

THE SPATIAL PLANNING SYSTEM IN ROMANIA

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ABSTRACT - In this article, we try to give an overview about the major changes and shifts that have determined the functioning of the spatial planning system in Romania. In this respect, we use the major legislative acts and the official planning documents from different scales (national, regional, and local) and the personal experiences in the development of different spatial planning documents as major information sources. The main results confirm that, while there is an evident Europeanization of the planning institutions and documents on national level, the local and regional levels are still strongly context dependent, mixing characteristics of three major planning styles: comprehensive integrated, land-use oriented, and urbanism.

Keywords: spatial planning, Europeanization, Romania, European Union

INTRODUCTION

The characteristics of the spatial planning system are embedded in the wider economic, political and social context of the country. According to the fundamental thesis of international comparative research, spatial planning, as a component of the administrative system, is shaped primarily by the national law, the structure of public administration and political culture (Reimer and Blotvogel, 2012). Therefore, we can define a national planning system in the case of Romania as well, with a strong internal coherence and homogeneity. In the same time, we assume that there is a convergence of the Romanian planning system towards the European discourse on spatial planning as an effect of the European integration. In other words, we assume that the planning system has undergone an Europeanization process.

We will adopt a structuralist/legalistic approach, common for comparative planning studies and for planning system analysis, looking at the same time behind the systematic description of administrative and legal characteristics for comments on the practice of spatial planning. The other part of paper presents the following structure: we will discuss the major structural factors influencing the characteristics of spatial planning, starting with the organization of state and public administration, continued with the institutional and legal base of planning. We will conclude with the Europeanization of the planning system and the establishment of the main characteristic of planning style in Romania.

STATE ORGANIZATION AND STRUCTURE OF PUBLIC ADMINISTRATION

In the last three decades, the major international trends in planning and spatial management have been dominated by the neoliberal model of spatial management, both in Europe and in the U.S. Until the 80's and throughout the 20th century, the state had an increased role in this general framework when next to the interventionist state, a different form of state organization based on a neoliberal ideology known as the cooperative state, appeared. The latter one marks a change in the practice of political and structural intervention as well (Wissen, 2001), in the tools used in spatial planning and regional policy. While the interventionist state lays the spatial management on hierarchical institution system, the cooperative state is characterized by a higher potential for cooperation and moderation or assistance (by no means the organization and coordination) in the

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spatial process. Therefore, the cooperative state seeks for consensus, for mobilizing innovative potentials and formulation of general policy objectives (id.). The capacity of solving socio-territorial dysfunctions is divided by the cooperative state with other actors in development.

According to Jessop (1997, cited in Painter, 2000), the interventionist state is based on the Keynesian models oriented towards demand management and welfare (through public services such as education, health, housing, social security, etc.), through which the welfare societies of the modern world were built. The recent trends suggest the replacement of Keynesian welfare national state ("welfare state") with the neoliberal and post-national Schumpeterian regime ("workfare state" or managerial state), where governance plays an important role in correcting market mechanisms. Under the managerial state, the macro-economic policy is redirected from demand to supply by supporting innovation of products, of production processes and of markets (id.). This involves deregulation, decentralization, privatization, abolishing barriers in order to free up the market, reducing public expenditure, training programs to ensure flexibility of the labour market, development of human capital, supporting entrepreneurship, maintaining a good business environment and linking strategies aimed at labour market requirements to the requirements of international competitiveness. The state's role is reduced to ensure a skilled workforce through education and training, and through organizing activities that support individuals in meeting the labour market requirements.

But we can consider that this is about the two sides of the same coin: on the one hand, the state appears in organizing the society in general and spatial management in particular, playing the role of decision maker seeking for consensus among different interests represented by local or regional groups. On the other hand, through the legal system, the state has a strong potential for implementing plans and correcting agreements with negative results, formulating the general framework for organizing agreements.

This shift from intervention to cooperation comprises a qualitative change. Hence, the state intervention in the organization of society does not disappear from the cooperative or the neoliberal state. The problem is not related to the intensity of the intervention, but the nature, purpose, form and consequences of this (O'Neill, 1997, cited in Painter, 2000), the functional changes referring to these elements.

The above-mentioned international trends have affected Romania as well, but the organization of the state has maintained a centralized, hierarchical organization. In other words, despite a certain degree of decentralization of some state functions (education, health care, etc.) and the strong privatization of economy, Romania promotes rather an interventionist than cooperative state model. This has influence on the spatial planning system as well, organized in fact in two vertical systems, with a small degree of horizontal cooperation.

On the other hand, the spatial planning is articulated according to the administrative-territorial structure of the country, which comprises two levels: communes (groups of villages) and towns on the lower level and counties on the upper level. Law no. 215/2001, with the latest modifications (a total number of 15 modifying legal acts until 2013!), applies the principles of good governance by regulating the organization and functioning of the local public administration. The law foresees decentralization and local autonomy as the basic principle of the functioning of the local public administration. Local autonomy is understood as "the right and effective capacity of the local public administration authorities to solve and manage public duties, on behalf of and in the best interest of the local communities they represent" (Article 3/1). This right is exerted by the local councils and mayors and by the county councils and their presidents, respectively. In addition, the law defines the administrative and financial local autonomy as being related to "the organization, functioning, competencies and prerogatives, as well as the management of resources which, by law, belong to the commune, town, city, or county" (Article 4/2). Both local and county councils have a category of competencies related to the social and economic development, and to urban development and spatial planning as well. Each county council and city and the local councils of the biggest communes have a spatial planning department, coordinated by a chief architect, while the spatial planning activities of the smaller communes are taken over by the spatial planning department of the county council.

SOCIALIST HERITAGE

In Romania, as in other countries of Eastern Europe, the 1945–1989 period was marked by the communist ideology and a planning system characterized by top-down approach under the total control of the state.

The economy came almost entirely under the direction of planning (for which the term of systematisation was used) based on state ownership on the means of production. The private initiative was much restrained whereas the industrialization and urbanization were forced processes.

The beginnings of spatial planning are linked to the creation of the State Office of Studies and Research within the Ministry of Construction in 1948, followed in 1952 by the establishment of the State Committee for Construction and Architecture subordinated to the Council of Ministers and further, the establishment of architecture and systematization departments subordinated to the regional and municipal People's Councils. Basically, the Decision of the Council of Ministers no. 1248/1962 represented the formal birth certificate of modern spatial planning. This set up the preparation and approval of systematic plans and of technical and economic studies, later supplemented by the Act no. 58 of 1974, which defines the purposes and tasks of systematization at the levels of urban and rural development.

It is interesting to note that, if we compare the overall objectives of the communist and the Western European spatial planning systems development programs (Benedek, 2001), the differences are less evident. Even the United Nations Report on spatial planning (UNECE, 2008) considers that, despite the political and economic differences, certain principles (democracy, subsidiarity, participation, policy integration, proportionality, and the precautionary approach) are applicable for all planning systems. It may be noted that, in general, the major planning objectives of countries with a market economy and the ones with command economy, were similar. Both societies with market economy and with command economy were concerned about localizing their activities and resources and the rationalization of services. The major differences were related to the position of the state, the applied planning tools, the resources allocated to spatial planning and the different political nature of the two ideological systems.

In addition to these, there were certain elements of communist propaganda, which proposed utopian solutions in order to solve social or territorial problems, such as the gradual disappearance of differences between urban and rural areas or the ambition to produce a perfectly equal and homogeneous society where the working class is the engine of development.

In fact, social and territorial inequalities, differences between urban and rural settlements are constant elements of any society; the state can only intervene with the aim of improving these when it is considered that inequalities have exceeded an acceptable threshold of values and norms of the dominant system.

INSTITUTIONAL FRAMEWORK OF SPATIAL PLANNING

The basic question of this paper is concerned with the major shift that has marked the spatial planning in Romania, following the change of regime initiated in 1989. We assume that institutions play an important role for the content and quality of the spatial planning activities, or, in other words, “institutionalization” matters. Moreover, legal instruments are intensively used in the international literature as classifying criteria of the spatial planning systems.

The analysis of the legislation offers three turning points in the evolution of the post-socialist spatial planning. Following a change of the ideological system, after 1989, spatial planning was placed on new grounds: new legislative framework was adopted, the old planning institutions were restructured and new specialized institutions were established. Therefore, during the so-called “Romanian revolution”, the new post-socialist transitory government has abolished the socialist spatial planning law adopted in 1974 and the State Planning Offices working at county level, but failed to develop a new law for spatial planning soon after. As a consequence, we have a short period of time, between 1990 and 1991, when spatial planning and development was not regulated. The outcomes were disastrous, mainly in the cities, where this interval was used for occupying public space with new functions and for mixing functions on small areas.

The second stage of spatial planning evolution (1991-2001) was an under-regulated period. The first law for spatial planning, adopted in 1991, was a first step forward towards the democratization of the planning system. It has failed to produce any important effect, lacking mainly on methodological details related to the structure and content of the planning documents. However, on this legal basis, a range of local and county authorities became engaged in developing spatial planning documents in a wide variety of structure design and content.

The third period started when, as a result of new socio-territorial realities (restructuring, deindustrialization, liberalization, etc.) and the influence of external factors (integration into the EU and NATO, etc.), the spatial planning objectives were reformulated. Law no. 350 of 6 July 2001 introduces two concepts for the regulation of planning activities: the first is spatial planning and the second is urbanism. It represents a more sophisticated and detailed law on spatial planning and urbanism, which enabled the development of spatial planning documents of the second generation. The law introduces the difference between spatial planning and urbanism, which is mainly a conceptual and scale-related differentiation. Spatial planning operates at the national and regional level, while urbanism refers to the local level.

According to the law, the main aim of spatial planning and urbanism is the spatial management of the country, in line with the community interests of the territory and the European integration requirements. Spatial management means the formulation and implementation of territorial strategies, policies and development programs, as well as the follow-up of their application. Urbanism, on the other hand, comprises land monitoring activities by creating and updating a local database.

On this legal basis, a planning system was created, composed of three groups of actors: the local and central administration, planning companies, and civil society. The local and central administration has specialized departments for spatial planning which have a threefold role: to formulate the main problems which have to be solved in the spatial planning documents, to control and monitor the spatial processes and the building activity, and to advice and implement the spatial planning documents. The planning companies are composed of private firms and public universities or research institutions whose activity is related to spatial planning. They are competing for winning tenders organized by public administration for the development of spatial planning documents. The civil society is slightly involved in the planning process and practice via public consultation. In each phase of the planning process there are mandatory obligations for the public administration and planning companies to organize public consultations, generally, with a low level of activity and with no direct consequences for the content of the documentations.

EUROPEANIZATION OF THE SPATIAL PLANNING SYSTEM

During the negotiations for the EU integration, spatial planning was not among the chapters of the *aquis communautaire*, therefore there is no direct linkage between the EU accession and the Europeanization of the spatial planning. But this moment had an important effect on spatial planning by creating a regional policy system based on the Law no. 315 of 2004, which created eight NUTS 2 level development regions with the related institutional base (Regional Development Councils, Regional Development Agencies and a National Council for Regional Development). Thus, an institutional network was created which has many objectives overlapping the development objectives of the spatial planning. Among the main objectives of regional development: reduction of interregional disparities, correlation of the sectoral policies of the government at regional level, support of the domestic, international, interregional and cross-border cooperation, the first two overlapping the main objectives of spatial planning. As a consequence, post-socialist regional policy and spatial planning in Romania have emerged as two completely parallel systems, with overlapping attributions concerning spatial development, but with no cooperation and dialogue between them. This way, spatial development policy is regulated by two laws and the management of spatial development is organised by two institutions where the horizontal coordination is completely missing. It is not a particular situation for Romania, we can find an identical situation in Serbia (Trkulja, Tošić and Živanović, 2012), but we think it does not represent the most effective institutional arrangement.

Another consequence of the EU integration was that the Romanian planners became part of

what Waterhout (2008) termed as European planning community. Despite the fact that the overall level of engagement of CEE actors in ESP is proportionally lower in comparison with that of the north-western European countries (Cotella et al., 2012), the progress in this respect is evident. A huge role in this integration was the interplay between policy and science after 2001, when policy actors realized the huge need for more evidence for empirical based policy interventions. The result was the increasing role assumed and played by universities where spatial planning has an important place in curriculum and research: “Ion Mincu” University of Architecture and Urbanism of Bucharest, Babeş-Bolyai University of Cluj-Napoca, Technical University of Cluj-Napoca, “Alexandru Ioan Cuza” University of Iași. Moreover, the latest became the European Observation Network for Territorial Development and Cohesion (ESPON) point for Romania. ESPON, together with the INTERREG IIIB programs are regarded as important pillars of the European spatial planning discourse. Waterhout (2008) considers that the European spatial planning discourse is carried by influential documents like the European Spatial Development Policy (ESDP), the Territorial Agenda of the EU (TA) and the Territorial State and Perspectives of the EU (TSP). The adoption of these strategic documents has highly influenced the national spatial planning documents at national scale in Romania, but the diffusion of the European mainstream discourse has remained concentrated at governmental level and in some smaller academic communities located in universities. The next milestone, the Territorial Agenda adopted in Leipzig (2007) proposes territorial cohesion as a major objective of the European Union (EU). Especially the call of the TA for an integrative territorial approach not only in the spatial planning but in the regional development as well has found high resonance in the framework of the Regional Operative Programmes (ROPs), priority development axe nr. 1, aimed for urban development. In this framework the cities had to develop so called Integrated Urban Development Plans (PIDU) in order to formulate their development priorities and to get access to EU financial support to achieve the proposed development objectives.

The use of a significant amount of ESDP terminology like the concept of “balanced, harmonious and polycentric development” can be documented. Although the adopted regional policy measures make it clear that this simply reflects the adoption of EU rhetoric rather than the active engagement with such concepts. For example, the concept promoted by the ESDP, rural-urban partnership was not implemented in programs and projects. The establishment of ten metropolitan zones, including one major city and a varying number of communes offers a good framework for such partnerships, but this framework was used only for the benefit of the national growth poles, which needed such a partnership for creating and implementing the urban development goals in the framework of ROPs. Polycentric spatial development, another basic ESDP concept, was adopted in Romania based on the settlement hierarchy developed in the National Spatial Planning Document (PATN), section four (settlement network), but the way of adoption favoured the seven urban growth poles and the 13 development poles, which have earned the largest share of financial resources. This way, the implementation of the concept of polycentricity has rather contributed to growing territorial disparities than to the balanced spatial development of Romania (Benedek and Kurko, 2010; Benedek and Veress, 2013).

Among the first comparative planning studies, Newman and Thornley (1996) classify the spatial planning systems in Europe in five legal/administrative families: Scandinavian, German, Napoleonic, British, and East-European. Without any doubt, Romania belongs to the latest one, but we are interested in a more detailed and not overwhelmingly simplifying analysis on the place of the Romanian planning system in Europe. For this purpose, we use as conceptual framework the more in-depth and systematic analysis offered by the “European Union Compendium of Spatial Planning Systems and Policies” (ECSP), published by the EU Commission (CEC, 1997), which identifies four planning systems and traditions in the EU-15 member states: urbanism tradition (Mediterranean model), land use spatial planning (British model), regional economic approach (French model), and comprehensive integrated approach (German model). Romania, as a EU non-member in that period, was not part of the study. Later, in 2006, the European Spatial Planning Observatory Network (ESPON) project 2.3.2 “Governance of Territorial and Urban Policies from EU to Local Level” uses the same classification and focuses on the territorial governance as a process related to the

development and implementation of policies. The Final Report of the ESPON project considers Romania as a centralized unitary state together with Portugal, Ireland, Greece, Hungary, and the Baltic States. In terms of the dominant planning style, surprisingly, Romania is included in the category of countries with comprehensive integrated approach. This approach is based on the formal hierarchy of plans from national to local level, which theoretically coordinates the public investments across different sectors. According to the Final Report, the focus in this approach should be rather on spatial coordination than on economic development, requiring a mature planning system with sophisticated institutions and mechanisms. In reality, the picture in Romania is more complex. The spatial planning documents (“planuri de amenajare teritorială”) at national and regional scale and the urban planning documents (“planuri urbane”) at local scale are considered the most important tool of spatial planning in Romania (table 2).

The strongest regulating and orienting function is held by the National Spatial Planning Document (PATN), which is composed of six sectoral plans, each of them developed under governmental coordination and adopted as laws by the Romanian Parliament. As a consequence, the development objectives and priorities formulated at this scale have to be taken over and detailed in all of the spatial planning documents elaborated at regional level and by the urban planning documents of the local level. The six sectoral plans represent important elements of the national spatial development policy: transport network, water management, protected areas, settlement network, natural risks, and tourism. Two additional plans are under construction, representing the rural development and the educational infrastructure that come to complete the National Spatial Planning Documents.

The regional level corresponds to the comprehensive integrated approach style (table 1), the structure of the spatial planning documents reflecting this comprehensiveness: natural resources, economic potential, population, settlement hierarchy, public infrastructure, natural risks, integrated development strategy. It is the weakest element in the hierarchical planning system. All spatial planning documents developed at this level are only indicative, which means that the local authorities (local and county councils) or the decentralized institutions of the central government have no obligation to implement the development objectives formulated in this documents. As a result, although the high variety of documents existing at this scale (inter-county planning documents/PATIJ, regional planning documents/PATR, county planning documents/PATJ, inter-communal planning documents/PATIC, zonal planning documents/PATZ, etc.), their effectiveness is low. In addition, the planning documents developed by the Regional Development Agencies (e.g. the regional development strategies) or by the County Councils (e.g. the county development strategies), all embracing the regional economic approach, have no legal obligations to take into account the development objectives formulated in the spatial planning documents.

Table 1. *Planning styles and main characteristics of the planning system in Romania*

Planning style/ characteristics	Comprehensive integrated approach	Urbanism, land-use oriented approach
Focus	Spatial structures and processes	Object-centred
Planning process	Cyclic, open, indirect	Linear, closed, direct
Character	Indicative, weak	Normative, strong
Disciplines	Inter-disciplinary	Architecture
Output	Spatial planning documents	Urban planning documents
Spatial scale	Regional	Local
Time	Middle- and long term	Short term

Source: author

The greatest mixture is at the local level, with elements of land-use and urbanism approaches. The local planning activity has theoretically a strong normative character. It is represented by three urban planning documents related to different local and sub-local scales.

The General Urban Plan (PUG) covers the entire administrative territory of a town or

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commune. It regulates the land-use, the functional zoning, the traffic, infrastructure, protected areas, and historical monuments and limits the maximum built-up area, playing a strong control role in the local spatial planning. In practice, planning faces a strong pressure from landowners in the main cities and in the dynamic suburban areas in order to increase the built-up area, which, with few exceptions, it does happen, the PUG being updated in order keep pace with the rapidly changing ownership dynamics. Generally, there is a continuous adaptation of the planning instruments to the changing realities of individual building behaviour. It means that, despite the regulatory character of planning, controlled by legally binding plans, in the planning practice we find rather a discretionary character, where planning action is shaped by contextual decisions.

The Zonal Urban Plan (PUZ) regulates the land-use in the main functional zones of the city (historic centre, industrial zones, recreational zones, residential zones, etc.), while the Detailed Urban Plan (PUD) plans the building and the land-use parameters at the smallest scale.

The local level of spatial planning in Romania has definitely an urbanism tradition, common for the Mediterranean countries, where building regulations play a central role. It has a strong architectural focus and concern with urban design, townscape and building regulation, all undertaken through the strong codification building parameters and functional zones (“Regulament de urbanism”). This tradition has no great political priority or general public support. As a result, it has been less effective in controlling development. In addition, we can find also elements of the land use planning, one of the main aim of local planning being the control of land use change by using the instrument called “territorial balance” which aims the functional zoning of the territory, made in accordance with major land use categories. At this scale, the regulation has a normative character. In this situation, local authorities, in cooperation with public or private planning companies, undertake most of the planning work, but the central administration is also able to exercise a degree of control through supervising the system and through setting policy objectives at the national level.

In conclusion, there is a mixture of three styles in Romania and, as opposite to the statements of the Final Report, we cannot identify a general convergence tendency in Romania towards the comprehensive integrated approach, the local level still presenting a mixture of land-use and urbanism approach.

Table 2. *The typology of spatial planning and urban documents in Romania*

	National scale	Regional scale	Local scale
Type of planning document	PATN (National Spatial Planning Document)	PATZ, PATIJ, PATR, PATJ	PUG, PUZ, PUD
Focus	Sectoral: transport infrastructure, water management, protected areas, settlement network, natural risks, tourism	Balanced spatial development	Urban development, building control
Responsible authorities	Government, Parliament	Local- and county councils	Local councils
Character	Normative, strong	Indicative, weak	Normative, strong

Source: author

CONCLUSIONS

This article has revealed that it is too simplistic to introduce the spatial planning system of Romania in a certain category or other. Instead of doing so, we have identified a plurality of styles and types of planning actions. At national level, the spatial planning has a strong sectoral character; at regional level it takes a clear comprehensive integrated shape, while at local level it presents a mixture of land-use and urbanism approach. In addition, the Law for regional development has created parallel institutions, which have adopted a regional economic approach. On the other side, we have identified a trend towards European convergence in the formal characteristics of the Romanian spatial planning system and a gradual process of adaptation to the major European documents like the ESDP. Universities and research institutions have played a crucial role in this process. This convergence,

which can be regarded as an Europeanization process, does not rule out the existence of national peculiarities in planning practice. It is a paradox that within the framework of a centralised and hierarchical planning system there can be so much space for action at local level, mainly in an informal way.

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