

LEGISLATIVE RETROSPECT OF VOLUNTEERING IN ROMANIA

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Abstract

We are going to approach volunteering, as it is regulated by the national legislation, without claiming an exhaustive advance. We consider useful to point out the important milestones of the national legal framework in terms of volunteering. As far as the national legislation is concerned, we will focus on volunteering in social services for the elderly and on the youth involvement in the activities regarding elderly people. Young and old people represent human resources that are not enough used, but which have a willingness to invest their efforts for the wellbeing of others. Social solidarity and an increased social cohesion between generations are promoted at the social policy level. We consider volunteering the "bridge" between generations and a long-term guarantee of social cohesion in a society.

We hope this paper would represent the starting point for a comprehensive study of the legislation on volunteering in social services.

Keywords: *volunteering, legislation, youth, elderly, social services*

1. Introduction

Volunteering is meaningful for various activity fields. Moreover, in our opinion, it tends to become an important element for ensuring social welfare. Although it appeared rather late in Romania, at present, it is a subject of great interest. Step by step since 1990 volunteering has developed also in our country; the institutions, most of which provide social services, work with volunteers in a professional manner: volunteers are recruited, selected, trained, and monitored. Human resources efficient management in the field of social care is very important as it directly affects the performance and quality of the services offered and the ability of the institution to meet its objectives. The existence of volunteers, whether we refer to governmental or non-governmental institutions, represents a clear advantage in relation to the possibility of sparing financial and time resources due to the work they do. We do not exclude the fact that at the same time they could represent a challenge for the host institutions, especially for the person in charge of coordinating their work.

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2. What is volunteering and why this option?

All volunteering definitions mention actually the principles based on which a volunteer takes action: voluntary involvement, helping the others, associability, altruistic involvement and respect for diversity. We are going to restate some of the volunteering definitions that assert these principles. Thus, volunteering represents relief actions that do not have material gain as an objective and implies the direct citizens' participation in offering their services to other people (Canaan, R., Handy, F., Wadsworth, 1999:365), or a type of participation in society, as a response to some need coverage, a participation characterized by freedom of action, solidarity and altruism (Busuioc, D., Nichita, S., Lușan, D., 2006:25). Volunteering is the activity of a person, freely chosen, with its own motivation, with no desire for a financial gain, who usually offers his/her services to a non-governmental organization (AVSO – Associations of Voluntary Services Organizations). In the Decision 2010/37/CE/2009 it is stated that volunteering is an essential component of active citizenship and democracy, while volunteering activities represent a rich learning experience and enhance solidarity and the wellbeing of the community. Based on this legal act volunteering is a formal, non-formal, or informal activity undertaken by a person, based on his/her own desire, choice or motivation, that does not have a financial gain objective. Volunteering activities, although they do not replace paid labour, they bring added value to the society.

In relation to Law no. 213/2003 (the law ratifying the European Convention on the Promotion of Transnational Long-Term Voluntary Service for Young People) volunteering has educational objectives and has to be based on a non-paid activity and on the free choice of the volunteer, without replacing a paid activity.

The Romanian legislation defines volunteering as “a public interest activity undertaken freely by any natural person on behalf of others, without receiving a financial payment” (art.2 let. a), Law no.195/2001 (republished).

Viviane Reding, European Commissioner for Justice, Fundamental Rights and Citizenship, said that: “Deep within all of us lies the ability to step up and care for those in need. Volunteering strengthens our core European values: solidarity and social cohesion” (Bruxelles, 2 December 2010, in connection with the launch of the European Year of Volunteering by the European Commission).

The factors that influence the nature of volunteering in a country are economic, social, the political environment as well as the development stage of that country. Taking into account the diversity in the volunteering field we can not define a unique, universal model to support it. What works in one country may not work in another because each state has its own historic context and different social problems (Hal, T., Meijs, L., Steenbergen, M., 2004:10).

Volunteering is undertaken in the European Union's countries and in other states by any type of person: students, unemployed, employed retired. For example in France the retired or those who are going to be retired are involved in

volunteering activities, considering this type of actions a pleasure but also a support they can offer to other fellows. It is also considered an opportunity to continue a profession or to develop new skills (Halba 2003).

3. Legislative milestones in the volunteering field

The Decision 2010/37/CE of 27 November 2009 established the year 2011 as the European Year of Volunteering, which promotes active citizenship. Moreover, the year 2011 marks the 10th anniversary of the United Nations International Year of Volunteers, which started in 2001.

Previous to this Decision, the Declaration 38 adopted at the 1997 Intergovernmental Conference and annexed to the Amsterdam Treaty (1997) recognised and stated the importance of volunteering in social solidarity development. In this document the volunteering activities were considered a key aspect within youth policies; there were established common objectives for the volunteering activities undertaken by young people and there was an agreement concerning youth mobility within the European Union (Resolutions of the European Union Council 2002, 2007). In 2006, the European Economic and Social Committee asked the European Commission to establish a volunteers' year and to issue a White Charter concerning volunteering activities and active citizenship in Europe. The 2008 European Parliament Report highlighted the contribution of volunteering to economic and social cohesion and recommended the Member States to recognise the value of the volunteering activities. 2008 was the year when the European Parliament requested the designation of 2011 as the European Year of Volunteering. The general objective of this year is to create favourable conditions for volunteering and to increase the visibility of the volunteering actions.

The objectives of the European Year, established by the European Commission and adopted by our country are: making efforts to create a good volunteering environment in Romania; recognising the volunteering activities; increasing the awareness concerning the value and importance of volunteering; developing and supporting the skills of those organising volunteering activities in order to improve the quality of volunteering activities.

In this context, the priorities established for 2011 are: the elaboration of the National Strategy for the Development of Volunteering in Romania and of the Implementation Plan for the next 3 years; the improvement and harmonization of the legal framework that regulates the volunteering activities in Romania; the creation of an online platform for the management of the volunteering demand and offer at a national level; the organization of clear volunteering activities with the collaboration of all stakeholders; the initiation of a complex process for creating a recognition system of the competences acquired through volunteering, with the participation of all stakeholders; the organization of a national event for the recognition of volunteers; the inclusion of volunteering on the public agenda using

divers communication means in order to increase the awareness concerning the value and importance of volunteering for the Romanian society.

Each Member State has a national coordination body, which receives grants from the Commission, the total budget for 2011 being 8.000.000 euro.

The Romanian volunteering framework law is *Law 195/2001*. Since it was issued it has undergone several changes: in 2002 (Order 58/2002 and Law 629/2002), in 2006 Law 339/2006, republished in 2007. The changes brought to this law were a necessity due to the European legislation and the transnational concept of volunteering. The previous mentioned law defines the following terms: volunteering, public interest activity, host organization, volunteering contract and volunteering beneficiary. The legal provisions state the fact that a volunteering contract can not be concluded in order to avoid a work contract or a civil paid contract. In compliance with Law 213/2003, the “*Youth*” programme is regulated and a young volunteer is considered to be someone aged between 18 and 25. The volunteering period is limited to 12 months, but the volunteering internship can be split in long-term (2 to 12 months) and short-term (3 weeks to 3 months). Moreover, the law states the obligations of the host organization as well as the rights and obligations of the volunteer.

One of the important modifications of this law is the provisions in Art. 19: *“During job interviews if more candidates have the same score, the public institutions and authorities, as well as the private ones, can offer an additional score to those submitting one or more nominal volunteering certificates, through which one can acknowledge the volunteering activities done and the experience gained, if these are selection criteria”*. Actually, this regulation represents the recognition and assertion of the volunteering activities’ importance as well as of the benefits volunteering possesses both for the volunteer and the community.

In 2003 Romania ratified through the *Law 213/2003* the European Convention on the Promotion of Transnational Long-Term Voluntary Service for Young People, concluded in Strasbourg in 2000. In the Preamble of the European Convention it is underlined the fact that promoting transnational volunteering represents an important component of the government’s policy towards young people and the volunteering results are a gain both for them and for the community. It is stated that through volunteering a non-formal learning framework is created; volunteering contributes to civic education, to the creation of a European consciousness and to the promotion of solidarity. This law stimulates and supports youth volunteering activities abroad. The young volunteer is defined by this law as the person aged between 18 and 25 that has the legal residence in one of the European Union’s countries and stays in another country for 3 to 12 months in order to do full-time volunteering activities. Thus there are organizations which supply volunteers (those which send the volunteers) and host organizations, as well as a coordination body, designated by one of the parties, which is going to make all the necessary efforts in order to manage de transnational volunteering activities.

Before starting the volunteering activity, the volunteers get familiar to the host country legislation, to the structure of the economic and social system, as well as the language, culture and history of the host country. The host organization ensures the accommodation and meal for the volunteers; they also have an allowance, a day off per week and appropriate professional development possibilities. Through the coordinating bodies, at the end of the volunteering period, volunteers are given a certificate that states the activity field, the volunteering activities undertaken and the acquired experience and skills.

The European Commission, through the programme `Youth in Action`, finances the European Voluntary Service thus supporting youth transnational volunteering. The European Commission`s financing covers the foreign transportation fees and a non-taxable allowance for the entire volunteering period. In Romania, the *Youth in Action* program is managed by the National Agency for Community Programs in the field of Education and Vocational Training (ANPCDEFP). Also in other countries there are agencies that coordinate this program.

We consider that transnational volunteering represents a real opportunity both for the volunteer and the host organization and for the community in which he works. We would like to underline that even though a volunteer can not substitute an employee, he/she represents a very important resource. However, in Cluj County there are only 13 accredited organizations for this volunteering program (table 1). We said *only* because Cluj is a county that has a tradition in promoting volunteering and benefits from an active and visible presence at the community level through PRO VOBIS – the National Volunteering Resource Centre and Cluj-Napoca Volunteering Centre.

At a national level there are 140 entities registered in the data base for the European volunteering program. (<http://ec.europa.eu/youth/evs>).

Table 1. European Voluntary Service Accredited Organisations

No.	County	City	Organisation
1.	Cluj	Cluj-Napoca	High School for the Visually Impaired
2.	Cluj	Florești	Charis Foundation
3.	Cluj	Cluj-Napoca	Csemete Foundation
4.	Cluj	Cluj-Napoca	AIESEC Cluj-Napoca
5.	Cluj	Cluj-Napoca	Christian Foundation Diakonia
6.	Cluj	Turda	Ratiu Foundation for Democracy
7.	Cluj	Cluj-Napoca	The Romanian Maltese Relief Service
8.	Cluj	Cluj-Napoca	The Little People Association România
9.	Cluj	Cluj-Napoca	Found Family Association
10.	Cluj	Cluj-Napoca	Cluj-Napoca Volunteering
11.	Cluj	Cluj-Napoca	Pro Vobis National Volunteer Centre
12.	Cluj	Cluj-Napoca	Transylvania Foundation
13.	Cluj	Cluj-Napoca	Association of Christian Youth in Transylvania

Source: http://ec.europa.eu/youth/evs/aod/hei_list_from_query.cfm; accessed 25.02.2011

The *Youth Law 350/2006* (in the youth category are included all citizens aged between 14 and 35) regulates the involvement of this age category in volunteering activities. Therefore, in Art. 4, among the general principles of the youth policy, the stimulation of volunteering among young people is stated (Let.i). Another principle mentioned in the youth policy refers to increasing youth participation in the public life and encouraging them to take individual and group responsibilities. The main responsibility relies on the state, which has to support the non-governmental youth structures that facilitate the participation of young people in volunteering actions in different public interest fields. Moreover, the same law in Chapter 4, Section 3a- Youth Volunteering, (Art.20 Let.b) stipulates state's responsibility to complete the legal framework for the recognition and development of youth volunteering activities, both for Romanian and foreign citizens, both on the Romanian territory and in other states. This is a desirable action because usually young people use the volunteering activities in order to get used to the field in which they would like to work, to practice teamwork, to acquire communication skills, abilities that could improve their chances to get a job on the labour market. The state also encourages volunteering by supporting the non-governmental structures that ensure the necessary conditions for volunteering in different public interest fields.

One of our arguments for discussing the legal provisions concerning social services for elderly in correlation with youth volunteering is based on the long-term care concept. The demographic aging process is a reality and governments should act in order to face this challenge. From this perspective volunteering and the volunteers' support can represent a viable alternative that should be taken into account. It is estimated that in Europe the total number of people over 65 is going to increase by 77 per cent in 2050, in relation to 2004, the increasement of those over 80 being of 174 per cent. Thus, most of the Europeans think that it is possible and probable that they are going to need long-term care at some point in their lives (European Commission, 2008). According to the European Commission and to the Economic Policy Committee in 2050 the expenses for long-term care are going to increase by 0.7 per cent of the GDP, in relation to 2004, due to the population's aging process. We think that these considerations represent enough of a reason for our interest related to the volunteering activities in the services for elderly.

We are going to present two legal provisions, which refer to the volunteering activities in the field of home care services for elderly and to the quality of home care services in relations to the services offered in residential homes.

Although volunteering does not exclusively concern the field of social services, we think that it is especially oriented towards it.

In 2005 the *Government Decision 1317* regulated the volunteering activity in the field of elderly home care services. The mandatory condition imposed by the law in order to be a volunteer in this field is to have first of all social care training.

The volunteering activity is based on a volunteering contract that stipulates the volunteer's rights and obligations. The volunteer, under the coordination of a trainer, can offer social-medical care services, as they are specified in Art. 3[^]5, Par. (2) Ordinance 68/2003, with further modifications and completions, services included in the volunteering contract, namely: basic services, support and rehabilitation services, environment adjustment services. Besides these services the volunteer can offer other services related to his/her professional training or to old person's needs. In order to become a volunteer in this type of services, the volunteer has to take part in a recruitment process, an aspect that suggests the need for professional volunteering also in our country.

The provision that the volunteer has to complete the recruitment file with justifying documents like in the case of an employee shows the importance and legal recognition of the volunteering activity. A volunteer can be a pupil or a student that proves his/hers training with a school certificate, accompanied by a recommendation coming from the practical training responsible, which confirm their reliability. The volunteers have to prove that they are sound and able to undertake volunteering activities specific for this field. An important aspect, justified by the fact that the beneficiaries of home care services are old, is that the volunteer is required a legal record- this is a confirmation also for the volunteer of the fact that he/she is going to get involved in a serious activity, which needs honesty and seriousness. The volunteer status is proven by an identification card issued by the host organization; at the end of the volunteering period the volunteer is given a certificate, which proves the acquired experience and skills, as well as has offered the services.

Another important aspect stipulated in this legal act is the public-private partnership, which can be established between the county or local councils and the home care service suppliers. The care suppliers can obtain at least a 50 percent rent cost reduction if they provide at least ten volunteers for minimum six months per year for the home care services for old people that are included in the data base of the local or county public social care services.

We think that the aspects regulated by this Government Decision have clear advantages both for the social services suppliers and for the state institutions, namely local and county councils.

The second legal regulation that we would like to mention is the *Order 246/2006* regarding the approval of minimum quality specific standards for home care services for elderly and for the residential homes for elderly. According to this source of law, any social services supplier has to prove that it complies with a minimum quality standard, while in the case of specialized services, as the ones we refer to, certain specific requirements are added, based on the type of service supplied. In order to provide quality care, enough and competent personnel is needed. Besides employees, one can involve also volunteers, but they can not have the take of the hired personnel. In compliance with the Government Decision

1317/2005 the supplier can work with volunteers only after verifying their legal record and their health (Annex 1, Title II, Standard 8, 8.7). The social services supplier has to keep record of the volunteer personnel and of their activities.

The residential homes for elderly can use volunteer personnel that is not going to be included in the institution's organizational chart and that won't be able to take the responsibilities of the hired personnel (Annex 2, Title II, Standard 9, 9.7). Also in this case, the volunteer personnel has to present a legal record.

We can not conclude this brief presentation of the legal context without referring to the social care framework law, as well as to the legal provisions regarding the functioning and organization of social services in Romania.

According to the law in force, any social services supplier in order to be able to provide social services has to obtain its accreditation, which guarantees its compliance with the minimum quality standards that rule over the social services. In the call for accreditation the social services supplier has to include the available human resources for the accomplishment of the social service, including volunteers (*Government Decision 1024/2004*).

The provisions of the Law 47/2006 (Chapter IV, Art.21, Par. (2)) and of the *Ordinance 68/2003* (Chapter III, Art.18, Par. 2) clearly state the fact that also volunteers can get involved in the social services supply process. We have to make the following remarks: the ranking of social services is done in relation to the personnel involved in providing social services. Thus, while for the primary social services there are no restrictive conditions related to personnel, in the case of specialized social services there is a nomenclature of social care institutions and of the guiding structure of specialized personnel (*Government Decision 1007/2005*). According to the nomenclature, in the specialized social services the volunteer personnel can join the employees, while in the primary social services the care services can be offered only by volunteers or by employees together with the volunteers.

4. Preparing the organization for the volunteers' involvement

The role of volunteers in any social care organization is essential, especially if the services offered are highly demanded while the allotted resources, including human resources, are often limited. The interested institutions need to have a strategy to attract, to train and especially to keep volunteers. A volunteering program needs to be prepared. Connors says that the organization's preparation to involve volunteers is the longest and most difficult component of a volunteer management system creation because it includes changes at the level of the organizational culture, a change of the working pattern and of the organization's documents. The steps in preparing the organization are: declaring volunteering as a value of the organization; analyzing the need for volunteers at the organizational

level; elaborating strategies for the involvement of volunteers; designating a coordinator of the volunteers; drawing the necessary documents and allotting a budget for the involvement of volunteers (Connors, T.D.1995). It is important for the institution/organization to want to involve volunteers in its activities. The lack of human resources may be one of the arguments for the fact that public institutions do not work with volunteers, while the non-governmental organizations are more willingly to involve volunteers. At the level of Cluj County we could mention some representative examples: the World Vision Organization, the Foundation for Elderly Care, the Romanian Children, The Romanian Foundation for Childern, Community and Family, the Romanian Maltese Relief Service, the Christian Diakonia Foundation, the Romanian “Little People “Association. An institution’s consistency in its work with volunteers, including the preoccupation for their training, becomes an institution “business card” when the volunteers have to choose.

5. Final Remarks

Instead of conclusions we would like to underline the fact that the volunteering services facilitate the development of a community.

The present legal regulations allow and encourage the volunteering activities. Volunteering is a very useful resource and represents a clear advantage in relation to the social services suppliers’ possibility to spear financial and time resources. Although there are not many references to the volunteer personnel, we think that once mentioned and enforced, the possibility of working with volunteers along with hired personnel, represents an opportunity that should be fully taken by the organizations. Involving young people in volunteering activities for the elderly represents a gain for both parties- there can be a dialogue between generations, favorable for all those involved. The elderly, even if they are in a situation in which they need care and medical assistance, represent a valuable resource due to their experience, accomplishments and knowledge that could be raw models for young people (Girleanu-Soitu, 2006).

Beyond the service beneficiary position, the involvement of the elderly in volunteering activities could contribute to the guarantee of their active participation in the social, cultural and economic life of the community, thus increasing self-esteem and the feeling of social unity within this population category. The number of the elderly involved in such activities or affiliated to non-profit organizations is very low. This population category has a big potential and the Romanian volunteering market is still developing. There is the possibility to diversify the market so that it could offer enough opportunities also for the elderly.

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