ACCESSION TO A SURRENDER OF SOVEREIGN AUTONOMY IN LAW?:
THE EFFECT OF THE EUROPEAN UNION MEMBERSHIP PROCESS UPON
ROMANIA

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I. INTRODUCTION

On January 1, 2007, the Republic of Romania finally entered the European Union (EU), along with the Republic of Bulgaria, pursuant to the latest of a long series of accessions to the EU. This accession increased the total number of sovereign nations within the EU to twenty-seven. The treaty between the Union members and the proposed new members was signed on April 25, 2005. Romania also signed a Protocol, which laid out necessary compliances that the nation must meet in order for the accession to occur. Specifically, the Protocols charged Romania with increasing the security of its borders, reforming its judiciary, and complying with the Schengen Action Plan regulating border controls.

Romania has become a key state in controlling drug trafficking within the EU since, upon accession, it became the southwestern border of the Union and lies directly in the path of the major routes that bring drugs into the Continent. Among the many concessions that Romania will likely continue to make is a forced reform of its criminal code, which is relatively weak regarding drug possession and trafficking, as well as its border control measures in order to meet the requirements of the Schengen acquis.

Romania has met many of the requirements mandated by the acquis thus far, and is determined to fulfill its responsibilities as a new member of the EU. However, if Romania is forced to make more stringent changes to its criminal code and national drug policy than its neighbors, this resolve may turn into...

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2 Id.
3 Id.
7 See infra note 48. Acquis communautaire (French for "asset") or acquis, is the "entire body of legislation of the European Communities and Union .... Applicant countries must accept the acquis before they can join the EU." European Commission, Justice and Home Affairs, Glossary, http://ec.europa.eu/justice_home/glossary/glossary_a_en.htm (last visited Oct. 13, 2007).
resentment and potentially spark a backlash from future acceding nations against the imposition of such requirements.

Part II of this Note discusses the parallel development of criminalization of drug possession and trafficking both within Romania as a sovereign nation and the EU as a whole. This Note examines Romanian laws from the Marxist era, through the democratic renewal of the 1990s, and into the present day. Next, the Note traces the historical development of the EU from its beginnings as an international coal commission to its present ambitions as a federal commonwealth of independent nations. Also analyzed are the procedures, both past and present, for accession of member nation-states into the greater Union with a historical review of past concessions made by members in order to enter the Union. Finally, the overview concludes by outlining the development of the EU’s legal system as well as the creation of a Continent-wide comprehensive drug policy. Particular attention is paid to the relation between drug trafficking and border controls, important in light of the EU’s Maastricht Treaty of February 1992, which provides for “the creation of an area without internal frontiers.”

Part III maps out the Romanian accession process from the Accession Partnership through post-accession requirements. Finally, Part IV analyzes the impact of accession upon the criminal code, border controls, and interdiction of drug trafficking. Of interest is the comparison of criminal deterrents and border control measures for Romania and existing EU Member States. The subsequent necessity of a change in the Romanian drug policy toward a stricter model is also analyzed, weighing the responsibilities of other Member States with those at the border of the EU.

In the future, the EU will also be forced to change its relations with Member States. It must either require compliance by all Member States with criminal sanctions against drug trafficking or eliminate the relevant language within the treaties and the acquis that compels applicant states to change their internal criminal statutes to match the EU’s overarching theme. As the Member States of the EU are still sovereign nations, and the Union, as a federal system, is not yet as strong as the United States, this imposition upon the internal laws of Member States is too invasive. Furthermore, the economic disparities between Eastern and Western Europe and the undue economic burden of reform upon Central Europe may result in the halt of enlargement or even prompt a war. However, if the EU is determined to adopt a federalist system to govern Europe, the higher imposition of drug policy changes upon

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nations constituting the external border of the EU, without a corresponding imposition on internal states, will likely result in dissolution of the unity the Union seeks to engender.

II. BACKGROUND

A. Romania

Romania has had a troubled history, marked by invasions, revolutions, and frequent governmental changes. The rule of law has been questionable within the nation having a history of tyrants ranging from the fifteenth century Vlad Tepes (the basis for Bram Stoker’s Dracula) to the twentieth century Nicolae Ceausescu. Romania dates back to Roman times, when the province of Dacia was founded in the first century A.D. The modern state of Romania came into existence in 1859, when the kingdoms of Wallachia and Moldavia united. The resulting nation adopted its major civil and criminal codes in the late 1860s, modeling them after the French codification of laws. The Penal Code of 1936, adopted after the formation of the Romanian national state, was based upon a classical and positivist model of parliamentary democracy. However, after the end of World War II, leftist organizations began to vigorously influence the political life of the nation; the creation of a communist state and subsequent amendments of the Code reflected the new change of political philosophy. The criminal law was thus turned “into a tool used by the communist regime primarily to repress anticommunist ‘enemies.’ Its secondary role was to combat criminality.” The constitution and codes of Romania remained in place until December 1989, when the wave of anti-

12 VIRGILIU STOICOIU, LEGAL SOURCES AND BIBLIOGRAPHY OF ROMANIA 1 (1964).
13 CIA, supra note 11.
14 STOICOIU, supra note 12, at 2.
16 Id. at 258.
17 Id.
communist revolutions that swept Eastern Europe at the end of the 1980s overthrow President Ceausescu's government.\textsuperscript{18} Elections occurred in May 1990, and the new parliament's "main task . . . was to draw up the details of [a new] constitution."\textsuperscript{19} Parliament ratified said constitution in 1991, "providing for a liberal democracy, although with strong powers retained by the President. . . ."\textsuperscript{20}

As Romanian law relates to drug regulation and control, Romania has always attempted to at least acquiesce to international attempts to regulate the trade. For example, Romania adopted the Geneva Convention of 1936 for the Suppression of the Illicit Drug Traffic in Dangerous Drugs.\textsuperscript{21} The 1936 Convention came out of the work of the League of Nations, of which Romania was a very active member.\textsuperscript{22}

"The first international provisions intended for the prosecution and extradition of [illicit drug] traffickers . . . appeared in the 1936 Convention."\textsuperscript{23} Prior to this, only licit drugs were regulated internationally.

In 1961, Romania became a signatory to the United Nations Single Convention on Narcotic Drugs.\textsuperscript{24} This treaty marked a watershed in combating international drug trafficking and abuse, as it coordinated international action on the matter. Article 35 of the treaty dealt with illicit traffic, providing that signatories "[m]ake arrangements at the national level for co-ordination of preventive and repressive action against the illicit traffic [of drugs]."\textsuperscript{25} Article 36 outlined the penal provisions of the treaty where signatories agreed to:

\begin{quote}
adopt such measures as will ensure that . . . distribution, . . . delivery on any terms whatsoever, . . . dispatch, dispatch in transit, transport, importation and exportation of drugs contrary to the provisions of this Convention . . . shall be punishable
\end{quote}

\textsuperscript{18} Martyn Rady, Romania in Turmoil: A Contemporary History 99 (1992).
\textsuperscript{19} Id. at 161.
\textsuperscript{20} Id. at 195 n.2.
\textsuperscript{23} Id. at 5.
\textsuperscript{25} Id. art. 35.
offences when committed intentionally, and that serious offences shall be liable to adequate punishment particularly by imprisonment or other penalties of deprivation of liberty.\textsuperscript{26}

The treaty respected the laws of each signatory nation; any punishment would be carried out "[s]ubject to the constitutional limitations of a Party, its legal system and domestic law."\textsuperscript{27} This treaty expressly states, as do all subsequent treaties on the subject, that "[n]othing contained in this article shall affect the principle that the offences to which it refers shall be defined, prosecuted and punished in conformity with the domestic law of a Party."\textsuperscript{28} This deference to the native law of the signatory gave the member nation wide latitude to adopt and enforce laws as it saw fit.

Pursuant to the acceptance of this treaty, Romania enacted a new criminal code in 1969, which added drug trafficking to the list of punishable offenses.\textsuperscript{29} In 1971, U.N. members, including Romania, entered into the Convention on Psychotropic Substances, which extended the 1961 treaty to cover chemical substances that act primarily upon the central nervous system, resulting in temporary alteration of perception and behavior.\textsuperscript{30} When the U.N. adopted the Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances in 1988, Romania did not send a delegation.\textsuperscript{31} The 1988 Convention recognized "the need to reinforce and supplement the measures provided in [the prior Conventions] in order to counter the magnitude and extent of illicit traffic. . . ."\textsuperscript{32} Article 18 of the 1988 Convention was particularly of note, as it mandated the establishment and maintenance of surveillance systems at border control points.\textsuperscript{33} It also extended the scope of

\textsuperscript{26} Id. art. 36(1)(a).
\textsuperscript{27} Id. art. 36(2).
\textsuperscript{28} Id. art. 36(4).
\textsuperscript{29} Dianu, supra note 15, at 258.
\textsuperscript{31} United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, Dec. 20, 1988, 28 I.L.M. 49, available at http://www.unodc.org/pdf/convention_1988_en.pdf [hereinafter 1988 Convention]. The social unrest in Romania in 1988 due to President Ceausescu's implementation of his "systematization" plan may have been a factor; this unrest ultimately led to Ceausescu's eventual overthrow and execution. See Rady, supra note 18, at 68, 119.
\textsuperscript{32} 1988 Convention, supra note 31, pmbl.
\textsuperscript{33} Id. art. 18(2)(a) & (c). The specific language:
the prohibited materials to include "materials and equipment for illicit production or manufacture of narcotic drugs and psychotropic substances...."34

Romania subsequently ratified the 1988 Convention on January 21, 1993 and rapid change followed.35 The U.S. State Department's 1993 International Narcotics Strategy Report stated that "[a]lthough drug control is not a high priority... [Romania had] begun to draft a country-wide antidrug strategy."36 By 1994, "the Romanian police, customs, and security services all [had] established counternarcotics departments and investigative programs and operations."37 By 1998, the nation, with the help of the EU PHARE program,38 had completed an enhancement of their border crossing facilities, including "much-needed inspection equipment."39 The Ministry of the Interior organized a Squad for Combating Organized Crime and Corruption (BCCOC); this organization was "split into two distinct units" in 1999– one for domestic narcotics control, the other "concentrate[d] on international drug trafficking."40 These new policies and administrative changes have paid off; the convictions for drug-related offenses have increased from 107 in 1997 to 524 in 2004.41

The Parties shall endeavour... [t]o monitor the movement of goods and persons in free trade zones... and, to that end, shall empower the competent authorities to search cargoes and incoming and outgoing vessels... and, when appropriate, to search crew members, passengers and their baggage;... [t]o establish and maintain surveillance systems in harbour and dock areas and at airports and border control points in free trade zones and free ports.

34 Id. art. 13.
38 See infra note 76 and accompanying text.
B. The European Union

The European Union traces its roots back to the after-effects of the 1951 Treaty of Paris, which created the European Coal and Steel Community (ECSC) for the regulation of economic matters relating to the trade of coal and steel. The treaty was limited to Belgium, Germany, France, Italy, Luxembourg, and the Netherlands. The same nations came together in 1957 to create the European Economic Community, with the intent of “eliminating the barriers which divide Europe . . . by thus pooling their resources to preserve and strengthen peace and liberty. . . .” Great Britain staunchly rejected any idea of admission until 1961, when it attempted to officially apply for admission, then revoked its submission. The U.K. attempted to accede again in 1967, and finally negotiated their admission to the Community in 1973. Member States later amended and combined the founding treaties, setting a goal of forming an “internal market . . . comprising an area without internal frontiers in which the free movement of goods, persons, services and capital is ensured” by the end of 1992.

In 1985, the Schengen Agreement was implemented between Belgium, France, Germany, Luxembourg, and the Netherlands. This agreement provided that “police and customs authorities shall . . . carry out simple visual surveillance of private vehicles crossing the common border [between signatory states] at reduced speed, without requiring such vehicles to stop.”

However, these statistics may be misleading—use of drugs such as amphetamines and ecstasy have grown dramatically since 2000; and yet, “Romanian youths have one of the lowest drug prevalence rates on the continent. . . .” Razvan Amariei, Drug Use In Romania Poses New Challenges, SOUTHEAST EUR. TIMES, Apr. 24, 2006, available at http://www.setimes.com/cocoon/setimes/xhtml/en_GB/features/setimes/features/2006/04/24/feature-03.

42 Treaty Establishing the European Coal and Steel Community, Apr. 19, 1951, 261 U.N.T.S. 140.
43 Id.
46 Id. at 7, 427.
49 Id. art. 2.
Furthermore, nationals of the Member States were allowed to "affix to the windscreen a green disc measuring at least eight centimeters in diameter... indicating that they have complied with border police rules, are carrying only goods permitted under the duty-free arrangements and have complied with exchange regulations." The signatories also agreed to coordinate their actions on combating illicit drug trafficking, by "reinforc[ing] cooperation between their customs and police authorities" in the short term. In the longer term, the Member States promised "to seek to harmonise laws and regulations... on narcotic drugs...."

The Convention Implementing the Schengen Agreement outlined specific goals and plans for drug controls. This Convention adopted by reference the existing United Nations Conventions at that time, and "all necessary measures to prevent and punish the illicit trafficking in narcotic drugs and psychotropic substances." Interestingly, Article 73 of the Convention specifically states that Member States agreed to "allow controlled deliveries to be made" of illicit drugs, only requiring that the Member States "retain responsibility for and control over any operation carried out in its own territory." Presumably, this was directed at the Netherlands, which historically has had a policy of tolerance toward what it terms "soft drug use" (primarily the use of hashish and marijuana).

The European Community's goal of a European free market "without internal frontiers" finally came to pass with the Maastricht Treaty of February 1992. Under the Treaty's Article 8a, all persons "holding the nationality of a Member State [are thereby] citizen[s] of the Union."

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50 Id. art. 1.
51 Id. art. 9.
52 Id. art. 19.
54 Id. art. 70.
55 Id. art. 73.
58 CORBETT, supra note 57, at 389.
Accordingly, as citizens of the Union, all persons within the EU have "the right to move and reside freely within the territory of the Member States," effectively rescinding the border controls of the pre-accession period.\(^59\) This particular portion of the Treaty was considered problematic, even during early discussions of ratification. The Dutch Government presented a "Policy Document on European Political Union" to its Parliament in late 1990, which recognized the potential harm of ratifying Article 8a, stating "the debate on free movement of persons, etc. raises fundamental aspects of law and order. . . . [R]oom would have to be left for national policies on criminal justice in matters not directly related to the free movement of persons."\(^60\) The report went on to stress that the member nations were "not yet prepared to go as far as what was agreed at Schengen."\(^61\) In subsequent drafts of the Treaty moving toward ratification, however, the Dutch government did not make any substantial changes to the text of the section. The final ratified Maastricht Treaty made no direct mention of the Schengen _acquis_, although it seemed clear that it modeled the "free movement" language from Article 8a.

In 1990, Italy, Spain, and Portugal joined the Schengen _acquis_, followed by Greece in 1992, Austria in 1995, and Denmark, Finland, and Sweden in 1996.\(^62\)

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\(^{59}\) _Id._

\(^{60}\) _Id._ at 176.

\(^{61}\) _Id._

\(^{62}\) Agreement on the Accession of the Italian Republic to the Convention Implementing the Schengen Agreement of 14 June 1985 Between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the Gradual Abolition of Checks at Their Common Borders Signed at Schengen on 19 June 1990, 2000 O.J. (L 239) 63; Agreement on the Accession of the Kingdom of Spain to the Convention Implementing the Schengen Agreement of 14 June 1985 Between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the Gradual Abolition of Checks at Their Common Borders Signed at Schengen on 19 June 1990, 2000 O.J. (L 239) 69; Agreement on the Accession of the Portuguese Republic to the Convention Implementing the Schengen Agreement of 14 June 1985 Between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the Gradual Abolition of Checks at Their Common Borders Signed at Schengen on 19 June 1990, 2000 O.J. (L 239) 76; Agreement on the Accession of the Hellenic Republic to the Convention Implementing the Schengen Agreement of 14 June 1985 Between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the Gradual Abolition of Checks at Their Common Borders Signed at Schengen on 19 June 1990, 2000 O.J. (L 239) 83; Agreement
The implementation deadline for the Schengen Agreement to be applied to all signatories was initially set for January 1, 1993, but due to Member States' differing views on the interpretation of the terms, they did not meet that deadline.\textsuperscript{63} The Agreement finally came into effect in March 1995 for all signatories.\textsuperscript{64}

In 1997, the Amsterdam Treaty amended the Treaty of the EU, creating "the major European political and legal framework within which . . . European citizens will have to live. . . ."\textsuperscript{65} One of the main changes noted in the Amsterdam Treaty included the establishment of "an 'area of freedom, security, and justice.'"\textsuperscript{66} "This 'area' is defined as one 'in which the free movement of persons is assured in conjunction with appropriate measures with respect to external border controls . . . and the prevention and combating of crime.'"\textsuperscript{67} This effectively integrated the Schengen \textit{acquis} into the greater EU. All previous signatories to the Schengen \textit{acquis} were still bound by it, but significantly, Member States Ireland and the United Kingdom were "guarantee[d] . . . a complete 'opt-out' . . . from" being so bound.\textsuperscript{68}

\begin{flushleft}
\footnotesize
\begin{itemize}
\item \textsuperscript{65}THE EUROPEAN UNION AFTER THE TREATY OF AMSTERDAM 2 (Jörg Monar & Wolfgang Wessels eds., 2001) [hereinafter EU AFTER AMSTERDAM].
\item \textsuperscript{66}Id. at 267.
\item \textsuperscript{67}Id. at 269.
\item \textsuperscript{68}Id. at 285. See also Protocol on the Position of the United Kingdom and Ireland on Policies in Respect of Border Controls, Asylum and Immigration Judicial Cooperation in Civil
\end{itemize}
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Another result coming out of the Amsterdam Council was the decision to "inaugurate the enlargement process." Other European nations had seen the economic benefits of membership in the EU, particularly Eastern European states that struggled to create capitalist economies after the fall of Communism. Nations including Poland, Bulgaria, and Romania began to line up to apply for membership to the EU.

European Union accession requires a lengthy process. The European Commission website outlines that:

A country that wishes to join the EU submits an application for membership to the Council of the European Union, which asks the European Commission to assess the applicant's ability to meet the conditions of membership, and particularly compliance with the basic values of the EU: ""liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law.""

... [Negotiations are opened and] cover the entire EU acquis, chapter-by-chapter, to seek agreement on when and how the candidate will align its laws and practice with EU requirements.

Notably, one key requirement for acceding nations is "that the Schengen acquis must be accepted in full by all candidate countries before admission." As Member States join the EU, "the Schengen Convention abolish[es] the checks at internal borders ... creat[ing] a single external frontier, where


The United Kingdom or Ireland may notify ... in writing ... that it wishes to take part in the adoption and application of any such proposed measure. ... If after a reasonable period of time a measure ... cannot be adopted with the United Kingdom or Ireland taking part, the Council may adopt such measure ... without the participation of the United Kingdom or Ireland.

69 EU AFTER AMSTERDAM, supra note 65, at 56.
72 EU AFTER AMSTERDAM, supra note 65, at 63.
checks for all the Schengen signatories [are] to be carried out..." Thus, the outer border of the Schengen area expands as new nations come into the fold.

There were some "Amsterdam leftovers" that needed to be addressed following the Treaty; specifically, enlargement of the Union was allowed only with the "condition of a reduction of the size of the Commission... and some modification of the weighting of votes." Consequently, the drafting of the Treaty of Nice corrected these perceived deficiencies in the rights of Member States. With all necessary institutional changes finally in place, the accession of applicant states from Central and Eastern Europe could begin in earnest.

The EU had been preparing to bring in Central and Eastern European nations since 1989, after the fall of communism behind the Iron Curtain. One of the early programs set up by the EU was the PHARE program, designed to "assist Poland and Hungary... [in] the momentous changes taking place in their countries" by providing sources of finance for the development of a democratic and capitalist society. It later expanded to eleven nations, and in 1993, the EU tied eligibility for accession to participation in the PHARE program. Of the thirteen nations supported by PHARE in 1993, all but Albania, Bulgaria, and Romania became Member States of the EU on May 1, 2004.

As the EU set up its pseudo-governmental structure, the stark realities of drug use and trafficking within Member States necessitated an action plan be created to combat drugs. The EU first drafted such a plan in 1995, and proposed the implementation of Title VI of the Treaty of European Union, which "requires Member States of the Union to cooperate on questions of

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73 Europa, supra note 64.
75 Id. at 11. The Treaty was ratified in 2001, and went into effect on Feb. 1, 2003. Id.
76 Pologne, Hongrie Assistance à la Reconstruction Economique (Assistance to Poland and Hungary for Economic Reconstruction).
77 EUROPEAN COMM'N PHARE INFO. OFF., What is Phare?: A European Union Initiative for Economic Integration With Central and Eastern European Countries 4 (1994).
78 Bulgaria, Czech Republic, Slovak Republic, Albania, Estonia, Latvia, Lithuania, Slovenia, and Romania including Hungary and Poland. Id.
common interest in judicial, customs and police affairs." The European Law Enforcement Organization (EUROPOL), now the main arm of the EU in fighting organized crime, was initially set up as the Europol Drugs Unit (EDU) to combat drug trafficking. The EU suggested reports every five years to report both current progress and proposed plans for future initiatives in the fight against drugs. By 1999, a European Monitoring Centre for Drugs and Drug Addiction (EMCDDA) had been set up, and was working closely with Europol. The plan for 2000–2004 identified "preparations for enlargement with participation by applicant countries in EMCDDA and EU drug addiction projects and measures under the Phare Programme" as a priority. In 2002, the Eurojust organization was established, becoming a body of the EU "with legal personality." The purpose of Eurojust was to improve cooperation between the authorities of the Member States, particularly in relation to investigation, prosecution, and extradition.

By December 2004, the European Council had identified its general aims in their 2005–2012 EU Drugs Strategy, one of which is "striving to ensure a high level of security for the general public by fighting . . . cross-border trafficking in drugs. . . ." The Council, in an understatement, admitted that "[t]he disappearance of most border checks at internal borders has made the EU an ever more attractive market for illegal drugs. . . ." The specific Action Plans for 2005–2008 in the area of drug supply reduction primarily relate to information gathering and sharing between countries, with little specifics on

85 Council Decision of 28 February 2002 Setting up Eurojust With a View to Reinforcing the Fight Against Serious Crime, art. 1, 2002 O.J. (L 63) 1, 2.
86 Id. art. 3, at 2–3.
88 Id.
border controls. The Council has similarly nebulous plans for dealing with acceding countries, such as “provid[ing] the necessary technical and other assistance to these countries to familiarise them with the EU [acquis] and to assist them in carrying out the required actions.” Specifically, the EU encouraged the “exchange [of] information on drug related technical assistance projects and operational activities . . . in particular to identify duplication and gaps. . . .”

Early in the process of creating the Drugs Policy for the EU, the European Council adopted a troubling Joint Action relating to the practices and laws of Member States. Specifically, the Joint Action required Member States to “endeavour to approximate their laws to make them mutually compatible to the extent necessary to prevent and combat illegal drug trafficking in the Union” and to “ensure that under their legal systems the penalties imposed for serious drug trafficking are among the most severe penalties available for crimes of comparable gravity.” However, unlike the U.N. Conventions on narcotic and psychotropic drugs that the Joint Action cites and appears to be based upon, it pointedly does not leave the choice of compliance with the Member State, and instead merely states that “[n]othing in this joint action shall prevent a Member State . . . from maintaining or introducing . . . any additional measure it deems appropriate . . . to prevent and combat illicit drug trafficking.” This seems to imply that the minimums must be met, without question, with only a right to go further being reserved to the Member State.

The Commission of the European Communities subsequently adopted this Joint Action created in 1996, with a few revisions in 1997, as a framework for minimum provisions for elements of and penalties against drug trafficking.
The Commission concluded that "[t]he aims of this framework decision cannot
be achieved by the Member States, given the transnational dimension of the
offence, and can therefore best be attained by the European Union . . . ." The
framework decisions are binding upon all Member States, "but leave the
choice of form and means to their discretion . . . [which leaves Member States]
some degree of flexibility to adapt their legislation to these rules and to
determine the severity of the penalties that apply, within the limits imposed by
the framework decision." However, the Commission quickly follows that
assertion with the requirement that in the "most serious cases . . . the maximum
sentence may not be less than five years." Most surprising, however, is the fact that the EU even recognizes a supreme
law that supersedes individual Member States' national laws. The
development of the European Court of Justice (ECJ) parallels that of the EU;
the ECJ originally served as a check upon the supranational institutions of the
ECSC. Since then, it has evolved into a court of law where individual EU
citizens may seek redress, provided a corresponding national law exists that
creates a right for that individual. The logical consequence of having
individual rights at a supranational level is the supremacy of European Law
over national law, "otherwise states could avoid their obligations simply by
passing new national rules." This approach, although never contested for over four decades, draws
criticism from national judges. During the ratification of the Treaty of
Maastricht, several nations "argued strongly against any interpretation that
would allow national courts to evaluate the compatibility of European law with
national law," despite this having been the custom for decades. The concern
for the judicial systems of individual nations is that European supremacy of
law will result in weakened national sovereignty. Much like Britain fought


97 Id. at 3.
98 Id. at 7.
99 Id.
100 KAREN J. ALTER, ESTABLISHING THE SUPREMACY OF EUROPEAN LAW: THE MAKING OF AN
INTERNATIONAL RULE OF LAW IN EUROPE 5 (2001).
101 Id. at 17. This doctrine is known as the "Doctrine of Direct Effect," and was declared in
1963. Id.
102 Id. at 18.
103 Id. at 60.
104 Id. at 182.
105 Id.
the development of the EU, it has been a leader in fighting against international law superseding its national statutory law. In 1995, Britain attempted to implement a number of proposals to make the ECJ “more politically accountable and to limit the cost of ECJ decisions.” The proposals went so far as to suggest both a “political appeals process whereby member states could overturn ECJ decisions . . . [and a change of] jurisdictional authority.” The proposals failed, and the ECJ retained its power.

ECJ oversight initially excluded certain areas of European law, including the Schengen acquis of 1990. The Maastricht Treaty provides that “future conventions ‘may stipulate that the Court of Justice shall have jurisdiction to interpret [subsequent Convention] provisions and to rule on any disputes regarding their application.’” Pursuant to this power in 1997, the Treaty of Amsterdam moved the Schengen Agreement into the jurisdiction of the ECJ. Matters may be referred from the national courts to the ECJ by national judges, if there is sufficient question of law requiring ECJ interpretation. However, in certain areas of border controls, including drug trafficking, individual Member States have the power to deny national courts the right of reference, thereby “keep[ing] the ECJ out of domestic issues.” These regulations, of course, pertain solely to Member States, not to nations awaiting accession.

The EU has also recognized that the Schengen process has not only “facilitated the free movement of European citizens, but has also [made] it easier for criminals to operate transnationally . . . .” The police power and judicial reach of Member Nations historically have been limited to operation only within the jurisdiction bound by the nation’s border. Accordingly, the European Council has attempted to ensure “approximation of legislation” between EU nations to prevent criminals from using the variations of criminal

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106 Id. at 197.
107 Id.
108 Id. at 197–98.
110 Id. (quoting Art. K.3(2)c of the Maastricht Treaty).
111 ALTER, supra note 100, at 205.
112 Id. at 60.
113 Id. at 205.
115 Id.
laws in different countries to their benefit. In an effort to promote uniformity of legislation between Member States on certain matters such as international trafficking, suggested solutions under the approximation of legislation approach include ratification of negotiation of legal texts "in order to adopt common definitions and to harmonise the level of sanctions." In common parlance, EU nations should universalize their punishments for criminal acts, particularly those relating to international crime.

The EU proposed and inaugurated an organization to assist in the control of their external borders in 2004. Under this European Agency for the Management of Operational Cooperation at the External Borders (External Borders Agency), Member States receive technical and training aid. The EU budgeted €960 million for 2004–2006 to assist the first wave of new members in strengthening their borders during the first years of accession to the Union.

With this backdrop of legislative and policy considerations, the question still remains—exactly what is involved in full accession to the EU?

III. ROMANIA AND THE EU

Even before acceding, Romania faced a number of requirements. In preparation, Romania signed an Accession Partnership with the EU in 1999. The Partnership contained "priority areas for further work identified in the Commission [for Accession]'s 1999 Regular Report . . . [and] the basis for a number of policy instruments which will be used to help [Romania] in [its] preparations for membership." To meet the requirements of the Department of Justice and Home Affairs, Romania had until 2000 to

116 Id.
117 Id.
120 Id.
122 Id. at 16.
implement law on the Romanian state frontiers including the merger of the Border Guard and Border Police; . . . strengthen border controls . . . to enable full participation in the Schengen Information System, upgrade law enforcement bodies and the judiciary to continue the fight against . . . drug trafficking, [and] ensure better coordination between law enforcement bodies. 123

The Partnership also set up some medium-term goals, although setting no specific deadline. 124 Specifically, the Partnership required Romania to “adopt and apply the international instruments related to the fight against drug trafficking . . . implementing Article 17 of the United Nations Convention against illicit trafficking in narcotic drugs and psychotropic substances.” 125

This was a integral mandate for Romania; failure to comply with the requirements would result in the revocation of PHARE funding, along with other sources of monetary support for Romania. 126 Progress would be monitored by the European Council through the Association Committee. 127

Following its first evaluation and regular report in 2001, the Commission updated the Accession Partnership. 128 It recognized progress made regarding the first set of requirements, and set new priorities. Within the Justice and Home Affairs area, Romania had new requirements:

improve border management by (i) developing an integrated border management strategy, (ii) implementing legislation for the law on the state frontier and the law on the organisation and functioning of the border police, . . . develop and present a Schengen action plan, . . . [and] develop and implement a national drugs strategy and establish a national focal point for contacts with the European Monitoring Centre on Drugs and Drug Addiction. 129

123 Id. at 18.
124 Id. at 19.
125 Id. at 21.
126 Id.
127 Id.
129 Id. at 90.
Romania quickly complied, developing a national drugs strategy by September 2002, and submitting it to the EMCDDA.130 Under this strategy, Romania established a National Anti-Drug Agency (NAA) in December 2002 within the Ministry of the Interior.131 This organization works closely with and submits annual reports to the EMCDDA, to ensure its actions cohere with EU policy as a whole.132 The goals only address treatment of addicts in prisons and the social re-integration of convicted drug users, while excluding sentencing guidelines for drug traffickers.133

Upon reevaluation in 2003, the Commission's priorities for Romania had not changed dramatically, and it applauded the early steps, including implementation of the NAA, and encouraged Romania to set a national mandate "stipulating its main tasks and responsibilities."134 The Commission published a final Regular Report before the Treaty of Accession in 2004.135 The Commission found that Romania had accomplished almost all of their requirements, with only a few exceptions, such as the improvements within Justice and Home Affairs Department.136 Surveillance and physical control of the borders continued to be a problem, and the Commission suggested more equipment be installed to monitor the borders with Turkey and the Black Sea.137 Lack of progress in drug interdiction was particularly criticized, as "drug smuggling into and through Romania remain[ed] a serious challenge . . . and enforcement in all areas remain[ed] weak and the border seizure figures [were] still in many cases extremely low."138 Consequently, the Commission suggested to the Council an additional safeguard for Romania: "allow[ing] the Commission to recommend to the

133 Id. at 27.
136 Id. at 13.
137 Id. at 125–26.
138 Id. at 128.
Council at any time . . . to postpone the envisaged date of accession . . . by one year to January 2008.”

Alarmingly, the conclusions of the report bury some important language: “urgent attention should be paid to completing legal approximation, implementing the revised legal framework and further strengthening administrative capacity.” Without any prior requests, Romania was now asked to update its criminal code to EU standards, but with little direction on what that entailed.

Finally, in June 2005, sufficient progress had taken place to allow Romania to sign the Treaty of Accession to the European Union, and begin an almost two-year long marathon to meet all of the remaining accession requirements spelled out in the 2004 report. Romania was compelled to comply with application of both categories of provisions to the Schengen acquis. Category I, consisting of “[p]rovisions which are not related to the cancellation of internal border checking of the Member States,” must be complied with “[until] the moment of adhesion to the EU.” This Category was not evaluated during the Schengen evaluation. Category II, on the other hand, consisting of those “[p]rovisions directly related to the cancellation of internal border checking of the Member States . . . must be implemented and simultaneously applied with the cancellation of the internal border checking,” and were the provisions evaluated and approved by the EU Council.

To accomplish the Category II provisions, Romania took “recommendations and best practices” from earlier accessions. Areas needing improvement before full accession included, but were not limited to, internal and external border checking, long and short-term visa procedures, asylum applications, police cooperation, firearms and ammunition, and narcotics.

140 2004 Regular Report, supra note 135, at 129.
141 Accession Treaty, supra note 1.
143 Id.
144 Id.
145 Id.
Romania had just under a year to continue updating their border control equipment, including updating computers to make them compatible with the new Schengen Information System (SIS), which allows international communication of salient data regarding immigrants and illegals. As of October 2005, this had not yet occurred. However, by January 2006, the European Commission and Romania ratified “the Programme for Realizing and Implementing ISBS” and set deadlines for its implementation in the next few years. The greatest barrier, according to the Ministry of Administration and Interior, is “the tight deadlines for fulfilling the commitments.”

In the area of drug trafficking, Romania focused on an integrated approach during the first six months, implementing the EU’s 2005–2012 National Anti-Drug Strategy as well as the related 2005–2008 Action Plan. However, as outlined in Section II, these implementations did not truly represent much, as these two documents were nebulous and lacked details.

By March 2006, as the Commission made its final inspections before accession, more progress had been made. Legislators passed bills adopting minimum standards for the prevention of drugs in schools, including mandated related curriculum, and several anti-drug directorates increased their staffing.

September 2006 brought the final Monitoring Report by the Commission about Romania’s progress. The Commission found that staffing levels increased to 95% of the goal set for the NAA, and seizures of drugs increased.


149 Integrated System for Border Security.

150 Progress, supra note 147, at 1.

151 Id.


154 Progress, supra note 147, at 1.

155 Id. at 7.

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dramatically. In the area of justice system reform, "[a] Fundamental [sic] review of Civil Code, Criminal Code . . . and Criminal Procedure Code [was] started." The Commission released a final document in December 2006, naming additional measures that should continue to be developed during accession.159 These additional measures included additional safeguards for the EU stating:

The remaining issues in the accountability and efficiency of the judicial system and law enforcement bodies warrant the establishment of a mechanism for cooperation and verification of the progress of Romania to address specific benchmarks in the areas of judicial reform . . . .

. . . If Romania should fail to address the benchmarks adequately, the Commission may apply safeguard measures . . . including the suspension of Member States' obligation to recognise and execute . . . Romanian judgments and judicial decisions, such as European arrest warrants.160

Evaluation of the impact of "new civil and penal procedures codes" is included among those benchmarks.161 In short, if the EU does not like the direction of Romania's court decisions, it is not bound to recognize them internationally, despite their domestic validity.

On January 1, 2007, Romania acceded to the EU, after over ten years of waiting.162 While Romanians celebrated the event in Sofia, one reveler echoed the sentiments of many of the new EU citizens, expressing "concern[ ] there would be too much uniformity."163

157 Id. at 46.  
158 Id. at 33.  
160 Id. at 3.  
161 Id. at 5.  
162 Press Release, supra note 70.  
This concern is well-founded. Romania must, under threat of losing economic aid, demonstrate its progress in remaining reforms to the Commission every six months.\textsuperscript{164}

\section*{IV. Analysis}

The EU has a valid concern regarding their external borders. With the implementation of the Schengen \textit{acquis}, the free movement of persons within the Union requires "increased controls at the EU's external borders so as to combat effectively the trafficking of... drugs..."\textsuperscript{165} Romania is a "major transshipment point for Southwest Asian heroin transiting the Balkan route and small amounts of Latin American cocaine bound for Western Europe, and therefore of particular concern."\textsuperscript{166} Consequently, it is logical for the EU to request a strengthening of Romania's border controls, in order to lower the influx of drugs into the Union. However, is this an appropriate burden to put upon a nation solely because it lies at the border of the EU?

Researchers with the Centre for European Policy Studies in Brussels have criticized this undue burden upon Eastern European nations in particular.\textsuperscript{167} It criticizes the paradoxical contradiction of opening up internal borders between existing Member States, allowing "free movement," yet requiring "strict application of the Schengen \textit{acquis} concerning border controls and visa[s]. . ."\textsuperscript{168} The fact that these requirements are non-negotiable for applicant states, but are optional and negotiable for existing members, is particularly galling. Although it is entirely reasonable for national governments to limit the influx of drugs at the external borders of a sovereign state, the EU is not a unitary organization. Allowing non-external border states to apply Schengen border controls as they wish, even allowing existing members to opt out of the agreement,\textsuperscript{169} but forcing compliance by new applicants is fundamentally unfair. Such an approach would be akin to the

\begin{itemize}
\item \textsuperscript{164} \textit{Id.}
\item \textsuperscript{166} CIA, \textit{supra} note 11, at 461.
\item \textsuperscript{168} \textit{Id.} at 1.
\item \textsuperscript{169} Protocol UK, \textit{supra} note 68.
\end{itemize}
United States applying stringent screening for possible terrorists after 9/11, but allowing Hartsfield-Jackson International Airport in Atlanta, Georgia to opt out due to its importance as a major airline hub. If the regulations are to be enforced, they should be enforced evenly throughout the EU.

In the area of border controls, the EU budgeted an additional €336 million for border controls in 2005, but this money was only payable to the "new Member States," not to Romania. The PHARE program provided €405.3 million to Romania as part of the pre-accession package, but those funds were merely for international aid; the PHARE cross-border funding program for all of Central and Eastern Europe for fiscal year 2006, on the other hand, only consisted of €100 million. The cost for Romania to upgrade its borders from 2004 to 2007, however, totaled over €658 million, with subcontracted work worth €350 million. Perhaps because of this shortfall in funding, Romania did not begin construction of its first border inspection post until January 2006.

This discrepancy in requirements from the EU and funding from its economic programs should concern Romania and other nations that are applying to join the EU, particularly those that will be situated upon a new external border. The EU entices nations with favored trade status, new labor markets, and the promise of a peaceful Europe, but demands that applicant nations overhaul and reorganize large sectors of their government and economic base with insufficient funding.

The EU required Romania to reform its judicial system, border controls, criminal and penal codes, and law enforcement policies, among a wide variety of other areas, even before it was allowed to apply for entry into the EU. The PHARE program provided some funding for these reforms, but the sheer magnitude of the process oftentimes cause such social reforms to receive less

175 But see generally Apap & Tchorbadjiyska, supra note 167 (outlining the barriers to international labor markets for citizens of new Member States).
attention. Furthermore, since Romania would become an external border for the EU, it was subjected to greater requirements regarding the elimination of drug trafficking and border controls than would an acceding state without an external border, such as Switzerland.

The United Kingdom foresaw this unacceptable burden upon applicant states in the early years of the European Communities. Britain, when initially invited to join the European Communities, turned them down and instead "forged their own economic club" with six other nations, mirroring the EC's model. The only difference between the two organizations was the "question of surrendering sovereignty to a common authority," which London opposed. Much like Romania, Britain faced economic hardships in the early 1970s, was "allured by the] economic progress and prosperity of [the EC]," and subsequently applied for and gained membership despite the accession requirements. By the time of the Maastricht Treaty, however, Britain had regained its influence, and bargained for unique concessions that allowed them to opt out of adoption of the Euro as national currency, while still remaining a part of the Union- something unimaginable only twenty years prior. As stated above, Britain also received special treatment in the Treaty of Amsterdam, allowing it to "opt-out" of being bound by Schengen.

Romania, on the other hand, comes from a weak bargaining position, suffering from widespread poverty and a "handicapped . . . business environment." Unlike Britain in the 1970s, this is not merely a temporary economic setback: the Romanian economy is growing, but backward; inflation and current-account deficits plague the national economy. There is little


179 Id.

180 Id. at 127.

181 Id. at 131. See also CORBETT, supra note 57, at 461. Britain has the option of adopting the Euro at some point in the future, but has thus far chosen not to do so.

182 See Protocol UK, supra note 68.

183 CIA, supra note 11, at 460.

hope that Romania will be able to negotiate for any concessions within the
next quarter century. Romania needs the EU far more than the EU needs
Romania.

Making sweeping governmental, social, and economic changes in order to
gain the support of the EU has often led to nations repealing long-standing
policies that more clearly represent the spirit of a nation. Before acceding to
the Union in 2004, Hungary rewrote its criminal code regarding drug crimes,
enacting stricter criminal punishments that increased the penalties for drug use
and funding the change through the elimination of many treatment programs.\(^\text{185}\)
Prior to this point, Hungary’s laws “treat[ed] those perpetrators who are
victimised by the crime differently from [traffickers],” effectively treating the
end-users more gently than those who dealt drugs.\(^\text{186}\) In 2003, drug offenses
became punishable even if a small quantity was held for personal
consumption.\(^\text{187}\) Initial results showed that consumption had fallen, but quickly
returned to rapid growth.\(^\text{188}\) By 2005, after accession, Hungary realized that
this approach did not produce the desired effect. Legislators attempted to
rewrite the Criminal Code to again allow personal drug use; however, the
Constitutional Committee refused the amendment.\(^\text{189}\) Thus, Hungary is forced
to retain their present EU-sanctioned approach to drug trafficking and users,
de spite specific evidence showing that it is largely ineffective.

Ultimately, these requirements upon applicant states such as Romania can
be viewed as the logical conclusion of a fundamental problem of the EU; It has
attempted to become a federalist union, despite not having a single unified
document to spell out the separation of powers between the EU and the
Member States. In order to analyze the EU’s approach, one must know the
proper terminology. Federalism is “a composite of several state organizations
and legal orders, those of the component states and the one of the central
state.”\(^\text{190}\) In the United States model, the federal government has enumerated

\(^{185}\) EMCDDA, NATIONAL REPORT HUNGARY 2001 § 1.2, available at http://candidates200

\(^{186}\) Id.

\(^{187}\) EMCDDA, ANNUAL REPORT 2003: THE STATE OF THE DRUGS PROBLEM IN THE ACCEDING
emcdda.europa.eu/?nNodeID=435.

\(^{188}\) See generally EUROPEAN MONITORING CTR. FOR DRUGS & DRUG ADDICTION, 2005
emcdda.europa.eu/?nNodeID=435 (follow first “Hungary EN” PDF link) (describing overall
drug statistics).

\(^{189}\) Id. § 1.1.

\(^{190}\) Siegfried Wiessner, Federalism: An Architecture for Freedom, 1 NEW EUR. L. REV. 129,
powers from the Constitution, with the residual powers of the states protected by the Tenth Amendment.

However, the EU does not have a constitution; when the proposed EU Constitution was sent among Member States for ratification, the French and Dutch flatly rejected it, leading a remaining seven nations to shelve plans for holding referendums.\footnote{191 EU Constitution: Where Member States Stand, BBC NEWS, Mar. 5, 2007, http://news.bbc.co.uk/2/hi/europe/3954327.stm.} Why do nations oppose the Constitution? Among other things, they fear the "loss of sovereignty and national identity," and think that the EU "is a project of the elite, not the ordinary people."\footnote{192 Stephen Malvey, Varied Reasons Behind the Dutch 'No,' BBC NEWS, June 1, 2005, available at http://news.bbc.co.uk/2/hi/europe/4601731.stm.} This is clearly a problem that applicant countries are facing. The economic powerhouse of Western Europe are setting the standards for applicants in Eastern Europe and forcing them to chase membership in the Union by accepting requirements that would historically only be post-war concessions.\footnote{193 See, e.g., Jörg Monar, Justice and Home Affairs in an Enlarged European Union, CHALLENGE EUROPE, June 14, 2000, http://www.epc.eu/en/ce.asp?TYP=CE&LV=177&see=y&t=42&PG=CE/EN/detail&1=14&AI=25 (comparing present border control measures to those under the Cold War's "Iron Curtain"). See generally ALFRED C. OPLL, LEGAL REFORM IN OCCUPIED JAPAN: A PARTICIPANT LOOKS BACK (1976).} Nations are being asked to rewrite their laws to reflect a recommended EU model of domestic criminal justice, and engage in an expensive reform of border security that benefits the Union more than it does the nation.

How is the EU better benefited than Romania by heightened border controls? Would not Romania benefit itself from the increase in security on the edge of the Schengen area? This argument fails to consider the present status of Romanian drug use. Although a major thoroughfare for drug traffickers, Romania is a low consumer of drugs.\footnote{194 UNODC, 2006 WORLD DRUG REPORT 383–90 (2006), available at http://www.unodc.org/pdf/WDR_2006/wdr2006_chap6_consumption.pdf. The Report tracked the percentage of the population abusing opiates, cannabis, amphetamines, cocaine, and ecstasy. Romania's percentage never exceeded 1% on any drug, whereas Western European nations exceeded 2%.} As recently as 2006, studies showed Romania as a nation with one of the lowest rates of drug abuse in Europe.\footnote{195 Id. at 384.} Paradoxically, becoming part

\textit{Id. at 384.}
of the EU will likely bring the scourge of drugs into Romania, rather than assist it in stamping them out.

This level of burden upon Eastern Europe cannot continue without some negative consequences. The economies of Romania and its fellow Eastern European nations may fail due to the exceptional cost of meeting the requirements of EU membership, requiring a new, more expensive PHARE program, or its equivalent. On the other hand, there is no guarantee that the EU would bail out their newest members, as most of the safeguard measures appear to take a do-or-die approach to EU membership—either applicant nations meet the requirements set forth, or all funding will be cut off. The mind reels at the after effects of such action toward Romania and its neighbors.

What could be the result of the EU ceasing to support Romania, should they fall behind in necessary requirements? Romania has made a point of keeping very good relations with its non-EU neighbors, many of which are in similar economic straits. Romania has exhibited a history of canny diplomatic relations; for example, they were “the first country to sign up for NATO’s Partnership for Peace program,” and were among the first former Warsaw Pact members seeking formal membership in NATO after the Iron Curtain fell.

Comparably, a strong Western Europe forced Germany into economic poverty at the beginning of the last century, and the resulting economic depression was a catalyst for World War II. Romania does not have supranational ambitions, so this consequence is highly unlikely, but conflicts from Eastern Europe have sparked multiple wars. Western Europe and the EU should be cautious when potentially alienating Eastern European nations; after all, memories are long, and past slights can be inflamed by careless actions today.

Furthermore, the next nations in line for accession include Turkey, Albania, and several former Yugoslav republics; all of which are either predominately Muslim, or have (in the case of the former Yugoslavia) fought divisive wars based on faith. They are also economically challenged, and would constitute outer borders for the Union if allowed to accede. Should their accession be blocked either by exorbitant requirements or worse, due to inability to perform

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after making substantial capital investments, the backlash would most certainly be catastrophic.

More positively, it would behoove the EU to recognize that under their present non-constitutional framework, requiring applicant nations to meet extremely stringent requirements in order to join the Union is unrealistic. Gone are the days when acceding to the Union only meant giving up certain trade restrictions and agreeing to share goods with all members. Today, new applicant nations face invasive reorganizations of jurisprudence, large capital building projects, administrative changes, and the acceptance of a new body of laws to govern their nation. Worse, existing Members cannot agree with one another sufficiently to ratify a single constitution to codify once and for all what level of government has supremacy: the sovereign Member Nations or the EU.

If all Member States are not required to revise their criminal and civil codes to meet “the EU ideal,” then none should be required to do so. Conversely, if the EU wishes to reform Romania’s judicial system, then it should form a committee to review and force reform on the judicial systems of all Member States. This would undoubtedly result in the immediate dissolution of the EU and economic ruin for Western Europe. Furthermore, if the security of the external borders of the EU is important to Western Europe, then all Member States should underwrite their upgrade. Nations that are entirely landlocked should provide additional economic support, as their border controls should be much less expensive following implementation of Schengen.

V. CONCLUSION

The future of the EU is murky at best. The grand dreams of the 1960s of an “area of freedom, security, and justice” have become mired in the mud of modern nationalism, economic downturns, and debates about terrorism, border controls, and social ills. Even if the EU continues to grow, the operation of such a federalist system without a controlling constitutional document of some sort will result in chaos. Furthermore, as enlargement is almost exclusively reaching Eastern Europe, greater care should be taken to integrate the needs of the applicant nations into the EU, rather than vice versa. If the EU wishes to create mandates for applicant nations, it should be prepared

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200 EU AFTER AMSTERDAM, supra note 65, at 267.
to pay for their implementation, or else watch the EU follow the Holy Roman Empire\textsuperscript{201} into the dustbin of history.

In any case, Romania is working diligently at achieving benchmarks set out by the EU. As shortly as six months after the January accession, however, the EU has already begun to question Romania's progress in achieving the goals set by the \textit{acquis}, citing "a clear weakness in translating . . . intentions into results."\textsuperscript{202} Only time will tell if these early signals of EU displeasure at Romania's ability to fulfill their obligations will result in a collapse in the accession process. If so, this will not bode well for the future of the EU in its attempts to construct a unified Europe.

\textsuperscript{201} The Holy Roman Empire was a political entity that covered a large part of Europe from 962 to 1806. It ultimately collapsed after member states, seeking autonomy, forced the Emperor to abdicate and dissolve the Empire, or face war. \textit{See} Heraldica, The Holy Roman Empire, http://www.heraldica.org/topics/national/hre.htm (last visited Oct. 20, 2007).
