



CORRUPTION – EFFECTS ON THE ROMANIAN TOURISM

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Abstract *In Romania there are some hardships and obstacles in the field of tourism. There have been and there are people who are dedicated to the development of this branch of the national economy, which have worked and developed the "Master Plan for the development of national tourism 2007-2026". This long-term plan should lead to a sustainable development of tourism in accordance with European standards.*

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In order to address this very incentive issue, the two phenomena must be analyzed in terms of European Union legislation and regulations and we will start with the second part, tourism.

In the EU, tourism contributes with 5.2% of total GDP and tourism sector comprises 1.8 million businesses, mostly small and medium enterprises, employing around 9.7 million people. These data refer to tourism as a provider of travel, accommodation, transport services. Taking into consideration the direct links of other branches with tourism, the contribution reaches over 10% of GDP and a total number of jobs of about 13 million.

Taking into account all these factors, the European policy on tourism pays particularly attention to the founding of cooperation between public and private players, so that Europe can become the main tourism destination.

In this context, on 30th of June 2010, took place the communication: "Europe's favourite tourism destination worldwide - a policy framework for European tourism". In this communication have been analyzed the factors that may contribute to increasing the competitiveness of Europe in the field of tourism and to sustainable development of this sector, as well as the phenomena that may harm the healthy and continuous development of European tourism.

In order to implement this programme, at the request of the European Parliament, the Commission

launched a series of initiatives on topical themes with specific objectives regarding the European tourism. We make reference to some of these initiatives:

1. EDEN - aiming at promoting European tourism destinations of excellence and destinations that are in ascension or even least known, but which respect the principles concerning sustainability
2. CALYPSO - initiative which addresses to the elderly, young people without opportunities, families with special needs, thereby helping to combat seasonal imbalances. Starting in 2014, the Commission co-finances pilot projects aimed at combating and correcting seasonality.
3. Sustainable tourism which includes "Green belt" or "The iron curtain", with trails on a total length of 6800 km extending from the Barents Sea to the Black Sea.
4. COSME Programme - to promote and develop the products and services of the sports, cultural and industrial heritage field in Europe.
5. "Tourism and accessibility for all" released in 2014.

Also, the European Commission launched in March 2015 a digital platform for tourism, with the purpose of strengthening the capacity of innovation and digitization of SMEs in the field of tourism.

Maybe, someone wonders why we presented these initiatives? All of them have received co-financing from EU money, and now we put a question: how many

SMEs in Romania, in the tourism industry, have benefited from these funds? Who was supposed to present and to promote them?

Unfortunately for our country, so praised by the European Union, as share in the structure of GDP and of employment, the third sector of the economy after trade-distribution and construction does not have a special law. There were three proposals so far, but none completed by approval in the Parliament. The current Minister of tourism hopes that this latest proposal may come into force on January 1, 2018.

But neither this lack is not the worst thing, because at present we have as the normative acts in force:

- 16 orders of Minister
- 4 ordonance of government and emergency decrees
- 6 government decisions
- 2 laws approving ordonance of government and emergency decrees

But the indifference of the political class, is really a harmful thing for Romanian tourism. It is imposible to accept that in 26 years to have no fewer than eight institutions that took care of the coordination of the Romanian tourism, some of them having tourism as appendix: from the Ministry of Tourism at the Ministry of Tourism and Commerce, again followed by Ministry of Tourism, Ministry of Transport and Tourism to National Agency for Tourism (ANT), the Ministry for Small and medium-sized Enterprises, Tourism, Trade and Liberal Professions, again at the Tourism Ministry, followed by the Ministry for SMEs, Business Environment and Tourism, Ministry of Tourism again followed by the Ministry of Economic Affairs and Tourism again ANT and now Ministry of Tourism again.

With all these hardships and obstacles put on Romanian tourism, there have been and there are people who are dedicated to the development of this branch of the national economy, have worked and have drawn up the "Master plan for the development of National Tourism 2007-2026". This long-term plan should lead to a sustainable development of tourism in accordance with European standards and taking account of natural and cultural heritage of Romania. This Master plan includes 26 goals very well-drawn and

clearly defined, but these goals must be implemented and here, things are no longer clear nor firm.

As we stated above in the context of the communication of 30 June 2010, there were also studied phenomena that harm the healthy and continuous development of the European tourism. A negative factor affecting all branches of economy, including tourism, is corruption, represented by the conflict of interests and incompatibility.

"The conflict of interests and incompatibilities is one of the most major challenges to the stability of the rule of law in South Eastern Europe, successfully combating these phenomena is a key issue in the relations between countries in the region and the European Union " (Thorsten Geissler State Program Director of law top-Eastern Europe Konradadenauer).

The analysis of corruption in general and in particular in the tourism area must start from the definitions given in the Criminal Law Convention on corruption (Strasbourg 27.01.1999), Civil Convention on corruption (Strasbourg 04.11.1999), the United Nations Convention against Corruption (New York 09.12.2003), Convention ratified by Romania by law 365/2004.

1. Corruption: "... means the fact of requesting, offering, giving or accepting, directly or indirectly, an illicit commission or some other undue advantage or the promise of such an undue advantage, which affects the normal exercise of a function or requested behavior of illicit commission beneficiary or the promise of such undue advantage. "

Now, starting from this definition, must be identified the physical and juridical persons, affected goods, public and private institutions, with an increased risk of being involved in corruption, institutions participating in the anticorruption struggle and preventing occurrence.

2. Public agent: "means the person holding a legislative, executive, administrative or judicial mandate of a member state, which was appointed or chosen, remunerated or not"

3. Goods: "means any type of good, corporal or incorporeal, mobile or immobile, tangible or intangible, and also legal documents or documents attesting ownership of those goods or rights relating to them".

After presenting these definitions, we seek to give a few examples of non-compliance with the legislation, in

favor of an individual or legal person, by a public agent, in exchange of obtaining material benefits or undue advantages for itself or for other individual or legal persons.

In this moment, in Bucharest there are 98 hotels at 4 and 5 stars level (11 - 5 star hotels and 87 - 4 star hotels). From a careful analysis of the qualification standards contained in the Order of ANT President no. 65/2013 annex 1, at least 40% of these hotels do not meet the mandatory criteria for hotels. Most of the deviations from these criteria relate to:

1. Car parking structure with minimum number of places (50% of the rooms number - 5 stars hotel, 40% of the rooms number - 4 stars hotels)
2. Separate elevator for employees, luggage, household purposes and room service, for 4 and 5 stars hotels
3. Rooms and bathrooms areas (4 m² bathrooms - 4 and 5 stars hotels)
4. Operational staff must speak at least one foreign language (75% in case of 5 stars hotels and 50% - 4 stars).

As the European Commission had also noticed, a very important factor is the difficulty in finding and retaining qualified personnel. Also the European requirements specify that it is mandatory for hotels', restaurants' and travel agencies' personnel and personnel involved in the transport of tourists (tour coaches, cruise ships, sea and river ferries) to be inspected regularly. Those who do not meet the legal conditions will no longer have the right to work in tourism.

Some of these legal obligations are contained in the methodological norms, but are not complied. Most importantly, there are no obligations and penalties for the lack of professional training.

All these deviations from the legal stipulations lead to a decrease in the services quality, to the appearance of corruption, to unfair competition, to the decrease of the tourists number on Romanian territory and to the losses to the national economy.

CONCLUSIONS

"Corruption is, in its simplest description, the abuse of power, most often for the purpose of gaining personal gains or for the benefit of a group to whom one is

devoted. Although most often the word corruption is associated with the abuse of political power by politicians or civil servants, this concept describes in fact a behavioral pattern encountered in almost any sector of activity. "

In general, corruption is more likely to occur where the public and private sectors (broadly defined) meet, and especially where there is a direct responsibility for the provision of certain services or the application of rules or obligations financial. These include, for example, public purchases and contracts (directed strictly to the political clientele in the case of Romania), licensing activities such as the granting of import / export authorizations, land reallocation (all party customers) and revenue collection, forms of taxes or duties (or other and other taxes, invented ad-hoc, money to get out!). It is no surprise to anyone that, given the opportunities that the public / political function gives to those who are later or on the order of corruption, there are cases of corruption at all levels of appointment or choice (according to political algorithms!) Of the officials Publics of any rank, including the highest, state, ministerial!

Corruption is one of the main vulnerabilities of Romania, according to the "**Country Defense Strategy**" for the period 2015-2019, entitled "**A strong Romania in Europe and the world**", in Chapter IV: "Threats, risks and vulnerabilities ", mentioning: "*Corruption is vulnerable to the state, it damages the economy and affects the country's development potential, good governance, decision-making for the benefit of citizens and communities, and confidence in the act of justice and state institutions. At the external level, the persistence of corruption has a negative impact on the credibility and image of our country. "*

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