

INSTRUMENTS FOR METROPOLITAN DEVELOPMENT IN ROMANIA: BETWEEN SHORTCOMINGS AND POSSIBILITIES

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Abstract

European urban agglomerations are becoming increasingly more complex, more resource-consuming, and more prominent from a political point of view: advanced metropolitan areas such as Amsterdam, Barcelona or Bologna are now touted as leaders of innovation and urban diplomacy, capturing interest and attracting investments. But shifting from competitiveness to convergence areas and towards Eastern Europe, size starts to become a management problem – especially at the odd, insufficiently-regulated metropolitan scale. With the resurgence of the metropolitan concept in the European discourse and subsequent financial incentives, new spatial planning and governance instruments have been implemented across the Eastern Europe.

This is the case of the Romanian Intercommunity Development Associations (IDA) managing Metropolitan Areas, which now reflect both the bold European aspirations for Integrated and Sustainable Urban Development as well as a profoundly unreformed local administration. In order to govern these territories, a new administrative and management model is needed – however, more ambitious projects such as the regionalisation or administrative overhaul are still very distant possibilities. Starting from this premise, the paper explores possibilities for soft reforms and incremental improvements within the current administrative framework, using the case of the Cluj Metropolitan Area IDA. It draws on the advantages and problems of having an NGO as a placeholder for consolidated local governance and advances a possible option for the organisation of IDAs in the next programming period (2021-2027) which proposes rescaling of competencies at metropolitan level, specifically for coordinating local investments as ESIF Intermediate Bodies.

Keywords: intermunicipal cooperation, subnational governance, metropolitan institutionalisation, Romanian intercommunity development associations.

1. IS THERE SUCH A THING AS THE NEW METROPOLITAN GOVERNANCE?

Large urban agglomerations are strongly interdependent from a social, economic and infrastructure point of view. They are also characterized by multiple spatial connections and interdependencies which, more often than not in Eastern Europe and especially Romania, fail to be accurately reflected into the urban management,

administration and governance processes of local municipalities or associative super-structures.

Metropolitan areas are territories of ambiguity, unconsolidated administrative levels with continuously changing functional realities, inaccurately superimposed over formal boundaries. The act of their governing, namely the construction through which functional metropolitan territories are administered, has become a prominent research and policy topic during the last century, nevertheless failing to produce an "optimal", or majority-accepted solution. There is no agreement on a structure, or a common approach to metropolitan governance in literature - as there is no common definition of what a metropolitan area means, or a unitary terminology that designates it.

To date, strategic and operational tools for planning and management of metropolitan areas have been analysed mainly individually, at case study level. Recent works focusing on the comparative approach of metropolitan areas represented mainly morpho-functional studies tackling integrated [1] or sectoral development components, such as mobility and transport planning (eg. through comparing Sustainable Urban Mobility Plans). For the most part, these studies were conducted on the basis of quantitative and qualitative indicators [2], with little focus on the multi-level organizational issues posed by administering these territories.

Herein lies the issue of metropolitan governance – specifically, that of applying a rather elastic concept to an equally blurry morpho-functional area. Governance involves a renegotiation of the powers and boundaries between the state and society [4], [5], [6] and [7]. The breadth of this negotiation, however, is an ongoing topic of debate in the political science field, with some authors supporting "non-governmental governance" [4] including at the metropolitan level [8], and others arguing for a more moderate perspective, which supports only a change in the way states exercise public authority. At the same time, governance can be perceived either as a hybrid organization between the administrative hierarchy and the free market, or as a distinct mode of governance that adds an extra dimension to both the complexities of administration and the market [9].

Precisely because of the high degree of its complexity, it is as difficult to identify the conceptual limits of governance as it is to decidedly trace the boundaries of a metropolitan area. Transposed in practice, in various political and cultural contexts, this difficulty leads to different interpretations and contemporary institutionalizations. Pierre and Peters [10] have noted that governance is notorious for its conceptual lack of clarity, which may even represent the key ingredient of its success – much like other *umbrella-concepts* such as „clusters“, „smart cities“ or „metropolitan areas“.

True to its appealing vagueness, metropolitan governance reflects the management of eminently „soft“ spaces, in which the administrative and political jurisdictions, slow and rigid by design, do not overlap with the dynamic systems of urban production and consumption [11]. Metropolitan Governance reflects an obvious need for coordination and cooperation, but the pathway to achieving them gave way to very perspectives and proposals over the last century: from metropolitan reform or consolidation, to the school of public choice, neo-regionalism and lastly, state rescaling [11], [12] and [13], a concept intrinsically

linked to the European integration and the multi-level governance context, very much in line with the contemporary lean state *desiderata*.

Against this background, the so-called new metropolitan governance and its variations (Metropolitan governments, agencies, co-ordination or voluntary cooperation - [14]) can be interpreted essentially as a form of political recycling – maintaining the institutional logic and the competences of the inter-municipal and inter-acting cooperation, but adding a post-austerity rhetoric, oriented towards international competitiveness and the strengthening of local resilience. That seems to be the backbone of most new European forms of metropolitan governance, from harder options such as the consolidated Metropolitan Government of Lyon, to the Italian *città metropolitane*, the incentivized Polish metropolitan ITI regions, or the voluntary co-operation in the Helsinki Metropolitan Area. However, the level of institutionalisation for each of the above comes with both advantages and disadvantages (i.e. co-operative metropolitan structures are more flexible and innovative, but less autonomous from a financial point of view than special status metropolitan authorities). Moreover, finding the right configuration is also a question of culture and appropriation capacity; in Eastern Europe, voluntary cooperation and participation still hit cultural walls and need explicit incentivisation.

2. ROMANIAN METROPOLITAN AREAS

Research conducted by the OECD [15], [16] provides guidance on the key factors driving strategic options for governance structures, based on local needs and the main sectors calling for supra-local coordination: chiefly, mobility and spatial planning. However, these provisions do not transfer easily into proposals applicable to South-Eastern Europe. The SEE is area with specific needs and problems, strongly marked by weak spatial planning coherence and developmental currents tributary to the ownership culture, the market, subsequent economic crisis of 2008/9 and steady demographic decline. South East Europe, a territory which is strongly dependant on structural instruments and hence eager to appropriate centralized ("top-down") policies and embed them into the local level – oftentimes through confounding methodologies – is a challenge in terms of multi-level governance issues. Romania is no exception.

The creation of metropolitan areas in Romania did not represent an action spontaneously generated at the territorial level, through self-organisation and optimisation. It was rather a derivative institutional process imposed by EU regulations conditioning the access to structural funding. Already a leitmotif in the SEE area, the availability of non-reimbursable funds has generated a series of cascading institutional developments meant for streamlining implementation of EU projects through the Regional Operational Programme (ROP). The first such reform came in 1998 with the creation of eight NUTS2 regions dedicated to fulfilling the Chapter 21 of the Acquis Communautaire: a weak form of administrative decentralisation via delegation [17]. These regions were followed in 2006 by the creation of Metropolitan Areas, a pre-condition for ROP Axis 1 integrated urban planning for the larger cities in Romania (with the exception of Bucharest, ineligible for convergence area funding).

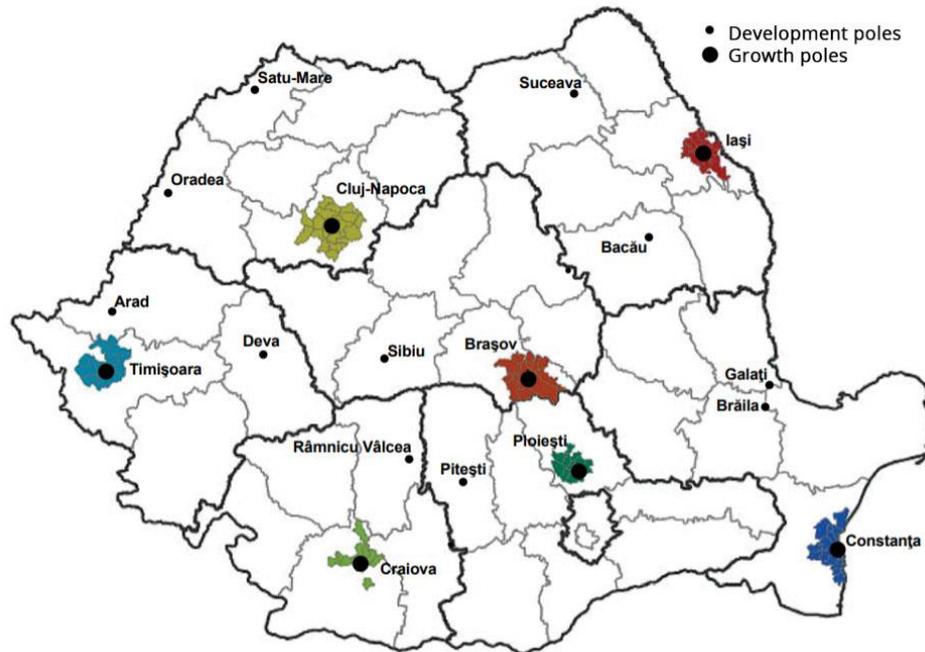


Figure 1 - Growth poles and urban development poles in Romania
Source: Ionescu-Heroiu et al., 2013 [18]

The ambiguity of the Metropolitan Area concept in literature is strongly reflected also by the multitude of sometimes contradictory and generally interpretable definitions of the term in the national Romanian legislation. The explicit definition of the metropolitan areas in Romania is provided in the Law 350/2001 on spatial planning and urbanism, Law 351/2001 on the approval of PATN the section of localities network and Law 215/2001 on local public administration, all with subsequent modifications and completions, which have brought a number of important changes in time to the way metropolitan areas function in Romania. Nevertheless, the latest changes (OUG 7/2011) did not manage to differentiate or clarify between the meanings of peri-urban and metropolitan areas, and the latter remain scantily defined as „*areas formed by association, based on a voluntary partnership, between the big urban centers (the capital of Romania and county residence municipalities) and the urban and rural localities located in the immediate area, at distances of up to 30 km, between which there were developed cooperative relationships on multiple levels.*” [19]

The first result of having little criteria for the spatial definition of the metropolitan boundaries is the fact that all 13¹ currently functioning metropolitan areas are tributary to opportunity and interest: except in cases of clear disagreements and opt-outs (mainly political), their boundaries tend to closely resemble a circle with the radius of 30 km, even if the natural development axes of some cities naturally form different shapes all-together. The functionality of a voluntary-adhesion

¹ Oradea, Braşov, Iaşi, Constanța, Baia Mare, Bacău, Târgu Mureş, Timișoara, Botoşani, Craiova, Satu Mare, Cluj-Napoca and Râmnicu-Vâlcea

metropolitan area governed more by political interest and the perspective of exogenous growth rather than by local economic necessity ends up being naturally low, an aspect evident in the low performance of metropolitan areas in the 2007-2013 multiannual financial framework [18].

In the absence of a consolidated LAU 1 territorial level, either statistical or even administrative (as it exists in some of the European countries), metropolitan cooperation at local level is realized through associative structures called Associations of Inter-Community Development (ADI), which function under the amended provisions of Law 215/2001 of the Local Public Administration. These updates were introduced by the Law no. 286/2006 amending and supplementing L.215, in order to pave the way for the Growth Pole policy and attributed Metropolitan Areas the legal personality of a private NGO of public utility [20]. Article 11 stipulates the conditions under which two or more local municipalities have the right of association "*in order to jointly carry out development projects of regional or regional interest or to jointly provide public services*" [21].

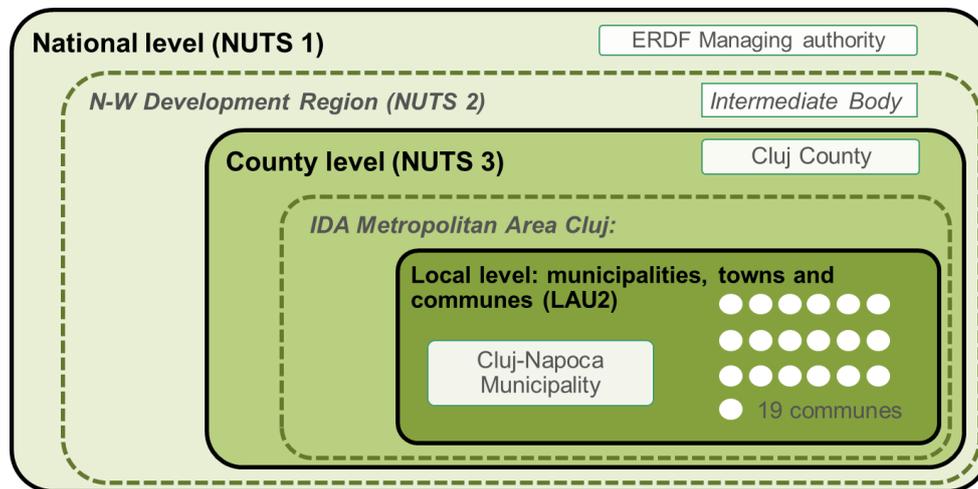


Figure 2 - Levels of territorial governance in Romania. The example of IDA Cluj.

Source: Author graphic

The new Code of Public Administration - OUG 57/2019, Art. 89 stipulates that within IDAs, municipalities can cooperate mainly "*in the fields regarding the activities of control, audit, inspection, urbanism and spatial planning, cadastral, as well as in any other areas in which the respective local councils decide, on the principles of efficiency, effectiveness and economics [...]*" [22]. The refinement of cooperation points in national law is welcome, but ultimately provides a few recommendations and defers to the local municipalities to decide their own main topics. Similarly, the organization, management and financing of the IDAs are left to be defined within each of their establishment act and statute.

This structural and administrative flexibility of IDAs comes with both advantages and disadvantages. In the context of Romania, when it comes to larger cities, there is an amplitude of urban-rural dynamics which cannot be efficiently managed by a more rigid structure (for example, a County Council). An associative structure allows for rescaling of lower- or upper-level services and cooperation on common

projects without compromising on a municipality's degree of autonomy. On the other hand, vagueness in its spatial and functional definition as well as lack of instruments and power have turned the Romanian metropolitan area in a form with little function – which begs the longer-term question of capacity and operationalisation of these structures. The dependence on the multi-annual financial frameworks, the reactive national policy and the lack of a consolidated legal framework that allows integrated planning and management at the metropolitan level ultimately erodes the endogenous potential of larger national urban centres: metropolitan planning is still closely linked, if not exclusively determined, by the possibility of getting projects financed – preferably through structural funding.

3. CLUJ METROPOLITAN AREA: A CASE OF ADAPTING OR OBSOLETION

The Cluj Metropolitan Area was established as a result of the Local Council Decision 415/2008, comprising at that time the municipality of Cluj-Napoca (designated Growth Pole), a number of 17 rural localities surrounding it and the Cluj County Council. It has now 21 members and operates with the main declared purpose of supporting growth, prosperity and wellbeing of its citizens, through the development and implementation of common interest projects and joint provision of public services.

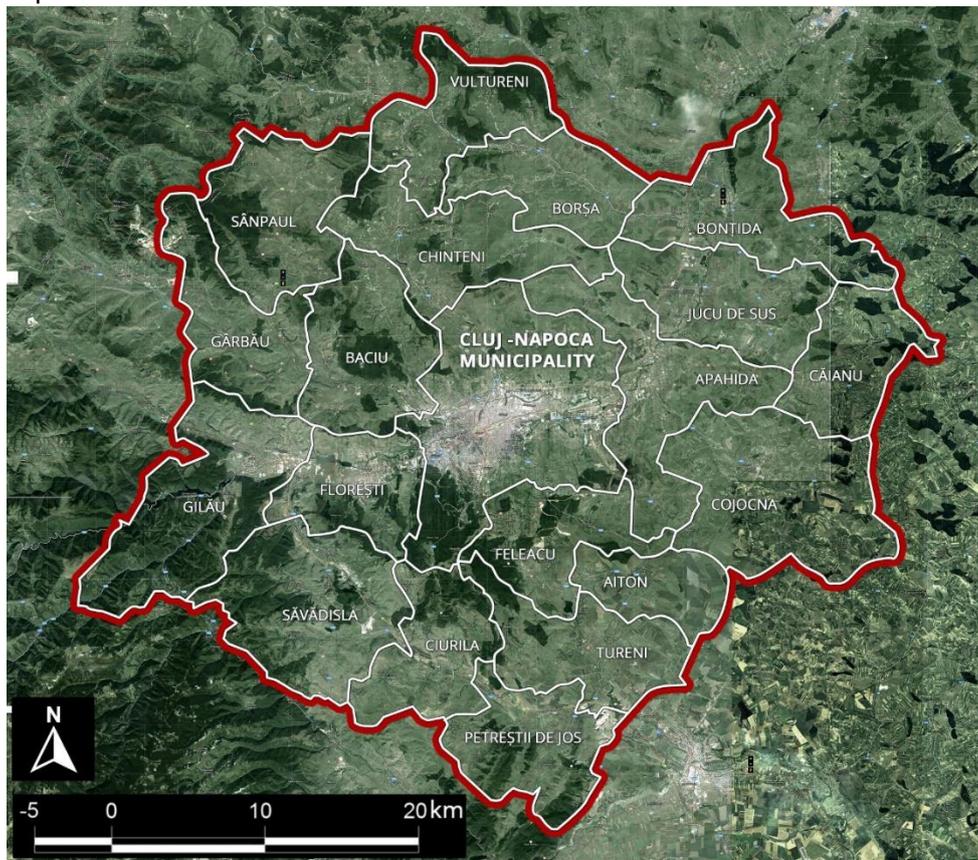


Figure 3 - Cluj Metropolitan Area. Author graphic on orthophoto plan

In the first years of its establishment, the translation of this desiderata chiefly consisted of the development of the metropolitan PID (Integrated Development Plan), in order to access earmarked EU and national funds under the ROP 2007-2013. The PID concentrated funds under a few financeable sectors such as mobility or business infrastructure, and with the exception of a bike rental system, it foresaw interventions exclusively in the Cluj-Napoca municipality [23]. This stemmed mistrust and friction between the main city and the surrounding communes and made a key issue of the associative model apparent: decision-making in an IDA is vastly shifted in favour of the main city.

IDA Cluj Metropolitan Area, as most other metropolitan associations, functions under simple population-based representation: each 10,000 inhabitants offer a commune or a municipality one seat in the General Assembly [24]. In the case of Cluj, where the Cluj-Napoca Municipality numbers around 320,000 inhabitants and the whole MA adds only another 90,000, the first holds a clear majority of 32 of the total 56 seats, including the 4 seats allotted to the County Council.

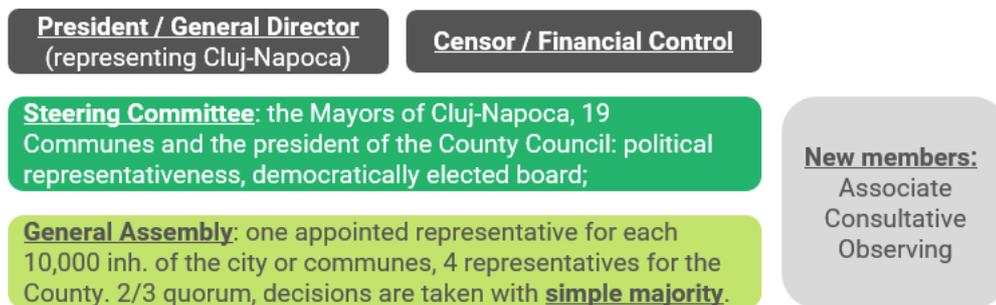


Figure 4 - Governing bodies of the IDA Cluj Metropolitan Area. Author graphic

Furthermore, financial models largely determine the level of autonomy for a metropolitan area, and in Romania, MAs do not benefit from consolidated financial schemes. In practice, funding comes from two main sources: bottom-up transfers from municipalities, and the association's own taxes and fees if the case, which can be collected on account of providing a specific service. In the case of the IDA Metropolitan Area Cluj, the economic assets of the association are mainly represented by annual payments from the members (600,000 Romanian lei payable by the Cluj-Napoca municipality, 150,000 lei by the County Council and only 0.5 lei per inhabitant in the case of the 19 communes – [24]). The dependency context of the IDA is exacerbated thus not only through centralistic decision-making, but also through the lack of financing means to support a functional organisation actively working beyond accomplishing the basic actions needed to access structural funding.

After the first PID exercise in 2007-2013, the shortcomings of this model started to become evident, and the interest and trust of the surrounding communes was strongly diminished. In the case of Cluj-Napoca, the imbalance of power is even more strong since the MA is comprised only of small communes. As the key expert on urban planning involved in the development of the Cluj Integrated Metropolitan Development Strategy (SIDU) for 2014-2020 [25], the author witnessed this

mistrust in practice: mayors of the communes simply did not want to participate in strategy consultations at the Cluj-Napoca City Hall. Over the period 2015-2017, during the first iteration of the SIDU and its subsequent alignment with a belated national framework for ROP Axis IV investment, this mistrust has improved with dialogue and the inclusion of key rural projects in the priority portfolio of the Metropolitan Area.

However, in 2017, the Ministry for Regional Development and Public Administration introduced a new hurdle within its final guidelines for ROP Axis IV beneficiaries: the „Urban Authority”, a European concept which was nationally translated into a three-person unit within the main growth pole municipality, tasked with prioritizing the SIDU projects in a „Justification Document” subsequent to the SIDU. This effectively fractured the normal strategic pathway: the strategy was to be designed by the Metropolitan Area, and the action plan was to be determined solely by the main municipality.

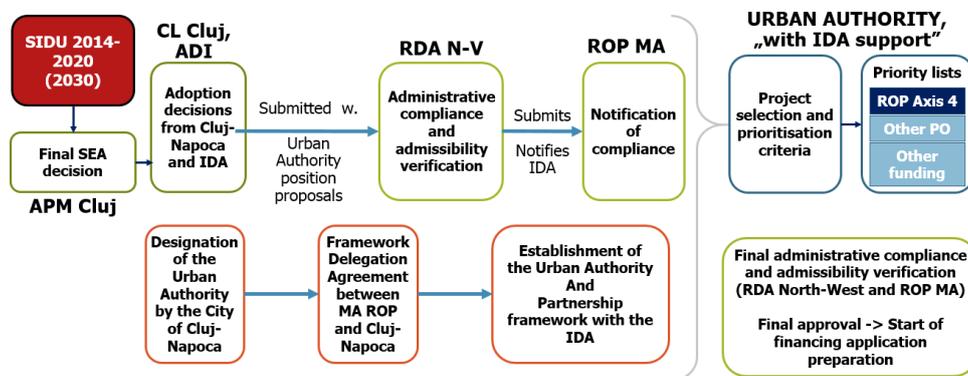


Figure 5 - Approval process of SIDU according to the ROP Axis IV Guidelines.
 Author graphic

Within this complicated administrative process, the root of the problem still remained: the Intercommunity Development Association was underfunded, lacked resources, and was tributary to a decision-making model making it a proxy for the city. Its decisions regarding key investments of the SIDU were limited to prioritizing lower-interest portfolios financeable through other ROP axes, other Operational Programmes or the own budgets of the beneficiaries.

If we limit the competencies of the IDA to the high-level coordination of the Metropolitan Strategy, then its construction – at least in the 2014-2020 framework – does not make much sense from an economic perspective. However, the association statute of the Cluj IDA foresees a number of additional cooperation points, such as joint harmonisation of local planning documentation, delivery of public services and associated studies to support development of new services, structural funding management and promotion of the Metropolitan Area as an economic development zone of touristic, manufacturing and investment interest.

On this basis and driven by the same governance deadlocks which created city diplomacy as a circumvention of superior administrative levels in western

countries, the IDA started a process of transnational cooperation in EU framework programmes. Starting 2017, it has effectively leveraged its capacity to represent the second largest city in Romania in order to attract „other funding” and gain access to international networks. The scope was not only to advance R&I development at local level, but more pragmatically to also ensure personnel funding, capacity building, to gain notoriety and consolidate the position of the Metropolitan Area across scales of governance. First in smaller projects (URBACT III ReFill, 2015-2018) then as a „follower city” in larger Horizon 2020 Research & Innovation Actions (SCC1 STARDUST, 2017 – 2022, SC5 proGİreg, 2018-2023 [26]), the IDA has successfully started to gain experience in managing complex projects and to develop its infrastructure. While most of these projects are ongoing, their effect is already relevant at local level, due to the fact that implementing them means interacting directly with citizens, gaining visibility, discussing metropolitan-level strategies for regeneration, cultural development, nature-based and ICT solutions for smart development.

4. PERSPECTIVES AND CONCLUSIONS

Especially in convergence regions such as Eastern Europe (and Romania in particular), the empirical experience shows that the Europeanization of development policies is mainly achieved through financial incentives. The performance of cities and metropolitan areas is most often seen through the success of attracting non-reimbursable financing from the European Union. In the past multiannual financial frameworks, local development priorities have been governed exclusively by national and regional priorities, through bilateral Partnership Agreements between Member States and the EU and through the subsequent Operational Programs. However, new funding tools have recently been tested, which have allowed, in some states, a preferential distribution of funds and greater freedom to self-organize development projects at metropolitan level. Among these are the Integrated Territorial Investments (ITI), which offered encouraging results in some places such as Brno or Poznan (EUKN Policy Lab, 2018).

The territorial cohesion policy for the period 2021-2027 simplifies the previous structure characterized by 11 thematic objectives, concentrating the structural efforts on five main areas: a smarter, greener, more connected, more social and closer to the citizens. At the same time, as a new instrument, Integrated Territorial Development (ITD, Article 23) will represent a component of cohesion policy governed by two key characteristics: integration (multi-sectoral, multi-level, multi-actorial, multi-territorial) and scale dependence, having between the territorial levels of action and the metropolitan regions, explicitly, as a sub-regional dimension.

At the same time, in the next programming period, the new Structural Reform Support Program (SRSP 2021-2027) will be able to offer support specifically adapted to the Metropolitan Areas for institutional and administrative reform, covering the entire process of preparation and design reform, and available at

request of the Member States should they wish to consider it for enhancing the capacities of metropolitan authorities.

In Romania, a hard structural governance reform is realistically not in sight for the 2027 horizon, and even if the IDAs would hypothetically be consolidated in a *de facto* governance level, if their scope remains simply to tick the planning documentation box leading to structural funding access then this consolidation would eventually have little functional impact – apart from the economic implications of getting a Metropolitan Authority up and running. In their current form, the MAs in Romania offer a flexible and adaptable model similar to a lean start-up; it's their purpose, power and instruments which need to be clarified and enhanced, beyond the actual definition in Romanian Law of a set of socio-economic criteria to assist delineation of the maximum boundaries of both existing and potential Metropolitan Areas. While it is not the object of this paper to provide such considerations, and variants have been previously considered in contemporary literature [28], [29] as well as former legislative initiatives, it is however to note that excessive Metropolitan Area shrinkage would not benefit the IDAs capacity to coordinate sectorial processes. We consider that the Metropolitan Areas, as a coordination authority for spatial planning and socio-economic development, should at minimum cover the largest economically-viable expanse of shared service management associations. The reason for this is simple: sectoral IDAs for water, waste, public transport which are currently operating in most Romanian Metropolitan Areas need better coordination and integration.

Beyond the physical redefinition of Metropolitan Areas, after analysing the organizational model and developmental path of the Cluj MA Intercommunity Development Association, we find that there are several stringent issues to consider over the next programming period in a „Business as Usual” reform scenario: increasing capacity, reducing funding dependency from the bottom-up, increasing delegated competencies, and clarifying the role of the strategic planning instruments at metropolitan level.

Firstly, we find that capacity is built in an accelerated manner in peer-to-peer learning scenarios such as international R&I projects, which in turn also support funding for day-to-day management as well as an increase in notoriety. Secondly, the reduction of funding dependency is possible through a multitude of both local and top down actions, but only if the role of the MA in the multi-level governance scheme is redefined.

A possible approach with quick returns can be the transformation of Metropolitan Areas in actual „Urban Authorities”: consolidating the capacity of the IDAs and delegating to them part of the European Structural and Investment Funds (ESIF) Intermediate Body (IB) competencies for Operational Programmes, specifically axes and priorities dedicated to local social, economic, environmental and infrastructural development. IDAs would thus be responsible not only for establishing the strategic framework (Integrated Strategy) but also for the selection of actions and external beneficiaries, organisation of calls for projects, financial management, monitoring and checks of projects subscribing to the collective metropolitan region.

This rescaling, while costly, could help consolidate the coordination and assistance role which the metropolitan areas are ultimately expected to have. Moreover, it can

allow the IDAs to leverage their position in conjunction with the ESIF Managing Authorities in Romania in order to build a better relationship with the municipalities and communes, as well as external stakeholders (e.g. research and academia, business support organisations, NGOs). Regardless of political will and top-down decisions, a critical point for IDAs remains the opening up of dialogue and cooperation with other stakeholders, co-developing strategic documents and including citizens in local planning at metropolitan level. Either through supporting the creation of a stakeholder advisory board for integrated planning, or profiting from the implementation of other projects, selecting and financing local ESIF beneficiaries, joining PPP partnerships – this inclusion can shift decision-making power more equitably within the bounds of the metropolitan territory, creating the two key pillars for future functional metropolitan constructions: ownership and trust.

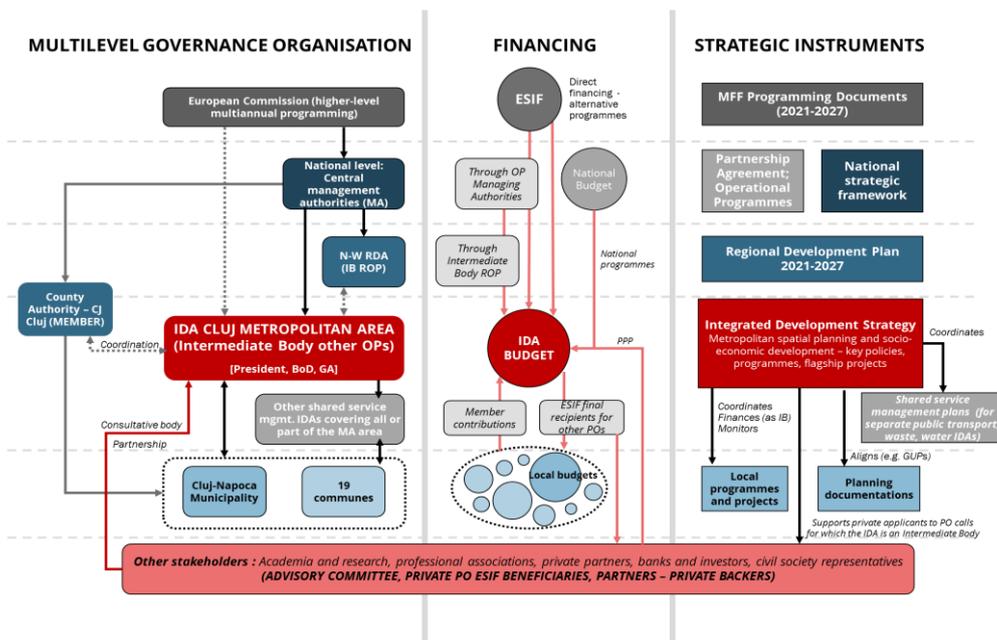


Figure 6 – A possible multilevel governance framework for Romanian metropolitan areas. *Source:* Author

Summarizing the key points above, Figure 6 finally presents a conceptual framework proposal on the new role of Metropolitan Area IDAs in Romania. It is the author's consideration that this vision can represent a starting point for future research and contextualisation in the 2021-2027 period, supporting further investigation into the domain of metropolitan governance, management and planning: an immature and underdeveloped field in Romania, both in what concerns research and practice, but one which is essential for future-proofing development and overcoming territorial challenges in large urban regions.

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