

Fișa suspiciunii de plagiat / Sheet of plagiarism's suspicion	Indexat la: 00301.03
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Opera suspicionată (OS)	Opera autentică (OA)
Suspicious work	Authentic work

OS	MARINESCU, Cosmin. Harmonized Europe or European harmony? <i>Romanian Journal of European Affairs</i> . 7(2). 2007. p.61-70.
OA	MARINESCU, Cosmin and POPESCU, Anisia. Institutional change in EU: haow much „free market”, how much „welfare state”. <i>Romanian Economic and Business Review</i> . 1(4). 2006. p.25-44.

Incidența minimă a suspiciunii / Minimum incidence of suspicion	
p.61:01s – p.64:06s	p.315:01 – p.318:00.
Fișa întocmită pentru includerea suspiciunii în Indexul Operelor Plagiate în România de la Sheet drawn up for including the suspicion in the Index of Plagiarized Works in Romania at www.plagiate.ro	

Notă: Prin „p.72:00” se înțelege paragraful care se termină la finele pag.72. Notația „p.00:00” semnifică până la ultima pagină a capitolului curent, în întregime de la punctul inițial al preluării.

Note: By „p.72:00” one understands the text ending with the end of the page 72. By „p.00:00” one understands the taking over from the initial point till the last page of the current chapter, entirely.

Argumentarea calificării

Nr. crt.	Descrierea situației care este încadrată drept plagiat	Se confirmă
1.	Preluarea identică a unor pasaje dintr-o operă autentică publicată, fără precizarea întinderii și menționarea provenienței și însușirea acestora într-o lucrare ulterioară celei autentice.	✓
2.	Preluarea identică a unor pasaje dintr-o operă autentică publicată, care sunt rezumate ale unor opere anterioare operei autentice, fără precizarea întinderii și menționarea provenienței și însușirea acestora într-o lucrare ulterioară celei autentice.	
3.	Preluarea identică a unor figuri dintr-o operă autentică publicată, fără menționarea provenienței și însușirea acestora într-o lucrare ulterioară celei autentice.	
4.	Preluarea identică a unor poze dintr-o operă autentică publicată, fără menționarea provenienței și însușirea acestora într-o lucrare ulterioară celei autentice.	
5.	Preluarea identică a unor tabele dintr-o operă autentică publicată, fără menționarea provenienței și însușirea acestora într-o lucrare ulterioară celei autentice.	
6.	Republicarea unei opere anterioare publicate, prin includerea unui nou autor sau de noi autori fără contribuție explicită în lista de autori	
7.	Republicarea unei opere anterioare publicate, prin excluderea unui autor sau a unor autori din lista inițială de autori.	✓
8.	Preluarea identică de pasaje dintr-o operă autentică publicată, fără precizarea întinderii și menționarea provenienței, fără nici o intervenție care să justifice exemplificarea sau critica prin aportul creator al autorului care preia și însușirea acestora într-o lucrare ulterioară celei autentice.	✓
9.	Preluarea identică de figuri sau reprezentări grafice dintr-o operă autentică publicată, fără menționarea provenienței, fără nici o intervenție care să justifice exemplificarea sau critica prin aportul creator al autorului care preia și însușirea acestora într-o lucrare ulterioară celei autentice.	
10.	Preluarea identică de tabele dintr-o operă autentică publicată, fără menționarea provenienței, fără nici o intervenție care să justifice exemplificarea sau critica prin aportul creator al autorului care preia și însușirea acestora într-o lucrare ulterioară celei autentice.	
11.	Preluarea identică a unor fragmente de demonstrație sau de deducere a unor relații matematice care nu se justifică în regăsirea unei relații matematice finale necesare aplicării efective dintr-o operă autentică publicată, fără menționarea provenienței, fără nici o intervenție care să justifice exemplificarea sau critica prin aportul creator al autorului care preia și însușirea acestora într-o lucrare ulterioară celei autentice.	
12.	Preluarea identică a textului unei lucrări publicate anterior sau simultan, cu același titlu sau cu titlu similar, de un același autor / un același grup de autori în publicații sau edituri diferite.	

13.	Preluarea identică de pasaje ale unui cuvânt înainte sau ale unei prefețe care se referă la două opere, diferite, publicate în două momente diferite de timp.	
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Notă:

a) Prin „proveniență” se înțelege informația din care se pot identifica cel puțin numele autorului / autorilor, titlul operei, anul apariției.

b) Plagiatul este definit prin textul legii¹.

„ ...plagiatul – expunerea într-o operă scrisă sau o comunicare orală, inclusiv în format electronic, a unor texte, idei, demonstrații, date, ipoteze, teorii, rezultate ori metode științifice extrase din opere scrise, inclusiv în format electronic, ale altor autori, fără a menționa acest lucru și fără a face trimitere la operele originale...”

Tehnic, plagiatul are la bază conceptul de piesă de creație care²:

„...este un element de comunicare prezentat în formă scrisă, ca text, imagine sau combinat, care posedă un subiect, o organizare sau o construcție logică și de argumentare care presupune niște premise, un raționament și o concluzie. Piesa de creație presupune în mod necesar o formă de exprimare specifică unei persoane. Piesa de creație se poate asocia cu întreaga operă autentică sau cu o parte a acesteia...”

cu care se poate face identificarea operei plagiata sau suspicionate de plagiat³:

„...O operă de creație se găsește în poziția de operă plagiată sau operă suspicionată de plagiat în raport cu o altă operă considerată autentică dacă:

- i) Cele două opere tratează același subiect sau subiecte înrudite.*
- ii) Opera autentică a fost făcută publică anterior operei suspicionate.*
- iii) Cele două opere conțin piese de creație identificabile comune care posedă, fiecare în parte, un subiect și o formă de prezentare bine definită.*
- iv) Pentru piesele de creație comune, adică prezente în opera autentică și în opera suspicionată, nu există o menționare explicită a provenienței. Menționarea provenienței se face printr-o citare care permite identificarea piesei de creație preluate din opera autentică.*
- v) Simpla menționare a titlului unei opere autentice într-un capitol de bibliografie sau similar acestuia fără delimitarea întinderii preluării nu este de natură să evite punerea în discuție a suspiciunii de plagiat.*
- vi) Piesele de creație preluate din opera autentică se utilizează la construcții realizate prin juxtapunere fără ca acestea să fie tratate de autorul operei suspicionate prin poziția sa explicită.*
- vii) În opera suspicionată se identifică un fir sau mai multe fire logice de argumentare și tratare care leagă aceleași premise cu aceleași concluzii ca în opera autentică...”*

¹ Legii nr. 206/2004 privind buna conduită în cercetarea științifică, dezvoltarea tehnologică și inovare, publicată în Monitorul Oficial al României, Partea I, nr. 505 din 4 iunie 2004

² ISOC, D. *Ghid de acțiune împotriva plagiatului: bună-conduită, prevenire, combatere*. Cluj-Napoca: Ecou Transilvan, 2012.

³ ISOC, D. *Prevenitor de plagiat*. Cluj-Napoca: Ecou Transilvan, 2014.

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Institutional change in EU: how much "free market", how much "welfare state"?

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Romanian Economic Business Review, 2006, vol. 1, issue 4, pages 25-44

Abstract: Recent evolutions in Europe raise questions on the viability of the actual economic and social model that defines the European construction project. In this paper, using the logics of economic theory, we will try to explain the viability of institutional European model that stick between free market mechanisms and protectionism. The main challenge for the EU is about the possibility to bring together the institutional convergence and the wellbeing for all Europeans. This is the result of the view, still dominant, of European politics elite, according to which institutional harmonization is the solution of a more dynamic and prosper Europe. But, economic realities convince us that a harmonized, standardized Europe is not necessarily identical with a Europe of harmony and social cooperation.

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**INSTITUTIONAL CHANGE IN EU:
HOW MUCH "FREE MARKET", HOW MUCH "WELFARE STATE"?**

*Cosmin Marinescu and Anisia Popescu**

Abstract

Recent evolutions in Europe raise questions on the viability of the actual economic and social model that defines the European construction project. In this paper, using the logics of economic theory, we will try to explain the viability of institutional European model that stick between free market mechanisms and protectionism. The main challenge for the EU is about the possibility to bring together the institutional convergence and the wellbeing for all Europeans. This is the result of the view, still dominant, of European politics elite, according to which institutional harmonization is the solution of a more dynamic and prosper Europe. But, economic realities convince us that a harmonized, standardized Europe is not necessarily identical with a Europe of harmony and social cooperation.

The challenge for future in EU consists in the reaction and evolution of the European institutional arrangement post-integration faced with the necessity to reform the services sector in accordance with the free market criterion. If „development through integration” seems to be harmonization through institutional transplant, how could then be the European model one sufficiently wide open to market which create the prosperity so long waited for by new member countries? The second part of the paper will bring into discussion a number of issues related to the actual success and/or the failure of completing the internal market in the services sector. We will discuss the role of competition policy in liberalizing the market of services using examples of the EC decisions and ECJ jurisprudence. Then we will recollect the success and the benefits of liberalizing network industries in Europe. Finally, we touch upon the sensitive issue of services of general interest. Based on these findings we note that there is still a long and painful way to go towards the overprized completed single market, at least in the services sector.

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Harmonized Europe or European Harmony?

Latest news presented great union demonstrations that almost paralyzed symbol towns of EU. Worried and astonished, we assisted to the terrifying show offered to the entire world. “Bolkenstein Directive”, against which were hundreds of thousands of European people, seemed to become a horror movie title that threatened to dethrone social privileges of the welfare state. In France, politics proposed in order to liberalize the labor market turned Paris in a siege capital, through which unions almost colonized the state. This is the image of an unprecedented institutional crisis that characterizes the present social arrangements of UE.

There is no doubt that we speak about an amazing state of affairs, contrary to “social cohesion and solidarity” challenges that begin and end almost all EU programmatic documents.

European integration is built on a system of common policies negotiated and adopted by European governments. This integration process is not the result of the political constraints abolition, it does not mean free market and competition mechanisms, despite all efforts towards these. We can speak about a political-bureaucratic option towards *what should be the economic and society European model*. And this political normative derived into an institutional arrangement exported, with the highest fidelity possible, to member countries and to those that applied for membership.

We are all aware of the confusion that the philosophy of EU political elite makes between “harmonization” and “harmony”. In fact, harmonization is another way of speaking about “unification”, meaning accepting a unique rule, in fact “standardization” that European institutional arrangement propose to almost all social life sectors.

Harmonization architects seem to ignore what is most important precondition for the economic prosperity, meaning diversity, competition between different institutional arrangements and, in globalization terms, even between different fiscal systems. Competition is the only one that can improve the situation, meaning reducing tax burdens and improving public services.

Within economic sectors, same as in music, harmony does not derive from unanimity agreement, but from diversity agreement. This could be the future of fiscal Europe: European contributors capitalize the inter-jurisdictional differences, and those will facilitate tax competition. For the very moment, hundreds of young French go abroad trying to escape from the French tax system rapaciousness. Which could be the harmonization scope? To stop the free movement of production factors by constraining the other European countries to “harmonize” (it could be also read “increase”) their tax system to rough requirements of welfare state.

Free market vs. protectionism

The entire EU institutional arrangement - with American pedigree at its origins - is fundamentally the result of the European political system. Despite many economic arguments being quoted in favour of European integration, the defining source of the European project is, par excellence, primarily a political one. Initially, the energies of the European integration were animated by the necessity to build a (political) power to counterbalance the American „imperialism” and the un-precedent taking aim of East Asia. In time, the economic dimension gained (an) increasing importance.

But who are the creators of this political project and what were they aiming at? The founding fathers of the „United States of Europe”, starting with Jean Monnet, were convinced that the „high” European authorities would have the capacity to plan the economic development overriding the economic principles of the market. We talk here about the model of an economy built via and surrounding the state policies and budgets? As shown in *Institutions and Prosperity. From Ethics to Efficiency* (Marinescu, 2004), the allocation of public resources does not impede the exigencies of economic calculus and of markets, but rather political rationales. In fact, the political allocation of resources bears the stamp of any governmental budget. European budgets are built on an immense scheme of subsidies, aids, structural funds and financial external assistance. All this explains the redistribution of resources in the European space via governmental budgets, the European budget and the common policies.

The candidate countries, being in the position of net-receivers, consider this a very positive process, at least at this stage. Since the Marshall Plan, it became clear that the dramatic expansion of „foreign aid” programmes is the result of a political option and not necessary of an efficiency criterion. Hence, the impossibility to assess whether the politically „exported” resources will serve a real economic need or will only contribute to feeding corruption and the “ossification” of the state elites. Billions of dollars external aids offered generously to the African countries by international financial institutions had a modest efficiency or proved to be painfully failure in reducing poverty (India, some countries from Latin America or Africa). Numerous studies have shown that external financial assistance neither creates, nor is it correlated with the essential sources of prosperity. If liberty is the determining source of prosperity, one could notice that a reduction of economic freedom is often – paradoxically - the result of foreign aid increasing¹. Setting external fund at the foundation of a country’s

¹ See the works of Lal (2002), Bauer (1993), Johnson (2003), Bandow and Vasquez (2001). For example, Bandow and Vasquez demonstrate the obvious inefficiency of foreign aid in India’s case: starting with „*first five year plan*”, since 1951 till 1990, India received the highest financial

economic success is a dismal illusion. This approach neglects the role of liberal policies (some of them even anti-European) in creating prosperity. Ireland is a very good illustration of the case when the reduction of public expenditure exceeded the inflow of European funds.

In its essence, the transition to market economy resides in the generalization of the private property as a fundamental institution and its logic corollaries: economic freedom, markets and economic calculus. For all candidate countries, excepting probably Estonia, embracing the European model was the equivalent of reducing the degree of state intervention in the economy and accompanied by an expansion of the market mechanisms. From this point of view, for the governments of Central and East European countries, accession represented an external constraint favouring the completion of reforms towards the market. For example, the liberalization of external trade (the adoption of a common trade policy), reducing the barriers to foreign investment and the free movement, the competition policy in general which can clarify the national business environments and even the almost obsessively invoked safeguard of legal stability and certainty.

However, the very European model itself is insufficiently open to the market mechanism in order to rapidly induce in the candidate countries the long waited for prosperity. Moreover, embracing this model requires costs which are far from negligible and which can reflect in the slow down the economic performance. The so much wanted economic growth is the product of economic liberalization and market mechanisms. Prosperity is not a spontaneous result of gaining the EU membership, but of sound economic policies which stimulate capital accumulation, investment and entrepreneurship.

CEE economies are emerging economies for which economic progress and spread of prosperity via the market could be more important than the protection by the state of consumers' interests, job security or other aspects related to environmental protection. Moreover, it has been admitted that the implementation of European rules in labour, agriculture and environmental sectors is associated with huge costs, which would vitiate the potential for economic growth.

For instance, if the European environmental regulations were immediately applied, they would sentence the Romanian economy to stagnation, by the imposition of the required high standards and prohibitive costs. It is

assistance of all developing countries, estimated at more than \$55 billions. Almost all of these foreign aids were "captured" by corruption and opportunistic political programs (of nationalizing sectors and enterprises – on „capitalist" money!!), that lead to political elite "ossification". Today, after over 50 years of centralized economy, a similarly high percentage of Indians (almost 40%) live at the limit of survival. Except a few cases, when the foreign aid proved fruitful - million of people where saved from starvation in 1950 and later on in 1960, the external financial assistance rendered a complete failure, encouraging corruption and socialism.