cover more than 80% of the unpaid credit or of any other financial obligation;
- the price paid for the guarantee is the market price.

2. Support Measures in the Form of State Aid that May be Granted to the Automotive Manufacturing Sector Without the Previous Authorisation of the European Commission

The automotive industry may be supported by the State within the European Union also through the measures that constitute State aids, but that do not require for granting purposes a previous notice sent to the

European Commission, pursuant to the ***General Block Exemption Regulation of 2008***. The Regulation aims at supporting the automotive industry (manufacturers, suppliers or distributors), through the various types of State aids that uphold: research, development and innovation, regional development, professional training of the employed staff, small and medium-sized companies, the granting of venture capital, environmental protection, contractorship, newly-created companies in less-favoured areas and companies created by women. These aids may be granted without previous notification and without the authorisation of the European Commission. Following the granting of the aid, Member States have only the obligation to inform the European Commission about this.

If a Member State wishes to grant support measures in the form of State aids that are not included in the Block Exemption Regulation, such measures may be granted following the notification of the European Commission about them, on the basis of the legal rules and regulations in force.

3. Support Measures in the Form of State Aid that May be Granted to the Automotive Manufacturing Sector after Receiving the Authorisation of the European Commission

With a view to ensuring a normal competition in the automotive industry, Member States may grant to manufacturers various categories of State aids. The automotive manufacturing sector may benefit especially of the following categories of State aids:

a) State Aids for Environmental Protection

Pursuant to the guidelines of the European Commission with respect to the State aid for environmental protection of 2008, Member States may grant to the automotive manufacturing sector the following categories of State aids, among others:

- State aids for improving environmental performances registered in the manufacturing process;
- State aids for performing environmental studies;
- State aids for purchasing new ecological transport vehicles, provided that certain criteria are observed;
- State aids for saving energy;
- State aids for the sustainable production of biofuels.

b) State Aids for Research, Development and Innovation

Moreover, the community regulation in the State aid field for research, development and innovation⁴ give the possibility to Member

States to grant to companies in the automotive industry the following categories of State aids, among others:

- State aids for research and development of new motor vehicle projects, including for the development of “green” technologies (manufacturing ecological products);
- State aids for acquiring highly skilled staff;
- State aids for performing technical feasibility studies;
- State aids for creating innovation poles, which may help the automotive industry invest in open research and testing infrastructures;

c) Regional State Aids

For the 2007 – 2013 period, according to the guidelines regarding regional State aids, community states may grant to assisted regions State aids for investment purposes (by creating new manufacturing facilities, by extending the existing facilities, by diversifying the production through the manufacturing of new products or by introducing new fundamental structural changes into the manufacture of products).

d) State Aids in the Form of Venture Capital

One must point out the fact that an important instrument of financing of small and medium-sized companies is represented by the venture capital, which contributes to the elimination of major market dysfunctionalities. Here too the guidelines for the promotion of investments in venture capital of small and medium-sized companies give the possibility to Member States to grant to companies having important growth perspectives aids in the form of:

- aids for investors of venture capital or for funds of venture capital for investment in venture capital that they perform;
- tax incentives for investment funds or for investor funds;
- creation of investment funds.

e) State Aids for Rescuing and Restructuring

According to the community regulation regarding the State aid for rescuing and restructuring the companies in difficulty⁵, issued in 2004, such a company may benefit from State aids for restructuring if it proves that the granting thereof contributes to the long-term restructuring of its sustainability. If the granting of emergency assistance is needed, community states may grant a loan or a State guarantee corresponding to a trade credit for a maximum period of 6 months to companies in the automotive industry before drafting an extensive restructuring plan. Such aid gives to companies the possibility to gain time for the preparation of

the restructuring plan. In the case of overcoming difficulties during a period of less than 6 months, the State aid granted to companies must be returned and the guarantee may no longer be used.

II. In addition to the “traditional” State aid instruments, the European Commission decided within the context of the global economic and financial crisis on making the conditions for granting certain State aid measures more flexible. In such context, at the end of 2008 the European Commission adopted the **TEMPORARY FRAMEWORK FOR STATE AID MEASURES**.⁶

The creation of this legislative framework aims at allowing community states to grant State aids to companies that deal with difficulties in accessing liquidities.

State aids that may be granted on the basis of this **temporary framework** are as follows:

1) Aid Amounting to Eur 500,000 / Company

This aid is deemed by the European Commission to be compatible with the common market if the following conditions are cumulatively complied with:

- the aid is granted in the form of aid scheme;
- the aid does not exceed the amount of Eur 500,000 / company (beneficiary);
- the aid is not meant for export or does not aim at favouring domestic products compared to the imported ones;
- the aid scheme does apply to companies that carry out their activity within the agricultural primary production sector or to the ones in the fishing sector;
- before granting the aid, the supplier requests a statement from the company concerned regarding any de minimis aid and any aid granted according to this measure received during the current accounting year and checks whether the aid will lead or not to an increase of the total value of the aid received during the period comprised between 1st January and 31st December 2010 to a level that exceeds the Eur 500,000 limit;
- the aid concerned may be cumulated with other aids granted on the basis of other schemes in force, notified or exempt from notification, provided that the intensities laid down by such schemes are complied with. For example, the European Commission authorised such aids for several community states:

Germany – decision number 668 / 2008, France – decision number 7 / 2009, Portugal – decision number 13 / 2009, Hungary – decision number 77 / 2009, Great Britain – decision number 43 / 2009⁷.

2) State Aid in the Form of Guarantees

This aid is deemed by the European Commission to be compatible with the common market if the following conditions are cumulatively complied with:

- for a small or medium-sized company a discount may be offered of up to 25% of the annual premium that must be paid for new guarantees granted according to the level of the safe-harbour premiums stipulated in the *Annex* to the Temporary Framework;
- for a large company, in the case of new guarantees, a discount may be offered of up to 15% of the annual premium calculated on the basis of the same premium;
- the maximum value of the loan must not exceed the annual cost on salaries (including budgetary obligations) of the beneficiary for 2008. In the case of companies created on or after 1st January 2008, the maximum value of the loan must not exceed the annual cost on salaries estimated for the first two years of activity;
- the guarantee must not exceed 90% of the loan, during the entire period of the loan;
- the guarantee is applied to both investment loans, as well as to working capital;
- the discount on the guarantee premium is applied only for a maximum period of 2 years from the granting of the guarantee.

The European Commission authorised in this case too such aids for several community states: Germany – decision number 27 / 2009, France – decision number 23 / 2009, Hungary – decision number 114 / 2009, Great Britain – decision number 72 / 2009, Luxembourg – decision number 128 / 2009⁸.

3) Aid in the Form of Interest Rate Subsidy

This State aid is the difference between the interest rate actually applied to the beneficiary and the reference rate defined in the Communication of the Commission on the revision of the method for setting the reference and discount rates.

This aid is deemed by the European Commission to be compatible with the common market if the following conditions are cumulatively complied with:

- the calculation method of the aid is applied to all contracts concluded by 31st December 2010;
- it may be applied to all loans, irrespective of the duration thereof;
- low interest rates may be applied for payments of interest made before 31st December 2012. From this moment on a rate of interest at least equal to the reference rate is applied.

The European Commission authorised such aids for: Hungary – decision number 78 / 2009, Germany – decision number 661 / 2008, France – decision number 15 / 2009.

4) Interest Rate Subsidies for Investment Loans with a View to Manufacturing “Green (Ecological) Products”

Community regulations in force stipulate that this type of State aid is compatible with the common market if the following conditions are cumulatively complied with:

- discount on interests is offered only for investment loans aiming at financing projects the purpose of which is the manufacture of new products that significantly improve environmental protection;
- this aid is granted for initiating a new project and for an existing one as well, if the continuation thereof is needed, given the special economic situation;
- the financed projects reside in manufacturing products that involve the anticipated adjustment to future community standards that are not in force yet, and the investment concerned must be initiated before 31st December 2010, while the new product must be released on the market at least 2 years before the enforcement of the standard concerned;
- loans may cover costs incurred for investments in tangible and intangible assets;
- loans must be granted until 31st December 2010;
- discounts on interest rates may reach 25% for large companies and 50% for small and medium-sized companies, considering the risk factors posed by the company requesting the loan;
- the interest rate subsidy is applied for a maximum period of 2 years from the granting of the loan.

For this State aid the Commission issued 2 decisions for companies that manufacture “green products”, Great Britain – decision number 72 / 2009 and France – decision number 11 / 2009.

The beneficiaries of this State aid measures may be companies within all activity sectors, including the automotive industry.

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Within the economic and financial crisis, the **banking sector** plays an important role. With respect to the State aids that may be granted to the banking sector, a high official of the European Commission – General Directorate for Competition, specified at the beginning of 2009 during a **conference organised by the Romanian Council of Competition in Bucharest**⁹ that the stability at banking level is the most important thing in order to limit the extension of negative effects of the financial crisis that reached the real economy. “There was a risk threatening to determine the collapse of the banking system, and the European Commission activated the article that allowed the granting of State aids in crisis situations and allowed the regulation of disturbances of the Member States”.

In this context the capitalisation of CEC Bank was carried out for the amount of Lei 900 million and of Eximbank for the amount of Lei 170 million, which were part of the anti-crisis measure programme included in the Romanian Budget for 2009. The funds of CEC Bank and of Eximbank will be mainly used for securing co-financing, for guaranteeing projects carried out using European funds and for guaranteeing the financing of small and medium-sized companies.

In addition, the “First House” Programme and the “Junk Car” Programme (whose beneficiaries may be natural and legal persons) initiated by the Romanian Government are an example of success and good practice according to official sources. For this purpose there is a collaboration of the Council of Competition with the institutions involved (Government, Ministry of Finance, banking sector) in order to find the most acceptable solutions so as to avoid problems related to competition and to make the programme operational as soon as possible.

The European Commission authorised for Romania by means of the Decision number 467 / 2009, the State aid scheme for supporting investments in the extension and upgrading of distribution networks of electric power and natural gas, notified by the Romanian authorities. The total budget of the Scheme amounts to Eur 28,400,000 and the State aids will be granted in the form of non-reimbursable financial assistance, using both community funds, as well as national funds. This State aid scheme, initiated by the Ministry of Economy, will be implemented in application of the Priority axis 4 on “Increasing energy efficiency and security of

supply in the context of combating climate change” of the Sectoral Operational Programme on “Increase of economic competitiveness”.

Notes:

1. *COMPETITION Magazine* “STUDII ȘI CERCETĂRI PRIVIND PROTECȚIA CONCURENȚEI ECONOMICE” (“STUDIES AND RESEARCHES REGARDING THE PROTECTION OF ECONOMIC COMPETITION”) issue 1 (7) / 2009, page 136, Council of Competition – Romania.
2. Communication from the Commission to the European Council, dated 26th November 2008 – “European Economic Recovery Plan” – COM (2008) 800
3. De Minimis Regulation (EC) number 1998 / 2006 of the Commission, on the application of articles 87 and 88 of the Treaty ^{establishing} the European Union, published in the Official Journal – L379 / 5 of 28th December 2006.
4. Community framework for State aids for research, development and innovation, published in the Official Journal – C323 / 1 of 30th December 2006.
5. Communication of the Commission – Guidelines on State aid for rescuing and restructuring firms in difficulty, published in the Official Journal – C244 / 2 of 1st October 2004.
6. “Temporary framework for State aid measures” published in the Official Journal of the Communities 16 / 22nd January 2009, amended by the Communication of the European Commission of 25th February 2009.
7. <http://ec.europa.eu/competition/state>.
8. <http://ec.europa.eu/competition/state>.
9. www.competition.ro

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1. Ilie Moga – “Prețuri și concurență”, Lucian Blaga University Publishing House of Sibiu, 2009;

2. Communication of the Commission – Guidelines on State aid for rescuing and restructuring firms in difficulty, published in the Official Journal – C244 / 2 of 1st October 2004;

3. Community framework for State aids for research, development and innovation, published in the Official Journal – C323 / 1 of 30th December 2006,

4. De Minimis Regulation (EC) number 1998 / 2006 of the Commission, on the application of articles 87 and 88 of the Treaty establishing the European Union, published in the Official Journal – L379 / 5 of 28th December 2006;

5. *COMPETITION* Magazine “STUDII ȘI CERCETĂRI PRIVIND PROTECȚIA CONCURENȚEI ECONOMICE”, issue 1 (7) / 2009, page 136, Council of Competition – Romania;

6. Communication from the Commission to the European Council, dated 26th November 2008 – *European Economic Recovery Plan* – COM (2008) 800;

7. Communication of the Commission – “Temporary framework for State aid measures” published in the Official Journal of the Communities 16 / 22nd January 2009, amended by the Communication of the European Commission of 25th February 2009;

8. <http://ec.europa.eu/competition/state>;

9. www.competition.ro