

OVER-REGULATION AND CHANGES TO LEGISLATIVE INSTRUMENTS RELATED TO RURAL DEVELOPMENT POLICY AT EU LEVEL. COMPARATIVE ANALYSIS OF REGULATORY INSTRUMENTS BETWEEN TWO MULTIANNUAL PROGRAMMING PERIODS

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Abstract. *Development instruments are framework tools through which European development policies become operational at the level of each Member State or acceding state. European regulatory instruments are self-contained in the sense that they cannot be modified by Member States or in the process of accession. Each Member State adapts its European regulatory instruments based on national legislation so that they can be operational/used in the development process. They were created with the aim of providing legislative, financial and technical support to European rural development policy.*

Keywords: *Over-regulation, European Rural Development Policy, regulatory instruments, legislative changes.*

Methodology

The objective of this research is to carry out a comparative analysis between the multiannual programming periods, 2007-2013 and 2014-2020, respectively, in order to capture the influence of the changes and modifications made on the regulatory instruments in the field of rural development at EU and Romanian level, respectively.

Based on the research question: *Was the framework of regulatory instruments at European and national level in line with the rural development needs and expectations of beneficiaries?* and depending on the hypothesis *Over-regulation of regulatory instruments at EU and national level determines the effectiveness of the rural development process*, this article aims to demonstrate that the European rural development process and especially the rural development process in Romania need a simplified and stable legal framework. In this hypothesis, we have as an independent variable the over-regulation of the instruments, i.e. the large number of legislative acts registered at European and national level through which the rural development instruments and mechanisms are put into practice, and the effectiveness of the rural development process is the dependent variable under these conditions. The hypothesis represents a cause-effect relationship between the two variables and suggests that the over-regulation of instruments and mechanisms affects the rural development process,

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and the results planned through the Rural Development Programmes (hereinafter referred to as RDPs) by each Member State are achieved differently from one programming period to another. In order to reach the expected results, this causal relationship was analyzed comparatively and quantitatively using as units of analysis the types of European and national legislative acts issued in the two programming periods, and the absorption rate of European funds from the EAFRD was analyzed as quantifiable indicators.

Analysis of the literature

Regulatory instruments play a decisive role in the European rural development process. Due to the quite different legal systems and concepts in the Member States, the differences in the hierarchy of legislation regarding the existing legal rules at the level of the Member States compared to those existing at the EU level and, last but not least, due to the massive production of EU regulatory instruments, in terms of legislation, there have been complex approaches in the literature.

What are regulatory tools? It is necessary to define, on several occasions, based on the specialized literature, the concept of *regulation*. Baldwin and collaborators propose in the publication *Understanding Regulation* that the term be approached in the sense of: "a specific set of commands, in which regulation implies the promulgation of a mandatory set of rules to be applied by a body dedicated to this purpose; *as a deliberate influence of the state* with the aim of influencing business and social behavior; *as all forms of social or economic influence* in which all mechanisms that affect behavior are considered regulatory" (Baldwin, 2012: 3). By extrapolating the above set of definitions to the concept of rural development, we understand regulatory instruments as a form of institutional control through which, based on legislation, the rural development process at EU level is aimed at being standardized, based on common rules. If we refer to Baldwin's definitions, we can accept that regulatory instruments are tools or means by which European institutions, national governments, local authorities *impose* a concrete framework for law enforcement in various fields.

The concept of regulatory instrument is found in the literature under several names, namely: legal instruments, legislative instruments, or legislative instruments, with the meaning of legal acts¹. The difference between them is only linguistic. For example, in European law they are found under the name of legal instruments. They make up the EU's body of law and are used to create and coordinate policies, adopt measures and build development programmes and implement them unitarily at Member State level. Walter Hallstein said in 1973 that the European Community is a "legal phenomenon in three respects: it is a creation of law, it is a source of law and it is a legal order" (Hallstein, 1973:30). In the context of rural development, the 'legal order' referred to by Hallstein² is materialised at EU level through the regulatory instruments related to the rural development process.

German Professor Rudolf Geiger and collaborators approach the issue of European regulatory instruments on agricultural and rural development in the light of the notions of agriculture and rural development in the Treaty on the Functioning of the

¹ In our contribution we will use the phrases *regulatory instruments* and *legislative instruments* almost without discrimination, for the purpose of readability.

² Walter Hallstein strongly supported in his mandate, as president, the consolidation of European law, which was to have a major impact on European legislative instruments.

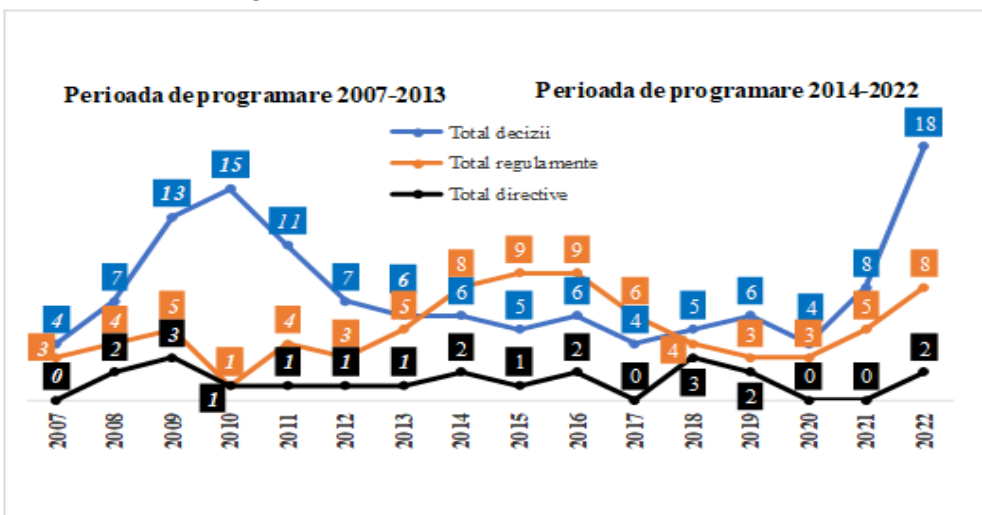
European Union. Geiger says that "the definitions relating to agriculture or agricultural products in the (TFEU) when specified are inaccurate and have no legal significance, and when they do not provide clear definitions, they provide the possibility for Member States under special secondary legislation to interpret the concepts differently and not in harmony with European law" (Geiger, Khan, Kotzur 2015: 306). They are partly right, but in our opinion the treaties, through their construction, have the power to substantiate an institutional framework and basic principles for European legislation, and the construction of European legislation is carried out, mainly by legal acts, regulatory instruments, adopted by the EU institutions.

According to Onuf, one of the theoreticians of social constructivism, "meaning in human social relations depends on the existence of rules" (Onuf, 2013, 36). Consequently, his constructivism supports the fundamental meaning of rules in relation to social reality. Rules regulate aspects of the world, but, from a constructivist point of view, they always constitute situations in the first place. Therefore, any analysis of social life must start with rules, and a rule, according to UNUF "is a statement that tells people what they should do" (UNUF, 2013, 51). The rules provide guidelines for human behavior and thus make common meaning possible. People, as well as social constructs such as states, become agents in society only through rules. At the same time, rules give agents choices, the most fundamental choice to follow or break them (Bonaciu, 2025: 62).

Benchmarking of regulatory instruments at EU level

In two programming periods in the 2007-2020 time series, the EU institutions, namely the EC, the EP and the EUC, issued **226 binding legislative instruments** such as Decisions, Regulations and Directives with a direct impact on the European rural development process. The distribution of the types of legislative instruments issued during the 16 years is graphically represented by Figure 1.

Figure 1. Frequency of adoption of legislative instruments, depending on the type of legal act, between 2007 and 2022, at EU level



Source: Author's processing.

Following the comparative analysis, depending on the type of legal acts issued by the European institutions and referring to the total number of acts issued, we find that in the 2007-2013 programming period the three types of regulatory instruments had an upward evolution, followed by a downward evolution (Bonaciu, 2025: 191-192).

From the middle to the end of the programming period, the evolution of legislative acts was downward at the level of decisions, slightly upward at the level of regulations and linear at the level of directives. Most of the regulatory instruments, 58 in number, were issued by the middle of the programming period, and in the last three years the other 39. A total of 97 regulatory instruments were adopted during this programming period.

As regards the 2014-2022 programming period, we note that the evolution of the three types of regulatory instruments is different from the previous period. The European institutions legislated through the three types of legislation at a relatively linear pace from the beginning of the programming period to the middle of the 2017 period. Between 2014 and 2017, 32 regulations were issued, more than in the same period³ of the previous period. The same upward trend is recorded with regard to directives, their number increases to eight directives compared to six issued in the previous period.

As for the number of decisions, it decreases in these intervals, to 21 decisions, compared to 39 issued between 2007 and 2010. After the middle and until the end of the programming period, the evolution of legislative acts is again different from the same interval of the previous programming period. Between 2018 and 2022, there is an upward evolution, in a curve at the level of the three types of legislative instruments. The number of regulations issued indicates a downward trend between 2019 and 2020. However, in 2022 the number of regulations increases again from 3 regulations issued in 2019 to eight in 2022. The same positive development is recorded in the case of decisions and directives. In the current period, compared to the previous period, from a quantitative point of view, the regulatory instruments were issued differently, compared to the middle of their programming periods. Thus, in the period 2014-2022, by the middle of the programming period, i.e. 2017, 58 legislative acts were issued, and the remaining 71 in the second part of the programming period. A total of 129 regulatory instruments were adopted during this programming period, 32 more than in the previous period.

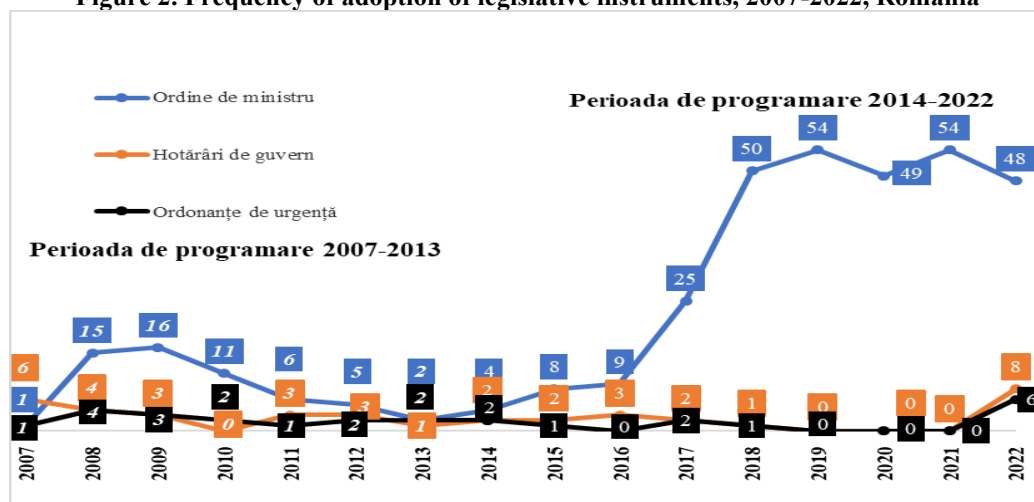
Comparative analysis of regulatory instruments at the level of Romania

In the two programming periods included in the 2007-2020 time series, Romanian institutions **issued 422 legislative instruments** such as Ministerial Orders, Government Decisions and Emergency Ordinances with a direct impact on the Romanian rural development process. The distribution of the types of law-making instruments issued over the 16 years is graphically represented by Figure 2. Following the comparative analysis, depending on the type of legal acts issued by the institutions in Romania and referring to the total number of acts issued, we find that in the 2007-2013

³ The interval to which we refer is 2007, the year of the start of the programming period, and 2010, the middle of the programming period.

programming period⁴ the three types of regulatory instruments⁵ had an upward evolution, fractured in the middle of the programming period, which generated a downward evolution maintained until the end of the programming period (Bonaciu: 193-194).

Figure 2. Frequency of adoption of legislative instruments, 2007-2022, Romania



Source: Own processing according to official MADR information (MADR 2021)

Between 2007 and 2010, 43 ministerial orders, 13 government decisions and 10 government ordinances were issued. After the middle and until the end of the programming period, the evolution of legislative acts was downward at the level of ministerial orders and government decisions and slightly upward at the level of emergency ordinances, but low in terms of quantity. Most of the regulatory instruments, 66 in number, were issued by the middle of the programming period, and in the last three years the other 25. A total of 91 regulatory instruments were adopted during this programming period.

As regards the 2014-2022 programming period, we note that the evolution of the three types of regulatory instruments is different from the previous period. A total of 331 regulatory instruments were issued during this programming period, **3.5 times more than in the previous period.**

The Romanian institutions legislated through the three types of legislative acts, in a relatively linear rhythm from the beginning of the programming period until the middle of the period, 2017. In the top of legislative acts were also ministerial orders, **with 301 more than in the previous period**, in second place were government decisions in number of 18, two less than in the previous period, followed by government ordinances in number of 12, with three less than in the previous period.

⁴ As in the previous analysis, the two analyzed programming periods are divided into two equal time intervals. For the period 2007-2013, the year 2010 is the half of the programming period, and for the period 2014-2022, the mid-term is considered to be 2017. According to European regulations, RDP evaluations are carried out in the middle of the programming period so that the EU and Member States can intervene if the rural development policy implementation process stalls.

⁵ In Figure 2, the frequency of adoption of ministerial orders is highlighted in blue, government decisions in orange, and emergency ordinances are highlighted in black.

Between 2014 and 2017, 46 ministerial orders were issued, three more than in the same period⁶ of the previous period. The upward pace is maintained between 2017 and 2022. As can be seen by following the blue line in graph 5.6, the number of ministerial orders doubles in 2018, 2019, 2020, 2021 and 2022 compared to 2017. Their number is almost 20 times higher than in the same period of the previous period⁷. This upward evolution is the result of the amendments brought to the European regulations in the middle of the programming period, which forced Romania to align its legal framework with the new community requirements through the Ministry of Agriculture.

As far as government decisions are concerned, we notice with the help of orange lines that by the middle of the analyzed programming period, their number is relatively stable, with nine such legislative instruments being issued, but lower for the same interval of the previous period. In the second part of the programming period, their evolution indicates a decreasing trend starting with 2018, maintained until 2022, when nine such regulatory instruments are issued by the Romanian Government, two more than in the same period of the previous period.

Regarding the number of emergency ordinances, we can see with the help of the black line in Figure 2, that by the middle of the programming period their evolution indicates a decreasing trend until 2016, and in 2017 the number of these instruments will increase again, but maintaining 2 legislative instruments such as government ordinances. In the second part of the programming period, their evolution indicates a decreasing trend starting with 2018, as in the case of government decisions, maintained until 2022, when six such regulatory instruments are issued by the Romanian Government.

Compared to the middle of the programming period, in the current period, compared to the previous period, from a quantitative point of view, regulatory instruments were issued differently. Thus, in the period 2014-2022, until the middle of the programming period, i.e. 2017, 60 legislative acts were issued, 18.13%, and the remaining 271, i.e. 81.87% in the second part of the programming period, compared to the period 2007-2013 when, out of the total of 91 regulatory instruments, 77.25% were issued until 2010, and the difference of 22.75% after the middle of the programming period, that is, between 2011 and 2013. In other words, in the 2007-2013 programming period, more legislation was passed until the middle of the period and less in recent years. On the other hand, in the second programming period, the law-making process was the opposite, less was legislated until the middle of the programming period, but more compared to the same interval of the previous period, and more in the second part of the programming period.

By comparing the quantitative data of the type of regulatory instruments comparing the two multiannual financial periods, two phenomena are observed at the level of Romania: the high tendency of constant modification of some rules adopted by the same ministry, and the over-regulation of the PNDR implementation process in the second programming period.

⁶ The interval to which we refer is 2007-2010, with 2007 being the year of the start of the programming period and 2010, the middle of the programming period.

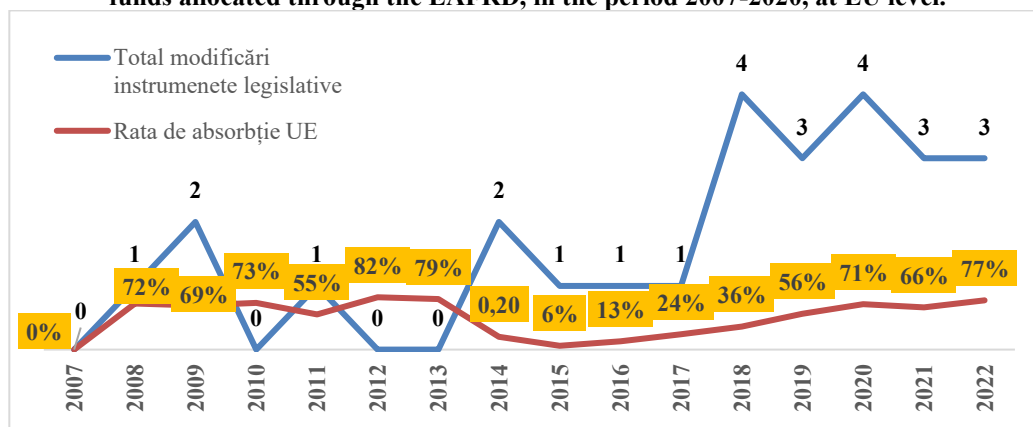
⁷ If the programming period had ended in 2020, the ratio between the number of ministerial orders, issued after the middle of the programming period of the two periods, would still have been different, almost 12 times higher than in the previous period.

Analysis of the effects of legislative changes on financial implementation at EU level, 2007-2020

In the 2007-2013 programming period, the rural development process at European level was implemented on the basis of Regulation 1698/2005, and the second period included in this analysis on the basis of Regulation 1305/2013. During the two periods, the two European legislative instruments were amended almost annually, which affected the average absorption rate at European level of funds allocated to rural development through the EAFRD. Regulation 1698/2005 was amended four times during the multiannual period, and in the following period the number of amendments to the second regulation increased by 5.5 times. After each change, Member States had to adapt their legal framework, revise their RDPs, and make changes to the funding guidelines, so that the funds allocated through the EAFRD could be used by the beneficiaries of the programme. The influence of the amendments to this Regulation on the absorption rate in the period 2007-2020 is graphically represented by Figure 3.

Figure 3 shows, for the period 2007-2013⁸, a variation in the average absorption rate of expenditure at EU level, which is explained by the fact that the reporting made by the Member States includes only the expenditure planned and contracted annually, expenditure that is also influenced by the degree of completion of the projects by the beneficiaries. In 2007, according to the first report of the commission on the administration of the EAFRD, no expenditure was made from the budget allocated to the programming period because there is no approved RDP (ECA, 2008:4). As for the change compared to 2007, Figure 3 shows a significant increase in the average absorption rate. This increase is explained by the fact that *the repayments made by the Commission to the Member States doubled in 2008*, while the amount of advances decreased slightly.

Fig.3 Influence of changes Reg.nr. 1698/2005 and 1305/2013 on the absorption rate of funds allocated through the EAFRD, in the period 2007-2020, at EU level.



Source: Own elaboration based on EAFRD reports in the period 2007-2022.

The strong increase in the average absorption rate also shows the progressive implementation of RD programmes in the Member States (ECA, 2009:14-15). The first amounts spent reported were in 2008, in the third and fourth quarters of the programming

⁸ In Fig.3 the evolution of the changes to the regulatory instruments at EU level is highlighted by the blue line, and the evolution of the absorption rate at EU level is highlighted by the orange line.

period, with a promising average absorption rate at European level of 72%. In the following year, some of the amendments made to the regulation in 2008 as well as the amendments adopted in 2009 enter into force. The changes made by the European institutions to the regulatory instrument during the implementation of the RDP by the Member States lead to a decrease in the average absorption rate to 69%.⁹ In the following year, in 2010, in the middle of the programming period, the fact that there are no changes either in form or content to the regulatory instrument means that the average absorption rate at European level increases to 73%.

In 2011, the effects of the 2009 amendments are felt, with the lowest absorption rate of funds allocated through the EAFRD since the approval of the RDPs of only 55%. This low percentage was mainly due to the changes that Member States had to make to the RDP, but also to the effects of the economic crisis. In 2012 and 2013 there were no changes to the Regulation, which means that Member States have two years in which to continue the absorption of EAFRD funds without legislative impediments during this programming period. As can be seen, in 2012 the average absorption rate increased compared to the previous year by 27%, reaching 82%. This increase came as a result of the 2011 changes that reduced the co-financing rate of beneficiaries, which made RDPs much more attractive. In the last year of the programme period under review, although there have been no changes to the regulation, the average absorption rate at European level decreases by 3 percent, to 79 percent, compared to 2012. The rest of the money allocated to this programming period was spent in the first two years of the next programming period.

After long debates, Regulation 1035/2013 becomes operational, and Member States can start building their RDPs based on a much more complex legislative framework than in the previous period. However, interventions were also made on this regulation during the programming period, which modified the general framework of the regulation.

In total, 22 changes were made with different effects on the average absorption rate of the allocated budget. Regulation 1305/2013 entered into force on the first day of 2014 together with three amendments brought by Regulation 1310/2013. By the end of 2014, two other amendments were made, which entered into force in October and December, respectively.

On the basis of these amendments, seven RDPs were approved for the 2014-2020 programming period and expenditure in 2014 shows an extremely low average absorption rate¹⁰ of only 0.2% (EC, 2016: 12-13). In 2015, the amount of amendments to the regulation decreases to value 1, all national and regional RDPs are approved, and the average absorption rate of the allocated amounts, although it has increased significantly compared to 2014, indicates that the money allocated through the EAFRD was starting to be spent as planned. In 2016, the changes are stable, as in 2015, and the absorption

⁹ The decrease in the average absorption rate is influenced by the degree of completion of the projects contracted in 2008. Given that most of the financing projects were contracted in the 3rd and 4th quarters of 2008, and the implementation period varies between 1 and 3 years, with the possibility of extension, the Member States' reports mostly included payment requests for direct payments made on Axis 2 Environmental Measures and fewer reimbursements at project level.

¹⁰ The average annual absorption rate is related to the total budget allocated to the EAFRD in the period 2014-2022. It is calculated on the basis of payments made by the EU to Member States, according to the annual plans and budget approved at EU level.

rate, although it maintains its upward trend, compared to 2015, remains low at EU level, registering an average of 13%.¹¹ In 2017 we recorded the same low level of changes and the same upward trend of the absorption rate, but low in terms of spending European money, registering at the end of the year an average of 24%. In the middle of the programming period, i.e. 2017, a quarter of the EAFRD budget allocated for the 2014-2022 programming period was spent¹². These results were alarming for European decision-makers as well as for Member States that had to modify and postpone the implementation of RDP measures (MADR, 2017: 37-57).

The massive amendments of Regulation 1305/2013 which simplified the operationalization of the RDP and which entered into force in 2018 generated an increase in the average absorption rate to 36%, quite low considering that there were still two years until the end of the programming period. It was only in 2019, when three other amendments to the regulatory instrument came into force, that 56% of the funds allocated through the EAFRD were spent. The growth rate was encouraging, it increased in 2019 compared to 2018 by 20 percent (EC 2020: 13). Economic activities, and not only, were severely affected in 2020 by the COVID-19 pandemic, but the pace of spending funds for DR maintained its upward trend, reaching 65%.¹³ This increase is explained by the fact that in 2020 final or partial payments were made to the financing contracts concluded in previous years¹⁴.

In 2020, in order to help the beneficiaries, the four emergency amendments to Regulation 1305/2013 were made in a very short time¹⁵. In 2021, the regulation was amended three times, in addition to the entry into force at the end of the previous year of the previous amendments, with a decrease in the average absorption rate by 9% compared to 2020. In 2022, three other amendments to the regulation are made, and the upward trend of the average absorption rate of funds indicates an 11% increase in the expenditure of the amounts allocated for this programming period compared to 2021. The 2014-2022 programming period ended in 2023 with a budget surplus of over €2 billion, recording an average absorption rate of 83%.

Analysis of the effects produced by legislative changes and changes on the absorption rate in Romania, 2007-2020

In the case of Romania, the amendments brought by the European institutions to Regulations 1698/2005 and 1305/2013, as well as to the other regulations related to rural development, have generated a series of interventions by the state, especially by MADR, in the legislative framework of the rural development process. These interventions consisted primarily in the issuance of legislative acts at national level without the predictability necessary to attract beneficiaries. These were followed by the need to

¹¹ As in 2015, the largest amounts were directed to EAFRD Measures 10 and 13.

¹² The largest amounts were directed to three EAFRD measures, namely Measure 4 Investments in physical assets, Measure 10 Eco-conditionality, and Measure 13 Payments for areas facing natural constraints.

¹³ In 2020, the average absorption rate at EU level was only 5% higher than in 2019.

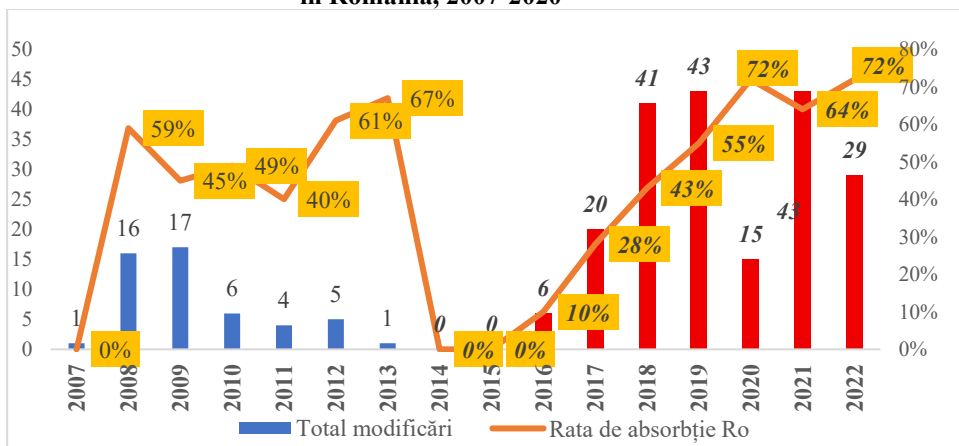
¹⁴ Member States declare their expenditure on a quarterly basis. However, for year n, the T4 declarations are submitted in January of year n+1. Accordingly, the corresponding reimbursements granted by the Commission to Member States in year n shall be made from the fourth quarter (Q4) of year n-1 to the third quarter (Q3) of year n.

¹⁵ It took the European institutions 3 months to adopt a regulation in response to the Covid-19 pandemic.

harmonize the national legislation with the European legislation but also by the harmonization of the national legislation with the new changes made at EU level.

In addition to these changes at European level, there is also the lack of a predictable national legal framework, which led to the frequent change of the procedures and rules for the implementation of the measures in the NRDP for the period 2007-2013, causes that influenced the access to the measures by the beneficiaries, which was reflected in the average absorption rate of the funds allocated through the EAFRD¹⁶. During this programming period, Romania was below the European average of the average absorption rate of funds this year. Between 2007 and 2013, the legal framework for rural development through EAFRD funds consisted of 84 national regulatory instruments, of which 59% were amendments to the legal framework. Most changes or additions to the legislative framework were made between 2008 and 2010, and in the last three years the data indicate a relaxation of legislative changes. These values indicate a sustained concern on the part of the state regarding the harmonization of the national legal framework with the European regulatory instruments by the middle of the programming period. The effects of repeated changes in the legislative framework on the average absorption rate of funds from the EAFRD budget are graphically represented in Figure 4.

Figure 4. Effect of amendments to RDP legislation on the absorption rate of EAFRD funds in Romania, 2007-2020



Source: Own elaboration based on MADR annual progress reports

In 2007, out of the nine instruments issued, only one represented an amendment to an emergency ordinance on the management of non-reimbursable funds for the CAP, as well as a modification of the co-financing and pre-financing rate allocated from the state budget. This year, Romania still did not have the PNDR approved by the commission, which means that it had not absorbed any amount of the allocated funds, like the rest of the member countries. In 2008, compared to 2007, the number of legislative instruments issued at the same time as the number of amendments to the legislative framework increased. Also, positive values of 59% are recorded in terms of

¹⁶ In Fig. 4 the evolution of the changes in the regulatory instruments in Romania in the period 2007-2013 is highlighted by the values in the columns marked in blue, and the average absorption rate of the funds allocated through the EAFRD with the orange line.

the average absorption rate of funds allocated at national level from the EAFRD, but below the European average (72%). In 2008, Romania contracted 1117 financing applications and over 1 million payment requests for Axis 2, which provided direct payments for Environmental Measures. Most of these payments were made during 2009 or in the following years depending on the payment requests submitted by the beneficiaries (MADR, 2009: 19-45).

It seemed that the PNDR was in an advantageous direction for the public and private ecosystem in the Romanian countryside. Based on the legal framework of 2008, MADR managed to launch 11 measures¹⁷ within the NRDP for financing, but without notable success. For example, this year, after the financing guide for measures 312 and 313 was launched¹⁸, the MA decided to modify two eligibility criteria (MADR, 2010:50). This change confused potential beneficiaries in the sense that they had to adapt their business plans and projects according to the new requirements.

Another example is the amendment of the manual of procedures for *the training, information and dissemination of knowledge measure*. These changes, instead of attracting vocational training providers in rural areas, made the measure unattractive (Bonaciu, 2025: 212). The evaluation commission had to analyze at national level seven projects, none of which met the criteria of the financing guide, which is why a new stage of project submission was organized (MADR, 2010:20).

In 2009 compared to 2008, the number of national legislative instruments decreased, but the number of amendments brought to the previously approved legislation increased. These changes lead to a decrease in the average absorption rate by 6 percent. This decrease to 49%, again below the EU average of (69%) was due, for example, to the fact that the measures that provided for the financing of the activities of informing the beneficiaries regarding the preparation of business plans could not be contracted, which led to the loss of funding (MADR, 2010: 35).

In 2010, the number of legislative instruments issued and the quantity of amendments decreased significantly in the middle of the programming period, again indicating a positive trend in the average absorption rate of funds. However, the average absorption rate in Romania (49%) was below the European average (73%).

In 2011, compared to 2010, the number of national legislative instruments increased, and the number of changes in the legislative framework due to changes at European level decreased. The average absorption rate of funds is also in a downward trend.

In 2012, the PNDR implementation process improves. Compared to 2011, both the number of legislative instruments and amendments decreases to 5 units, and the absorption rate increases significantly to 61%, but remains below the European average (82%).

In the last year of this programming period, namely 2013, the national legal framework is further harmonized with the European one, with 6 national legislative instruments being issued and only one amendment.

In the case of Romania, the amendments brought by the European institutions to Regulation 1305/2013 as well as to the other regulations related to rural development, have generated, as in the previous programming period, a series of interventions by the state, within the legislative framework of the rural development process. These interventions consisted primarily of issuing ministerial orders, which amended legislative

¹⁷These are measures 112, 121, 123, 141, 142, 211, 212, 214, 312, 313 and 322.

¹⁸ Measure 312 had as its objective "*Support for the creation and development of micro-enterprises*, and Measure 313 *Encouragement of tourism activities*".

acts issued in the same period. These changes consisted of the frequent change of the procedures and rules for the implementation of the RDP measures for the period 2014-2020, which influenced the access to the measures by the beneficiaries, which was reflected in the average absorption rate of the funds allocated through the EAFRD. During this programming period, Romania was below the European average of the absorption rate of funds this year¹⁹.

Between 2014 and 2015, there were no changes to the legal framework, and the NRDP was not yet approved by the Commission, which means that Romania had not managed to spend a single euro of the allocated European money. Only in 2016, following six changes to the legal framework, 10% of the allocated budget is spent. From the perspective of the Romanian state, these changes (MADR, 2016) were in favor of the beneficiaries, in the sense that the largest number of sub-measures were publicly launched for financing²⁰, the number of necessary documents was reduced, as well as the deadlines for submitting technical projects in the case of construction financing.

However, the launch in a single year of a large number of calls for applications for funding with short deadlines was to the disadvantage of the beneficiaries because they did not have enough time to analyse all the applicant's guides of the 24 sub-measures in order to decide which eligibility criteria they meet and definitively, to choose the right sub-measure.

In addition, the most important problem that affected the submission of projects and implicitly the absorption of European funds in 2016 by the public sector "was the delay in harmonizing the legislation with European directives regarding the conduct of public procurement" (Law 98: 2016);²¹ and for the private sector, the lack of a legal framework regarding the reimbursable financial instrument. This instrument was to help beneficiaries, who were applying for funding of up to €2 million, to co-finance their co-financing rate required by the funding guide.

Another cause was "the delay in the elaboration of the normative framework of the Government Emergency Ordinance no. 49/2015" for establishing the financial flows in the implementation of projects financed from the EAFRD; legislative process that was completed in April 2016. The absorption of funds allocated to private beneficiaries with lower co-financing rates was also not without problems caused by the legislative vacuum and the over-regulation of financing guidelines, problems solved by the Romanian state only two years later through a series of amendments (Bonaciu, 2025: 231).

All these legislative problems were remedied by the legislative acts issued in 2016, but nevertheless the absorption rate was reduced by only 10%, standing three percent below the European average of 13%. Basically, the operationalization of the PNDR for this programming period was slowly unwinding, with a delay of two years. A year later, the effects of the 2016 changes are felt in terms of the evolution of the absorption rate. Thus, in 2017, compared to 2016, it increased by 18 percent, reaching 28

¹⁹ Figure 4 The evolution of changes to regulatory instruments in Romania for the period 2014-2020 is highlighted by the values in the columns marked in red.

²⁰ In 2016, 24 sub-measures/schemes were launched starting with April within the implementation measures of the PNDR 2014-2020

²¹ This legislative act entered into force in May, and the implementing rules in June. This law amended "G.D. no. 226/2014 on establishing the general framework for the implementation of the measures of the national rural development program co-financed from the European Agricultural Fund for Rural Development and from the state budget".

percent. Of the 20 amendments made to the legislative framework, two contributed massively to the increase in the absorption rate. The first is the amendment of the national legislation regarding the "Portfolio Risk Sharing Loan Financial Instrument",²² financed by the EAFRD²³, and the second amendment regulated the information and publicity strategy of the programme in order to make it more attractive. However, in the middle of the programming period, i.e. 2017, timid progress was made, with the entrepreneurial and public ecosystems in the Romanian countryside managing to spend only 28%, just over a quarter of the money allocated through the EAFRD (MADR, 2018: 24-26).

As in 2016, the changes made in 2017 had positive effects in 2018. Thus, the upward trend of the average absorption rate is maintained in 2018, as well as that of the legislative changes. This year, 41 changes were made to the manuals, guides and procedures for the implementation of projects financed from the EAFRD budget. The most important changes made in the legislative framework were mainly aimed at reducing over-regulation, simplifying funding applications and the necessary documents so as to reduce the administrative burden. Also during this year, the procedures, funding guides and evaluation manuals related to the poorly accessed measures between 2015-2018 were simplified. The average absorption rate of funds allocated through EAFRD by Romania was 43% in 2018, seven percent above the European average (36%).

In 2019, following only 43 legislative changes to the content of manuals, regulations and project selection procedures, the average absorption rate of funds allocated through the EAFRD reaches 55 percent, 12 percent more than the previous year, but below the European average by only one percent (56 percent). The increase in the average absorption rate was due in the first phase to the effects of the changes made in 2018, but also to the simplifications made by the 2019 changes. For example, this year, measures that provided for investments continued to be accessed by private beneficiaries with the help of reimbursable financial instruments. For the most part, these amendments concerned *OM 795 of 2016* on the approval of the procedure manuals developed at the beginning of the programming period by AFIR. In this regard, Order 795 was amended 24 times in 2019. The most important legislative instruments issued in favor of the beneficiaries consisted in the transition to a digitized system with fewer documents. Thus, individuals, legal entities as well as state institutions interested in obtaining financing through measures 3, 4, 5, 6 and 7, starting with 2019, can submit the application for financing online. And as for payment requests, starting with 2019, the requirement to apply the stamp on the documents submitted for reporting by the beneficiaries of PNDR funding was eliminated (MADR, 2019: 1-2).

In 2020, the number of legislative changes decreases significantly to 15, while the average absorption rate maintains its upward trend, reaching 72% of the total amount allocated through the EAFRD to our countries, with a percentage above the European average rate (71%). Normally, 2020 was supposed to be the end of this programming period, and the law-making instruments should support the process of closing the

²² This reimbursable financial instrument was implemented in accordance with the provisions of "art. 38, paragraph 4, letter b) of Regulation no. 1303/2013". "The manager of the instrument was the European Investment Fund (EIF), based on the Financing Agreement" concluded on November 28, 2017.

²³ Between January 2016 and December 2017, *expenses amounting to EUR 247,212,831.95 were incurred for sub-measures 4.2 and 4.2a, of which EUR 8,414,738.00 related to the Portfolio Risk Sharing Loan Financial Instrument.*

contracted projects, as well as in support of a new programming period. However, due to the emergence of the COVID-19 pandemic, the situation has become more complicated on several levels. First of all, the field verifications could not be carried out by the MA, and the beneficiaries could not complete their economic indicators from the business plans related to the financing applications contracted before March 15, 2020. In this context, an order was issued in March to modify the implementation period, offering beneficiaries the possibility "to extend certain stages of the implementation schedule, to reschedule payment tranches or to request the extension of financing contracts" (MADR, 2020: 1).

Also, all evaluation, monitoring and verification activities planned by the MA were postponed (MADR, 2020:4). Through a new order issued in June, substantial derogations were made in favor of the beneficiaries but also of the managing authority in terms of the process of submitting, evaluating, monitoring and reporting payment requests. Thus, the authorization of payment requests regardless of the tranche, as well as those included in the "on-the-spot" sample for which verification by the MA at the place of investment was required, could be carried out on the basis of "the relevant documents submitted by the beneficiary regarding the implementation stage of the project, including photographs/videos with geographical labeling where possible, according to the provisions of art. 1 para. (2) of OM no. 125/2020" (MADR, 2020: 5). These derogations have only eased the implementation process. The beneficiaries were exempted from field visits, they were able to continue their activities within the state of emergency, and the verification officers had at their disposal a new, much more efficient digital verification model. However, these derogations were removed immediately after the end of the pandemic. The ministerial orders issued in the same year, on the basis of which the financing guidelines and implementation procedures were approved, amending previous ministerial orders, did not provide for derogations or advantages similar to those during the pandemic. The procedures for evaluating, monitoring and verifying the payment requests to be made in 2021 and 2022 returned to the classic form - *field visits*, photos taken by the managing authority's officers.

In 2021, in Romania, the trend of changes is again upward, similar to that of 2019, when no less than 43 changes are made to the manuals, regulations and project selection procedures, leading to a decrease, compared to 2020, of the average absorption rate to 64%, two percent below the European average rate (66%). This year, a package of measures was carried out that included revisions of the technical sheets and or reallocation of additional funds for 19 measures from the NRDP with effects on the average absorption rate in 2022. For example, in the case of Measure 4 and Sub-measure 4.1 on investments in physical assets, new categories of beneficiaries, new selection criteria and additional eligibility conditions have been added.

In 2022, the number of legislative changes decreases significantly compared to the previous year to 29 legislative acts, and the average absorption rate of funds allocated to Romania increases to 72%, but remains below the European average rate, which jumped compared to 2021 at 77%.

In the period 2014-2022, the legal framework for rural development through funds allocated through the EAFRD consisted of 310 national regulatory instruments, of which 65% were amendments to the legal framework. The fewest changes or additions to the legislative framework were made until 2017, the middle of the programming period, and most in the following period, which indicates a change in the perspective of the Romanian state, influenced both by the changes at European level, but also by the

way the financing guides were designed, as regards the regulation of rural development policy compared to the previous programming period under review, when the legal framework was harmonised by the middle of the programming period.

Conclusions

Following this comparative analysis, we notice two aspects. The 2007-2013 programming period had a much more stable legal framework compared to the 2014-2020 period. In the first period under review, the evolution of regulatory instruments was intense until the middle of the period, followed by a decrease, maintained until the end of the programming period. This evolution indicates a relative stability, which has provided beneficiaries of European funding through the EAFRD with a predictable legal framework, with regulations that have supported the spending of EAFRD money. The second aspect found is that in the second programming period the total number of regulatory instruments is higher and that the number of regulations has increased significantly. Their evolution indicates instability in the EU legislative framework, which has had an impact on the absorption rate of funds allocated to rural development through the EAFRD.

If we refer to the phenomenon of changes in the legislative framework, we find that the changes at European level in the 2007-2013 programming period indicate a relatively linear evolution of the average absorption rate at European level of the European funds allocated through the EAFRD. However, we can note that in 2009, when the number of changes increased, the average absorption rate decreased, and when no changes are made, the average absorption rate has an upward evolution. On the other hand, the effect of the changes brought to the legislative framework on the average absorption rate is much more pronounced in Romania. The lower or more constant the number of changes, the average absorption rate has a positive evolution.

Regarding the analysis of the data from the period 2014-2020, we note that the legislative changes at European level had a positive impact on the evolution of the average absorption rate of European funds allocated through the EAFRD, compared to the previous period. The average rate has increased annually, progressively with the exception of the post-pandemic year 2021. On the other hand, the effect of the changes brought to the legislative framework on the average absorption rate is much more pronounced in Romania compared to the previous period. At the same time as the number of legislative changes increases, the average absorption rate of European funds also increases. It has increased significantly since the middle of the programming period, indicating annual increases of an average of 56 percent, 10 percent more than the previous period. These results demonstrate that in the second programming period the legislative changes positively influenced the rural development process, being better oriented towards the implementation process of rural development instruments and mechanisms, but also a negative aspect, present in both programming periods, namely, the inability of the Romanian state to spend efficiently and direct all the allocated European money, to the entrepreneurial and public ecosystem in Romanian rural areas.

The hypothesis is not validated by the results of the research in the case of the first programming period either at EU or Romanian level. The quantitative data analyzed do not validate this hypothesis. The results obtained from the comparative analyses of the types of legislative acts **issued at European and national level** do not indicate that during this programming period the phenomenon of over-regulation has affected the rural development process. During this period of programs, 97 legislative acts were issued at

European level, and 91 normative acts at the level of our country.

The hypothesis is validated in the second programming period. The data resulting from the analyses on the legislative acts of the second programming period **validate the hypothesis** of this study. During this programming period, 129 legislative instruments were issued at EU level, 32 more than in the previous period. At the level of Romania, 331 legislative instruments were issued during this period, 240 more than in the previous period.

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