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Debating Regionalisation in Romania

Historical Review and Current Draft Laws on Territorial Administration ¹

The development regions in Romania emerged as the result of a PHARE project from 1997. In the course of Romania's accession to the European Union these should enable better statistical data collection and coordination of EU funds. Initially conceived as test regions, these have not been further developed or changed after twenty years, although the idea of a regional level with relevant powers is today generally accepted. This paper presents, after a historical review of the territorial administration of Romania, the current legal situation, in order to present in a next chapter the different restructuring plans of the scientists and politicians. According to them, the biggest shortcoming of the whole project is still the central government's failure to implement decentralisation sufficiently or optimally, which results in ineffective regional cooperation. As long as the central level does not optimally shape the powers of the local level in line with the required subsidiarity, the development regions will continue to show strong economic disparities.

1 Introduction

In the 1990s, in addition to negotiations and restructuring for the accession to the European Union (EU), Romania also ratified the [European Charter of Local Self-Government \(1985, 1998\)](#) of the Council of Europe and developed a Green Charter in cooperation with Romanian experts as part of a PHARE project ([Sandu 1997](#)). The [Green Charter](#) contained recommendations for determining the development regions (rom. regiuni dezvoltare), and also in general for the administrative division of Romania. These should serve to obtain and distribute European funds more efficiently after the accession. The recommendations were reflected in the later laws for the formation of eight development regions.

Today Romania is administratively divided into 41 counties (rom. județ) plus the capital Bucharest, as well as at local level in municipalities (larger cities), cities and communes (rural subdivision of counties) (Art. 3 (3) and Article 120 of the [Romanian Constitution](#)). However, the eight regions corresponding to the NUTS-2 level at Euro-

pean level (see Figure 1) do not have administrative competences in the sense of a legal personality. They are only used to coordinate regional development projects. The county and local levels, on the other hand, have the authority to act administratively within the framework of the decentralisation process and the foreseen laws. The design of the development regions is therefore only a free cooperation between the involved counties and in the most cases does not reflect a historical link (see Figure 3).

The principles of local self-government, i.e. decentralisation and local respectively regional distribution of public services, are enshrined by the constitution. The right of minorities to use their mother tongue in areas where they are strongly represented is also emphasized (Art. 120 [Romanian Constitution](#)). The criteria according to which the eight regions were created are often criticised, most of all by the representatives of the Hungarian minority. The main criticism is that the regions do not consider the historical peculiarities at all, since counties from one historical area have been put together with counties from others.

¹ This publication is a translation: Emma-Katharina David, [Regionalisierungsdebatten in Rumänien. Historischer Rückblick und aktuelle Gesetzentwürfe zur Territorialverwaltung](#), in: *Forschungshorizonte Politik und Kultur (FPK)*, Vol. 4, No. 5 (2020 May 23), 9 pages.

2020 July 31

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Figure 1:
The Eight Development Regions in Romania



Source: [Wikimedia, 13.4.2009](#). România. regiuni dezvoltare [Romania. Development regions]

The administrative structure of Romania is discussed in detail below. At the beginning stands the administrative structure in its historical development. The current legal framework will then be presented, in order to discuss the criticism of various representatives and their restructuring proposals. Finally, it will be debated to what extent these critical voices are politically legitimised and how the regional level could be more empowered.

2 Historical Review of Romania's Administration

The political ethos in Romania has been shaped for centuries by both Western and Eastern cultures. Romania is made up of three large historical areas: Wallachia in the south, Moldavia in the east and Transylvania in the west. All these regions have had different historical and political experiences. Wallachia had developed under the influence of the Ottoman Empire and the Balkan countries. Moldavia in turn bordered on Russia and had relations with Poland. Transylvania belonged to Austria-Hungary until 1918, was predominantly Romanian, but influenced by an important Hungarian and partly also a German community. Thus, these areas developed under Turkish-Ottoman, Russian up to French and Hungarian influences ([Boia 2006: 14](#)).

These influences continued after the unification of Romania in 1918. While the Principalities of Wallachia and Moldavia had limited self-government rights under the Ottoman Empire at the

beginning of the modern era, Transylvania was always under Western influence. The political culture was also reflected in the religious diversity that met in this area. In addition, the various linguistic groups and ethnic minorities that have lived and live in the territory of today's Romania also contributed to the fact that a certain fear of separatism arose after the unification. In order to strengthen the cohesion among the Romanian population and to promote nation building, a strong central administration was established in Romania ([Boia 2006: 15 ff.](#)). The process of "Romanianisation" was particularly rapid under communism. The regional differences disappeared, so that today there is a majority Romanian-speaking population (approx. 85.4%), with the Hungarian community (approx. 6.3%) and the Roma (approx. 1.2%) as the largest national minorities ([Institutul Național de Statistică 2011](#)).

The model of the Kingdom of Romania in the interwar period was based on the division in counties (rom. județ). This type of administration still exists today. It becomes obvious that the term "județ" plays a historical role in the Romanian system (the first ever written record of a county was found in 1392). While the laws on territorial reform were enacted (1918-1925), there were four administrative arrangements in Romania: those of ancient Romania (Wallachia and Moldavia), Transylvania, Bessarabia and Bukovina (see Figure 2). As a result of these arrangements, the size of the counties to one another and the location of the county capitals were not compatible with the new territory. The transfer of the 76 counties into 71 new ones did not improve the situation. New structures with a regional character have been added, so-called ministerial directorates (rom. directorate ministeriale). However, these have not replaced the counties, rather different counties have been combined in one directorate. As a result was the creation of seven regions, which represent the first attempt at administrative decentralisation. Despite the partial consideration of historical areas and interdependencies at the time, this model was short-lived, and the regions created were dissolved due to fears of separatism. The last reform before the Second World War in 1938 introduced another regional model (rom. ținut). Accordingly, the regions were not tailored along historical models, but new entities were created based on geographical and economic criteria ([Săgeată 2013: 8](#)). These new regions took over from the counties the status of legal personality and thus also the administrative competences. It was only in the 1940s that the counties regained their status as legal entities.

As a result of the Second World War, Romania lost Bessarabia, Northern Bukovina and Southern Dobruja. These developments and the regime change after the war brought about a new administrative division (Săgeată 2013: 3 ff). During communism in the 1950s there was first an administration based on the Russian model with regions and districts. The national unitary state accepted also an “Autonomous Hungarian Region” (rom. Regiunea Autonomă Maghiară) in the predominantly Hungarian region in central Romania. After several changes, this administrative model was finally abandoned in 1968 and instead the county model (39, later 40 counties and the city of Bucharest) was used (IICCMER 2015).

After the political turnaround in 1989, the administrative structure was preserved, only one new county was added to it, namely Ilfov, which until then belonged to Bucharest. In 1998, the eight development regions were added to this administrative structure. These are not administrative units and have no regional executive and legislative branches. They serve to support regional development and collect statistics within the European Union (Săgeată 2013: 17 f)

According to the Green Charter of 1997, the eight development regions were created on the basis of the following criteria: the large number of counties (42 including the capital Bucharest) would make it difficult to distribute resources fairly and quickly. For this reason, a concept was pursued that preferred to merge neighbouring counties with complementary development profiles.

The overlapping of the development regions with the administrative borders would have the advantage that one could follow the development of the regional policy well (Carta Verde 1997: 30 ff.). The neglect of cultural and historical references in the creation of the development regions and the advocacy of decentralisation and demands for autonomy are issues that are still the focus of discussions about a reorganisation of the Romanian territorial structure.

3 The decentralisation in Romania: Legal framework

The legal framework for the administration and decentralisation in Romania is currently based, in addition to the Romanian Constitution, on Law 273/2006 on public finances at local level, the General Strategy for decentralisation (Government decision 2017) and the Administrative Code through the Emergency Ordinance no. 57 from 3.7.2019. The Administrative Code primarily regulates the relationship between the two administrative levels in Romania: the central and local

Figure 2:
Romania's administrative structure in 1930



Source: Wikimedia, 17.4.2007, Greater Romania 1930

public administration. Central administration refers to the government, ministries, etc. (Article 2 Emergency Ordinance), while local administration refers to the mayors, commune and county councils (Article 3 Emergency Ordinance). The status of the development regions can also be seen here, as they are not considered as an intermediate level of public administration. This fact can be seen in Article 95 of the Emergency Regulation, which lists the administrative territorial units for which the regulation plays a role: cities, communes and counties.

The central administration is among others responsible for ensuring compliance with the standards for good administration (Article 25 Emergency Ordinance). It has to control the ministries and the prefects on site with regard to the implementation of the administrative documents issued (Article 26 Emergency Ordinance). The local administration works on the basis of the emergency decree and the European Charter of Local Self-Government. Among the principles that are of central importance for the Emergency Ordinance is the principle of decentralisation and local self-government (Article 75 Emergency Ordinance). The principles necessary for decentralisation are subsidiarity and the guarantee of adequate resources to exercise the delegated powers (Article 75 Emergency Ordinance). The local self-government also is mentioned, but it has only administrative relevance (Article 84 Emergency Ordinance). Within the framework of the law and the transferred competencies, the local level can take initiatives to promote development. This is made possible by allowing two or more communes, cit-

ies or counties to form joint associations at local level (Article 89 [Emergency Ordinance](#)). The use of minority language is ensured in areas where, according to the last census, their population share is 20 percent or higher ([2011 census](#)). In addition, the local government can guarantee the use even if the 20 percent hurdle has not been reached (Article 94 [Emergency Ordinance](#)).

The General Strategy for decentralisation from 2006 aims to strengthen competencies in those policy areas in which the local level can act independently. It is based on the two laws on administrative and fiscal decentralisation [Framework Law on Decentralisation No. 195/2006](#) and [Law 273/2006](#) on Public Local Finances). The realignment of reforms has been developed since the 1990s in the process of decentralisation in Romania. The areas in which the local level, i.e. the territorial-administrative units mentioned in the Constitution, are to be given new competencies are: agriculture, culture, environment, tourism, health, education in the field of extracurricular activities and youth and sport (Article 2.3.1 of the [Strategy](#)). This strategy represents a process that is initiated by a test phase. In it, the entire government has to carry out analyses of the transfer of competencies and look at the entire development (see Chapter 3 of the [Strategy](#)).

Depending on the field of activity, the decentralisation process has been tackled with different instruments over the years. In the cultural field, for example, it started in 1996 by transferring competencies from public cultural institutions to the county and local levels. Therefore, the county level can now make their own decisions about county libraries, museums, and adult education centres, while the communes decide upon community centres, libraries and commune museums (Article 4.2. of the [Strategy](#)). Because, in accordance with the principle of subsidiarity, the counties and communes are the first to decide upon the preservation of the cultural heritage, therefore the counties should be given the necessary competences to implement national policies and regulations in the field of culture. Appropriate measures have been taken in the field of education since 1995 and competences have been transferred in the area of pre-university education. This strategy therefore focuses on extracurricular activities and their decentralisation. It also aims at further decentralising and related measures for the policy areas mentioned in Article 2.3.1. The local budgets that are necessary for the exercise of the transferred powers are regulated by Article 5 (1) of [Law 273/2006](#). Accordingly, they consist of own in-comes such as taxes, fees and other

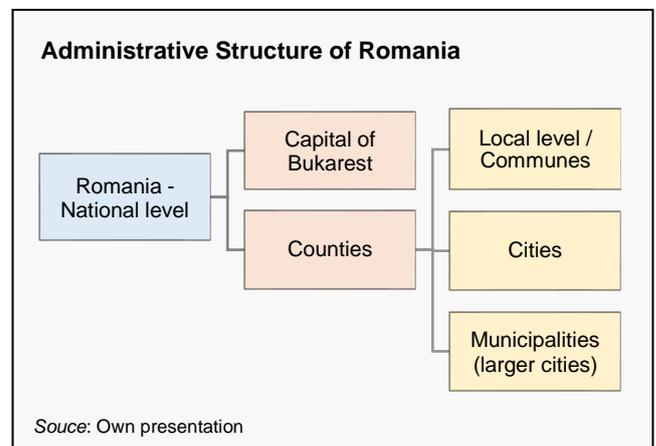
contributions as well as subsidies from the state budget or from EU contributions.

Decentralisation seems to be legally on the right track. However, the local level has raised a number of objections to the central level. These include, for instance, that the decentralisation is not supported with the necessary financial resources. In addition, the central government negotiates EU funds, although it has no knowledge of the needs at the local level and in the bodies of the development regions ([Kremm 2018](#)).

4 The development regions in Romania

The composition of the eight regions, which are not recognised administrative units, is a result of a voluntary partnership between the counties and communes, which should lead to a better economic and social cohesion of Romania within the EU. The regions are to provide additional support for regional development. The most important policy areas for economic development are health, culture, education, rural development, infrastructure, labour market, etc. As part of regional cooperation, counties and / or communes from different regions can join forces to formulate their common interests more effectively (Article 6 (3) of [Law 315/2004](#)). Committees (national, regional, local) were established at every level to shape regional policy. Each region has a Regional Development Council (Article 7 of [Law 315/2004](#), without legal personality). The council is composed of the presidents of the county councils and one representative from the city and local councils from each county within the region (see Figure 4). The council approves the projects selected by the agencies at regional level and determines the tasks and status of the agencies. In

Figure 3:



cooperation with the National Council, it prepares the national development plan. It oversees the funds allocated from the National Regional Development Fund (NRDF) flowing into its own Regional Development Fund (RDF). These own regional financial resources can be increased by grants from the EU or from private companies (Article 7 (2) [Law 315/2004](#)).

Each region has a Regional Development Agency with offices in all counties of the region. The agency develops the “strategy, plans and programs for the regional development as well as the management plans for the funds” and ensures the technical and financial management of the Fund. The agency is also responsible to the Council for the correct use of the resources and, last but not least, sends the selected regional projects to the Council for approval (Article 9 [Law 315/2004](#), with legal personality as a non-governmental organization, see Figure 4).

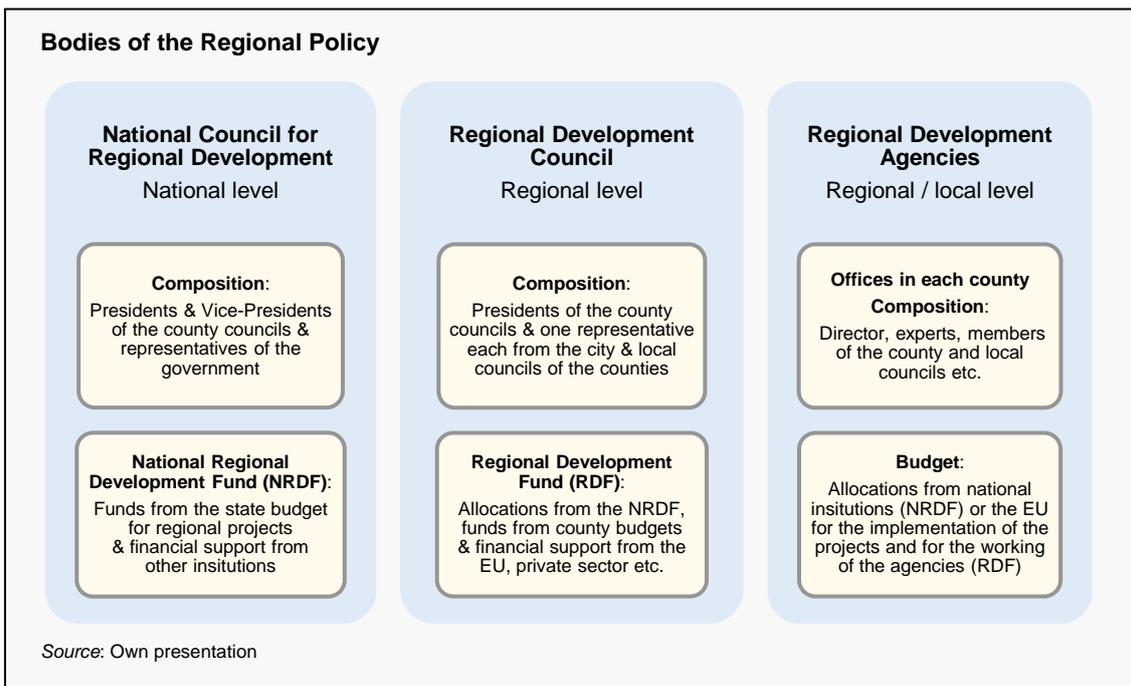
At the national level, there is a National Council for Regional Development with central decision-making powers for the elaboration and implementation of the regional policy goals and the design in cooperation with the regional councils of the multi-annual national plan for regional development. It is composed of the Presidents and Vice-Presidents of the Regional Development Councils and an equal number of government representatives. The National Council approves the priorities and criteria for the use of NRDF and

submits the selected projects to the government for approval and funding. Last but not least, it is responsible for monitoring and general development of the goals of regional policy (Article 12 of [Law 315/2004](#)). The government representatives are experts from the Ministry of European Funds and experts at the central administrative level. The principle of regional policy is “decentralisation between the central level and the regional communes” (MLPDA). Since there are no regional communes per se, but only partnerships between communes and county councils, the weakness of this development and the resulting criticism in Romania can be seen.

5 The Administrative Management and the Development Regions in the Light of Reform Demands

The fact that these regions are not administrative units and thus are not regional decision-makers is also reflected in their intra-regional capacities. There are large differences between the GDP per capita of the counties in Romania. Counties like Cluj, Braşov, Timiş (West Romania) or Bucharest-Ilfov are at the top, while eastern counties like Botoşani or Vaslui are the poorest in the country (Stanciu 2020). These and other factors of a cultural nature keep the discussion about regionalisation on the agenda of the government. The reform of the administration has been a constant process since the 1990s, accelerated by

Figure 4:

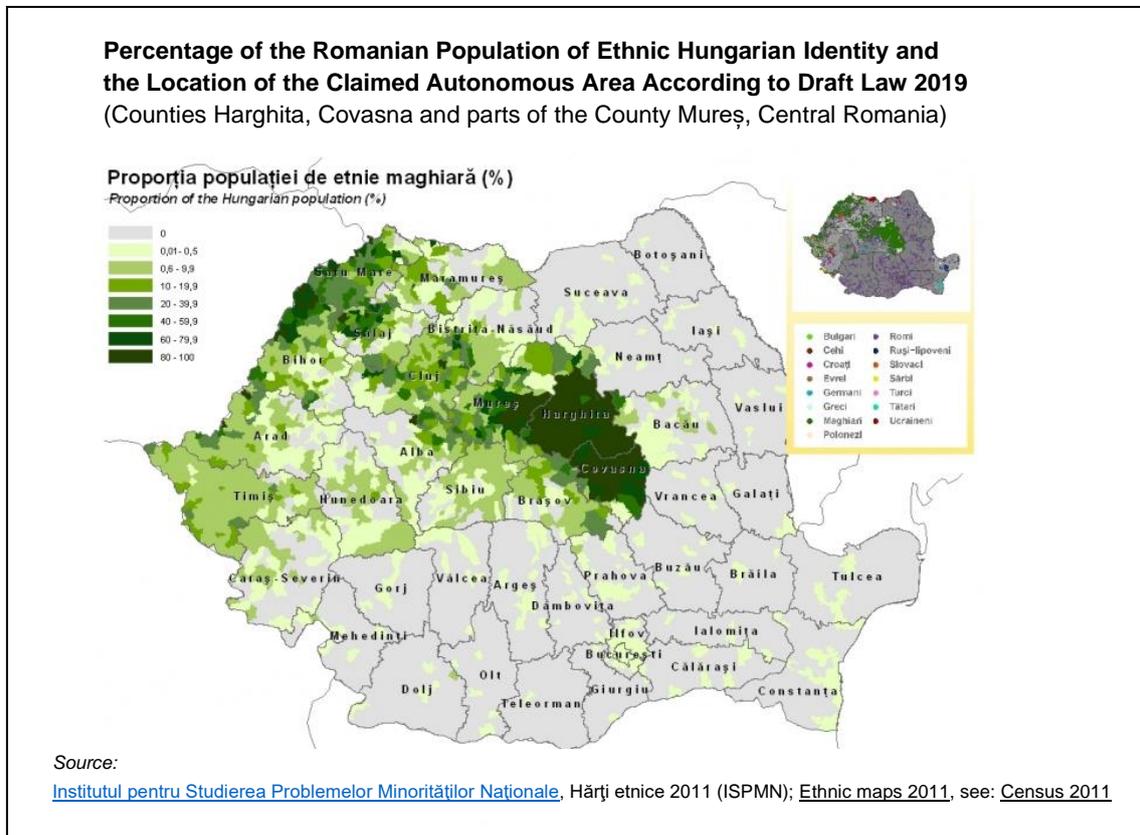


the fact that Romania began discussing EU membership in 1995 and thus must also follow to the EU standards and the EU acquis. The discussions on regionalisation revolve around the problem of economic and cultural priorities, but also around the question of whether the number of counties should be increased as before the Second World War, completely removed from the administration, or taken over by the eight development regions. While in the first years after the fall of communism the focus was on restoration and reparation at all levels and in all areas, the perspective has changed with discussions on accession to the EU towards the optimisation of existing regulations on the one hand and towards new regulations at regional level according to cultural criteria on the other. In 2013, the discussion was resumed about equipping the regions with administrative and institutional capacities, in order to democratically legitimise the regional structures in the next elections (Cozmei 2013). However, discussions were broken off again, so that regionalisation in Romania is still of the most topical issue, also because the artificial composition of today's regions impairs their viability and ability to continue regional development. Although the

ideas and argumentations of the actors are different, they all have one thing in common: the fact that one should stick as far as possible to the historical regions or, in case of doubt, tailor the development regions in such a way that the counties that are connected are actually culturally and economically strongly merged.

Among the proposals for restructuring are the recommendations of the geographers of Babeş-Bolyai University. They take the historical regions as a starting point to divide them into 18 development regions plus the Bucharest metropolitan area. But there are also the proposals of a former political movement from Cluj-Napoca, the League Transilvania-Banat, which support seven regions according to the Spanish model with regional parliaments and freely elected governors (Săgeată 2013: 19 et seq.). Although the demands of Transylvanian for territorial restructuring have come to the fore, Moldavian scientists have also developed proposals. These are based on the argument that the historical region of Moldavia was once economically, politically and culturally important, but has receded into the background since its union with the Wallachian region. These approaches of some of the Romanian-speaking

Figure 5:



population were less successful to make themselves heard than the demands of the Hungarian representatives ([Ursprung 9.8.2013](#)).

While the territorial reforms have received impulses from both academics and politicians, the proposals of the Hungarian party RMDSZ as draft laws even reached the Romanian parliament. Three of the submitted drafts were rejected, a fourth was submitted at the end of 2019 and was until recently on the Parliament's agenda. This and the previous three proposals refer to the territorial autonomy of the historical territory of the Hungarian-speaking minority of the Szekler "Székelyföld" (Hungarian), "Ținutul secuiesc" (Romanian), "Terra sicularum" (Latin).

Following the example of Western European regions with a high proportion of linguistic minorities such as Trentino-South Tyrol, Catalonia and the Basque Country, the historical land of the Szekler should form an autonomous region within Romania. Loyalty to the state and the territorial integrity and sovereignty of Romania are guaranteed and not endangered, according to the draft law. The areas that would form this autonomous region revolve around the historical administrative units, so-called "seats" (szék in Hungarian), which were autonomous areas in medieval Transylvania. These include: the current counties of Harghita and Covasna with their historical "seats" as well as the historical seat Marosszék (Mureș in Romanian, see Figure 5). All residents of this area would have equal rights regardless of their linguistic and ethnic background, and the Hungarian language would become the official language alongside the Romanian one.

Furthermore, this draft law also takes into account other linguistic communities in areas where they reach a certain minimum number. The use of their mother tongue is recognized at the administrative level and for school teaching. If the bill were to be passed by the parliament, it would have to be adopted by a referendum of the population of the area concerned. The prefect appointed by the government, is the link between the region and the central state ([Draft law 2019](#)).

This reform proposal focuses on cultural-historical and ethnic aspects and on the request of the Szekler community in Transylvania for self-government. It does not offer any reform proposals for the other regions of Romania. The raised claims would particularly affect today's Mureș county, since the draft law only names the part of the county that belonged to the historical seat. The other areas of Transylvania, where Hungarian-speaking communities live more or less dispersed, such as in the west of the country would

remain outside this area, as the initiative only provides for the strictly historical area (see Figure 5).

Although the demands and the draft law appeared to be formally correct ([Draft law 2019](#)), many questions remained unanswered. As a result of the Corona crisis, the law passed the Romanian Parliament, only because a deadline was exceeded, but was then rejected by the Second Chamber (Senate). The government had not supported this initiative from the beginning. Despite its rejection, a lot has changed in public discourse. All those involved in politics and administration now see that there are shortcomings in Romania's regional development and that reforms are necessary. However, it remains open when and in what form regionalisation will develop.

6 Conclusions

Regionalisation and administrative management in Romania have been under constant discussion about optimisation since the fall of communism in the 1990s. The realities resulting from EU membership show that Romania is not optimally positioned for the future without competent regional and local self-government. The older EU member states have strengthened their regional and local levels and are therefore much better placed to compete for EU funds. On the one hand, the shortcomings are obvious: these include the many bureaucratic hurdles that local projects have to overcome, from the development regions to the national level, before finally being approved by the central government.

On the other hand, Romania has made progress in the area of local self-government. The administrative competences of the counties, cities and communes have been expanded in various areas (agriculture, education, culture, health, etc.). Nevertheless, these are not only accompanied by bureaucratic obstacles, but also by an inefficient distribution of financial resources from the central administration. The fact remains that the regional and local levels need to be strengthened, on the one hand, to relieve the central government of too many competencies so that it can concentrate on policy areas that affect the entire national territory. On the other hand, it is also important, in accordance with the principle of subsidiarity and recognized local self-government, to relinquish competencies in policy areas that directly affect the communes. The latter is still criticized by local politicians.

The advocates of regionalisation seem to agree on one thing: the current administrative structure cannot be sustainable without a well-equipped regional level to attract EU funds and

minimise the disparities between different communes and counties. Although the EU does not officially call for regionalisation, indirect consequences of the membership can be felt in this context. On the one hand, support through EU funds depends on a competent regional level. On the other hand, voices are becoming louder, as shown above, that recognise the regional level as an important administrative unit and want to develop it with the necessary institutional and financial capacities. An important step would be to analyse whether the current development regions have sufficient administrative powers or whether new regions should be formed on the basis of historical ones. As long as this question is not answered, the discussions about competences and finances will continue to stagnate and also have a negative impact on the disparities between the counties. The greatest challenge in the territorial administration of Romania – apart from the fear of separatism – is to consider the regional peculiarities from a socio-economic point of view to give regional policy the necessary impulse to enable Romania to act more competently at EU level.

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