

REGIONAL SUSTAINABLE DEVELOPMENT THROUGH THE COHESION FUND: THE CASE OF THE WATER AND WASTEWATER INFRASTRUCTURE IN THE COUNTY OF SATU MARE

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(Received July 2014; accepted September 2014)

Abstract

Since the entry into force of the Treaty of Maastricht in November 1993, strengthening the economic and social cohesion has officially become one of the main objectives of the new European Union, alongside with the establishment of the internal market and the creation of the Economic and Monetary Union. In 1994 the European Union members states decided to create the Cohesion Fund which aims to support projects in the field of environment protection and transport infrastructure in less developed member states.

The biggest project currently being implemented in the County of Satu Mare is co-financed from the Cohesion Fund via the "Environment" Operational Program and aims to improve the quality and access to water and wastewater infrastructure, a sector in deep need of investments in post-communist Romania. The project, having a total value of more than €100 million, continues the investments made from the ISPA measure in the pre-accession period and will be followed during the next financial programming period by a new application. In this context, the paper aims to assess the evolution of the funds allocated from the Cohesion Fund for major investments in the water and wastewater sector in the County of Satu Mare using the data provided by the regional operator and the analyses made by the Managing Authority. Furthermore, we consider important to underline the main obstacles and problems that beneficiaries have to face with when they apply for and implement projects that lead in the end to regional sustainable development.

Keywords: European Union, cohesion policy, ISPA, water and wastewater.

J.E.L. Codes: O2, H7, Y8.

1. Introduction

The need to reduce disparities between the different regions and to support the less developed regions with the aim of creating a common economy has received the attention of the then six members of the European Economic Community starting with the adoption of the Treaty of Rome in 1957. The treaty stipulates that one of the Community's tasks was to promote the harmonious development of economic activities. As a consequence, in 1958 it is created the Social European Fund, „Europe's main instrument for supporting jobs, helping people get better jobs and ensuring fairer job opportunities for all EU citizens" (European Commission, 2014a).

The first enlargement of the European Communities with Ireland, Denmark and Great Britain, and the objective of an Economic and Monetary Union, made the Heads of State and Government decide in October 1972 to create a Regional Development Fund (European Commission, 2014b). The Regional Development Fund aims to redistribute a part of the Community budget (around 4% at that time) to the less developed regions in order to support their economic development. Another important moment in the evolution of the regional policy is the adoption of the Single European Act in 1986 that introduces the concept of economic cohesion – meaning the elimination of existing economic disparities between regions (Institutul European din Romania, 2003, p. 6), but it was only with the Treaty of Maastricht adopted in 1992 that economic and social cohesion become one of the main objectives of the European Union.

The article aims to analyze in general the European Union's Cohesion Policy evolution and the main instruments it uses, and in particular to present the case of the biggest project implemented at the level of the Satu Mare County and which benefits from financial support from the European Cohesion Fund. The main objective of the article is to identify some of the obstacles for beneficiaries in applying for and afterwards in the implementation of European funded projects. The paper is based on articles but mainly official documents released by the European Union institutions for the analysis of the cohesion policy, and mainly on data provided by the beneficiary, in our case S.C. APASERV Satu Mare S.A., for the analysis of the water and wastewater infrastructure projects implemented at the level of the Satu Mare County.

2. The European Union's Cohesion Policy

Since the entry into force of the Treaty of Maastricht in November 1993, strengthening the economic and social cohesion has officially become one of the main objectives of the new created European Union, alongside with the establishment of the internal market and the creation of the Economic and Monetary Union. In 1994 the European Union members states decided to create the Cohesion Fund which aims to support projects in the field of environment protection and transport infrastructure in less developed member states. Having in mind that the year 1995 was to be marked by the EU's enlargement towards North with Finland and Sweden, in 1994 a new structural fund is created – The European Fisheries Fund.

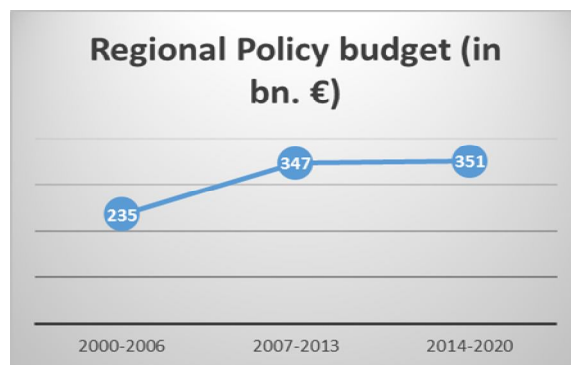
In 1999, The European Union started to reform the economic and social cohesion policy having in mind the enlargement with 10 new member states foreseen for 2004. In order to support these countries and to prepare them for accession, pre-accession funds have been allocated to them from three instruments: PHARE (economic and social cohesion), ISPA (environment and transport) and SAPARD (agriculture and rural development). Starting with the 2007-2013 programming period, these three funds have been grouped together under the umbrella of the new Instrument for Pre-Accession Assistance.

The Consolidated versions of the Treaty on European Union and the Treaty on the Functioning of the European Union stipulates at article 174 that the aim of the regional policy is to reduce “disparities between the levels of development of the various regions and the backwardness of the least favoured regions” (Council of the European Union, 2010, art. 174). Consequently, one of the motivations for establishing the regional policy and develop it in the recent years is related to the economic and social disparities in Europe which are substantial and have significantly deepened with recent enlargements (European Union, 2008, p. 4). In this sense, it is worth mentioning that according to the statistics provided by the European Union for 2013, the wealthiest region in the EU had a GDP per capita 13 times higher than the poorest region in the EU (European Commission, 2013a, p. 20).

The second important motivation behind the regional policy is related to consolidating the EU’s ability to face the challenges of the 21st century and to meet the general objectives set out in *Europe 2020 Strategy for smart, sustainable and inclusive growth* launched in 2010. For example, the employment rate at the EU level in 2012 was at 68% of the populations aged between 20-64 while the target set for 2020 is of 75%, the number of people at risk of poverty or social exclusion was of more than 124 million, while the target set for 2020 is of 95 million (European Commission, 2014b, p. 2).

The continuous enlargement of the EU to 28 member states generated new challenges in terms of competitiveness and internal cohesion and accentuated the disparities between member states and regions within the EU. In these circumstances, also the regional policy became more important over time and started to receive a bigger share of the EU’s total budget. The figure below illustrated the increase on funds allocated to the regional policy in the last three financing programming periods.

Figure 1. The evolution of regional policy budget 2000-2020 (in €bn.)



Source: Self processing of data provided by the European Commission, DG Regional Policy.

Analyzing the current financial programming for the period 2014-2020, it becomes obvious that for the first time in history the amounts allocated for regional policy have not increased due to the financial problems that Europe has to face nowadays. From a total budget of €1082 billion for 2014-2020, 352.8 billion will be spent on regional policy, representing around 32.5%. In comparison with the previous period, the new regional policy has been reformed, the main points of the reform being: investments in all EU regions and adapting the level of support and the national contribution to their level of development (less developed regions with GDP < 75% of EU-27 average; transition regions with GDP 75% to 90% of EU-27 average and more developed regions with GDP > 90% of EU-27 average); targeting resources at key growth sectors (innovation and research, the digital agenda, support for small and medium-sized businesses (SMEs) and the low-carbon economy, trans-European transport links and key environmental infrastructure, employment and mobility); fixing clear, transparent, measurable aims and targets for accountability and results; introducing conditions before funds can be channeled to ensure more effective investments; common set of rules for all European structural and investment funds (European Commission, 2013c). The changes mainly reflect the proposals made by the European Commission in its evaluation on the efficiency of structural and cohesion funds (European Commission, 2013d).

The impact of the regional policy on the economic and social evolution of the European Union has been considerable indeed to justify such a large amount from the overall EU budget to be allocated for this purpose. For the period 2000-2006, the European Union has reported the following main achievements of the regional policy: 1.4 million jobs created, 2,000 km of motorway constructed, 4,000 km of rail, 14 million people gained access to cleaner water, 38,000 research projects supported, over 800,000 SMEs supported (European Commission, 2011). For the 2007-2013 period the following interim results have been released by the European Commission reflecting the situation existing until the end of 2011: 400,000 jobs created, 53,000 research, technology and development projects, 53,000 start-ups, 2.6 million people served by drinking water, 5.7 million people connected to waste water treatment (European Commission, 2013e). As insufficient data is available at this moment, no comparison can be made between the main results achieved in the two consecutive financial periods.

Despite these important achievements there are a number of challenges and deficiencies that the regional policy has to face. One of the main challenges is the low rate of funds absorption, especially in some of the new member states, this situation being a results of the shortage of experience and weak performance of public administration. A second challenge relates to the complex implementation systems adopted in some countries in the implementation of structural and cohesion funds, since there are too many programs and too many managing authorities responsible for this area, discouraging potential applicants from applying for a subsidy. This shortcoming is in direct relation with the high bureaucratic burden associated with the projects as "complicated bureaucratic

procedures are probably the most common disincentive to start the application process in the first place" (Jedlička and Rzentarzewska, 2014, p. 8).

The European Commission should also invest more resources in trying to increase transparency in the allocation of funds to the final recipients, while other countries have a poor record at the time spent on project assessment and contracting. In these conditions, using the words of the European Commission, "significant implementation effort is still required from projects, intermediate bodies, MAs" (European Commission, 2013e). The current economic and financial crisis has led to the situation in which the relative contribution of the regional policy to the total public investments is over 50% (The European Parliament, 2009), and consequently the European authorities should do their utmost in order to reduce the negative effects that the crisis had on the regional policy especially in terms of the sums available at the national level for pre-financing and co-financing of projects.

3. The Cohesion Policy in Romania

In the pre-accession period, Romania received important amounts of money for economic and social cohesion from the European Union via three instruments for support: PHARE (for institutional and capacity-building and investment financing), ISPA (for projects in the environmental and transport infrastructure) and SAPARD (agriculture and rural development). In the period 1990-1999 Romania has been granted in total around 1.2 billion € (Romania Permanent Representation to the European Union, 2010). In the period 2000-2003 the financial assistance has increased and two new instruments have been created in order to assist the future new members of the European Union, the ISPA and SAPARD. Consequently, Romania received between 2000 and 2003 around €1,100 million from PHARE, €1,443 million from ISPA and around €600 million from SAPARD (Iacovoiu, 2006, pp. 67-68), in total €3,143 million in just four years.

For the period 2004-2006 the contribution of pre-accession funds for Romania was: €860 million in 2004, €931 million in 2005 and €1,002 million in 2006, and according to some authors this represented a very important financial resource for Romania (around 1.4% of GDP) (Dobre, 2011, p. 58). Estimates reveal that for the period 2000-2006, the contracting rate was of 90% and the absorption rate of 70% (Ionescu, 2012), a good score compared to what was to follow in the next financial period. Lack of institutional capacity and the incorrect management of pre-accession funds, lack of transparency, changes in the conditions for selection of projects, excessive bureaucracy are just some of the many problems affecting the implementation of the regional policy in Romania between 2000 and 2006.

The 2007-2013 financial period brought some changes in the allocation of funds for Romania, as starting from January 1, 2007 our country along with Bulgaria became full right members of the European Union. Therefore, Romania would no longer receive support from the pre-accession funds but from the structural and cohesion ones. The National Development Plan elaborated by Romania for this period envisaged six main priorities for which the funds would be used, namely: increase of economic competitiveness and development of an economy based on

knowledge, development of transport infrastructure, protection and improvement of environment quality, human resources development, development of rural economy and increase of productivity in the agricultural sector, reduction of disparities among country's regions.

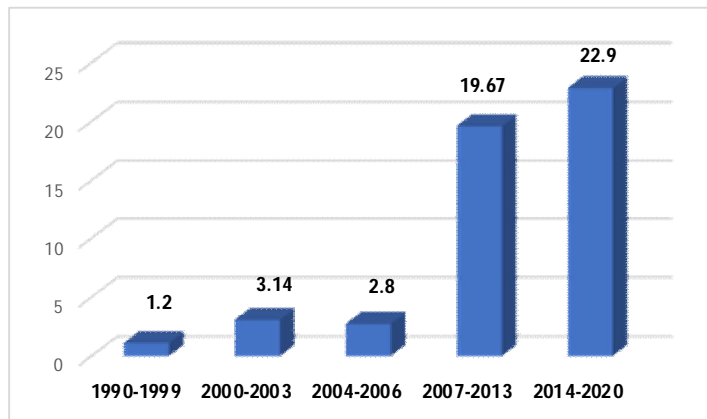
For the period 2007-2013, Romania has been allocated € 19.668 bn., for six operational programs, amount to which we add the national co-financing, leading us to a total of €23.7 bn. While other new members of the European Union have managed to reach an acceptable rate of absorption of funds from regional policy (Estonia with 81.3%), according to the data available in December 2013, Romania occupied the last place among the new 12 member states in terms of the rate of absorption with only 37.8% of the total € 19 bn. being contracted and paid (Jedlička and Rzentarzewska, 2014, p. 7). No final conclusions can be made until the end of the financial exercise, having in mind that Romania can still spend the money until the end of December 2015, but among the main factors that determined such a dramatic situation can be named the lack of institutional capacity and the excessive bureaucracy.

A low level of absorption leads to numerous undesired consequences: in the economic field (continuous marginalization of the Romania economy, low GDP, potential problems in controlling the budgetary deficit, a bigger net contribution to the EU budget in comparison with the benefits, failure in achieving the economic competitiveness objectives, in creating job places and in the efficient use of human resources), in the social field (Romania will continue to have a deprived rural area, cities will lose the chance to develop, slowing the speed of social integration of deprived groups), in the political field (low confidence of the population in the state capacity to attract European money and spend them in the benefit of the population) (Fonduri UE, 2014).

The above shortcomings and deficiencies in the management of structural and cohesion funds need to be addressed by Romanian authorities in the following financial period 2014-2020 when our country is expected to spend €22.9 bn. On April 1, 2014 Romania has sent to the European Commission the third version of the Partnership Agreement that will govern the structural and cohesion funds allocated to Romania in this period. According to this document it is envisaged the implementation of six operational programs targeting the following areas: large infrastructure, human capital, administrative capacity, competitiveness, technical assistance and regional development, to which we add the National Rural Development Program and the Fisheries and Maritime Affairs Program (Ministry of European Affairs, 2014). According to some estimates, if Romania will spend 90% of the funds it has been allocated, this would add up to 0.8pp to the annual GDP growth (Jedlička et. all, 2014, p. 8).

The data included in the figure 2 are clear enough: the financial resources allocated to Romania have considerably increased since 1990, but it remains to be seen whether also the capacity of the Romanian authorities and beneficiaries has increased with the same rate.

Figure 2. The evolution of funds allocated to Romania by the EU in the pre-accession and post-accession periods (in €bn.)



Source: Self research.

4. Case study: The rehabilitation and extension of water and wastewater infrastructure in the County of Satu Mare⁴

S.C. APASERV SATU MARE S.A. is the regional operator responsible for the catchment, treatment and distribution of drinking water, as well as the collection, transport and treatment of wastewater, in order to ensure public services of drinking water supply and sewerage in the County of Satu Mare. The society has been established in 2004 by the Satu Mare Municipality Local Council, having a turnover in 2012 of Lei 36.5 million and a total number of 466 employees. The population currently benefiting from the water services provided by the company counts more than 170.000 people, while more than 80.000 people are currently covered by the wastewater services provided by the regional operator.

Launched in 2000, ISPA (The Instrument for Structural Policies for Pre-Accession) supported candidate states in the pre-accession period with investments in the field of environment and transport infrastructure. In what regards environment, ISPA aimed to assist candidate countries in implementing the community acquis in the field of environment protection and to support candidate countries to align their environmental standards to those of the European Union.

In Romania, ISPA financially supported 28 regional operators in the field of water and wastewater infrastructure, among which also S.C. APASERV SATU MARE S.A. Consequently, in the period 2002-2010 the regional water and wastewater operator implemented the ISPA measure "Satu Mare Improvements to the Water Supply and Wastewater Collection and Treatment Systems". The project had a total

⁴ The information and data were obtained from the beneficiary S.C. APASERV SATU MARE S.A. in the month of April 2014.

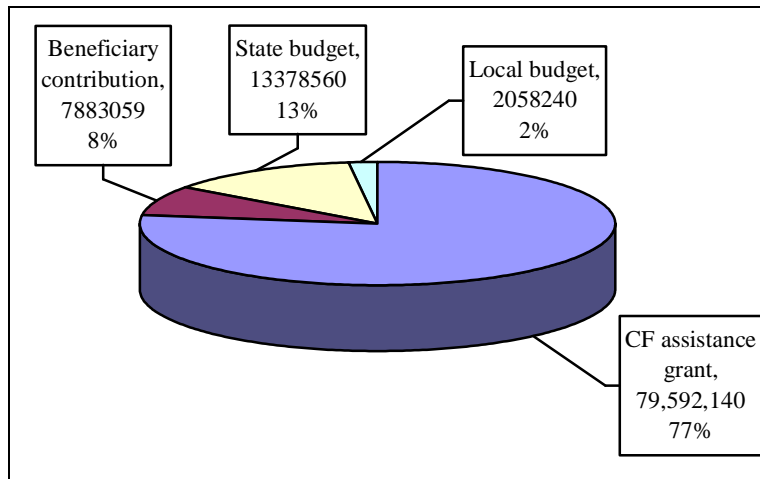
value of €32,309,409.27 (although initially the funds were bigger with around € million).

The ISPA measure for Satu Mare included 2 services contracts: one for technical assistance for procurement and management support, including project publicity, and one for technical assistance for works supervision during the implementation, and 4 works contracts: Refurbishment of Raw Water Mains and Wells, Refurbishment of Martinesti Drinking Water Treatment Plant, Refurbishment of Wastewater Treatment Plant and Refurbishment of Sewers and Sewage Pumping Stations. Among the main problems reported by the beneficiary during the implementation period are:

- the consultant responsible for technical assistance in procurement and management support failed to fulfill some of its tasks in time, failed to deliver some documents and failed to implement all the publicity activity determining the beneficiary to re-tender this task. There were also problems in ensuring the key experts necessary for the fulfilment of the tasks;
- the consultant responsible for supervision during the project implementation performed inadequate or did not perform at all some of its contractual obligations, the situation leading to a dispute between the two parts on the final financial obligations that the beneficiary has towards the consultant. Furthermore, at the end of the project, the consultant refused to continue services without additional costs and to complete its contractual obligations, determining the final beneficiary to take up the remaining supervision services;
- along with the delays that affected the majority of the works contracts, in terms of technical projects and designs and actual works on the sites, there can also be mentioned that some of the works could not be completed because of legislative changes, there were dispute on financial claims between the contractors and the beneficiary arising from the differences encountered on the field, and some works were not finished by the contractor and had to be finalized by the beneficiary, although they did not affect the proper functioning of the targeted systems.

Despite these problems, which are common to most ISPA projects focusing on environment protection⁵, at the end of the project it was reported that 99.84% of the physical indicators set had been reached. As the company was and is concerned to improve both its operational and financial performance, and to meet both European and consumers' demands, the priority was to access additional funds from the Cohesion Fund through the Sectorial Operational Program.

⁵ For more details on the problems encountered during the implementation of ISPA measures see also Patronatul Apei (2014), retrieved from <http://www.google.ro/url?sa=t&rct=j&q=&esrc=s&source=web&cd=2&cad=rja&uact=8&ved=0CDUQFjAB&url=http%3A%2F%2Fpatronatulapei.ro%2Fuploads%2Fdocs%2Ftabel.doc&ei=fmJrU9bFA-2h7AaWnICgBw&usg=AFQjCNHZD5keMC1Tsyvt13mP16grtxQ7g&bvm=bv.66330100,d.ZGU>, accessed on 12/05/2014.

Figure 3. Funding allocated to Satu Mare from the Cohesion Fund 2007-2013

Source: Self research

The updated version of the Master Plan for the period 2007-2013 has been approved by the beneficiary in 2010 and by the Ministry of Environment at the beginning of 2011. The regional operator beneficiates in the period 2011-2015 by a funding of approx. €102.912.000 (without VAT) from the Cohesion Fund through the "Environment" Operational Program for the investment "Extension and rehabilitation of water and wastewater infrastructure in the County of Satu Mare". The project is the biggest ever implemented in the County of Satu Mare.

The project includes 19 contracts: one supply contract (flushing trucks), three services contracts (technical assistance for procurement and management, technical assistance for works supervision, and auditing services), and fifteen work contracts. The work contracts cover fourteen localities in the County of Satu Mare (five towns and nine communes) and will have the following results:

- for the water sector: 19 new or rehabilitated wells, 27 km of adduction network rehabilitated, 80 km of new or rehabilitated water network, 4 new or rehabilitated water treatment plants;
- for the wastewater sector: 175 km of new wastewater networks, 27 km of rehabilitated wastewater network, 5 new or rehabilitated wastewater treatment plants, 46 new or rehabilitated wastewater pumping stations.

The last procurement chart shows that all of the supply and services contracts have been concluded and out of the fifteen work contracts ten are already in the stage of implementation. The last progress report of the project shows that the total value of the contracts concluded so far is of approx. €50,280,500, the payments made so far by the beneficiary are in a total value of approx. €5,000,000, representing 10% of the total value of the contracts concluded so far which are in a physical progress of 16.33%. Two works contracts will be concluded in short time, while the other three are different stages of procurement: two of them have been awarded to contractors

but the losers of the procurement have forwarded appeals to the procedure and one is in the phase of submission of tenders.

As the project has to finish until December 31, 2015 and there are contracts which haven't been signed at this moment and the implementation of the contracts signed so far seems to be slow, we need to underline the main problems encountered by the beneficiary before the tender, during the tender procedure and during the implementation of the contracts.

Problems before the tender procedure	<ul style="list-style-type: none"> - the technical designs for the work contracts have been finalized by the consultant with a delay of 7-8 months; - the tender documentations have been finalized by the consultant with a delay of 6-9 months; - changes in the procurement legislation that affected the standard tender documentation for the work contracts; - delays in obtaining several certificates and approvals requested by the urban planning certificate.
Problems during the tender procedure:	<ul style="list-style-type: none"> - some contracts have been awarded to contractors that presented an offer which is well under the forecast of the beneficiary (even less than 50% of the estimate) questioning the ability to correctly implement the contract. This is due to the procurement legislation that encourages participants to come with low bids as the criteria for awarding the contracts is the lowest price; - high number of appeals forwarded by contractors which were unpleased with the results of the tender procedure and the long time needed by the authorities to solve the appeals (in some cases it took more than three months to have a final solution).
Problems during the implementation:	<ul style="list-style-type: none"> - changes in the legislation and a high number of instructions issued by the MA which are not always accompanied by explicit details on how to implement the instructions; - differences between the situation described in the technical documentation and the situation on the field which leads to a high number of variation orders and sometimes to additional sums which are supported by the beneficiary; - for some projects, the contractor needs to realize apart from the actual works on the field also the technical design and in some cases the contractor register a delay of more than 1 year. In these cases, the question is whether the contractor will be able to implement in due time the contract; - the consultants, whether we talk about the one responsible for management and procurement or the one responsible for supervision, are slow in delivering the documents requested by the contracts, most of the time due to a lack of specialized personnel; - low speed of works on the field which in turns leads to a low state of physical implementation and to a low rate of funds absorption and possibly to disputes related to the penalties applied by the beneficiaries to the contractors.

Despite these problems and many other challenges the beneficiary has to face with, the only chance for improving the water and wastewater infrastructure is through the EU regional policy. For the period 2014-2020 the projects focusing on water and wastewater sectors will be financed from the Large Infrastructure Operational Program managed by the European Funds Ministry. S.C. APASERV SATU MARE S.A. has prepared for this period an updated version of the Master Plan that includes a list of investment priorities and has sent for financing an application for the tender of technical assistance for procurement and management support. The consultant that will succeed in this tender will be responsible for preparing the application for the next financing period and all the documents annexed to it (including the feasibility study), tender documentations, technical designs, documentations necessary for obtaining the urban planning certificates etc.

The Master Plan foresees investments in the water infrastructure in 29 localities and investments in the wastewater infrastructure in 41 localities with total value of € 126,187,000. The list of investments is indicative and could be adjusted later during the elaboration of the feasibility study. So far, until the Partnership Agreement is signed between the European Union and Romania, there is no final decision on the amount allocated for 2014-2020 for investments in water and wastewater infrastructure and no final decision on the rates of co-financing. What is clear so far is that the regional operator is willing to invest more in the wastewater infrastructure and to include more and smaller localities in the project.

Figure 4. Investments in water and wastewater infrastructure in the County of Satu Mare 2002-2020 (€)

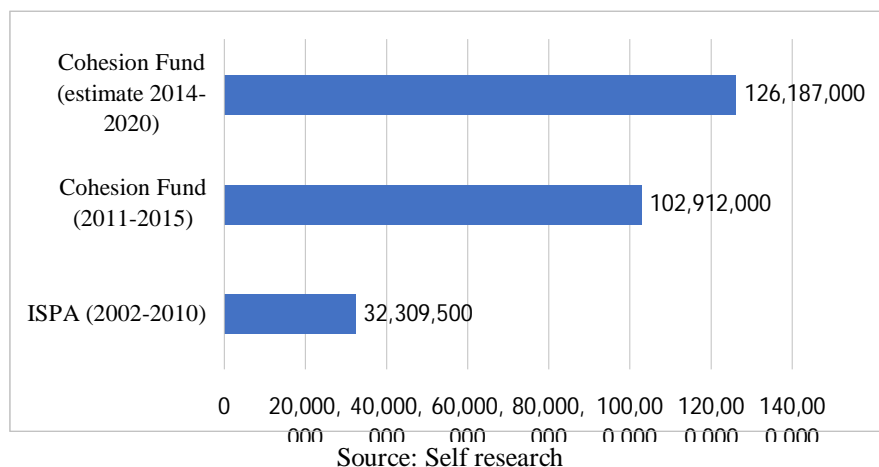


Figure 4 shows that the funds allocated for the County of Satu Mare for the rehabilitation and extension of the water and wastewater infrastructure increased more than three times after the accession of Romania to the EU and will continue to increase also in the current financial programming period although not with the same rate.

5. Conclusions

The County of Satu Mare has succeeded to attract from ISPA, and afterwards from the Cohesion Fund, around €140 million for investments in water and wastewater infrastructure, and has already planned investments of more than 120 million Euros for the next financing period. Being one of the most undeveloped sectors of Romania, the management of water and wastewater surely needs the attention of authorities in a state that became member of the European Union in 2007 and still has many rural areas where people cannot enjoy clean water and a clean environment.

The regional operator in Satu Mare County, S.C. APASERV SATU MARE S.A., proved that it can successfully manage a big investment project financed from the pre-accession funds, and can overcome all of the shortcomings associated with the system of awarding and implementing structural and cohesion funds. If the desiderata of Romania is to increase the rate of absorption of European funds, which in turn can lead to a significant growth of the Romanian economy, measures are needed in order to overcome the shortcomings of the system, some of which have been underlined above, and to apply the recommendations of the European institutions for the next financing period, meaning: simplification of the rules, concentration on some objectives and more effective support (not only words, controls and instructions) offered by responsible authorities to beneficiaries.

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