

MACRO-REGIONAL STRATEGY OF THE EUROPEAN UNION AS A LEGAL FRAMEWORK FOR COOPERATION BETWEEN THE DANUBE RIVER STATES

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Abstract

Macro-regional strategies of the European Union are a framework of integration that arise at the initiative of the Commission and with the consent of the Council and the European Council to address the common challenges faced by a certain geographical region. The strategy refers to the European Union Member States and third countries wishing to participate in it and aims to achieve economic and social harmony in a particular region. Bearing in mind that the Danube flow is the most important waterway within the European Union, the EU has decided to create in 2011 a macro-regional strategy to globally regulate the transport, energy, environmental protection and cultural cooperation. Increasing the volume of goods transport on the Danube, the modernisation of the fleet, energy connectivity, environmental protection, tourism exchange, scientific and security cooperation are an integral part of the EU Strategy for the Danube Region. This strategy should bring what the Danube River States have always been lacking, and it is a vision of common development, common and solidary access to problems, specifically planned actions and the means of financing them. The European Union now has political authority and integrative potential to stimulate and coordinate this macro-regional strategy, but it remains to be seen to what extent the previously mentioned will be realised in practice.

Key words: *The European Union, Macro-regional strategy of the European Union, The Member States, The European Commission, Danube flow.*

JEL Classification: [K33]

1. Introduction

Large rivers, as a common geographic factor and a line of communication, link nations and peoples. In this context it should be borne in mind that the Danube with the course of 2,850 kilometers is the longest river in Europe after the Volga. History of the Danube River States is rich in joint integration projects that were never realised in practice.¹ The Austro-Hungarian Empire, which was also called the “The Danubian monarchy”, had the greatest geopolitical influence in the Danube River Basin during the 19th century.² Even today there are controversies over the nature of the Austro-Hungarian domination in the sense that they regard the Empire as a civilisation foundation of Central Europe, a barrier against the Ottoman conquest and an essential

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¹ Claudio Magris, 1988, *Danube*, Paris, Gallimard- L' Arpenteur, p. 332.

² Jean-Marie Gauthey, *La coopération internationale sur le Danube: Geopolitique de l' integration du fleuve au continent europeen*, Balkanologie, Vol X n. 1-2, mai 2008.

factor of political stability, and ultimately Serbian national aspects that rated it the prison of nations. The concept of “Mitteleuropa”, derived from the Austrian domination in the 19th and the early 20th century, calls for exploration of the historical and cultural ties that bind the citizens of Central Europe.

At this point the Danube flows through the territory of several European states - through Germany, Slovakia, Austria, Hungary, Croatia, Serbia, Romania, Bulgaria, Moldova and Ukraine. Danube as one of Europe's longest river flows through the territory of ten European states which are largely differ in the level of development. So the gross domestic product of Austria is about three times higher than the Bulgarian and six times than Ukrainian. The challenge is to using the benefits of European integration in order to established closer cooperation between Danube states.

Today this great European river can no longer be only the subject of intergovernmental cooperation of the Danube River States in the framework of international organisations. As many as seven Danube River States are currently members of the European Union. In Member States we can include Serbia as a candidate country for accession to the European Union which will be admitted to its full membership in the next few years. The European perspective is uncertain only as to the status of Ukraine and Moldova. Thus, the Danube River States cannot be regarded as a separate entity but it is necessary to put them into a broader concept of European integration, *i.e.* the process of peaceful unification of all European countries in the European Union, which is the most important event that marked the history of the European peoples in the second half of the 20th and the early 21st century.

Bearing in mind that the Danube flow is the most important waterway within the European Union, the EU has decided to create in 2011. A macro-regional strategy to globally regulate the transport, energy, environmental protection and cultural cooperation. The Strategy should contribute to the realization of several projects in order to connect the energetic networks of the Danube states, strengthening communication and transport but also providing better navigability on Danube. In addition, the European Strategy is dedicated to preserving the environment. For the realization of those goals the European Union will spend 100 million euro from Structural Funds. The realization of the strategy of Danube region is facing to the natural, technical and institutional challenges. The intention of the European Union, according to Johannes Hahn, Commissioner responsible for regional policy, is to provide the citizens living in the Danube Region a better quality of life by the year 2020, more market opportunities with the creation of innovative companies that create new jobs, improvement in the area of environment, and a greater cultural exchange.³

³ *Qu' est ce que la Strategie pour le Danube?* 04.09.2015., <http://www.touteurope.eu>

2. Macro-regional strategies, new legal framework of the European Union to encourage regional cooperation

The European Union has a vital interest in the prosperity of the Danube region as it covers one-fifth of its territory. The problems occurring in it know no boundaries such as pollution of the river flow, floods, problems of establishing transport and energy links, environmental protection, immigration and security challenges. The disparities in the infrastructure development among the countries of the region also require action of the European Union. It is therefore not surprising that the European Union is committed to the global approach through the creation of macro-regional strategy for the Danube Region.

Macro-regional strategies of the European Union are a framework of integration that arise at the initiative of the Commission and with the consent of the Council and the European Council to address the common challenges faced by a certain geographical region.⁴ The strategy refers to the European Union Member States and third countries wishing to participate in it and aims to achieve economic and social harmony in a particular region. At the initiative of the Commission based on the decision of the European Council of October 2009 the European Union launched a macro regional strategy for the Baltic region, and in 2011 promoted the same kind of strategy for the Danube Region in which the participating Member States such as Germany, Austria, Czech Republic, Slovakia, Slovenia, Hungary, Croatia, Romania and Bulgaria, and more countries that are not yet EU members such as Serbia, Bosnia and Herzegovina, Montenegro, Ukraine and Moldavia.⁵ The strategies rely on the text of the Lisbon Treaty, which aims to establish territorial coherence between the Member States and the Strategy "Europe 2020", which aims to establish a smart way, a lasting and inclusive growth. The Strategy for the Danube Region was, with engagement of the Hungarian Chairperson, supported at the session of the Council in the formation of general affairs, on 14th April 2015.⁶

Interest in the use of macro-regional strategy is, inter alia, through the harmonisation of the use of funds from the EU Structural Funds and national and regional funds earmarked for cross-border policies. The subject of macro-regional strategies is to make a better alignment of existing instruments of cooperation, and to enable better use of existing resources, legislation and institutions of the Union, without creating new regional bodies and bureaucracy. The strategy does not imply the adoption of new European legislation but harmonisation of the national norms with the existing ones of the Union. In this context it should be borne in mind that the interest in starting a macro-regional strategy is expanding into other areas of Europe and thus the initiative arose for the achievement of the macro-regional strategy for the region of the Alps.⁷

⁴ *Qu' est-ce que une strategi macro-regionale?*, 08.09.2015., <http://www.diplomatie.gouv.fr>

⁵ *Qu' est-ce que la Strategie pour la region de Danube*, <http://www.touteleurope.eu>, 04.09.2015.

⁶ *Idem*.

⁷ *Qu' est-ce que une strategi macro-regionale?*, 08.09.2015., <http://www.diplomatie.gouv.fr>

The European Commission has a task to coordinate the strategy established actions, i.e. to help to achieve its objectives. The Commission should assist all countries to fulfil their tasks under the Strategy and to facilitate joint work of the participating countries, but also to monitor the implementation of European legislation, for example, in the field of environmental protection. It is envisaged that once a year "The Annual Forum" is to be held comprising representatives of the participating countries and the European Union, representatives of regional international organisations, the private sector and civil society representatives in order to evaluate the achieved, and identify new approaches for achieving the objectives. Therefore, the Commission, as a supranational body of the European Union, becomes the initiator, coordinator and supervisor of the realisation of projects that would bring prosperity to the citizens of the Danube Region by 2020. The chances of success of these projects are getting higher for two reasons. Namely, they are backed by the Commission, as a supranational body of the European Union, which has greater political authority than the intergovernmental organisations. Many of these actions involve the use of the existing European legislation that intergovernmental organisations do not have or have a problem to adopt and ensure its implementation. Behind the whole project of the macro-regional cooperation there are not only good intentions, but also concrete resources provided from the budget of the European Union.⁸ The macro-regional cooperation takes place in a favourable environment, i.e. in the territorial framework of the European Union and countries which are preparing to join it. One of the main aims of the founding treaties of the European Union is erasing barriers to the free flow of people, goods, capital and services⁹ based on the application of the uniform, with priority over the national, the directly applicable¹⁰ and hierarchically ordered EU legislation.

3. The challenges of achieving the primary objective of the European Union - to establish links in transport, energy, culture and tourism in the Danube Region

The European Union has set four main pillars that represent the priorities of the Danube Strategy. The fact is that the connections are to be made to protect the environment and to facilitate prosperity and strengthen the region. Each pillar contains several priority areas divided into actions and projects. For example, the first pillar (establishing connections) implies that mobility and multimodality not only of the waterway, but also of the road, rail and air networks have been improved. Within the first pillar the goal is to speed up the production of energy through the development of market infrastructure and the so-called green energy sources.

⁸ Bruno Alomar, Sebastien Daziano, Thomas Lambert, Julien Sorin, *Grandes questions europeennes*, SEDES, 3 edition, Paris, 2013, p. 308.

⁹ Nicolas Ligneul, Olivia Tambou, *Le droit europeen du marche*, Ellipses, Paris, 2006, p. 13.

¹⁰ Jean Boulouis, *Droit institutionnel de l'Union europeenne*, Montchrestien, 5 edition, Paris, 1995., p. 246.

Promotion of links also regards the encouragement of cultural exchange, tourism, and mutual relations.

3.1. The challenges of increasing the volume of transportation of goods and passengers on the Danube

The opening of the Rhine-Main-Danube Canal in 1992 paved the way to linking the North and the Black Sea by waterway. However, with 40 million tons of goods per year, the trade on the Danube waterway represents only 15 percent of the trade conducted on the Rhine waterway.¹¹ In the Danube Region only 10 per cent of goods are transported by river. In the view of the Danube Commission established on the basis of the Belgrade Convention of 1948, political differences and a lack of consensus about a complete regulation of the riverbed as well as financing of this operation are the main reasons for the poor utilisation of the Danube.¹² However, this state has more reasons. Firstly, the crisis and the war in the former Yugoslavia that ended in the bombing of the Federal Republic of Yugoslavia and the destruction of the bridges on the Danube in Novi Sad in 1999 had devastating consequences on the transport of goods on the Danube. Secondly, the river fleet of about 4,000 vessels in the opinion of the European Commission is outdated. To the aforementioned objectives we should add the problem of cleaning the riverbeds of the sunken wrecks which was not given attention in the former socialist countries such as Romania, and which requires allocation of significant resources. Finally, we must bear in mind those natural obstacles, i.e. freezing of the Lower Danube during the winter months as well as the extremely low water levels during the summer. The aim of the Danube Strategy of the European Union is to increase the volume of goods transport by 20 percent by 2020.¹³ It is believed that the river transport is less damaging to the environment than road or air transport. In this sense, the action of the European Union implies renewal of the fleet, flood prevention, linking branches with the mainstream, spreading gravel on the shore and maintaining navigability during the summer months etc. In the next period it will be obvious whether this was a realistic goal, bearing in mind large investments which the maintenance of the river waterway requires, especially when compared to road transport. The last one seems easier, from the mentioned perspective, although much more harmful to the environment. In this context it should be noted that the extraction of the shipwreck "Rostok" from the Sulina canal, one of the three branches of the Danube in Romania lasted two years, that it cost one diver his life and required an investment of ten million Euros.¹⁴ On the other hand, the development of road transport involves the construction of long road-rail bridges over the Danube. According to the Danube Commission, of 118 bridges

¹¹ Sebastien Gobert, *Le Danube. Epine dorsale ou fleuve a probleme?* <http://www.ladocumentationfrancaise.fr>, 09.03.2015.

¹² *Idem*

¹³ La strategie de l'UE pour la region du Danube, 09.09.2015., <http://ec.europa.eu>

across the Danube as many as 77 of them are in the German-Austrian part of the flow and only 6 in Romania, although the Danube flows with the length of 1,075 kilometres on the territory of Romania. In this regard, we should bear in mind the need for reconstruction of the bridge of friendship between Romania and Bulgaria, constructed in socialism, but also an expensive construction of the road-railway bridge "The Danube II" between Calafat in Romania and Vidin in Bulgaria (226 million Euros), which was initiated by the Commission and is essential to connecting these countries with Greece. It regards the realisation of the pan-European corridor IV and the construction of alternative routes for transporting goods and passengers to the one which exists across Serbia.

3.2. The challenges of energy networking

The strategy underlines that prices of energy sources in the Danube Region are high, since they are imported and the cost of their transportation is high. In this regard, the Strategy envisages making gas connections between the Danube River States, and the development of sources of renewable energy. However, the greatest success in the field of energy cooperation among the Danube countries is the construction of the Djerdap hydroelectric power plant in the period between 1962 and 1972 on the basis of a mutual agreement of the Socialist Federal Republic of Yugoslavia and Romania. It is a hydroelectric power plant which is the largest electricity producer in Europe and Serbia, and which still provides about 37 percent of electricity supply. This form of cooperation, through the construction of gigantic objects is, however, disputable from an environmental standpoint because it prevents the migration of fish along the Danube River as well as irrigation of the coast important for the survival of forests.

3.3. Environmental protection

The lack of cooperation and respect for environmental standards between the Danube River States has detrimental effects on the ecosystem of the Danube. Although waterway transportation is about ten times smaller than the one that takes place over the Rhine, it is considered that the water of the Danube is three times more polluted than the water of the Rhine.¹⁵ Periodically, there are large toxic spills such as the pollution of the Tisza, the tributary of the Danube in Romania in 2000 or the phenomenon of the so-called "Red tides" in Hungary in 2010. The European Union in the framework of the Danube Strategy provides technically sophisticated programmes for the wastewater treatment, processing of toxic substances and their storage, and

¹⁵ Sebastien Gobert, *Le Danube. Epine dorsale ou fleuve a probleme?* <http://www.ladocumentationfrancaise.fr>, 09.03.2015.

some other measures as well. In this regard, recent years have seen a certain water quality improvement of the Danube.¹⁶

4. The original integrative approach of the European Union to the regional cooperation

4.1. Intergovernmental Forms of Cooperation among the Danube River States

Intergovernmental cooperation among the Danube River States took place partially within international organisations. Thus, the Belgrade Convention of 1948 envisaged the establishment of "The Danube committee" based in Budapest, which would be composed of representatives of the Danube River States. The Commission's aim was to provide free navigation, possibly to elaborate projects and carry out major works on the Danube, but also to contribute to the harmonisation of the navigation system, customs and sanitary regulations as well as to collect and keep documentation.¹⁷ Since 1972, the Commission on tourism on the Danube has gathered representatives of the Danube River States with a view to diminish, through the development of the tourism, once present ideological differences between the states of Western and Eastern Europe. Since 1998 there has also been the International Commission for the Protection of the Danube¹⁸ aimed at protecting the exceptional ecosystem of the Danube Basin. The Commission consists of experts in environmental protection and regularly organises forums and meetings. In addition to these there are other international organisations founded after the fall of the Berlin Wall in 1989, whose task is to bring closer the Danube River States starting from the regional approach. It regards, for example, the Central European Initiative, the Initiative for Cooperation in South East Europe, the Central-European Free Trade Agreement, the Black Sea Economic Cooperation or the Stability Pact for South Eastern Europe. All of these organisations are characterised by soft, interim institutional structure, lack of own sources of financing, multilateral cooperation and negotiations often without significant results in practice, and the absence of hierarchically ordered and binding legal order. The attempts to coordinate the cooperation of the Danube River States and coordination in the activities of the above-mentioned international organisations came with the creation of "The Danube Cooperation Process" based in Vienna, in 2002. This intergovernmental process was supported by the European Union because the European Commissioner for Foreign Affairs, Erhard Busek, participated in its establishment, on 27th May 2002, along with the representatives of 13 interested states. The aim of the process is to promote various forms of cooperation in order to create an area of prosperity and progress in the region, as well as to promote European integration. This interdisciplinary

¹⁶ La strategie de l'UE pour la region du Danube, 09.09.2015., <http://ec.europa.eu>

¹⁷ Jean-Marie Gauthey, *La cooperation internationale sur le Danube: Geopolitique de l'integration du fleuve au continent europeen*, Balkanologie, Vol X n. 1-2, mai 2008.

¹⁸ <http://www.icpdr.org>

cooperation includes support to regional international organisations which have their own specific tasks (providing navigability, environmental protection, tourism development, etc.). The Vienna "Danube Cooperation Process" suffers from the same weakness as the previously mentioned international organisations. In fact, without efficient authorities, steady sources of financing, and an appropriate legal apparatus, "The Danube Cooperation Process" reduces its activity on the adoption of declarations of intent and on encouraging countries in the region to join the European Union. However, based on its activities a more intensive cultural cooperation was established through "The Danube Conference on Art and Culture", whose manifestations are held every two years.

4.2. Global and integrative approach of the European Union to the Danube regional cooperation due to its federal properties

Only the existence of the European Union provides a global and integrated approach to the Danube Region, which was impossible to achieve in the period prior to its establishment. The European Union has everything that intergovernmental organisations for the regional Danube cooperation do not have because it has a solid institutional system with federal characteristics.¹⁹ Regional Policy is in charge of an independent institution from the Member States, *i.e.* the European Commission. The European Union has its own means²⁰ that can be directed, through the structural funds, to specific projects of regional cooperation. In that way, the European Union provided from Structural Funds one hundred billion Euros for the realisation of the Danube Strategy in the period 2007-2013.²¹ The European Union has a solid legislative framework and hierarchically arranged legal norms that are binding on its members.²²

5. Conclusion

The Danube River States cannot be regarded as a separate entity but it is necessary to put them into a broader concept of European integration, *i.e.* the process of peaceful unification of all European countries in the European Union, which is the most important event that marked the history of the European peoples in the second half of the 20th and the early 21st century. Bearing in mind that the Danube flow is the most important waterway within the European Union, the EU has decided to create a macro-regional strategy. Macro-regional strategies of the European Union are a framework of integration that arise at the initiative of the Commission and with the consent of the Council and the European Council to address the common challenges

¹⁹ Slobodan Zečević, *Insitucionalni sistem i pravo Evropske unije*, Institut za evropske studije, Beograd, 2015, p. 103; Philippe Manin, *L'Union europeenne*, Pedone, Paris, 2005, p. 51.

²⁰ Denys Simon, *Le systeme juruduque communautaire*, PUF, 3 edition Paris, 2001, p. 227.

²¹ 07.09.2015., <http://ec.europa.eu>

²² Guy Isasac, Marc Blanquet, *Droit general de l'Union europeenne*, Sirey. Paris, 10th edition, p. 293.

faced by a certain geographical region.²³ The strategy refers to the European Union Member States and third countries wishing to participate in it and aims to achieve economic and social harmony in a particular region. The intention of the European Union, is to provide the citizens living in the Danube Region a better quality of life by the year 2020, more market opportunities with the creation of innovative companies that create new jobs, improvement in the area of environment, and a greater cultural exchange.

Increasing the volume of goods transport on the Danube, the modernisation of the fleet, energy connectivity, environmental protection, tourism exchange, scientific and security cooperation are an integral part of the EU Strategy for the Danube Region. This strategy should bring what the Danube River States have always been lacking, and it is a vision of common development, common and solidary access to problems, specifically planned actions and the means of financing them. The European Union now has political authority and integrative potential to stimulate and coordinate this macro-regional strategy, but it remains to be seen to what extent the previously mentioned will be realised in practice.

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²³ *Qu'est-ce que une stratégie macro-regionale?*, 08.09.2015., <http://www.diplomatie.gouv.fr>

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