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PUBLIC ADMINISTRATION**

Faculty of Public Administration  
Department of Law "V.D. Zlătescu"

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Law and Administrative Justice from an  
Interdisciplinary Perspective  
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# BOOK OF ABSTRACTS

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National University of Political Studies and Public Administration



## 5<sup>th</sup> Annual International Conference on Law and Administrative Justice from an Interdisciplinary Perspective

# AUTHORS GUIDELINES FOR 2018 LAJIP INTERNATIONAL CONFERENCE

### **PUBLICATION:**

The papers presented within the conference will be published in the *International Law Review*. The review is included in the international databases: SSRN, EBSCO, ProQuest and VLEX.

Papers submitted after the deadline cannot be published.

For publication the full paper should be written in English using Microsoft Word. The text should be in TNR font size 10, justify and single line spacing. The footnotes should use Times New Roman 8.

If the paper is divided in chapters and paragraphs, the chapter's title will be written Times New Roman 10, left, caps lock, bold, double line spacing; the paragraph's title will be written, Times New Roman 10, left, normal, bold, double line spacing.

Both in the body of the text and in the footnotes the following short forms are used: art. (= article); para. (= paragraph); p./pp (= page or pages); t. (= tome); vol. (= volume); G. O. (= Government Ordinance); G. D. (= Government Decision). REFERENCES (books and specialized journals) must be introduced using "Harvard Style".

Please consult: [http://www.library.uq.edu.au/training/citation/harvard\\_6.pdf](http://www.library.uq.edu.au/training/citation/harvard_6.pdf). For another quoted works (jurisprudence, legislation, websites) please use only footnotes. The document's name has to be mentioned, its number, the date of ruling/ issuing, the issuing authority (court), and the publication where it is included (The Official Gazette, case law reports etc.). Footnotes will continue on the following pages and won't start with no.1 on each page.

With the exception of the title, the text and the footnotes of the material have to use normal character format, and, when required, only italics. The materials (articles, researches) submitted for publication cannot exceed 15 standard pages.

### **SUBMISSION PROCEDURE:**

For participation please submit your final paper until **January 11, 2019**.

Submit your paper to: [law.justice.conference@gmail.com](mailto:law.justice.conference@gmail.com)

### **PREPARE YOUR PRESENTATION SLIDES:**

- Every presenter will be given 10 minutes for presentation plus 5 minutes for questions and answers. Please prepare your slides to fit into that duration.
- An effective oral presentation should be structured accordingly: introduction, outline of main points, detail of main points, conclusion. The presentation must be in English.

### **IMPORTANT:**

On the day of your presentation, please report to your assigned room 10 or 15 minutes before the working group is scheduled to begin. Introduce yourself to the Chairman/Chairwoman of the working group your paper belongs to, and check that any audio - visual equipment you need to use is setup and working properly. Please load your presentation onto the hard drive so that the transition between presentations is smooth.

# Working Groups Sessions

## WG1. The Administrative Capacity of the Judicial System

Chair: Alistar Victor T., Associate Professor, PhD, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania  
Executive Director, Transparency International, Bucharest, Romania

Co-Chair: Judit Siket, PhD, Faculty of Law and Political Sciences, University of Szeged, Hungary

### *Papers:*

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Paper: Accession to the European Union Cannot Affect the Supremacy of the Constitution over the Whole Legal Order

Author(s): Ionița Cochînțu, PhD, Assistant Magistrate, Constitutional Court of Romania

Following the accession, the provisions of the founding Treaties of the European Union, as well as other binding provisions under Community law, shall prevail over any provisions of the domestic law, while observing provisions in the accession instrument. However, in relation to the notion of "internal laws", a distinction has been made between the Constitution and the other laws. Also, the same distinction is made at the level of the Basic Law by art. 20 par. (2) the final sentence for the purpose of applying international rules as a matter of priority, unless the Constitution or domestic laws contain more favourable provisions, and Art. 11 par. (3) states that if a treaty to which Romania is to become a party contains provisions contrary to the Constitution, its ratification can only take place after the revision of the Constitution.

Keywords: international law priority, rule of law, constitutional provisions. JEL Classification: K10.

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Paper: Boosting Access to Justice as a Support to Raise Administrative Capacity of the Judicial System

Author(s): Irina Lonean, PhD, Invited Lecturer, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

Trust in the judiciary is a key element of its capacity, as there is no fair trial without both the material guarantees and the feeling of a fair trial. In this context, boosting access to justice is not only a very important human rights issue, it is also instrumental in order to ensure the needed capacity of the judicial system. Moreover, boosting access to judiciary in administrative cases, when citizens appeal administrative decisions and procedures, is key in order to strengthen the administrative capacity as well. In this context, the paper focus on the successive programmes and projects aiming to boost access to justice of the Ministry of Justice, the Superior Council of Magistracy and other actors, including civil society organisations. Different policies and initiatives to ensure access to justice are examined in order to determine the most effective approaches, based on a combination of theory based evaluation methods including the Realist Evaluation and the Prospective Evaluation Synthesis and data collected from desk based research and interviews with decision makers, civil society representatives and justice seekers. The paper concludes that only a combination of support to access the judiciary (like the public judicial assistance) and incentives to access the judiciary to discouraged citizens can work for more trust in the judiciary better judicial capacity.

Keywords: public judicial assistance, incentives to access the judiciary, trust in the judiciary. JEL classification: K38.

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**Paper:** The Administrative Justice Completely Withdrawn in Republic of Moldova  
**Author(s):** Maria Orlov, PhD, Associate Professor, "Alecus Russo" State University of Bălți, Institute of Legal and Political Research of the Academy of Sciences of Moldova, President of the Association "The Institute of Administrative Sciences of the Republic of Moldova"  
Marina Grosu, Juristconsult, Project Coordinator in Public-Private Partnerships

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**Paper:** Administrative Capacity of the Judicial System. An Evaluation from the Point of View of the Judiciary Role in Fighting Corruption  
**Author(s):** Alistar Victor T., Associate Professor, PhD, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

The paper addresses the issue of the capacity of the judiciary in direct connection with the performance of the Judicial System to fulfil its role to curb corruption. The paper is based on the methodology of the National Integrity System Assessment proposed by Transparency International and proposed an evaluation of the capacity of the judiciary taking into account the legal provisions and the practical implementation of these provisions on the two main criteria on institutional capacity proposed by the National Integrity System model: resources provided and independence ensured. New provisions on the organisation of the judiciary are considered in this respect. The paper is then comparing the results of the assessment of the capacity of the Romanian judiciary with the assessment of its performance in curbing corruption in order to find a direct connection between the two: capacity and role to curb corruption. However, the paper also rises the issue of the judiciary governance, assessed based on three other criteria of the National Integrity System: transparency, accountability and integrity. These have, together with the capacity issues, the same instrumental importance to support curbing corruption by the judiciary.

**Keywords:** capacity of the judiciary, judiciary independence, resources for the judiciary, role of the judiciary, curbing corruption, performance. **JEL Classification:** D73.

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**Paper:** The General Court – The Tendency to Become a Common Jurisdiction  
**Author(s):** Irina Zlătescu, Professor, PhD, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

This study aims to prove that the General Court is becoming the ordinary court with the meaning of Article 256 TFEU for the first instance resolution of actions for annulment, actions for compensation based on non-contractual liability, actions for failure to act and for the resolution of disputes regarding arbitration clauses. Exceptions will be made when specialized courts will be established, as it was the case of the Civil Service Tribunal (2004-2014). Another exception consists for the resolution of causes, which fall according to the Statute under the competence of the Court of Justice. Nevertheless, the Statute may also provide competences of the General Court for other types of actions.

**Keywords:** first instance, actions, arbitration clauses. **JEL Classification:** K40.

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**Paper:** The Ombudsman in the European Context  
**Author(s):** Denis-Roxana Gavrilă, PhD Candidate, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

The article analyses the role of the Advocate of the People in the national and international context, starting with its appearance (OMBUDSMAN) on the historical and political stage of the northern European states, until today. It has assumed the role of supporting citizens in their problems with the administration and promotes, on its own initiative, the principles of transparency and inherent responsibility for the concept of good governance practices. Individuals have reported possible violations of the right to information, the right to petition, and the right of the person injured by a public authority. The article will present that in the local and central public administration institutions, civil servants are insecure and the managerial capacity to implement decentralized responsibilities is not strengthened. A sustained effort is necessary, noticing also that The European Commission Against Racism and Intolerance (ECRI), a body of the Council of Europe, in its Fourth Report on Romania, approved by the Council of

Europe in March 2014, recommended that the People's Advocate Institution take decisive action against public authorities when they suspect that there have been flagrant violations of human rights, especially when they are related to racial discrimination, cases presented in this paper.

Keywords: non-contentious means; mechanism for the prevention, minorities. JEL Classification: J15.

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Paper: Amendments to the Law no. 554/2004 Introduced by Law no. 212/2018

Author(s): Elena Mihaela Fodor, PhD, Associate Professor, Faculty of Law Cluj-Napoca,  
„Dimitrie Cantemir” Christian University, Romania

The paper discusses the amendments regarding the definition of the administrative act, the limitations of the control of the contentious administrative courts, the prior procedure, the object of the legal action, the competence of courts, the parties, the procedure and the enforcement of the court decision. The analysis of the amendments introduced in the Law no. 554/2004 by Law no. 212/2018 is made in corroboration with other normative acts. Generally, the legislator managed to harmonise the provisions of the Law no. 554/2004 with other normative acts and at the same time, to preserve the specific of the contentious administrative. However, litigation procedure for the administrative contracts together with the rules for contesting the first instance decision do not respond to the specificity of the administrative law.

Key words: Law no. 554/2004, contentious administrative, prior procedure, administrative act, administrative contract. JEL Classification: K39, K41.

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## WG2. Human Rights in the New Era

Chair: Zlătescu Irina, Professor, PhD, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania  
Director of the Transdisciplinary Centre of Human Rights; Titular Member of IACL and Member of the Council of ELI

Co-Chair: Saghi Florin Emeric, Vicepresident of the Romanian Association for the United Nations member of the World Federation of the United Nations Associations

### *Papers:*

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Paper: EU ETD – Towards a New Chapter in EU Citizens' Rights and a Better Administrative Cooperation

Author(s): Erzsébet Csatlós, PhD, Senior Lecturer, Faculty of Law and Political Sciences, Department of Administrative Law, University of Szeged, Hungary

The European citizenship was officially created by the Maastricht Treaty to confer rights on citizens of the Member States of the EU. Among these rights, the most challenging one was the right that enabled EU citizens to turn to any foreign representation of any Member States for consular protection in third States in case if their own State of nationality is not represented there. According to surveys, almost 7 million EU citizens travel or live outside the EU, in places where their own country does not have an embassy or consulate. Member States with well-developed and extended international relations are in a better position to serve their nationals in need, but most of the Member States are in a less favourable situations and the EU citizenship policy aimed to eliminate these differences in the point of EU citizenship rights. Given to the consular protection's strong ties to foreign relations, first, it was placed under the unanimous decision-making capacity of the Council under the CFSP regime, but the Lisbon Treaty has introduced major changes not only for the consular protection policy of the EU but on the other hand, to facilitate effective execution of EU policies in general. It lifted the right to get consular help abroad and also the right to good administration, among others, to fundamental level and placed them at the top of the norm pyramid. All these developments have indicated changes in the consular protection policy which resulted new foundation stones of the policy (Council Directive (EU) 2015/637 of 20 April 2015) and now, the reform of the issue of emergency travels document (ETD) is on the threshold as it is the most commonly claimed consular protection service. Therefore, a Council directive proposal was submitted on the last day of May of 2018 on the EU ETD. Its provisions are innovative and embody a series of opportunities for further development. On one hand, it is a pioneer among measures of facilitating the administrative cooperation while ensuring a better administration of this consular protection measure, although, on the other hand, it leaves open questions and offers a variety of choice for Member States which also increase legal challenges in the view of rights of the EU citizens.

Keywords: good administration, legal challenges, consular protection. JEL Classification: F22, K33.

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Paper: Multiple Discrimination in the Contemporary European Society

Author(s): Ruxandra Darclée Miu, Legal adviser, National Oil Transport Via Pipelines and Rail Tanks Company (CONPET SA), Ploiești, Romania

In the context of nowadays non-discrimination cannot be made through simple acts or statements. Statements as the Universal Declaration of Human Rights, or the European Convention of Human Rights have to be incorporated in every state's if not every individual's culture in order to achieve its goals.

Multiple discrimination represents any combination of forms of discrimination against persons on the grounds of sex, racial or ethnic origin, religion or belief, disability, age, sexual orientation, gender identity or other characteristics, and to discrimination suffered by those who have, or who are perceived to have, those characteristics. It can manifest itself in two ways, there is 'additive discrimination', where discrimination takes place on the basis of several grounds operating separately and second, there is 'intersectional discrimination',

where two or more grounds interact as they are inextricable. Although multiple discrimination has always existed, it has not been recognized as a legal concept until recently.

Keywords: multiple discrimination, non-discrimination, tolerance, European Union, human rights, European Agency for Fundamental Rights. JEL Classification: K38

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Paper: Aspects of Discrimination from the Perspective of the Migration Phenomenon

Author(s): Roxana Moisoiu, PhD candidate, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

Migration has existed since the beginning of mankind. The phenomenon did not cease over time, but it has seen changes and new forms with the evolution of society. Migration processes take place simultaneously and are increasing in many countries of the world. The main causes of unprecedented population movements are armed conflicts, famine, natural disasters, human rights violations and deplorable economic conditions in some states. Collective attempts to regulate refugee-specific issues and migration have so far been quite limited. The European Union has taken a step forward in this direction. The European Union now considers that an integrated and comprehensive approach is desirable in order to better manage the phenomenon of migration. The implications of contemporary regional and global migration have consequences on the social, economic, cultural, political and religious environment of the states. Migration has transformed and redefined the political and economic interests of states, but has accentuated and expanded the phenomenon of discrimination, violating the principle of equality. Accepting multiculturalism of different religions as well as social diversity is the key to combating discrimination and respecting the right of every person to equal opportunities. Equal opportunities are based on ensuring the full participation of each person in economic and social life, regardless of ethnic origin, sex, religion, age, disability or sexual orientation.

Keywords: migration, migrant, discrimination, equal opportunities. JEL Classification: J15.

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Paper: The Right to Health Care, a Fundamental Human Right

Author(s): Remus Marian, PhD candidate, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

The right to health protection is part of the human rights and freedoms, which the state, as a result of their recognition, is called upon to respect, guarantee and protect them. The existence and life of man being inextricably linked to society, these desiderata are always topics of study and debate. A common approach to ensuring the maintenance of the health of the population and a higher level of prevention in the national health system is revealed by the cooperation between the public administration and the Church institution, aiming to ensure a better health of the Romanian population and the accentuation the role of prevention in maintaining health. Such a project is aimed at disadvantaged people in rural areas with reduced educational level and social cases

Keywords: human rights, right to health, freedom, public administration. JEL Classification: I18.

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Paper: Promotion and Protection of Human Rights in the Context of the Actual and Future Local Fiscal System

Author(s): Florin-Ionel Trușcă, PhD candidate, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

The protection of human rights as well as their promotion have been and are still a challenge for each state, especially for developing countries. The multitude of normative acts regulating the local tax system in Romania, the bureaucracy reflected by the significant increase of the forms through which information is collected and the tax obligations are established, as well as the main objective of the tax bodies, respectively the collection of revenues to the local budgets, make it increasingly difficult to achieve human rights objectives. Therefore, the paper proposes the passage of the local tax system from the rudimentary state where it is to a digitized system at national level, which through its instruments and techniques can ensure the promotion and protection of human rights.

Keywords: promotion, protection, individuals, principles, rights. JEL classification: K38.

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Paper: Universal Declaration of Human Rights -  
70 Years of Promoting and Protecting Human Rights  
Author(s): Irina Zlătescu, Professor, PhD, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

Developed by law specialists coming from different regions of the world, from UN member states but with different legal systems and cultures, the Universal Declaration of Human Rights, proclaimed by the UN General Assembly on December 10 1948, is yet another a common ideal to be touched by all peoples, all nations and all individuals. Its 70th anniversary requires us to reflect on the past and to look for the future. It enables us to identify challenges and threats.

Keywords: human ideal, culture, future challenges. JEL Classification: K 33.

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Paper: Understanding of the Rights of the Data Subjects  
Author(s): Andreea Drăgan, PhD candidate, Faculty of Public Administration, National University of  
Political Studies and Public Administration

General Data Protection Regulation replaced the Data Protection Directive that has been in place since 1995. This regulation gives power back to the people as European Union considers privacy as human right. The whole Chapter 3 of the GDPR treats the subject of rights of the data subject, as with the new modified Regulation, the number of rights for data subject has increased considerably and the old ones have been consolidated. Now we can speak of the right to information, right to access, right to rectification, right to withdraw consent, to object, to object to automated processing, to be forgotten and data portability, just to mention a few. But how do these rights help to protect European citizens' personal data? For example, once an EU citizen has given his consent for processing his personal data for a purpose, he has the right to withdraw his consent through a request which implies that the company that processed his personal data to stop. The new GDPR provides many rights for data subjects, in order to protect their private life. But as important it is to know for each individual to know their national legislation because "*Ignorantia legis neminem excusat*" or "*nemo censetur ignorare legem*" which means "ignorance of law excuses no one" or "nobody is thought to be ignorant of the law", is as important to be aware of the European regulations especially when it works in citizens favour.

Keywords: privacy, GDPR, European regulations. JEL Classification: C89.

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Paper: Bussiness and Human Rights  
Author(s): Petru Emanuel Zlătescu, PhD candidate, "Nicolae Titulescu" University, Bucharest,  
Romania Member of European Law Institute

The respect of human rights in the economic sector has become the regulatory object of many international and national standards over the past two decades. The impact of multinational corporations on the environment, and human rights in particular, is one of the most important topics on the international's community human rights agenda. The debate on this topic includes next to the benefits associated with, such as the development of infrastructure and job creation also its negative impacts on human rights. Since the human rights in question usually do not have a direct effect and multinational companies are therefore not considered as fundamental rights addressees, it is primary the duty of the state to protect these rights indirectly, by adopting legal norms and standards. The binding nature of these standards varies and includes both legally enforceable rights and obligations as well as standards with programmatic content and soft-law provisions. In general, these norms address three main aspects of the protection of human rights from the negative effects of the economy and globalization. First, the very first guarantee in this field is the state's duty to protect human rights against private threats. Secondly, a special responsibility should be imposed to the business enterprises, which obliges them to respect human rights. Thirdly, access to remedies should be granted in the event that an infringement has already occurred.

Keywords: standards, globalization, responsibility of business enterprises. JEL Classification: K39.

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**Paper:** Religion and Christian Family - their Role in Promoting and Keeping Human Dignity  
**Author(s):** Rareș Bogdan Ruge, PhD Candidate, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

Religion is the free and conscious connection of man with God, and the family - a school of love and cradle of life. Religion has always played an important role in the formation of moral and social skills and attitudes. The Christian family is the very cradle of Christian faith and formation, a true school of life. The family is considered the cell of society, which is why the state has the responsibility to defend and protect this fundamental institution. Before being full rights citizens, each person needs to live in a healthy environment that will allow them to develop as fully and harmoniously as possible. The Christian family is a holy temple in which the fullness of Christian virtues is stored. It is the cell from which human society was founded and on which human society is based, but also the church community, widening the boundaries of the kingdom of God. The family is the most important institution in the service of life. All the other institutions that have a role in supporting and promoting human life are subordinate to them, both in terms of their origin, especially in their role and purpose. Today the family and all social structures are affected by secularization. The diminishing of the Church's role in everyday life and the decrease in trust in God result in the degradation of relations between people, the failure to observe moral principles, the increase of crime, corruption, etc. Dignity shows value, honour, moral merit, degree of appreciation as the rank achieved by a person in society. In Christian doctrine, human dignity is a divine gift that, regardless of the circumstances in which the individual lives, takes as an example the image of God. In society, in terms of dignity, the autonomy and freedom of thought and the behaviour of an individual are also understood.

**Keywords:** religion, the Christian family; dignity; human rights. **JEL Classification:** K36, K38.

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**Paper:** The Rights to Education, a Strategic Priority of the 70<sup>th</sup> Anniversary of the Universal Declaration of Human Rights  
**Author(s):** Roxana Elena Vișan, PhD candidate, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania,  
Member of the European Law Institute

This article aims to be an incurs on the evolution and affirmation of the right to education in the human rights system, in order to offer suggestions on collective hope of transforming the world and providing a better future for future generations. Such a manifestation is achievable by a political will, the creator of an equalitarian model, to redistribute utopian visions of human freedoms. Considered as a unique window to the fundamental problems of human dignity at the societal level, the Universal Declaration of Human Rights affirmed over the seventy years the legitimacy of human rights in the face of global challenges and ensured the diversity of universal thinking. Considered one of the fundamental human rights, yesterday's education, today and tomorrow, is the main pillar in finding answers to global issues. Now is the time to take stock of progress and to identify strategic priority areas for the effective implementation of Agenda 2030 on Global Education.

**Keywords:** the right to education, strategic priority, global education, Agenda 2030. **JEL Classification:** I29.

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### WG3. Citizenship and Immigration in Europe

Chair: Mădălina Cocoşatu, Associate Professor, PhD, Director of the Department of Law "V.D. Zlătescu", Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

Co-Chair: Orlov Maria, PhD, Associate Professor, "Alecu Russo" State University of Bălţi, Institute of Legal and Political Research of the Academy of Sciences of Moldova, President of the Association "The Institute of Administrative Sciences of the Republic of Moldova"

#### *Papers:*

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Paper: Integration Policies for Legally Resident Third Country Nationals in View of New and Future Challenges and Ensuring Relevant Policies

Author(s): Elena Loredana Pirvu, Lecturer PhD, Police Academy "Al. I. Cuza", Faculty of Juridical and Administrative Sciences, Bucharest, Romania

Over the past decades, most EU Member States have experienced increasing migration. Migrants from third countries represent around four percent of the total EU population. Europe is also strongly influenced by demographic changes, including the ageing population, longer life expectancies and a declining working-age population. Member States have confirmed their commitment to further developing the core idea of integration as a driver for economic development and social cohesion, in order to better enhance migrants' contribution to economic growth and cultural richness. With the recent EU Action Plan on Integration, the Commission sets out policy priorities and tools for concrete actions to be undertaken at EU level in support of the action on integration taken at Member States' level, with a view to further develop and strengthen integration policies across the EU. The article will present the social, economic and political context recently changed and all integration measures underlined within EU Action Plan on Integration and will research about future challenges and relevant policies in need to be drafted and implemented on EU level.

Keywords: integration, refugee, policy, action plan, third country nationals. JEL Classification: K37.

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Paper: Immigration in Democratic States

Author(s): Ionut Cosoi, PhD Candidate, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

One problem that should concern political analysts is the inclusion of individuals who migrate from totalitarian countries to harmless, democratic countries. One cannot fail to see the strangeness of these foreign elements in the democratic contest of a free country. My objective is even to identify / detect in a democratic state the deceptive behavior of the democratic values of immigrants from the closed / totalitarian states. Informational flow takes place regardless of the individual's will in society and influences him even if he has not lived this experience. In democracy, information is the engine that ensures its endurance. The research method I use is that of participatory observation on small merchants coming from China. The result of the research has pushed me to conclude that this kind of immigrants - from a totalitarian country - must go through a process of awareness of democratic values because their idea of democracy is different from its real principles. Of course, by this process, only mature individuals, not minors, must pass, in my view they do not pose any danger. School is here a very important institution in learning real / real democratic values. The need to adapt people from totalitarian states and migrating to democratic states is real. A significant weight that can help in this respect is given by sources of information, the only valid / necessary aspect for corroborating "undemocratic" behaviour as the willingness to know the immigrant. For individuals living in a democratic state besides their legitimate responsibilities, they are also those of identifying and helping newcomers from other totalitarian states, helping themselves. In other words, society regulates itself by transmitting information from one individual to another - no matter which party they are.

Keywords: democratic values, participatory observation, inclusion. JEL Classification: K33.

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**Paper:** Immigrants Statuses in Europe: Citizenship, Residence Permit and Stay Permit  
**Author(s):** Lucia-Ştefania Avram, PhD Candidate, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

The author of this articles analyses the main legal norms applicable for the citizenship, residence permits and stay permits regarding the immigrants in Europe. The author will make a comparison between the main regional and national norm to understand the differences and the most favourable and the hardest regulation. The method used is the analyse of the legislation and informal interviews of different subjects from different countries.

**Keywords:** immigration, legislation, citizenship, residence permit. **JEL Classification:** K37.

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**Paper:** A New European Policy on Legal Migration - Enhancing Legal Pathways to Europe  
**Author(s):** Eleodor Pirvu, General Inspectorate for Immigration, Asylum and Integration Directorate,  
Deputy Director

Establishing safe and legal pathways of admission to complement resettlement programmes is therefore an essential step towards securing a meaningful response to the current unprecedented global displacement situation. The need to provide increased and complementary pathways for refugee admission is reflected in the New York Declaration for Refugees and Migrants, which was adopted by all 193 Member States of the United Nations at the UN General Assembly in September 2016. Countries, including the Member States of the European Union, expressed their intention to “expand the number and range of legal pathways available for refugees to be admitted to or resettled in third countries.” The article will present the implications of the EU-Commission’s proposal for seeking protection in the EU and will research about resettlement as a protective tool and durable solution for refugees. Answers to the actual position of the EU governments towards new policy proposal and what is the future for admission programmes to EU will be analysed.

**Keywords:** asylum, refugee, protection, legal admission, resettlement. **JEL Classification:** K37.

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**Paper:** Public Administration and Integration of Immigrants  
**Author(s):** Alexandra Bucur, PhD candidate, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania,  
Member of the European Law Institute

The study presents aspects related to managing the phenomenon of immigration, which is an important activity of the states, including Romania. Thus, public administration is an important actor in coordinating immigration policies. With a growing number of asylum applications, the response of state authorities must also be based on promoting the integration of immigrants into society. At the same time, immigration becomes an administrative process and its answers are necessary and important.

**Keywords:** public administration, immigration, integration. **JEL Classification:** F22.

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**Paper:** Accessing Cohesion Funds Granted by the European Union to Extra-community  
Immigrants. Application and Conditioning  
**Author(s):** Mădălina Cocoşatu, PhD, Associate Professor, PhD, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

EU humanitarian aid supports refugees and migrants from countries such as Iraq, Jordan, Lebanon and Turkey. Between 2015 and 2017, a total of €17.7 billion was earmarked from the EU budget to cope with the migration crisis. This paper aims to analyze EU funding for immigrants and transit countries in order to combat illegal immigration and trafficking in human beings. Also, this paper will analyze the procedure and conditionality that will be put to the European states in order to be able to receive funds for the integration of immigrants.

**Keywords:** aid support, migration crisis, integration of immigrants. **JEL Classification:** J15.

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Paper: Political and Diplomatic Asylum

Author(s): Andrei Bogdan Cipere, PhD candidate, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

One of the novelties of this paper is the fact that the topic is very topical due to the numerous crises that have occurred over the last years in almost all the world's continents, situations that have generated large waves of refugees that have created extreme problems the great governors and all those in charge of managing such crises, demonstrating the need to address the institutions of political asylum and extradition with more interest and depth. The way in which the work will be conceived, provides for the treatment of diplomatic relations between states, the immunities accorded to diplomatic staff in various legal systems and the institutions of asylum and extradition, starting from a historical and legal appreciation of their evolution, going up to to analyse the level at which they have reached today, and how the institutions that manage to manage them work. At the same time, a large part of the legal components of the diplomatic institution, the asylum at the European level and in the Romanian system, and refugee status will be highlighted and analysed by the approach to be accomplished, aiming to eliminate the large number of mistakes or misinterpretations . It will start from a clear delimitation of concepts and will go up to the most complex elements of structure and the mechanisms that ensure their operation, both theoretically and procedurally.

Keywords: immunities, refugee status, administrative mechanisms. JEL Classification: F22.

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Paper: The Role of Immigrants When Striving for a Resilient Labour Market in Romania

Author(s): Teodora Ioana Bițoiu, PhD, Senior Lecturer, Director of the Department of Economics and Public Policy, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

Crina Ramona Rădulescu, PhD, Senior Lecturer, Deputy Dean, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

Labour, one of the main production factors, remains a sensitive factor that implies both identifying education and continuous training opportunities and smart resource allocation, so to avoid a market failure. The labour market resilience, especially after the Great Recession, is more and more influenced by the labour market changes induced by the structural policies and, moreover, the legal framework dealing with migration issues.

The current research aims at analysing the connection between the legal provisions (national and European laws) and the specific aim of creating a resilient labour market, namely referring to the impact these provisions could have upon the output and employment recovery to keep the inequality low (Stiglitz, 2015), long-run evolution of the wage distribution (Piketty, 2014) and labour productivity (OECD, ECO/WKP(2017)38). The topic of the economic integration of migrants is not one treated only on a central level (through policies and specific legislation), but also one priority of the local public administration through their involvement in European projects dealing with immigrants and their access to rights (e.g. DELI – Diversity in the Economy and Local Integration, of which Bucharest municipality was part of). All in all, the paper argues that resilience can be promoted through labour reform that allows employers to bring in non-EU migrants at all skill levels with minimal restrictions (MPI, 2014).

Keywords: labour market regulation, migration, resilience. JEL Classification: F22.

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Paper: Brexit: a Member State Withdrawal from the European Union and the EU Citizenship Issue

Author(s): Elena Marinică, PhD, Assistant Professor, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

This article examines how the voluntary withdrawal of the United Kingdom of Great Britain and Northern Ireland from the EU impacts the guarantee of the rights of EU citizens already living in the UK and the rights of British citizens living in other EU Member States, that must be secured in the context in which the loss of European citizenship is inherent to British citizens (accompanied by the loss of political rights, the right to vote, the right to stand as a candidate, etc.), followed by the loss of other rights after the end of the transitional period such as freedom of movement, recognition of professional qualifications, family reunification, etc. Some of the main ongoing initiatives and actions (e.g. the UK-EU withdrawal agreement) on citizens' rights are being analysed to see if all these measures are a qualitative leap towards a controlled, step-by-step exit to protect the rights and stability of the citizens affected by Brexit, or, on the contrary, they are small steps that demonstrate that this issue is far from complete, confronting a legal uncertainty that could cause losses and disadvantages likely to prove extremely dangerous to citizens.

Keywords: citizens' rights, legal uncertainty, voluntary withdrawal's effects. FEL Classification: K30.

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Paper: EU Institutions for Protecting the Vulnerable Groups in the European Space

Author(s): Ionuț Bogdan Berceanu, Assistant Professor, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

The paper is part of the Erasmus + Jean Monnet Project EU – Diversity, Citizenship and Solidarity under Migration Pressure. From learning to e-learning, which has as one of the main objectives to promote excellence and innovation in teaching and research in EU studies, in particular in Migration Law and Economics. The aim of the paper is to realize a research regarding the institutional framework of the European Union used for protecting the vulnerable groups and individuals in the EU. The analysis will start for the definitions of the vulnerable groups and the identification of the European regulations which are contributing to the protection of these groups. There will be also analyzed how through its measures the EU institutions such as the European Parliament and the European Commission are contributing to the realize the an added value in the European space, by creating the premises of an unitary protection of the persons which are vulnerable.

Keywords: diversity, regulations, added value, Erasmus+. JEL Classification: K37.

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## WG4. New Tendencies in Public Administration Development

Chair: Cărauşan V.Mihaela, Associate Professor, PhD,  
Deputy Dean, Faculty of Public Administration, National University of Political Studies  
and Public Administration, Bucharest, Romania  
Executive Director, Association Centre of Academic Excellence, Bucharest, Romania

Co-Chair: Erzsébet Csatlós, PhD, Senior Lecturer, Faculty of Law and Political Sciences, Department  
of Administrative Law, University of Szeged, Hungary

### *Papers:*

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Paper: New Tendencies in Public Administration Development – Rising Era of One Stop Shop  
Delivery Models in Developing Countries

Author(s): Hakim Alasgar, PhD candidate of Doctoral School of Public Administration Sciences,  
National University of Public Service, Budapest, Hungary

Current tendencies in public administration development indicates, further development of state administration and local government reforms is connected with the use of decentralization and decentralization of public administration, separation of strategy from the provision of services, diminishing the gap between democracy and efficiency, enhancing the citizens participation and mutual trust of citizens in government and vice versa, creation of “business oriented” governments, principle of simplifications, improving the quality of public service improving the political and administrative culture and integration of various institutions, reforms and activities in the context of public administration development. As a model of public service delivery, OSS have been in vogue for many decades now. One-stop shops have currently emerged as more powerful actors than ever before in the developing countries. OSS operate towards the simple goal of making public services available under a single roof. OSS come in various designs, institutional arrangements and financing models, and provide different baskets of services in different contexts. While some provide the services of a single level of government (national/provincial/local), others provide services of more than one level. This paper looks at some of these definitional issues and maps some of the recorded examples. The proposed paper, will discuss how new tendencies in public administration leads to rising era of OSS models in the developing countries by relying on an extensive survey of literature, including policy documents, project information sheets of donors, government websites, media stories, academic articles, third-party evaluation reports and case studies recorded by non-governmental organisations among others.

Keywords: One-stop-shop, public service delivery, public administration, governance, customer, citizen, government, data, management, reform. JEL Classification: H83.

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Paper: Elements of Formal Legistics - Prerequisites for the Creation of European Union Law

Author(s): Ioana Cristina Vida, PhD, Parliamentary Adviser,  
The Chamber of Deputies of the Romanian Parliament

The paper aims to pass European Union law through the Formal Legistics filter. The scientific approach aims to show that the "builders" of European Union law were inspired by the elaboration of national normative acts. Thus, in the drafting of legislative acts of the European Union we meet with notions and syntagms that claim to ensure the quality of drafting, i.e. intelligible and unitary drafting, observance of the uniform principles of presentation and legislative technique, clear and simple texts, etc.

Keywords: formal legistics, legislative technique, European Union law, legal conceptualization. JEL Classification: K19.

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Paper: Local Governments in the System of Separation of Powers. The Executive Function  
Author(s): Judit Siket, PhD, Faculty of Law and Political Sciences,  
University of Szeged, Hungary

The paper is focused on the principle of separation of powers, especially examined the role of local self-governments in the system of division of powers. It gives a brief description on the dogmatic approach of the principle of powers based on the concept of Montesquieu, and Benjamin Constant who emphasised the significance of local power. The study demonstrates the effectiveness of principle of separation of powers and the constitutional status of local self-governments in the Hungarian Fundamental Law. According to the Fundamental Law, the essence of local governments is to manage public affairs and to exercise public authority this is the reason why local governments exist. The leading conception has changed, rejected the collective fundamental rights approach. A separate section aims to describe the executive power of local self-governments, in particular the functionality of local self-governments. A comparative part illustrates changes of local task-system after the adoption of New Local-Government Act in 2011, including both municipal and county level responsibilities, the strong centralization process in the field of local governance. In conclusion, local self-governments' role significantly decreased in the field of providing public services and in exercising of local public powers, functionality of local self-governments was substantially narrowed.

Keywords: separation of power, local self-governments, centralization. JEL Classification: K23.

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Paper: Justinian's Legal Reform – the Avatars of a Political *Credo*  
Author(s): Ionela Cuciureanu, Bucharest Bar, PhD candidate, University „Babes Bolyai” Cluj  
Napoca, Faculty of Law, Cluj, Romania

The paper aims to present the reasons that laid behind emperor Justinian's legal reform (the last Latin speaking emperor of the Roman Empire), as well as its effects on the roman society as a whole. The legal reform will therefore be regarded in the larger social and political context of the time and analyzed in relation to the crisis that was already eroding the Roman Empire, but also from the perspective of the modern lawyer, seeking elements of actuality that could be transplanted into the contemporary world. All things considered, it can be stated that the legal reform represents one of Justinian's key achievements, one of the works that, being meant to refresh through law the social dimension of life, crucially influenced the evolution of the humanity and remained an example of codification that could be revisited and used as models even in the globalization era.

Keywords: Legal reform, Roman law, social reform, modern law. JEL Classification: K39.

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Paper: Reasonable Formalism as Dimension of Administrative Discipline  
Author(s): Emil Bălan, Professor, PhD, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

The substantial need for simplification of administrative law, as the body of principles and rules governing the implementation of policies by executive power is now obvious.

Simplification can be achieved by rationalisation and improvement of administrative procedure as a dimension of administrative discipline and guaranteeing the fundamental human rights and exercise of public authority.

Keywords: administrative law; simplification; rationalisation; administrative procedure; administrative discipline.  
JEL Classification: K23.

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**Paper:** Perspectives for Developing the Civil Services in Romania. Vision on the New Development Strategy  
**Author(s):** Paula Ghitescu, PhD candidate, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

Romania will provide professional civil servants, politically neutral, capable in acting in terms of stability, transparency and predictability, responsible for their results and able to develop and implement effective public policies that will support sustainable development in Romania. To implement the new strategy we will consider the following principles: the legality and the respect for the rule of law, transparency, openness and participation, efficiency and effectiveness, proportionality, consistency and accountability, promoting gender equality and non-discrimination, accessibility, flexibility.

**Keywords:** civil service principles, political neutrality, effective public policies. **JE Classification:** J24.

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**Paper:** Report on the Diagnostic Survey of the Network for Integrity for 2017  
**Author(s):** Daniela Mitutoiu, PhD candidate, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

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**Paper:** Constitutional Perspective of EU Member States on Legal Certainty  
**Author(s):** Elena Constantin, PhD candidate, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

The principle of legal certainty is the essence of the rule of law, which means that it must mirror directly or indirectly the Constitution of each Member State of the European Union. The analysis of constitutional provisions on legal certainty also makes it possible to assess the quality of regulation at the level of each state under discussion. The subject is particularly interesting in the context of the quantitative increase in legislation generated by the evolution and complexity of the relationships between individuals.

**Keywords:** legislative abundance, rule of law, quality of regulations. **JEL Classification:** K10.

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**Paper:** In Search of Time for Speeding up the Public Procurement Dispute Resolutions  
**Author(s):** Mihaela Victorița Căraușan, Associate Professor, PhD, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania; Member of European Law Institute

Arbitration was established by the Government Decision no. 1/2018 as one of the dispute resolutions method which must be used for work contracts over 5 million Euro financed by public funds. Even the rule was criticised, we appreciate, in a certain measure, the clauses for better adjudication of disputes among the contracting parties. Dispute resolution methods are currently commonly used in the construction industry, among them only arbitration and litigation are statutory controlled, all the others are private. This paper attempts to address these alternative mechanisms focusing more on the duration of the processes and on the Government success in decreasing the number of lawsuits. By focusing on the critical attributes of alternative dispute resolution methods we will try to find out if they can really be kept as simple, inexpensive and effective.

**Keywords:** administrative contract, celerity of dispute procedures, public system effectiveness. **JEL Classification:** H57.

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Paper: Confidentiality Clause vs Data Protection in Work Relationships  
Author(s): Radu Răzvan Popescu, Associate Professor, PhD, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

Throughout the duration of the individual employment contract, both the employee and the employer enter in possession of data and information of a private nature, pertaining to the partner in the employment relationship. This type of information with confidential character is basically divided, from the point of view of the legal nature, in three categories: confidential data, based on the fidelity obligation, data and information not disclosed due to the existence of a confidentiality clause, and the data and information which, according to the special law, are catalogued as being work or state secret. At the same time, the employer is held by the obligation to preserve the confidentiality of the personal data and information it learns about its employees. The duration of these periods when the parties must preserve confidentiality is another issue that raised disputes, both in the specialty literature and in the practice of the courts of law.

Keywords: confidentiality clause, damages, work secret, fidelity obligation. JEL Classification: K31.

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Paper: The Global Pact for the Environment – A New Framework for Global Environmental Governance  
Author(s): Andrei Dușu-Buzura, Associate Professor, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

Appearing at first over thirty years ago, having an original evolution regarding its contents – explaining the meaning and increasing the international awareness on environmental issues – the idea of a Global Pact for the Environment has been broadly accepted by the legal community and has become an obvious necessity for each and every country. Assumed and promoted by France in a legal and diplomatic initiative, the project can soon be materialized as an internationally representative document, of global reach, in the field of environmental protection. Obviously, as an instrument for codification of existing law, its creative part will be minimal, which implies a continuation and intensification of the efforts to develop the regulations regarding the global sectors – biodiversity, air pollution, waste etc. – and, thus, the creation of a global mechanism of actualization and permanent update of the normative contents of the treatise. Finally, the elaboration, the adoption, and the perspectives of an international text of global impact would favour other innovating initiatives, such as new dimensions of international law and governance, both generally, and concerning the specific aspects of environmental protection.

Keywords: environment, international law, global governance, climate change. JEL Classification: K33.

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## WG6. Peaceful Settlement of Conflicts and Management

Chair: Niță Mircea Aurel, Associate Professor, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

Co-Chair: Cristina Teodora Pop, PhD, Assistant-Magistrate at the Constitutional Court of Romania,  
Associate professor at the Faculty of Philosophy, University of Bucharest, Romania

### *Papers:*

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Paper: Culture of Peace and Mediation in 21<sup>st</sup> Century Education

Author(s): Nadjat Karabernou Paduret, President CCIR-A

Starting from the UNESCO definition of Peace Culture in Article 1 of the Peace Culture Declaration, we can identify seven values that can be passed on to educated peoples culture. It is about Non Violence, Tolerance, Solidarity, Democracy, respect for human rights, respect for the law, and environmental protection. Education for peace culture emerged as a consequence of these seven types of education. They are found in many educational programs but well-regarded as different fields and autonomous subjects. In a culture of peace education, a holistic and global approach is needed.

Keywords: values, respect for the law, education, holistic approach. JEL Classification: J52.

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Paper: Revisiting the Ancients - a Modern Perspective on Administrative Dispute Resolution  
Methods in Roman Classical Law

Author(s): Ionela Cuciureanu, Bucharest Bar, PhD candidate, University „Babes Bolyai” Cluj  
Napoca, Faculty of Law, Cluj, Romania

The paper analyses an essential question: How would have looked the roman juridical belief and how would have evolved the modern law systems without the institution of the praetor and his innovations, particularly the administrative dispute resolution procedures? The evolution of social relations, the development of trade, of contracts, of the juridical status of the person, would have been stopped in their embryonic phases, because the patterns inside which they should have fit were far too tight, if the praetor would not have found appropriate means to manage dispute resolution in a non-contentious manner, without arriving in front of the judge. The praetor's activity represented the continuous adaptation of the law at the needs of the society – *adaequatio intellectus et rei-managing*, in the same time, to anticipate some steps forward that society was due to make in the future. The paper will also have in view a practical case study on how the judicial system could be significantly relieved in the event of a modern application of the praetorian dispute resolution methods.

Keywords: praetor, edict, *ius civile*, dispute resolution, classical roman law, modern law. JEL Classification: J52.

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Paper: Communication Techniques in Mediation

Author(s): Claudiu Florinel Augustin Ignat, PhD, Lecturer, Craiova Law Faculty, Bucharest “Spiru  
Haret” University, Romania

This paper aims to develop the importance of communication in the mediation procedure as well as to focus on several communication techniques that proved their utility in time. We shall analyze for the beginning the tremendous impact that communication has in a non-contentious dispute resolution procedure, as mediation, continue with the exposure of various communication techniques, underlining those that are appropriate for this procedure, and present also, in the end, several practical cases, justifying the choice for one or more particular communication techniques.

Keywords: mediation, communication techniques, dispute resolution. JEL Classification: J52.

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**Paper:** The Peculiarities of the Consumer Decision on the Services Market  
**Author(s):** Mihaela Andreea Stroe, Lecturer, PhD, “Nicolae Titulescu” University, Bucharest, Romania

The service market has some peculiarities given that the consumer decision is made upon the consumer's information about the service. People are reasonably rational because of the interpretation of things in relation to others without the autonomy of thinking. The service market is a very important model from the perspective of specific abstraction, intangibility, and psychological phenomena such as perception, motivation, consumer attitudes, framing effects emphasize the game of individual rationality. Consumers can react uncontrollably to certain stimuli and are sometimes unable, taking into account the options available, to choose the optimal solution despite being aware of what is favourable to them. Cognitive and psychological processes play an important role in the consumer decision given cognitive dissonance, the fact that people filter information according to attitudes and beliefs, attitude to risk, informational asymmetry, emotional factors leading to consumer decision, risk aversion and, also, phenomena related to consumer behaviour on the market. The rational behaviour of the consumer is considered to be the one that offers maximum satisfaction with minimal cost at a maximum efficiency. The fact that there are many existing needs in the context of a limited resource nature makes the consumer choose to be based on the priority criterion. The opportunity cost is seen in this context as the value of the consumer's abandonment. All decisions related to spending a sum of money will be made taking into account the opportunity cost that is measured on the services market and in terms of aversion to regret in making the decision in incomplete information. The additional costs and benefits of an election should not only be measured in money, but also in terms of risk and comfort. We can refer to a psychological cost defined as the buyer's sacrifice when choosing a product variant. Every decision taken presents opportunity costs. So, we can state a relation between consumption and happiness and, although, at a first glance, it can be said that consumption is related to materialism and wealth, studies show that the relation between happiness and consumption is inversely proportional are not aware of what brings them happiness or not. (Waiss and Brown 1977). This presumption can be exemplified on the insurance market, that is a service market and all the characteristics of this peculiar market are encountered enhanced by the uncertainty offered by the insured risk. So risk behaviour, attitude to risk, culture, education, cognitive dissonance can be analysed as filters or barriers in making the consumer decision influenced, on the other hand, by the processes regarding the consumer behaviour on the insurance market such as moral hazard, informational asymmetry, adverse selection.

**Keywords:** market of services, decision, consumer, cognitive dissonance, happiness, insurance. **JEL Classification:** D18.

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**Paper:** Settlement of Legal Disputes of Constitutional Nature between Public Authorities  
**Author(s):** Cristina Teodora Pop, PhD, Assistant-Magistrate at the Constitutional Court of Romania, Associate professor at the Faculty of Philosophy, University of Bucharest, Romania

Introduced by the revision of the Constitution, in 2003, at article 146 e), the power of the Constitutional Court of Romania to settle legal disputes of constitutional nature became one of the most effective constitutional mechanisms that lead to the restoring of the legal balance between the functioning of the implied public authorities, and thus to the state of constitutionality, as a result of exercising by the Constitutional Court of its role of constitutional arbitrator and of guarantor of the supremacy of Constitution. The legal effects of the decisions issued by the Constitutional Court are stipulated in a general manner at article 147 (4) of the Constitution, that provides that they shall be generally binding and take effect only for the future, after they are published in the Official Gazette of Romania, the reason why they shall be established according to the role of this power of the Constitutional Court and to the reason wherefore it was regulated. The case-law of the Constitutional Court regarding the settlement of legal disputes of constitutional nature reveals the active role of the Court in exercising this power, as more than in the past, the solutions of the Constitutional Court finding the existence a legal conflict of constitutional nature are accompanied by legal patterns that shall be followed by the parties, in order to achieve the standards of constitutionality, which is an aspect that gave rise to substantial controversies among doctrinaires in the field of constitutional law.

**Keywords:** the powers of the Constitutional Court of Romania, the legal effects of the decisions of the Constitutional Court of Romania, public authorities of constitutional level, standards of constitutionality. **JEL Classification:** K10.

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**Paper:** The Causes of Nonverbal Communication Errors. Applications in Mediation  
**Author(s):** Mircea Aurel Niță, Associate Professor, PhD, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

The paper shows the influence of human mind due to the mental representations upon nonverbal communication. The functional preferences of mind hemispheres can influence the coding and decoding process for the emitter and receiver while the nonverbal message is moving from emitter to receiver and vice versa. Errors in communication can appear inside both minds of emitter and receiver, for example for the mind of mediator and the client. That is why a mediator must know and must be full of awareness about his peaceful mind state and the client, too. Some solutions are underline and proposed to be used before the mediation meeting starts.

**Keywords:** human mind, mental representations, coding and decoding process. **JEL Classification:** J52.

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**Paper:** Conflict Management Strategies in Mediation  
**Author(s):** Claudiu Florinel Augustin Ignat, PhD, Lecturer, Craiova Law Faculty, Bucharest “Spiru Haret” University, Romania

Conflict has been regarded for long as the core element of law, its mere *raison d’etre*, and this contentious approach of disputes being unfortunately still popular upon both laymen and law professionals. However, in alternative dispute resolution procedures in general, and in mediation in particular, conflict is regarded from a different perspective. This paper is aimed to develop the approach of mediation towards conflict, an approach focused on the fact that in front of the mediator, often the sole common ground of parties is the conflict itself. In other words, having a conflict is the sole element upon which the parties agree. From this point further, it comes to the mediator to apply the appropriate mediation techniques in order to strike a balance between the conflicting interests and to transform the initial conflict into a starting point for discussions.

**Keywords:** mediation, procedure, dispute resolution. **JEL Classification:** J52.

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**Paper:** Infringement of International Law in Ukraine since 2014  
**Author(s):** Martina Novotná, University of Alexander Dubček in Trenčín, Slovakia, Department of Political Science

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**Paper:** Operational Truth, Mind State and Crises in Management of Mediation  
**Author(s):** Angela Stela Ivan, Chief Lecturer, Dunarea de Jos University of Galati, Romania  
Mircea Aurel Niță, Associate Professor, PhD, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

The human minds of both parts, either emitter and receiver, either mediator and client operate with the Triangle of Knowledge-General, Concrete and Specific, so that one part can operate with a type of truth while the other part operate with the truth specific to the experience of this part. Starting from logical truth, going to the emotional truth and taking into account different influencing factors such as, culture, experience and age, sex, level of education, belonging to an organization, spiritual or a nonspiritual vision, etc., it is very important the relaxing state of the mind for the mediator. The paper shows how important is the holistic approach for the mediator mind especially during the process of mediation.

**Keywords:** logical truth, emotional truth, holistic approach of mediation. **JEL Classification:** J52.

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**Paper:** Transdisciplinarity and the Logic of Third Part. What Is Different in Put Us Together  
**Author(s):** Adrian Singurov, Priest

The paper deals with separation as a thinking problem and as a behavior one, too. Separation is against unity, so that using the law of Third Part it is easy to avoid separation between individuals and people. Solving conflict by peaceful means is the future of Humanity. **JEL Classification:** J52.

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# Students' Workshop

Chair: Ioana Cristina Vida, PhD, Parliamentary Adviser, The Chamber of Deputies of the Romanian Parliament, Bucharest, Romania

Co-Chair: Elena Marinică, PhD, Assistant Professor, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

## *Papers:*

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Paper: The Power of People in a Democratic State

Author(s): Georgeta Claudia Pleșa, Student, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

The popular legislative initiative is a constitutional right recognized by the extra-parliamentary opposition. In a democratic state the power of the People represents a key point in the direction of a state. Democracy is the form of organization and political leadership of a society based on the principle of the exercise of power by the people. In this paper we will present under what conditions a law can enter into force and why it is important to consult the people in matters directly affecting it. Identifying citizen's needs as well as consulting them on certain issues is an excellent mechanism for peacekeeping and operation in the best possible conditions of the entire administrative apparatus.

Keywords: people's initiative, democracy, rights and duties. JEL Classification: K10.

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Paper: Legal Documentation - Normative Acts Drafts

Author(s): George Ilie, Student, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

My article deals with a special theme in Legislative Technique or Formal Legislation. It is one of the stages preceding the drafting of the normative act, in legal documentation. I have chosen this subject as the creation of law requires a research activity based, among other things, on studying and analyzing normative and jurisprudential acts of the forums considered to be milestones in this respect. The documentation in the drafting of normative acts is imperative because it makes the correlation between the elements to be in legal norms with the European law, the Fundamental Law and the other laws, on the one hand, and on the other hand, it agrees with the needs and the social reality with the provisions of the act, thus leading to the efficiency and the stability of the act of legislation, as well as the decrease of the risk that the act will become obsolete. The structure of the article will have two main parts. The first part will include an introduction to the study of formal legislation and will address aspects of scientific documentation in general and legal documentation in particular. The second part will practically, in a comparative way, deal with the legal documentation at the level of law-making bodies and of supreme courts in Romania and the European Union.

Keywords: rule of law, elaboration procedure, documentation. JEL Classification: K10, K40.

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Paper: Approval and Endorsement of Normative Act Draft  
Author(s): Razvan Adrian Grigore, Student, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

In this article I will speak about the problem of approval and endorsements of normative acts drafts, looking forward to try answer a number of key questions, such as: Why did I choose this issue? I will try to define what is the main reason of this paper/research in what concerns the subject of approval of normative acts drafts; What issues I have reached? Issues in what concerns the study of formal legislation, instruments for approval and endorsements; What difficulties I have reached, what is the importance of the study and what I have brought new with my research. The paper will be divided in two main parts. Part one will contain two sections which will approach to introductive aspects in what concerns the study of formal legislation and the problem of normative acts approval. The second part will contain an analyze of how European normative acts are approved.

Keywords: rule of law, endorsement procedure, adoption procedure. JEL Classification: K10, K40.

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Paper: The Legal Conceptualization of European Union Law and the Role of the Council of the European Union in the Adoption of EU Law  
Author(s): Cristi-Gabriel Stoian, Bachelor Degree Student, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

In this scientific approach, we aim to identify the premises underlying the creation of European Union law, to determine the legal nature of this new right, to observe the objectives it has set itself to achieve and the future consequences for the Member States. We will firstly point out that what the concept of European Union law means is where the EU has exclusive competence and shared competence with the Member States and that the ultimate interest of these actions is to ensure economic growth and competitiveness for all states and regions of the EU. We will also stop on the role of the Council of the European Union in the context of Romania's presidency in the first six months of 2019.

Keywords: Council of the European Union, legal conceptualization, attributions, presidency of the European Union. JEL Classification: K1.

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Paper: Elements of Legislative Technique - Comparative View  
Author(s): Izabela Lupu, Master Degree Student, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

Our scientific approach is based on the pre-requisites of Formal Legistics, according to which the law is made up of the sum of the normative acts in force in a certain predetermined geographic area, influenced by its own historical, cultural, political evolutions etc. Thus, we propose to find the answer to the following questions: "What is the lawmaker's creation?", "Is there a typology of a universal lawmaker?". In order to answer the questions raised, we propose to refer to Law No. 24/2000 and to its legal counterparts in Belgium, France, Spain, Austria and Finland.

Key words: legislative system, formal legislation, normative act, Constitution. JEL Classification: K10, K19.

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Paper: Education is Guarantor of Respecting the Realization of Rights  
Author(s): Mariana Dumitru, Student, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

The full guarantee of the exercise of the right to education, in all its dimensions, occupies an important place in the legal system, from which all the other fundamental rights and freedoms through which life standards are ensured, acces to the information necessary for the development of skills and abilities to improve quality of life, the environment, and respect human dignity. Keywords: education, guarantee, fundamental rights, human dignity. JEL Classification: K10, K19.

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## Conference Chairs:

Assoc.prof. Mihaela V. Căraușan, PhD

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Assoc.prof. Mădălina Cocoșatu, PhD

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**NATIONAL UNIVERSITY OF POLITICAL STUDIES AND  
PUBLIC ADMINISTRATION**

Faculty of Public Administration

Department of Law "V.D. Zlătescu"

6<sup>th</sup> Annual International Conference  
Law and Administrative Justice from an  
Interdisciplinary Perspective  
November 21<sup>st</sup> – 23<sup>rd</sup>, 2019, Bucharest, Romania





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5<sup>th</sup> Annual International Conference  
Law and Administrative Justice from an  
Interdisciplinary Perspective  
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# BOOK OF ABSTRACTS

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National University of Political Studies and Public Administration



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# Working Groups Sessions

## WG1. The Administrative Capacity of the Judicial System

Chair: Alistar Victor T., Associate Professor, PhD, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania  
Executive Director, Transparency International, Bucharest, Romania

Co-Chair: Judit Siket, PhD, Faculty of Law and Political Sciences, University of Szeged, Hungary

### *Papers:*

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Paper: Accession to the European Union Cannot Affect the Supremacy of the Constitution over the Whole Legal Order

Author(s): Ionița Cochînțu, PhD, Assistant Magistrate, Constitutional Court of Romania

Following the accession, the provisions of the founding Treaties of the European Union, as well as other binding provisions under Community law, shall prevail over any provisions of the domestic law, while observing provisions in the accession instrument. However, in relation to the notion of "internal laws", a distinction has been made between the Constitution and the other laws. Also, the same distinction is made at the level of the Basic Law by art. 20 par. (2) the final sentence for the purpose of applying international rules as a matter of priority, unless the Constitution or domestic laws contain more favourable provisions, and Art. 11 par. (3) states that if a treaty to which Romania is to become a party contains provisions contrary to the Constitution, its ratification can only take place after the revision of the Constitution.

Keywords: international law priority, rule of law, constitutional provisions. JEL Classification: K10.

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Paper: Boosting Access to Justice as a Support to Raise Administrative Capacity of the Judicial System

Author(s): Irina Lonean, PhD, Invited Lecturer, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

Trust in the judiciary is a key element of its capacity, as there is no fair trial without both the material guarantees and the feeling of a fair trial. In this context, boosting access to justice is not only a very important human rights issue, it is also instrumental in order to ensure the needed capacity of the judicial system. Moreover, boosting access to judiciary in administrative cases, when citizens appeal administrative decisions and procedures, is key in order to strengthen the administrative capacity as well. In this context, the paper focus on the successive programmes and projects aiming to boost access to justice of the Ministry of Justice, the Superior Council of Magistracy and other actors, including civil society organisations. Different policies and initiatives to ensure access to justice are examined in order to determine the most effective approaches, based on a combination of theory based evaluation methods including the Realist Evaluation and the Prospective Evaluation Synthesis and data collected from desk based research and interviews with decision makers, civil society representatives and justice seekers. The paper concludes that only a combination of support to access the judiciary (like the public judicial assistance) and incentives to access the judiciary to discouraged citizens can work for more trust in the judiciary better judicial capacity.

Keywords: public judicial assistance, incentives to access the judiciary, trust in the judiciary. JEL classification: K38.

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**Paper:** The Administrative Justice Completely Withdrawn in Republic of Moldova  
**Author(s):** Maria Orlov, PhD, Associate Professor, "Alec Russo" State University of Bălți, Institute of Legal and Political Research of the Academy of Sciences of Moldova, President of the Association "The Institute of Administrative Sciences of the Republic of Moldova"  
Marina Grosu, Juristconsult, Project Coordinator in Public-Private Partnerships

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**Paper:** Administrative Capacity of the Judicial System. An Evaluation from the Point of View of the Judiciary Role in Fighting Corruption  
**Author(s):** Alistar Victor T., Associate Professor, PhD, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

The paper addresses the issue of the capacity of the judiciary in direct connection with the performance of the Judicial System to fulfil its role to curb corruption. The paper is based on the methodology of the National Integrity System Assessment proposed by Transparency International and proposed an evaluation of the capacity of the judiciary taking into account the legal provisions and the practical implementation of these provisions on the two main criteria on institutional capacity proposed by the National Integrity System model: resources provided and independence ensured. New provisions on the organisation of the judiciary are considered in this respect. The paper is then comparing the results of the assessment of the capacity of the Romanian judiciary with the assessment of its performance in curbing corruption in order to find a direct connection between the two: capacity and role to curb corruption. However, the paper also rises the issue of the judiciary governance, assessed based on three other criteria of the National Integrity System: transparency, accountability and integrity. These have, together with the capacity issues, the same instrumental importance to support curbing corruption by the judiciary.

**Keywords:** capacity of the judiciary, judiciary independence, resources for the judiciary, role of the judiciary, curbing corruption, performance. **JEL Classification:** D73.

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**Paper:** The General Court – The Tendency to Become a Common Jurisdiction  
**Author(s):** Irina Zlătescu, Professor, PhD, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

This study aims to prove that the General Court is becoming the ordinary court with the meaning of Article 256 TFEU for the first instance resolution of actions for annulment, actions for compensation based on non-contractual liability, actions for failure to act and for the resolution of disputes regarding arbitration clauses. Exceptions will be made when specialized courts will be established, as it was the case of the Civil Service Tribunal (2004-2014). Another exception consists for the resolution of causes, which fall according to the Statute under the competence of the Court of Justice. Nevertheless, the Statute may also provide competences of the General Court for other types of actions.

**Keywords:** first instance, actions, arbitration clauses. **JEL Classification:** K40.

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**Paper:** The Ombudsman in the European Context  
**Author(s):** Denis-Roxana Gavrilă, PhD Candidate, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

The article analyses the role of the Advocate of the People in the national and international context, starting with its appearance (OMBUDSMAN) on the historical and political stage of the northern European states, until today. It has assumed the role of supporting citizens in their problems with the administration and promotes, on its own initiative, the principles of transparency and inherent responsibility for the concept of good governance practices. Individuals have reported possible violations of the right to information, the right to petition, and the right of the person injured by a public authority. The article will present that in the local and central public administration institutions, civil servants are insecure and the managerial capacity to implement decentralized responsibilities is not strengthened. A sustained effort is necessary, noticing also that The European Commission Against Racism and Intolerance (ECRI), a body of the Council of Europe, in its Fourth Report on Romania, approved by the Council of

Europe in March 2014, recommended that the People's Advocate Institution take decisive action against public authorities when they suspect that there have been flagrant violations of human rights, especially when they are related to racial discrimination, cases presented in this paper.

Keywords: non-contentious means; mechanism for the prevention, minorities. JEL Classification: J15.

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Paper: Amendments to the Law no. 554/2004 Introduced by Law no. 212/2018

Author(s): Elena Mihaela Fodor, PhD, Associate Professor, Faculty of Law Cluj-Napoca,  
„Dimitrie Cantemir” Christian University, Romania

The paper discusses the amendments regarding the definition of the administrative act, the limitations of the control of the contentious administrative courts, the prior procedure, the object of the legal action, the competence of courts, the parties, the procedure and the enforcement of the court decision. The analysis of the amendments introduced in the Law no. 554/2004 by Law no. 212/2018 is made in corroboration with other normative acts. Generally, the legislator managed to harmonise the provisions of the Law no. 554/2004 with other normative acts and at the same time, to preserve the specific of the contentious administrative. However, litigation procedure for the administrative contracts together with the rules for contesting the first instance decision do not respond to the specificity of the administrative law.

Key words: Law no. 554/2004, contentious administrative, prior procedure, administrative act, administrative contract. JEL Classification: K39, K41.

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## WG2. Human Rights in the New Era

Chair: Zlătescu Irina, Professor, PhD, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania  
Director of the Transdisciplinary Centre of Human Rights; Titular Member of IACL and Member of the Council of ELI

Co-Chair: Saghi Florin Emeric, Vicepresident of the Romanian Association for the United Nations member of the World Federation of the United Nations Associations

### *Papers:*

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Paper: EU ETD – Towards a New Chapter in EU Citizens' Rights and a Better Administrative Cooperation

Author(s): Erzsébet Csatlós, PhD, Senior Lecturer, Faculty of Law and Political Sciences, Department of Administrative Law, University of Szeged, Hungary

The European citizenship was officially created by the Maastricht Treaty to confer rights on citizens of the Member States of the EU. Among these rights, the most challenging one was the right that enabled EU citizens to turn to any foreign representation of any Member States for consular protection in third States in case if their own State of nationality is not represented there. According to surveys, almost 7 million EU citizens travel or live outside the EU, in places where their own country does not have an embassy or consulate. Member States with well-developed and extended international relations are in a better position to serve their nationals in need, but most of the Member States are in a less favourable situations and the EU citizenship policy aimed to eliminate these differences in the point of EU citizenship rights. Given to the consular protection's strong ties to foreign relations, first, it was placed under the unanimous decision-making capacity of the Council under the CFSP regime, but the Lisbon Treaty has introduced major changes not only for the consular protection policy of the EU but on the other hand, to facilitate effective execution of EU policies in general. It lifted the right to get consular help abroad and also the right to good administration, among others, to fundamental level and placed them at the top of the norm pyramid. All these developments have indicated changes in the consular protection policy which resulted new foundation stones of the policy (Council Directive (EU) 2015/637 of 20 April 2015) and now, the reform of the issue of emergency travels document (ETD) is on the threshold as it is the most commonly claimed consular protection service. Therefore, a Council directive proposal was submitted on the last day of May of 2018 on the EU ETD. Its provisions are innovative and embody a series of opportunities for further development. On one hand, it is a pioneer among measures of facilitating the administrative cooperation while ensuring a better administration of this consular protection measure, although, on the other hand, it leaves open questions and offers a variety of choice for Member States which also increase legal challenges in the view of rights of the EU citizens.

Keywords: good administration, legal challenges, consular protection. JEL Classification: F22, K33.

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Paper: Multiple Discrimination in the Contemporary European Society

Author(s): Ruxandra Darclée Miu, Legal adviser, National Oil Transport Via Pipelines and Rail Tanks Company (CONPET SA), Ploiești, Romania

In the context of nowadays non-discrimination cannot be made through simple acts or statements. Statements as the Universal Declaration of Human Rights, or the European Convention of Human Rights have to be incorporated in every state's if not every individual's culture in order to achieve its goals.

Multiple discrimination represents any combination of forms of discrimination against persons on the grounds of sex, racial or ethnic origin, religion or belief, disability, age, sexual orientation, gender identity or other characteristics, and to discrimination suffered by those who have, or who are perceived to have, those characteristics. It can manifest itself in two ways, there is 'additive discrimination', where discrimination takes place on the basis of several grounds operating separately and second, there is 'intersectional discrimination',

where two or more grounds interact as they are inextricable. Although multiple discrimination has always existed, it has not been recognized as a legal concept until recently.

Keywords: multiple discrimination, non-discrimination, tolerance, European Union, human rights, European Agency for Fundamental Rights. JEL Classification: K38

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Paper: Aspects of Discrimination from the Perspective of the Migration Phenomenon

Author(s): Roxana Moisoiu, PhD candidate, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

Migration has existed since the beginning of mankind. The phenomenon did not cease over time, but it has seen changes and new forms with the evolution of society. Migration processes take place simultaneously and are increasing in many countries of the world. The main causes of unprecedented population movements are armed conflicts, famine, natural disasters, human rights violations and deplorable economic conditions in some states. Collective attempts to regulate refugee-specific issues and migration have so far been quite limited. The European Union has taken a step forward in this direction. The European Union now considers that an integrated and comprehensive approach is desirable in order to better manage the phenomenon of migration. The implications of contemporary regional and global migration have consequences on the social, economic, cultural, political and religious environment of the states. Migration has transformed and redefined the political and economic interests of states, but has accentuated and expanded the phenomenon of discrimination, violating the principle of equality. Accepting multiculturalism of different religions as well as social diversity is the key to combating discrimination and respecting the right of every person to equal opportunities. Equal opportunities are based on ensuring the full participation of each person in economic and social life, regardless of ethnic origin, sex, religion, age, disability or sexual orientation.

Keywords: migration, migrant, discrimination, equal opportunities. JEL Classification: J15.

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Paper: The Right to Health Care, a Fundamental Human Right

Author(s): Remus Marian, PhD candidate, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

The right to health protection is part of the human rights and freedoms, which the state, as a result of their recognition, is called upon to respect, guarantee and protect them. The existence and life of man being inextricably linked to society, these desiderata are always topics of study and debate. A common approach to ensuring the maintenance of the health of the population and a higher level of prevention in the national health system is revealed by the cooperation between the public administration and the Church institution, aiming to ensure a better health of the Romanian population and the accentuation the role of prevention in maintaining health. Such a project is aimed at disadvantaged people in rural areas with reduced educational level and social cases

Keywords: human rights, right to health, freedom, public administration. JEL Classification: I18.

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Paper: Promotion and Protection of Human Rights in the Context of the Actual and Future Local Fiscal System

Author(s): Florin-Ionel Trușcă, PhD candidate, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

The protection of human rights as well as their promotion have been and are still a challenge for each state, especially for developing countries. The multitude of normative acts regulating the local tax system in Romania, the bureaucracy reflected by the significant increase of the forms through which information is collected and the tax obligations are established, as well as the main objective of the tax bodies, respectively the collection of revenues to the local budgets, make it increasingly difficult to achieve human rights objectives. Therefore, the paper proposes the passage of the local tax system from the rudimentary state where it is to a digitized system at national level, which through its instruments and techniques can ensure the promotion and protection of human rights.

Keywords: promotion, protection, individuals, principles, rights. JEL classification: K38.

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Paper: Universal Declaration of Human Rights -  
70 Years of Promoting and Protecting Human Rights  
Author(s): Irina Zlătescu, Professor, PhD, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

Developed by law specialists coming from different regions of the world, from UN member states but with different legal systems and cultures, the Universal Declaration of Human Rights, proclaimed by the UN General Assembly on December 10 1948, is yet another a common ideal to be touched by all peoples, all nations and all individuals. Its 70th anniversary requires us to reflect on the past and to look for the future. It enables us to identify challenges and threats.

Keywords: human ideal, culture, future challenges. JEL Classification: K 33.

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Paper: Understanding of the Rights of the Data Subjects  
Author(s): Andreea Drăgan, PhD candidate, Faculty of Public Administration, National University of  
Political Studies and Public Administration

General Data Protection Regulation replaced the Data Protection Directive that has been in place since 1995. This regulation gives power back to the people as European Union considers privacy as human right. The whole Chapter 3 of the GDPR treats the subject of rights of the data subject, as with the new modified Regulation, the number of rights for data subject has increased considerably and the old ones have been consolidated. Now we can speak of the right to information, right to access, right to rectification, right to withdraw consent, to object, to object to automated processing, to be forgotten and data portability, just to mention a few. But how do these rights help to protect European citizens' personal data? For example, once an EU citizen has given his consent for processing his personal data for a purpose, he has the right to withdraw his consent through a request which implies that the company that processed his personal data to stop. The new GDPR provides many rights for data subjects, in order to protect their private life. But as important it is to know for each individual to know their national legislation because "*Ignorantia legis neminem excusat*" or "*nemo censetur ignorare legem*" which means "ignorance of law excuses no one" or "nobody is thought to be ignorant of the law", is as important to be aware of the European regulations especially when it works in citizens favour.

Keywords: privacy, GDPR, European regulations. JEL Classification: C89.

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Paper: Bussiness and Human Rights  
Author(s): Petru Emanuel Zlătescu, PhD candidate, "Nicolae Titulescu" University, Bucharest,  
Romania Member of European Law Institute

The respect of human rights in the economic sector has become the regulatory object of many international and national standards over the past two decades. The impact of multinational corporations on the environment, and human rights in particular, is one of the most important topics on the international's community human rights agenda. The debate on this topic includes next to the benefits associated with, such as the development of infrastructure and job creation also its negative impacts on human rights. Since the human rights in question usually do not have a direct effect and multinational companies are therefore not considered as fundamental rights addressees, it is primary the duty of the state to protect these rights indirectly, by adopting legal norms and standards. The binding nature of these standards varies and includes both legally enforceable rights and obligations as well as standards with programmatic content and soft-law provisions. In general, these norms address three main aspects of the protection of human rights from the negative effects of the economy and globalization. First, the very first guarantee in this field is the state's duty to protect human rights against private threats. Secondly, a special responsibility should be imposed to the business enterprises, which obliges them to respect human rights. Thirdly, access to remedies should be granted in the event that an infringement has already occurred.

Keywords: standards, globalization, responsibility of business enterprises. JEL Classification: K39.

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**Paper:** Religion and Christian Family - their Role in Promoting and Keeping Human Dignity  
**Author(s):** Rareș Bogdan Ruge, PhD Candidate, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

Religion is the free and conscious connection of man with God, and the family - a school of love and cradle of life. Religion has always played an important role in the formation of moral and social skills and attitudes. The Christian family is the very cradle of Christian faith and formation, a true school of life. The family is considered the cell of society, which is why the state has the responsibility to defend and protect this fundamental institution. Before being full rights citizens, each person needs to live in a healthy environment that will allow them to develop as fully and harmoniously as possible. The Christian family is a holy temple in which the fullness of Christian virtues is stored. It is the cell from which human society was founded and on which human society is based, but also the church community, widening the boundaries of the kingdom of God. The family is the most important institution in the service of life. All the other institutions that have a role in supporting and promoting human life are subordinate to them, both in terms of their origin, especially in their role and purpose. Today the family and all social structures are affected by secularization. The diminishing of the Church's role in everyday life and the decrease in trust in God result in the degradation of relations between people, the failure to observe moral principles, the increase of crime, corruption, etc. Dignity shows value, honour, moral merit, degree of appreciation as the rank achieved by a person in society. In Christian doctrine, human dignity is a divine gift that, regardless of the circumstances in which the individual lives, takes as an example the image of God. In society, in terms of dignity, the autonomy and freedom of thought and the behaviour of an individual are also understood.

**Keywords:** religion, the Christian family; dignity; human rights. **JEL Classification:** K36, K38.

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**Paper:** The Rights to Education, a Strategic Priority of the 70<sup>th</sup> Anniversary of the Universal Declaration of Human Rights  
**Author(s):** Roxana Elena Vișan, PhD candidate, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania,  
Member of the European Law Institute

This article aims to be an incurs on the evolution and affirmation of the right to education in the human rights system, in order to offer suggestions on collective hope of transforming the world and providing a better future for future generations. Such a manifestation is achievable by a political will, the creator of an equalitarian model, to redistribute utopian visions of human freedoms. Considered as a unique window to the fundamental problems of human dignity at the societal level, the Universal Declaration of Human Rights affirmed over the seventy years the legitimacy of human rights in the face of global challenges and ensured the diversity of universal thinking. Considered one of the fundamental human rights, yesterday's education, today and tomorrow, is the main pillar in finding answers to global issues. Now is the time to take stock of progress and to identify strategic priority areas for the effective implementation of Agenda 2030 on Global Education.

**Keywords:** the right to education, strategic priority, global education, Agenda 2030. **JEL Classification:** I29.

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### WG3. Citizenship and Immigration in Europe

Chair: Mădălina Cocoşatu, Associate Professor, PhD, Director of the Department of Law "V.D. Zlătescu", Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

Co-Chair: Orlov Maria, PhD, Associate Professor, "Alecu Russo" State University of Bălţi, Institute of Legal and Political Research of the Academy of Sciences of Moldova, President of the Association "The Institute of Administrative Sciences of the Republic of Moldova"

#### *Papers:*

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Paper: Integration Policies for Legally Resident Third Country Nationals in View of New and Future Challenges and Ensuring Relevant Policies

Author(s): Elena Loredana Pirvu, Lecturer PhD, Police Academy "Al. I. Cuza", Faculty of Juridical and Administrative Sciences, Bucharest, Romania

Over the past decades, most EU Member States have experienced increasing migration. Migrants from third countries represent around four percent of the total EU population. Europe is also strongly influenced by demographic changes, including the ageing population, longer life expectancies and a declining working-age population. Member States have confirmed their commitment to further developing the core idea of integration as a driver for economic development and social cohesion, in order to better enhance migrants' contribution to economic growth and cultural richness. With the recent EU Action Plan on Integration, the Commission sets out policy priorities and tools for concrete actions to be undertaken at EU level in support of the action on integration taken at Member States' level, with a view to further develop and strengthen integration policies across the EU. The article will present the social, economic and political context recently changed and all integration measures underlined within EU Action Plan on Integration and will research about future challenges and relevant policies in need to be drafted and implemented on EU level.

Keywords: integration, refugee, policy, action plan, third country nationals. JEL Classification: K37.

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Paper: Immigration in Democratic States

Author(s): Ionut Cosoi, PhD Candidate, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

One problem that should concern political analysts is the inclusion of individuals who migrate from totalitarian countries to harmless, democratic countries. One cannot fail to see the strangeness of these foreign elements in the democratic contest of a free country. My objective is even to identify / detect in a democratic state the deceptive behavior of the democratic values of immigrants from the closed / totalitarian states. Informational flow takes place regardless of the individual's will in society and influences him even if he has not lived this experience. In democracy, information is the engine that ensures its endurance. The research method I use is that of participatory observation on small merchants coming from China. The result of the research has pushed me to conclude that this kind of immigrants - from a totalitarian country - must go through a process of awareness of democratic values because their idea of democracy is different from its real principles. Of course, by this process, only mature individuals, not minors, must pass, in my view they do not pose any danger. School is here a very important institution in learning real / real democratic values. The need to adapt people from totalitarian states and migrating to democratic states is real. A significant weight that can help in this respect is given by sources of information, the only valid / necessary aspect for corroborating "undemocratic" behaviour as the willingness to know the immigrant. For individuals living in a democratic state besides their legitimate responsibilities, they are also those of identifying and helping newcomers from other totalitarian states, helping themselves. In other words, society regulates itself by transmitting information from one individual to another - no matter which party they are.

Keywords: democratic values, participatory observation, inclusion. JEL Classification: K33.

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Paper: Immigrants Statuses in Europe: Citizenship, Residence Permit and Stay Permit  
Author(s): Lucia-Ştefania Avram, PhD Candidate, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

The author of this articles analyses the main legal norms applicable for the citizenship, residence permits and stay permits regarding the immigrants in Europe. The author will make a comparison between the main regional and national norm to understand the differences and the most favourable and the hardest regulation. The method used is the analyse of the legislation and informal interviews of different subjects from different countries.

Keywords: immigration, legislation, citizenship, residence permit. JEL Classification: K37.

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Paper: A New European Policy on Legal Migration - Enhancing Legal Pathways to Europe  
Author(s): Eleodor Pirvu, General Inspectorate for Immigration, Asylum and Integration Directorate,  
Deputy Director

Establishing safe and legal pathways of admission to complement resettlement programmes is therefore an essential step towards securing a meaningful response to the current unprecedented global displacement situation. The need to provide increased and complementary pathways for refugee admission is reflected in the New York Declaration for Refugees and Migrants, which was adopted by all 193 Member States of the United Nations at the UN General Assembly in September 2016. Countries, including the Member States of the European Union, expressed their intention to “expand the number and range of legal pathways available for refugees to be admitted to or resettled in third countries.” The article will present the implications of the EU-Commission’s proposal for seeking protection in the EU and will research about resettlement as a protective tool and durable solution for refugees. Answers to the actual position of the EU governments towards new policy proposal and what is the future for admission programmes to EU will be analysed.

Keywords: asylum, refugee, protection, legal admission, resettlement. JEL Classification: K37.

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Paper: Public Administration and Integration of Immigrants  
Author(s): Alexandra Bucur, PhD candidate, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania,  
Member of the European Law Institute

The study presents aspects related to managing the phenomenon of immigration, which is an important activity of the states, including Romania. Thus, public administration is an important actor in coordinating immigration policies. With a growing number of asylum applications, the response of state authorities must also be based on promoting the integration of immigrants into society. At the same time, immigration becomes an administrative process and its answers are necessary and important.

Keywords: public administration, immigration, integration. JEL Classification: F22.

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Paper: Accessing Cohesion Funds Granted by the European Union to Extra-community  
Immigrants. Application and Conditioning  
Author(s): Mădălina Cocoşatu, PhD, Associate Professor, PhD, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

EU humanitarian aid supports refugees and migrants from countries such as Iraq, Jordan, Lebanon and Turkey. Between 2015 and 2017, a total of €17.7 billion was earmarked from the EU budget to cope with the migration crisis. This paper aims to analyze EU funding for immigrants and transit countries in order to combat illegal immigration and trafficking in human beings. Also, this paper will analyze the procedure and conditionality that will be put to the European states in order to be able to receive funds for the integration of immigrants.

Keywords: aid support, migration crisis, integration of immigrants. JEL Classification: J15.

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Paper: Political and Diplomatic Asylum

Author(s): Andrei Bogdan Cipere, PhD candidate, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

One of the novelties of this paper is the fact that the topic is very topical due to the numerous crises that have occurred over the last years in almost all the world's continents, situations that have generated large waves of refugees that have created extreme problems the great governors and all those in charge of managing such crises, demonstrating the need to address the institutions of political asylum and extradition with more interest and depth. The way in which the work will be conceived, provides for the treatment of diplomatic relations between states, the immunities accorded to diplomatic staff in various legal systems and the institutions of asylum and extradition, starting from a historical and legal appreciation of their evolution, going up to to analyse the level at which they have reached today, and how the institutions that manage to manage them work. At the same time, a large part of the legal components of the diplomatic institution, the asylum at the European level and in the Romanian system, and refugee status will be highlighted and analysed by the approach to be accomplished, aiming to eliminate the large number of mistakes or misinterpretations . It will start from a clear delimitation of concepts and will go up to the most complex elements of structure and the mechanisms that ensure their operation, both theoretically and procedurally.

Keywords: immunities, refugee status, administrative mechanisms. JEL Classification: F22.

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Paper: The Role of Immigrants When Striving for a Resilient Labour Market in Romania

Author(s): Teodora Ioana Bițoiu, PhD, Senior Lecturer, Director of the Department of Economics and Public Policy, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

Crina Ramona Rădulescu, PhD, Senior Lecturer, Deputy Dean, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

Labour, one of the main production factors, remains a sensitive factor that implies both identifying education and continuous training opportunities and smart resource allocation, so to avoid a market failure. The labour market resilience, especially after the Great Recession, is more and more influenced by the labour market changes induced by the structural policies and, moreover, the legal framework dealing with migration issues.

The current research aims at analysing the connection between the legal provisions (national and European laws) and the specific aim of creating a resilient labour market, namely referring to the impact these provisions could have upon the output and employment recovery to keep the inequality low (Stiglitz, 2015), long-run evolution of the wage distribution (Piketty, 2014) and labour productivity (OECD, ECO/WKP(2017)38). The topic of the economic integration of migrants is not one treated only on a central level (through policies and specific legislation), but also one priority of the local public administration through their involvement in European projects dealing with immigrants and their access to rights (e.g. DELI – Diversity in the Economy and Local Integration, of which Bucharest municipality was part of). All in all, the paper argues that resilience can be promoted through labour reform that allows employers to bring in non-EU migrants at all skill levels with minimal restrictions (MPI, 2014).

Keywords: labour market regulation, migration, resilience. JEL Classification: F22.

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Paper: Brexit: a Member State Withdrawal from the European Union and the EU Citizenship Issue

Author(s): Elena Marinică, PhD, Assistant Professor, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

This article examines how the voluntary withdrawal of the United Kingdom of Great Britain and Northern Ireland from the EU impacts the guarantee of the rights of EU citizens already living in the UK and the rights of British citizens living in other EU Member States, that must be secured in the context in which the loss of European citizenship is inherent to British citizens (accompanied by the loss of political rights, the right to vote, the right to stand as a candidate, etc.), followed by the loss of other rights after the end of the transitional period such as freedom of movement, recognition of professional qualifications, family reunification, etc. Some of the main ongoing initiatives and actions (e.g. the UK-EU withdrawal agreement) on citizens' rights are being analysed to see if all these measures are a qualitative leap towards a controlled, step-by-step exit to protect the rights and stability of the citizens affected by Brexit, or, on the contrary, they are small steps that demonstrate that this issue is far from complete, confronting a legal uncertainty that could cause losses and disadvantages likely to prove extremely dangerous to citizens.

Keywords: citizens' rights, legal uncertainty, voluntary withdrawal's effects. FEL Classification: K30.

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Paper: EU Institutions for Protecting the Vulnerable Groups in the European Space

Author(s): Ionuț Bogdan Berceanu, Assistant Professor, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

The paper is part of the Erasmus + Jean Monnet Project EU – Diversity, Citizenship and Solidarity under Migration Pressure. From learning to e-learning , which has as one of the main objectives to promote excellence and innovation in teaching and research in EU studies, in particular in Migration Law and Economics. The aim of the paper is to realize a research regarding the institutional framework of the European Union used for protecting the vulnerable groups and individuals in the EU. The analysis will start for the definitions of the vulnerable groups and the identification of the European regulations which are contributing to the protection of these groups. There will be also analyzed how through its measures the EU institutions such as the European Parliament and the European Commission are contributing to the realize the an added value in the European space, by creating the premises of an unitary protection of the persons which are vulnerable.

Keywords: diversity, regulations, added value, Erasmus+. JEL Classification: K37.

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## WG4. New Tendencies in Public Administration Development

Chair: Cărauşan V.Mihaela, Associate Professor, PhD,  
Deputy Dean, Faculty of Public Administration, National University of Political Studies  
and Public Administration, Bucharest, Romania  
Executive Director, Association Centre of Academic Excellence, Bucharest, Romania

Co-Chair: Erzsébet Csatlós, PhD, Senior Lecturer, Faculty of Law and Political Sciences, Department  
of Administrative Law, University of Szeged, Hungary

### *Papers:*

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Paper: New Tendencies in Public Administration Development – Rising Era of One Stop Shop  
Delivery Models in Developing Countries

Author(s): Hakim Alasgar, PhD candidate of Doctoral School of Public Administration Sciences,  
National University of Public Service, Budapest, Hungary

Current tendencies in public administration development indicates, further development of state administration and local government reforms is connected with the use of decentralization and decentralization of public administration, separation of strategy from the provision of services, diminishing the gap between democracy and efficiency, enhancing the citizens participation and mutual trust of citizens in government and vice versa, creation of “business oriented” governments, principle of simplifications, improving the quality of public service improving the political and administrative culture and integration of various institutions, reforms and activities in the context of public administration development. As a model of public service delivery, OSS have been in vogue for many decades now. One-stop shops have currently emerged as more powerful actors than ever before in the developing countries. OSS operate towards the simple goal of making public services available under a single roof. OSS come in various designs, institutional arrangements and financing models, and provide different baskets of services in different contexts. While some provide the services of a single level of government (national/provincial/local), others provide services of more than one level. This paper looks at some of these definitional issues and maps some of the recorded examples. The proposed paper, will discuss how new tendencies in public administration leads to rising era of OSS models in the developing countries by relying on an extensive survey of literature, including policy documents, project information sheets of donors, government websites, media stories, academic articles, third-party evaluation reports and case studies recorded by non-governmental organisations among others.

Keywords: One-stop-shop, public service delivery, public administration, governance, customer, citizen, government, data, management, reform. JEL Classification: H83.

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Paper: Elements of Formal Legistics - Prerequisites for the Creation of European Union Law

Author(s): Ioana Cristina Vida, PhD, Parliamentary Adviser,  
The Chamber of Deputies of the Romanian Parliament

The paper aims to pass European Union law through the Formal Legistics filter. The scientific approach aims to show that the "builders" of European Union law were inspired by the elaboration of national normative acts. Thus, in the drafting of legislative acts of the European Union we meet with notions and syntagms that claim to ensure the quality of drafting, i.e. intelligible and unitary drafting, observance of the uniform principles of presentation and legislative technique, clear and simple texts, etc.

Keywords: formal legistics, legislative technique, European Union law, legal conceptualization. JEL Classification: K19.

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Paper: Local Governments in the System of Separation of Powers. The Executive Function  
Author(s): Judit Siket, PhD, Faculty of Law and Political Sciences,  
University of Szeged, Hungary

The paper is focused on the principle of separation of powers, especially examined the role of local self-governments in the system of division of powers. It gives a brief description on the dogmatic approach of the principle of powers based on the concept of Montesquieu, and Benjamin Constant who emphasised the significance of local power. The study demonstrates the effectiveness of principle of separation of powers and the constitutional status of local self-governments in the Hungarian Fundamental Law. According to the Fundamental Law, the essence of local governments is to manage public affairs and to exercise public authority this is the reason why local governments exist. The leading conception has changed, rejected the collective fundamental rights approach. A separate section aims to describe the executive power of local self-governments, in particular the functionality of local self-governments. A comparative part illustrates changes of local task-system after the adoption of New Local-Government Act in 2011, including both municipal and county level responsibilities, the strong centralization process in the field of local governance. In conclusion, local self-governments' role significantly decreased in the field of providing public services and in exercising of local public powers, functionality of local self-governments was substantially narrowed.

Keywords: separation of power, local self-governments, centralization. JEL Classification: K23.

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Paper: Justinian's Legal Reform – the Avatars of a Political *Credo*  
Author(s): Ionela Cuciureanu, Bucharest Bar, PhD candidate, University „Babes Bolyai” Cluj  
Napoca, Faculty of Law, Cluj, Romania

The paper aims to present the reasons that laid behind emperor Justinian's legal reform (the last Latin speaking emperor of the Roman Empire), as well as its effects on the roman society as a whole. The legal reform will therefore be regarded in the larger social and political context of the time and analyzed in relation to the crisis that was already eroding the Roman Empire, but also from the perspective of the modern lawyer, seeking elements of actuality that could be transplanted into the contemporary world. All things considered, it can be stated that the legal reform represents one of Justinian's key achievements, one of the works that, being meant to refresh through law the social dimension of life, crucially influenced the evolution of the humanity and remained an example of codification that could be revisited and used as models even in the globalization era.

Keywords: Legal reform, Roman law, social reform, modern law. JEL Classification: K39.

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Paper: Reasonable Formalism as Dimension of Administrative Discipline  
Author(s): Emil Bălan, Professor, PhD, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

The substantial need for simplification of administrative law, as the body of principles and rules governing the implementation of policies by executive power is now obvious.

Simplification can be achieved by rationalisation and improvement of administrative procedure as a dimension of administrative discipline and guaranteeing the fundamental human rights and exercise of public authority.

Keywords: administrative law; simplification; rationalisation; administrative procedure; administrative discipline.  
JEL Classification: K23.

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**Paper:** Perspectives for Developing the Civil Services in Romania. Vision on the New Development Strategy  
**Author(s):** Paula Ghitescu, PhD candidate, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

Romania will provide professional civil servants, politically neutral, capable in acting in terms of stability, transparency and predictability, responsible for their results and able to develop and implement effective public policies that will support sustainable development in Romania. To implement the new strategy we will consider the following principles: the legality and the respect for the rule of law, transparency, openness and participation, efficiency and effectiveness, proportionality, consistency and accountability, promoting gender equality and non-discrimination, accessibility, flexibility.

**Keywords:** civil service principles, political neutrality, effective public policies. **JE Classification:** J24.

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**Paper:** Report on the Diagnostic Survey of the Network for Integrity for 2017  
**Author(s):** Daniela Mitutoiu, PhD candidate, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

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**Paper:** Constitutional Perspective of EU Member States on Legal Certainty  
**Author(s):** Elena Constantin, PhD candidate, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

The principle of legal certainty is the essence of the rule of law, which means that it must mirror directly or indirectly the Constitution of each Member State of the European Union. The analysis of constitutional provisions on legal certainty also makes it possible to assess the quality of regulation at the level of each state under discussion. The subject is particularly interesting in the context of the quantitative increase in legislation generated by the evolution and complexity of the relationships between individuals.

**Keywords:** legislative abundance, rule of law, quality of regulations. **JEL Classification:** K10.

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**Paper:** In Search of Time for Speeding up the Public Procurement Dispute Resolutions  
**Author(s):** Mihaela Victorița Căraușan, Associate Professor, PhD, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania; Member of European Law Institute

Arbitration was established by the Government Decision no. 1/2018 as one of the dispute resolutions method which must be used for work contracts over 5 million Euro financed by public funds. Even the rule was criticised, we appreciate, in a certain measure, the clauses for better adjudication of disputes among the contracting parties. Dispute resolution methods are currently commonly used in the construction industry, among them only arbitration and litigation are statutory controlled, all the others are private. This paper attempts to address these alternative mechanisms focusing more on the duration of the processes and on the Government success in decreasing the number of lawsuits. By focusing on the critical attributes of alternative dispute resolution methods we will try to find out if they can really be kept as simple, inexpensive and effective.

**Keywords:** administrative contract, celerity of dispute procedures, public system effectiveness. **JEL Classification:** H57.

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Paper: Confidentiality Clause vs Data Protection in Work Relationships  
Author(s): Radu Răzvan Popescu, Associate Professor, PhD, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

Throughout the duration of the individual employment contract, both the employee and the employer enter in possession of data and information of a private nature, pertaining to the partner in the employment relationship. This type of information with confidential character is basically divided, from the point of view of the legal nature, in three categories: confidential data, based on the fidelity obligation, data and information not disclosed due to the existence of a confidentiality clause, and the data and information which, according to the special law, are catalogued as being work or state secret. At the same time, the employer is held by the obligation to preserve the confidentiality of the personal data and information it learns about its employees. The duration of these periods when the parties must preserve confidentiality is another issue that raised disputes, both in the specialty literature and in the practice of the courts of law.

Keywords: confidentiality clause, damages, work secret, fidelity obligation. JEL Classification: K31.

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Paper: The Global Pact for the Environment – A New Framework for Global Environmental Governance

Author(s): Andrei Duțu-Buzura, Associate Professor, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

Appearing at first over thirty years ago, having an original evolution regarding its contents – explaining the meaning and increasing the international awareness on environmental issues – the idea of a Global Pact for the Environment has been broadly accepted by the legal community and has become an obvious necessity for each and every country. Assumed and promoted by France in a legal and diplomatic initiative, the project can soon be materialized as an internationally representative document, of global reach, in the field of environmental protection. Obviously, as an instrument for codification of existing law, its creative part will be minimal, which implies a continuation and intensification of the efforts to develop the regulations regarding the global sectors – biodiversity, air pollution, waste etc. – and, thus, the creation of a global mechanism of actualization and permanent update of the normative contents of the treatise. Finally, the elaboration, the adoption, and the perspectives of an international text of global impact would favour other innovating initiatives, such as new dimensions of international law and governance, both generally, and concerning the specific aspects of environmental protection.

Keywords: environment, international law, global governance, climate change. JEL Classification: K33.

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## WG6. Peaceful Settlement of Conflicts and Management

Chair: Niță Mircea Aurel, Associate Professor, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

Co-Chair: Cristina Teodora Pop, PhD, Assistant-Magistrate at the Constitutional Court of Romania,  
Associate professor at the Faculty of Philosophy, University of Bucharest, Romania

### *Papers:*

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Paper: Culture of Peace and Mediation in 21<sup>st</sup> Century Education

Author(s): Nadjat Karabernou Paduret, President CCIR-A

Starting from the UNESCO definition of Peace Culture in Article 1 of the Peace Culture Declaration, we can identify seven values that can be passed on to educated peoples culture. It is about Non Violence, Tolerance, Solidarity, Democracy, respect for human rights, respect for the law, and environmental protection. Education for peace culture emerged as a consequence of these seven types of education. They are found in many educational programs but well-regarded as different fields and autonomous subjects. In a culture of peace education, a holistic and global approach is needed.

Keywords: values, respect for the law, education, holistic approach. JEL Classification: J52.

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Paper: Revisiting the Ancients - a Modern Perspective on Administrative Dispute Resolution  
Methods in Roman Classical Law

Author(s): Ionela Cuciureanu, Bucharest Bar, PhD candidate, University „Babes Bolyai” Cluj  
Napoca, Faculty of Law, Cluj, Romania

The paper analyses an essential question: How would have looked the roman juridical belief and how would have evolved the modern law systems without the institution of the praetor and his innovations, particularly the administrative dispute resolution procedures? The evolution of social relations, the development of trade, of contracts, of the juridical status of the person, would have been stopped in their embryonic phases, because the patterns inside which they should have fit were far too tight, if the praetor would not have found appropriate means to manage dispute resolution in a non-contentious manner, without arriving in front of the judge. The praetor's activity represented the continuous adaptation of the law at the needs of the society – *adaequatio intellectus et rei-managing*, in the same time, to anticipate some steps forward that society was due to make in the future. The paper will also have in view a practical case study on how the judicial system could be significantly relieved in the event of a modern application of the praetorian dispute resolution methods.

Keywords: praetor, edict, *ius civile*, dispute resolution, classical roman law, modern law. JEL Classification: J52.

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Paper: Communication Techniques in Mediation

Author(s): Claudiu Florinel Augustin Ignat, PhD, Lecturer, Craiova Law Faculty, Bucharest “Spiru  
Haret” University, Romania

This paper aims to develop the importance of communication in the mediation procedure as well as to focus on several communication techniques that proved their utility in time. We shall analyze for the beginning the tremendous impact that communication has in a non-contentious dispute resolution procedure, as mediation, continue with the exposure of various communication techniques, underlining those that are appropriate for this procedure, and present also, in the end, several practical cases, justifying the choice for one or more particular communication techniques.

Keywords: mediation, communication techniques, dispute resolution. JEL Classification: J52.

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**Paper:** The Peculiarities of the Consumer Decision on the Services Market  
**Author(s):** Mihaela Andreea Stroe, Lecturer, PhD, “Nicolae Titulescu” University, Bucharest, Romania

The service market has some peculiarities given that the consumer decision is made upon the consumer's information about the service. People are reasonably rational because of the interpretation of things in relation to others without the autonomy of thinking. The service market is a very important model from the perspective of specific abstraction, intangibility, and psychological phenomena such as perception, motivation, consumer attitudes, framing effects emphasize the game of individual rationality. Consumers can react uncontrollably to certain stimuli and are sometimes unable, taking into account the options available, to choose the optimal solution despite being aware of what is favourable to them. Cognitive and psychological processes play an important role in the consumer decision given cognitive dissonance, the fact that people filter information according to attitudes and beliefs, attitude to risk, informational asymmetry, emotional factors leading to consumer decision, risk aversion and, also, phenomena related to consumer behaviour on the market. The rational behaviour of the consumer is considered to be the one that offers maximum satisfaction with minimal cost at a maximum efficiency. The fact that there are many existing needs in the context of a limited resource nature makes the consumer choose to be based on the priority criterion. The opportunity cost is seen in this context as the value of the consumer's abandonment. All decisions related to spending a sum of money will be made taking into account the opportunity cost that is measured on the services market and in terms of aversion to regret in making the decision in incomplete information. The additional costs and benefits of an election should not only be measured in money, but also in terms of risk and comfort. We can refer to a psychological cost defined as the buyer's sacrifice when choosing a product variant. Every decision taken presents opportunity costs. So, we can state a relation between consumption and happiness and, although, at a first glance, it can be said that consumption is related to materialism and wealth, studies show that the relation between happiness and consumption is inversely proportional are not aware of what brings them happiness or not. (Waiss and Brown 1977). This presumption can be exemplified on the insurance market, that is a service market and all the characteristics of this peculiar market are encountered enhanced by the uncertainty offered by the insured risk. So risk behaviour, attitude to risk, culture, education, cognitive dissonance can be analysed as filters or barriers in making the consumer decision influenced, on the other hand, by the processes regarding the consumer behaviour on the insurance market such as moral hazard, informational asymmetry, adverse selection.

**Keywords:** market of services, decision, consumer, cognitive dissonance, happiness, insurance. **JEL Classification:** D18.

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**Paper:** Settlement of Legal Disputes of Constitutional Nature between Public Authorities  
**Author(s):** Cristina Teodora Pop, PhD, Assistant-Magistrate at the Constitutional Court of Romania, Associate professor at the Faculty of Philosophy, University of Bucharest, Romania

Introduced by the revision of the Constitution, in 2003, at article 146 e), the power of the Constitutional Court of Romania to settle legal disputes of constitutional nature became one of the most effective constitutional mechanisms that lead to the restoring of the legal balance between the functioning of the implied public authorities, and thus to the state of constitutionality, as a result of exercising by the Constitutional Court of its role of constitutional arbitrator and of guarantor of the supremacy of Constitution. The legal effects of the decisions issued by the Constitutional Court are stipulated in a general manner at article 147 (4) of the Constitution, that provides that they shall be generally binding and take effect only for the future, after they are published in the Official Gazette of Romania, the reason why they shall be established according to the role of this power of the Constitutional Court and to the reason wherefore it was regulated. The case-law of the Constitutional Court regarding the settlement of legal disputes of constitutional nature reveals the active role of the Court in exercising this power, as more than in the past, the solutions of the Constitutional Court finding the existence a legal conflict of constitutional nature are accompanied by legal patterns that shall be followed by the parties, in order to achieve the standards of constitutionally, which is an aspect that gave rise to substantial controversies among doctrinaires in the field of constitutional law.

**Keywords:** the powers of the Constitutional Court of Romania, the legal effects of the decisions of the Constitutional Court of Romania, public authorities of constitutional level, standards of constitutionality. **JEL Classification:** K10.

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**Paper:** The Causes of Nonverbal Communication Errors. Applications in Mediation  
**Author(s):** Mircea Aurel Niță, Associate Professor, PhD, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

The paper shows the influence of human mind due to the mental representations upon nonverbal communication. The functional preferences of mind hemispheres can influence the coding and decoding process for the emitter and receiver while the nonverbal message is moving from emitter to receiver and vice versa. Errors in communication can appear inside both minds of emitter and receiver, for example for the mind of mediator and the client. That is why a mediator must know and must be full of awareness about his peaceful mind state and the client, too. Some solutions are underline and proposed to be used before the mediation meeting starts.

**Keywords:** human mind, mental representations, coding and decoding process. **JEL Classification:** J52.

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**Paper:** Conflict Management Strategies in Mediation  
**Author(s):** Claudiu Florinel Augustin Ignat, PhD, Lecturer, Craiova Law Faculty, Bucharest “Spiru Haret” University, Romania

Conflict has been regarded for long as the core element of law, its mere *raison d’etre*, and this contentious approach of disputes being unfortunately still popular upon both laymen and law professionals. However, in alternative dispute resolution procedures in general, and in mediation in particular, conflict is regarded from a different perspective. This paper is aimed to develop the approach of mediation towards conflict, an approach focused on the fact that in front of the mediator, often the sole common ground of parties is the conflict itself. In other words, having a conflict is the sole element upon which the parties agree. From this point further, it comes to the mediator to apply the appropriate mediation techniques in order to strike a balance between the conflicting interests and to transform the initial conflict into a starting point for discussions.

**Keywords:** mediation, procedure, dispute resolution. **JEL Classification:** J52.

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**Paper:** Infringement of International Law in Ukraine since 2014  
**Author(s):** Martina Novotná, University of Alexander Dubček in Trenčín, Slovakia, Department of Political Science

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**Paper:** Operational Truth, Mind State and Crises in Management of Mediation  
**Author(s):** Angela Stela Ivan, Chief Lecturer, Dunarea de Jos University of Galati, Romania  
Mircea Aurel Niță, Associate Professor, PhD, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

The human minds of both parts, either emitter and receiver, either mediator and client operate with the Triangle of Knowledge-General, Concrete and Specific, so that one part can operate with a type of truth while the other part operate with the truth specific to the experience of this part. Starting from logical truth, going to the emotional truth and taking into account different influencing factors such as, culture, experience and age, sex, level of education, belonging to an organization, spiritual or a nonspiritual vision, etc., it is very important the relaxing state of the mind for the mediator. The paper shows how important is the holistic approach for the mediator mind especially during the process of mediation.

**Keywords:** logical truth, emotional truth, holistic approach of mediation. **JEL Classification:** J52.

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**Paper:** Transdisciplinarity and the Logic of Third Part. What Is Different in Put Us Together  
**Author(s):** Adrian Singurov, Priest

The paper deals with separation as a thinking problem and as a behavior one, too. Separation is against unity, so that using the law of Third Part it is easy to avoid separation between individuals and people. Solving conflict by peaceful means is the future of Humanity. **JEL Classification:** J52.

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# Students' Workshop

Chair: Ioana Cristina Vida, PhD, Parliamentary Adviser, The Chamber of Deputies of the Romanian Parliament, Bucharest, Romania

Co-Chair: Elena Marinică, PhD, Assistant Professor, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

## *Papers:*

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Paper: The Power of People in a Democratic State

Author(s): Georgeta Claudia Pleșa, Student, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

The popular legislative initiative is a constitutional right recognized by the extra-parliamentary opposition. In a democratic state the power of the People represents a key point in the direction of a state. Democracy is the form of organization and political leadership of a society based on the principle of the exercise of power by the people. In this paper we will present under what conditions a law can enter into force and why it is important to consult the people in matters directly affecting it. Identifying citizen's needs as well as consulting them on certain issues is an excellent mechanism for peacekeeping and operation in the best possible conditions of the entire administrative apparatus.

Keywords: people's initiative, democracy, rights and duties. JEL Classification: K10.

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Paper: Legal Documentation - Normative Acts Drafts

Author(s): George Ilie, Student, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

My article deals with a special theme in Legislative Technique or Formal Legislation. It is one of the stages preceding the drafting of the normative act, in legal documentation. I have chosen this subject as the creation of law requires a research activity based, among other things, on studying and analyzing normative and jurisprudential acts of the forums considered to be milestones in this respect. The documentation in the drafting of normative acts is imperative because it makes the correlation between the elements to be in legal norms with the European law, the Fundamental Law and the other laws, on the one hand, and on the other hand, it agrees with the needs and the social reality with the provisions of the act, thus leading to the efficiency and the stability of the act of legislation, as well as the decrease of the risk that the act will become obsolete. The structure of the article will have two main parts. The first part will include an introduction to the study of formal legislation and will address aspects of scientific documentation in general and legal documentation in particular. The second part will practically, in a comparative way, deal with the legal documentation at the level of law-making bodies and of supreme courts in Romania and the European Union.

Keywords: rule of law, elaboration procedure, documentation. JEL Classification: K10, K40.

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Paper: Approval and Endorsement of Normative Act Draft  
Author(s): Razvan Adrian Grigore, Student, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

In this article I will speak about the problem of approval and endorsements of normative acts drafts, looking forward to try answer a number of key questions, such as: Why did I choose this issue? I will try to define what is the main reason of this paper/research in what concerns the subject of approval of normative acts drafts; What issues I have reached? Issues in what concerns the study of formal legislation, instruments for approval and endorsements; What difficulties I have reached, what is the importance of the study and what I have brought new with my research. The paper will be divided in two main parts. Part one will contain two sections which will approach to introductive aspects in what concerns the study of formal legislation and the problem of normative acts approval. The second part will contain an analyze of how European normative acts are approved.

Keywords: rule of law, endorsement procedure, adoption procedure. JEL Classification: K10, K40.

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Paper: The Legal Conceptualization of European Union Law and the Role of the Council of the European Union in the Adoption of EU Law  
Author(s): Cristi-Gabriel Stoian, Bachelor Degree Student, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

In this scientific approach, we aim to identify the premises underlying the creation of European Union law, to determine the legal nature of this new right, to observe the objectives it has set itself to achieve and the future consequences for the Member States. We will firstly point out that what the concept of European Union law means is where the EU has exclusive competence and shared competence with the Member States and that the ultimate interest of these actions is to ensure economic growth and competitiveness for all states and regions of the EU. We will also stop on the role of the Council of the European Union in the context of Romania's presidency in the first six months of 2019.

Keywords: Council of the European Union, legal conceptualization, attributions, presidency of the European Union. JEL Classification: K1.

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Paper: Elements of Legislative Technique - Comparative View  
Author(s): Izabela Lupu, Master Degree Student, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

Our scientific approach is based on the pre-requisites of Formal Legistics, according to which the law is made up of the sum of the normative acts in force in a certain predetermined geographic area, influenced by its own historical, cultural, political evolutions etc. Thus, we propose to find the answer to the following questions: "What is the lawmaker's creation?", "Is there a typology of a universal lawmaker?". In order to answer the questions raised, we propose to refer to Law No. 24/2000 and to its legal counterparts in Belgium, France, Spain, Austria and Finland.

Key words: legislative system, formal legislation, normative act, Constitution. JEL Classification: K10, K19.

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Paper: Education is Guarantor of Respecting the Realization of Rights  
Author(s): Mariana Dumitru, Student, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

The full guarantee of the exercise of the right to education, in all its dimensions, occupies an important place in the legal system, from which all the other fundamental rights and freedoms through which life standards are ensured, acces to the information necessary for the development of skills and abilities to improve quality of life, the environment, and respect human dignity. Keywords: education, guarantee, fundamental rights, human dignity. JEL Classification: K10, K19.

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# BOOK OF ABSTRACTS

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# Working Groups Sessions

## WG1. The Administrative Capacity of the Judicial System

Chair: Alistar Victor T., Associate Professor, PhD, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania  
Executive Director, Transparency International, Bucharest, Romania

Co-Chair: Judit Siket, PhD, Faculty of Law and Political Sciences, University of Szeged, Hungary

### *Papers:*

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Paper: Accession to the European Union Cannot Affect the Supremacy of the Constitution over the Whole Legal Order

Author(s): Ionița Cochînțu, PhD, Assistant Magistrate, Constitutional Court of Romania

Following the accession, the provisions of the founding Treaties of the European Union, as well as other binding provisions under Community law, shall prevail over any provisions of the domestic law, while observing provisions in the accession instrument. However, in relation to the notion of "internal laws", a distinction has been made between the Constitution and the other laws. Also, the same distinction is made at the level of the Basic Law by art. 20 par. (2) the final sentence for the purpose of applying international rules as a matter of priority, unless the Constitution or domestic laws contain more favourable provisions, and Art. 11 par. (3) states that if a treaty to which Romania is to become a party contains provisions contrary to the Constitution, its ratification can only take place after the revision of the Constitution.

Keywords: international law priority, rule of law, constitutional provisions. JEL Classification: K10.

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Paper: Boosting Access to Justice as a Support to Raise Administrative Capacity of the Judicial System

Author(s): Irina Lonean, PhD, Invited Lecturer, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

Trust in the judiciary is a key element of its capacity, as there is no fair trial without both the material guarantees and the feeling of a fair trial. In this context, boosting access to justice is not only a very important human rights issue, it is also instrumental in order to ensure the needed capacity of the judicial system. Moreover, boosting access to judiciary in administrative cases, when citizens appeal administrative decisions and procedures, is key in order to strengthen the administrative capacity as well. In this context, the paper focus on the successive programmes and projects aiming to boost access to justice of the Ministry of Justice, the Superior Council of Magistracy and other actors, including civil society organisations. Different policies and initiatives to ensure access to justice are examined in order to determine the most effective approaches, based on a combination of theory based evaluation methods including the Realist Evaluation and the Prospective Evaluation Synthesis and data collected from desk based research and interviews with decision makers, civil society representatives and justice seekers. The paper concludes that only a combination of support to access the judiciary (like the public judicial assistance) and incentives to access the judiciary to discouraged citizens can work for more trust in the judiciary better judicial capacity.

Keywords: public judicial assistance, incentives to access the judiciary, trust in the judiciary. JEL classification: K38.

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Paper: The Administrative Justice Completely Withdrawn in Republic of Moldova  
Author(s): Maria Orlov, PhD, Associate Professor, "Alecru Russo" State University of Bălți, Institute of Legal and Political Research of the Academy of Sciences of Moldova, President of the Association "The Institute of Administrative Sciences of the Republic of Moldova"  
Marina Grosu, Juristconsult, Project Coordinator in Public-Private Partnerships

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Paper: Administrative Capacity of the Judicial System. An Evaluation from the Point of View of the Judiciary Role in Fighting Corruption  
Author(s): Alistar Victor T., Associate Professor, PhD, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

The paper addresses the issue of the capacity of the judiciary in direct connection with the performance of the Judicial System to fulfil its role to curb corruption. The paper is based on the methodology of the National Integrity System Assessment proposed by Transparency International and proposed an evaluation of the capacity of the judiciary taking into account the legal provisions and the practical implementation of these provisions on the two main criteria on institutional capacity proposed by the National Integrity System model: resources provided and independence ensured. New provisions on the organisation of the judiciary are considered in this respect. The paper is then comparing the results of the assessment of the capacity of the Romanian judiciary with the assessment of its performance in curbing corruption in order to find a direct connection between the two: capacity and role to curb corruption. However, the paper also rises the issue of the judiciary governance, assessed based on three other criteria of the National Integrity System: transparency, accountability and integrity. These have, together with the capacity issues, the same instrumental importance to support curbing corruption by the judiciary.

Keywords: capacity of the judiciary, judiciary independence, resources for the judiciary, role of the judiciary, curbing corruption, performance. JEL Classification: D73.

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Paper: The General Court – The Tendency to Become a Common Jurisdiction  
Author(s): Irina Zlătescu, Professor, PhD, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

This study aims to prove that the General Court is becoming the ordinary court with the meaning of Article 256 TFEU for the first instance resolution of actions for annulment, actions for compensation based on non-contractual liability, actions for failure to act and for the resolution of disputes regarding arbitration clauses. Exceptions will be made when specialized courts will be established, as it was the case of the Civil Service Tribunal (2004-2014). Another exception consists for the resolution of causes, which fall according to the Statute under the competence of the Court of Justice. Nevertheless, the Statute may also provide competences of the General Court for other types of actions.

Keywords: first instance, actions, arbitration clauses. JEL Classification: K40.

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Paper: The Ombudsman in the European Context  
Author(s): Denis-Roxana Gavrilă, PhD Candidate, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

The article analyses the role of the Advocate of the People in the national and international context, starting with its appearance (OMBUDSMAN) on the historical and political stage of the northern European states, until today. It has assumed the role of supporting citizens in their problems with the administration and promotes, on its own initiative, the principles of transparency and inherent responsibility for the concept of good governance practices. Individuals have reported possible violations of the right to information, the right to petition, and the right of the person injured by a public authority. The article will present that in the local and central public administration institutions, civil servants are insecure and the managerial capacity to implement decentralized responsibilities is not strengthened. A sustained effort is necessary, noticing also that The European Commission Against Racism and Intolerance (ECRI), a body of the Council of Europe, in its Fourth Report on Romania, approved by the Council of

Europe in March 2014, recommended that the People's Advocate Institution take decisive action against public authorities when they suspect that there have been flagrant violations of human rights, especially when they are related to racial discrimination, cases presented in this paper.

Keywords: non-contentious means; mechanism for the prevention, minorities. JEL Classification: J15.

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Paper: Amendments to the Law no. 554/2004 Introduced by Law no. 212/2018

Author(s): Elena Mihaela Fodor, PhD, Associate Professor, Faculty of Law Cluj-Napoca,  
„Dimitrie Cantemir” Christian University, Romania

The paper discusses the amendments regarding the definition of the administrative act, the limitations of the control of the contentious administrative courts, the prior procedure, the object of the legal action, the competence of courts, the parties, the procedure and the enforcement of the court decision. The analysis of the amendments introduced in the Law no. 554/2004 by Law no. 212/2018 is made in corroboration with other normative acts. Generally, the legislator managed to harmonise the provisions of the Law no. 554/2004 with other normative acts and at the same time, to preserve the specific of the contentious administrative. However, litigation procedure for the administrative contracts together with the rules for contesting the first instance decision do not respond to the specificity of the administrative law.

Key words: Law no. 554/2004, contentious administrative, prior procedure, administrative act, administrative contract. JEL Classification: K39, K41.

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## WG2. Human Rights in the New Era

Chair: Zlătescu Irina, Professor, PhD, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania  
Director of the Transdisciplinary Centre of Human Rights; Titular Member of IACL and Member of the Council of ELI

Co-Chair: Saghi Florin Emeric, Vicepresident of the Romanian Association for the United Nations member of the World Federation of the United Nations Associations

### *Papers:*

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Paper: EU ETD – Towards a New Chapter in EU Citizens' Rights and a Better Administrative Cooperation

Author(s): Erzsébet Csatlós, PhD, Senior Lecturer, Faculty of Law and Political Sciences, Department of Administrative Law, University of Szeged, Hungary

The European citizenship was officially created by the Maastricht Treaty to confer rights on citizens of the Member States of the EU. Among these rights, the most challenging one was the right that enabled EU citizens to turn to any foreign representation of any Member States for consular protection in third States in case if their own State of nationality is not represented there. According to surveys, almost 7 million EU citizens travel or live outside the EU, in places where their own country does not have an embassy or consulate. Member States with well-developed and extended international relations are in a better position to serve their nationals in need, but most of the Member States are in a less favourable situations and the EU citizenship policy aimed to eliminate these differences in the point of EU citizenship rights. Given to the consular protection's strong ties to foreign relations, first, it was placed under the unanimous decision-making capacity of the Council under the CFSP regime, but the Lisbon Treaty has introduced major changes not only for the consular protection policy of the EU but on the other hand, to facilitate effective execution of EU policies in general. It lifted the right to get consular help abroad and also the right to good administration, among others, to fundamental level and placed them at the top of the norm pyramid. All these developments have indicated changes in the consular protection policy which resulted new foundation stones of the policy (Council Directive (EU) 2015/637 of 20 April 2015) and now, the reform of the issue of emergency travels document (ETD) is on the threshold as it is the most commonly claimed consular protection service. Therefore, a Council directive proposal was submitted on the last day of May of 2018 on the EU ETD. Its provisions are innovative and embody a series of opportunities for further development. On one hand, it is a pioneer among measures of facilitating the administrative cooperation while ensuring a better administration of this consular protection measure, although, on the other hand, it leaves open questions and offers a variety of choice for Member States which also increase legal challenges in the view of rights of the EU citizens.

Keywords: good administration, legal challenges, consular protection. JEL Classification: F22, K33.

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Paper: Multiple Discrimination in the Contemporary European Society

Author(s): Ruxandra Darclée Miu, Legal adviser, National Oil Transport Via Pipelines and Rail Tanks Company (CONPET SA), Ploiești, Romania

In the context of nowadays non-discrimination cannot be made through simple acts or statements. Statements as the Universal Declaration of Human Rights, or the European Convention of Human Rights have to be incorporated in every state's if not every individual's culture in order to achieve its goals.

Multiple discrimination represents any combination of forms of discrimination against persons on the grounds of sex, racial or ethnic origin, religion or belief, disability, age, sexual orientation, gender identity or other characteristics, and to discrimination suffered by those who have, or who are perceived to have, those characteristics. It can manifest itself in two ways, there is 'additive discrimination', where discrimination takes place on the basis of several grounds operating separately and second, there is 'intersectional discrimination',

where two or more grounds interact as they are inextricable. Although multiple discrimination has always existed, it has not been recognized as a legal concept until recently.

Keywords: multiple discrimination, non-discrimination, tolerance, European Union, human rights, European Agency for Fundamental Rights. JEL Classification: K38

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Paper: Aspects of Discrimination from the Perspective of the Migration Phenomenon

Author(s): Roxana Moisoiu, PhD candidate, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

Migration has existed since the beginning of mankind. The phenomenon did not cease over time, but it has seen changes and new forms with the evolution of society. Migration processes take place simultaneously and are increasing in many countries of the world. The main causes of unprecedented population movements are armed conflicts, famine, natural disasters, human rights violations and deplorable economic conditions in some states. Collective attempts to regulate refugee-specific issues and migration have so far been quite limited. The European Union has taken a step forward in this direction. The European Union now considers that an integrated and comprehensive approach is desirable in order to better manage the phenomenon of migration. The implications of contemporary regional and global migration have consequences on the social, economic, cultural, political and religious environment of the states. Migration has transformed and redefined the political and economic interests of states, but has accentuated and expanded the phenomenon of discrimination, violating the principle of equality. Accepting multiculturalism of different religions as well as social diversity is the key to combating discrimination and respecting the right of every person to equal opportunities. Equal opportunities are based on ensuring the full participation of each person in economic and social life, regardless of ethnic origin, sex, religion, age, disability or sexual orientation.

Keywords: migration, migrant, discrimination, equal opportunities. JEL Classification: J15.

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Paper: The Right to Health Care, a Fundamental Human Right

Author(s): Remus Marian, PhD candidate, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

The right to health protection is part of the human rights and freedoms, which the state, as a result of their recognition, is called upon to respect, guarantee and protect them. The existence and life of man being inextricably linked to society, these desiderata are always topics of study and debate. A common approach to ensuring the maintenance of the health of the population and a higher level of prevention in the national health system is revealed by the cooperation between the public administration and the Church institution, aiming to ensure a better health of the Romanian population and the accentuation the role of prevention in maintaining health. Such a project is aimed at disadvantaged people in rural areas with reduced educational level and social cases

Keywords: human rights, right to health, freedom, public administration. JEL Classification: I18.

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Paper: Promotion and Protection of Human Rights in the Context of the Actual and Future Local Fiscal System

Author(s): Florin-Ionel Trușcă, PhD candidate, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

The protection of human rights as well as their promotion have been and are still a challenge for each state, especially for developing countries. The multitude of normative acts regulating the local tax system in Romania, the bureaucracy reflected by the significant increase of the forms through which information is collected and the tax obligations are established, as well as the main objective of the tax bodies, respectively the collection of revenues to the local budgets, make it increasingly difficult to achieve human rights objectives. Therefore, the paper proposes the passage of the local tax system from the rudimentary state where it is to a digitized system at national level, which through its instruments and techniques can ensure the promotion and protection of human rights.

Keywords: promotion, protection, individuals, principles, rights. JEL classification: K38.

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Paper: Universal Declaration of Human Rights -  
70 Years of Promoting and Protecting Human Rights  
Author(s): Irina Zlătescu, Professor, PhD, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

Developed by law specialists coming from different regions of the world, from UN member states but with different legal systems and cultures, the Universal Declaration of Human Rights, proclaimed by the UN General Assembly on December 10 1948, is yet another a common ideal to be touched by all peoples, all nations and all individuals. Its 70th anniversary requires us to reflect on the past and to look for the future. It enables us to identify challenges and threats.

Keywords: human ideal, culture, future challenges. JEL Classification: K 33.

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Paper: Understanding of the Rights of the Data Subjects  
Author(s): Andreea Drăgan, PhD candidate, Faculty of Public Administration, National University of  
Political Studies and Public Administration

General Data Protection Regulation replaced the Data Protection Directive that has been in place since 1995. This regulation gives power back to the people as European Union considers privacy as human right. The whole Chapter 3 of the GDPR treats the subject of rights of the data subject, as with the new modified Regulation, the number of rights for data subject has increased considerably and the old ones have been consolidated. Now we can speak of the right to information, right to access, right to rectification, right to withdraw consent, to object, to object to automated processing, to be forgotten and data portability, just to mention a few. But how do these rights help to protect European citizens' personal data? For example, once an EU citizen has given his consent for processing his personal data for a purpose, he has the right to withdraw his consent through a request which implies that the company that processed his personal data to stop. The new GDPR provides many rights for data subjects, in order to protect their private life. But as important it is to know for each individual to know their national legislation because "*Ignorantia legis neminem excusat*" or "*nemo censetur ignorare legem*" which means "ignorance of law excuses no one" or "nobody is thought to be ignorant of the law", is as important to be aware of the European regulations especially when it works in citizens favour.

Keywords: privacy, GDPR, European regulations. JEL Classification: C89.

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Paper: Bussiness and Human Rights  
Author(s): Petru Emanuel Zlătescu, PhD candidate, "Nicolae Titulescu" University, Bucharest,  
Romania Member of European Law Institute

The respect of human rights in the economic sector has become the regulatory object of many international and national standards over the past two decades. The impact of multinational corporations on the environment, and human rights in particular, is one of the most important topics on the international's community human rights agenda. The debate on this topic includes next to the benefits associated with, such as the development of infrastructure and job creation also its negative impacts on human rights. Since the human rights in question usually do not have a direct effect and multinational companies are therefore not considered as fundamental rights addressees, it is primary the duty of the state to protect these rights indirectly, by adopting legal norms and standards. The binding nature of these standards varies and includes both legally enforceable rights and obligations as well as standards with programmatic content and soft-law provisions. In general, these norms address three main aspects of the protection of human rights from the negative effects of the economy and globalization. First, the very first guarantee in this field is the state's duty to protect human rights against private threats. Secondly, a special responsibility should be imposed to the business enterprises, which obliges them to respect human rights. Thirdly, access to remedies should be granted in the event that an infringement has already occurred.

Keywords: standards, globalization, responsibility of business enterprises. JEL Classification: K39.

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**Paper:** Religion and Christian Family - their Role in Promoting and Keeping Human Dignity  
**Author(s):** Rareș Bogdan Ruge, PhD Candidate, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

Religion is the free and conscious connection of man with God, and the family - a school of love and cradle of life. Religion has always played an important role in the formation of moral and social skills and attitudes. The Christian family is the very cradle of Christian faith and formation, a true school of life. The family is considered the cell of society, which is why the state has the responsibility to defend and protect this fundamental institution. Before being full rights citizens, each person needs to live in a healthy environment that will allow them to develop as fully and harmoniously as possible. The Christian family is a holy temple in which the fullness of Christian virtues is stored. It is the cell from which human society was founded and on which human society is based, but also the church community, widening the boundaries of the kingdom of God. The family is the most important institution in the service of life. All the other institutions that have a role in supporting and promoting human life are subordinate to them, both in terms of their origin, especially in their role and purpose. Today the family and all social structures are affected by secularization. The diminishing of the Church's role in everyday life and the decrease in trust in God result in the degradation of relations between people, the failure to observe moral principles, the increase of crime, corruption, etc. Dignity shows value, honour, moral merit, degree of appreciation as the rank achieved by a person in society. In Christian doctrine, human dignity is a divine gift that, regardless of the circumstances in which the individual lives, takes as an example the image of God. In society, in terms of dignity, the autonomy and freedom of thought and the behaviour of an individual are also understood.

**Keywords:** religion, the Christian family; dignity; human rights. **JEL Classification:** K36, K38.

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**Paper:** The Rights to Education, a Strategic Priority of the 70<sup>th</sup> Anniversary of the Universal Declaration of Human Rights  
**Author(s):** Roxana Elena Vișan, PhD candidate, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania,  
Member of the European Law Institute

This article aims to be an incurs on the evolution and affirmation of the right to education in the human rights system, in order to offer suggestions on collective hope of transforming the world and providing a better future for future generations. Such a manifestation is achievable by a political will, the creator of an equalitarian model, to redistribute utopian visions of human freedoms. Considered as a unique window to the fundamental problems of human dignity at the societal level, the Universal Declaration of Human Rights affirmed over the seventy years the legitimacy of human rights in the face of global challenges and ensured the diversity of universal thinking. Considered one of the fundamental human rights, yesterday's education, today and tomorrow, is the main pillar in finding answers to global issues. Now is the time to take stock of progress and to identify strategic priority areas for the effective implementation of Agenda 2030 on Global Education.

**Keywords:** the right to education, strategic priority, global education, Agenda 2030. **JEL Classification:** I29.

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### WG3. Citizenship and Immigration in Europe

Chair: Mădălina Cocoșatu, Associate Professor, PhD, Director of the Department of Law "V.D. Zlătescu", Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

Co-Chair: Orlov Maria, PhD, Associate Professor, "Alecu Russo" State University of Bălți, Institute of Legal and Political Research of the Academy of Sciences of Moldova, President of the Association "The Institute of Administrative Sciences of the Republic of Moldova"

#### *Papers:*

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Paper: Integration Policies for Legally Resident Third Country Nationals in View of New and Future Challenges and Ensuring Relevant Policies

Author(s): Elena Loredana Pirvu, Lecturer PhD, Police Academy "Al. I. Cuza", Faculty of Juridical and Administrative Sciences, Bucharest, Romania

Over the past decades, most EU Member States have experienced increasing migration. Migrants from third countries represent around four percent of the total EU population. Europe is also strongly influenced by demographic changes, including the ageing population, longer life expectancies and a declining working-age population. Member States have confirmed their commitment to further developing the core idea of integration as a driver for economic development and social cohesion, in order to better enhance migrants' contribution to economic growth and cultural richness. With the recent EU Action Plan on Integration, the Commission sets out policy priorities and tools for concrete actions to be undertaken at EU level in support of the action on integration taken at Member States' level, with a view to further develop and strengthen integration policies across the EU. The article will present the social, economic and political context recently changed and all integration measures underlined within EU Action Plan on Integration and will research about future challenges and relevant policies in need to be drafted and implemented on EU level.

Keywords: integration, refugee, policy, action plan, third country nationals. JEL Classification: K37.

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Paper: Immigration in Democratic States

Author(s): Ionut Cosoi, PhD Candidate, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

One problem that should concern political analysts is the inclusion of individuals who migrate from totalitarian countries to harmless, democratic countries. One cannot fail to see the strangeness of these foreign elements in the democratic contest of a free country. My objective is even to identify / detect in a democratic state the deceptive behavior of the democratic values of immigrants from the closed / totalitarian states. Informational flow takes place regardless of the individual's will in society and influences him even if he has not lived this experience. In democracy, information is the engine that ensures its endurance. The research method I use is that of participatory observation on small merchants coming from China. The result of the research has pushed me to conclude that this kind of immigrants - from a totalitarian country - must go through a process of awareness of democratic values because their idea of democracy is different from its real principles. Of course, by this process, only mature individuals, not minors, must pass, in my view they do not pose any danger. School is here a very important institution in learning real / real democratic values. The need to adapt people from totalitarian states and migrating to democratic states is real. A significant weight that can help in this respect is given by sources of information, the only valid / necessary aspect for corroborating "undemocratic" behaviour as the willingness to know the immigrant. For individuals living in a democratic state besides their legitimate responsibilities, they are also those of identifying and helping newcomers from other totalitarian states, helping themselves. In other words, society regulates itself by transmitting information from one individual to another - no matter which party they are.

Keywords: democratic values, participatory observation, inclusion. JEL Classification: K33.

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Paper: Immigrants Statuses in Europe: Citizenship, Residence Permit and Stay Permit  
Author(s): Lucia-Ştefania Avram, PhD Candidate, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

The author of this articles analyses the main legal norms applicable for the citizenship, residence permits and stay permits regarding the immigrants in Europe. The author will make a comparison between the main regional and national norm to understand the differences and the most favourable and the hardest regulation. The method used is the analyse of the legislation and informal interviews of different subjects from different countries.

Keywords: immigration, legislation, citizenship, residence permit. JEL Classification: K37.

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Paper: A New European Policy on Legal Migration - Enhancing Legal Pathways to Europe  
Author(s): Eleodor Pirvu, General Inspectorate for Immigration, Asylum and Integration Directorate,  
Deputy Director

Establishing safe and legal pathways of admission to complement resettlement programmes is therefore an essential step towards securing a meaningful response to the current unprecedented global displacement situation. The need to provide increased and complementary pathways for refugee admission is reflected in the New York Declaration for Refugees and Migrants, which was adopted by all 193 Member States of the United Nations at the UN General Assembly in September 2016. Countries, including the Member States of the European Union, expressed their intention to “expand the number and range of legal pathways available for refugees to be admitted to or resettled in third countries.” The article will present the implications of the EU-Commission’s proposal for seeking protection in the EU and will research about resettlement as a protective tool and durable solution for refugees. Answers to the actual position of the EU governments towards new policy proposal and what is the future for admission programmes to EU will be analysed.

Keywords: asylum, refugee, protection, legal admission, resettlement. JEL Classification: K37.

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Paper: Public Administration and Integration of Immigrants  
Author(s): Alexandra Bucur, PhD candidate, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania,  
Member of the European Law Institute

The study presents aspects related to managing the phenomenon of immigration, which is an important activity of the states, including Romania. Thus, public administration is an important actor in coordinating immigration policies. With a growing number of asylum applications, the response of state authorities must also be based on promoting the integration of immigrants into society. At the same time, immigration becomes an administrative process and its answers are necessary and important.

Keywords: public administration, immigration, integration. JEL Classification: F22.

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Paper: Accessing Cohesion Funds Granted by the European Union to Extra-community  
Immigrants. Application and Conditioning  
Author(s): Mădălina Cocoşatu, PhD, Associate Professor, PhD, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

EU humanitarian aid supports refugees and migrants from countries such as Iraq, Jordan, Lebanon and Turkey. Between 2015 and 2017, a total of €17.7 billion was earmarked from the EU budget to cope with the migration crisis. This paper aims to analyze EU funding for immigrants and transit countries in order to combat illegal immigration and trafficking in human beings. Also, this paper will analyze the procedure and conditionality that will be put to the European states in order to be able to receive funds for the integration of immigrants.

Keywords: aid support, migration crisis, integration of immigrants. JEL Classification: J15.

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Paper: Political and Diplomatic Asylum

Author(s): Andrei Bogdan Cipere, PhD candidate, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

One of the novelties of this paper is the fact that the topic is very topical due to the numerous crises that have occurred over the last years in almost all the world's continents, situations that have generated large waves of refugees that have created extreme problems the great governors and all those in charge of managing such crises, demonstrating the need to address the institutions of political asylum and extradition with more interest and depth. The way in which the work will be conceived, provides for the treatment of diplomatic relations between states, the immunities accorded to diplomatic staff in various legal systems and the institutions of asylum and extradition, starting from a historical and legal appreciation of their evolution, going up to to analyse the level at which they have reached today, and how the institutions that manage to manage them work. At the same time, a large part of the legal components of the diplomatic institution, the asylum at the European level and in the Romanian system, and refugee status will be highlighted and analysed by the approach to be accomplished, aiming to eliminate the large number of mistakes or misinterpretations . It will start from a clear delimitation of concepts and will go up to the most complex elements of structure and the mechanisms that ensure their operation, both theoretically and procedurally.

Keywords: immunities, refugee status, administrative mechanisms. JEL Classification: F22.

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Paper: The Role of Immigrants When Striving for a Resilient Labour Market in Romania

Author(s): Teodora Ioana Bițoiu, PhD, Senior Lecturer, Director of the Department of Economics and Public Policy, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

Crina Ramona Rădulescu, PhD, Senior Lecturer, Deputy Dean, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

Labour, one of the main production factors, remains a sensitive factor that implies both identifying education and continuous training opportunities and smart resource allocation, so to avoid a market failure. The labour market resilience, especially after the Great Recession, is more and more influenced by the labour market changes induced by the structural policies and, moreover, the legal framework dealing with migration issues.

The current research aims at analysing the connection between the legal provisions (national and European laws) and the specific aim of creating a resilient labour market, namely referring to the impact these provisions could have upon the output and employment recovery to keep the inequality low (Stiglitz, 2015), long-run evolution of the wage distribution (Piketty, 2014) and labour productivity (OECD, ECO/WKP(2017)38). The topic of the economic integration of migrants is not one treated only on a central level (through policies and specific legislation), but also one priority of the local public administration through their involvement in European projects dealing with immigrants and their access to rights (e.g. DELI – Diversity in the Economy and Local Integration, of which Bucharest municipality was part of). All in all, the paper argues that resilience can be promoted through labour reform that allows employers to bring in non-EU migrants at all skill levels with minimal restrictions (MPI, 2014).

Keywords: labour market regulation, migration, resilience. JEL Classification: F22.

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Paper: Brexit: a Member State Withdrawal from the European Union and the EU Citizenship Issue

Author(s): Elena Marinică, PhD, Assistant Professor, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

This article examines how the voluntary withdrawal of the United Kingdom of Great Britain and Northern Ireland from the EU impacts the guarantee of the rights of EU citizens already living in the UK and the rights of British citizens living in other EU Member States, that must be secured in the context in which the loss of European citizenship is inherent to British citizens (accompanied by the loss of political rights, the right to vote, the right to stand as a candidate, etc.), followed by the loss of other rights after the end of the transitional period such as freedom of movement, recognition of professional qualifications, family reunification, etc. Some of the main ongoing initiatives and actions (e.g. the UK-EU withdrawal agreement) on citizens' rights are being analysed to see if all these measures are a qualitative leap towards a controlled, step-by-step exit to protect the rights and stability of the citizens affected by Brexit, or, on the contrary, they are small steps that demonstrate that this issue is far from complete, confronting a legal uncertainty that could cause losses and disadvantages likely to prove extremely dangerous to citizens.

Keywords: citizens' rights, legal uncertainty, voluntary withdrawal's effects. FEL Classification: K30.

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Paper: EU Institutions for Protecting the Vulnerable Groups in the European Space

Author(s): Ionuț Bogdan Berceanu, Assistant Professor, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

The paper is part of the Erasmus + Jean Monnet Project EU – Diversity, Citizenship and Solidarity under Migration Pressure. From learning to e-learning , which has as one of the main objectives to promote excellence and innovation in teaching and research in EU studies, in particular in Migration Law and Economics. The aim of the paper is to realize a research regarding the institutional framework of the European Union used for protecting the vulnerable groups and individuals in the EU. The analysis will start for the definitions of the vulnerable groups and the identification of the European regulations which are contributing to the protection of these groups. There will be also analyzed how through its measures the EU institutions such as the European Parliament and the European Commission are contributing to the realize the an added value in the European space, by creating the premises of an unitary protection of the persons which are vulnerable.

Keywords: diversity, regulations, added value, Erasmus+. JEL Classification: K37.

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## WG4. New Tendencies in Public Administration Development

Chair: Cărauşan V.Mihaela, Associate Professor, PhD,  
Deputy Dean, Faculty of Public Administration, National University of Political Studies  
and Public Administration, Bucharest, Romania  
Executive Director, Association Centre of Academic Excellence, Bucharest, Romania

Co-Chair: Erzsébet Csatlós, PhD, Senior Lecturer, Faculty of Law and Political Sciences, Department  
of Administrative Law, University of Szeged, Hungary

### *Papers:*

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Paper: New Tendencies in Public Administration Development – Rising Era of One Stop Shop  
Delivery Models in Developing Countries

Author(s): Hakim Alasgar, PhD candidate of Doctoral School of Public Administration Sciences,  
National University of Public Service, Budapest, Hungary

Current tendencies in public administration development indicates, further development of state administration and local government reforms is connected with the use of decentralization and decentralization of public administration, separation of strategy from the provision of services, diminishing the gap between democracy and efficiency, enhancing the citizens participation and mutual trust of citizens in government and vice versa, creation of “business oriented” governments, principle of simplifications, improving the quality of public service improving the political and administrative culture and integration of various institutions, reforms and activities in the context of public administration development. As a model of public service delivery, OSS have been in vogue for many decades now. One-stop shops have currently emerged as more powerful actors than ever before in the developing countries. OSS operate towards the simple goal of making public services available under a single roof. OSS come in various designs, institutional arrangements and financing models, and provide different baskets of services in different contexts. While some provide the services of a single level of government (national/provincial/local), others provide services of more than one level. This paper looks at some of these definitional issues and maps some of the recorded examples. The proposed paper, will discuss how new tendencies in public administration leads to rising era of OSS models in the developing countries by relying on an extensive survey of literature, including policy documents, project information sheets of donors, government websites, media stories, academic articles, third-party evaluation reports and case studies recorded by non-governmental organisations among others.

Keywords: One-stop-shop, public service delivery, public administration, governance, customer, citizen, government, data, management, reform. JEL Classification: H83.

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Paper: Elements of Formal Legistics - Prerequisites for the Creation of European Union Law

Author(s): Ioana Cristina Vida, PhD, Parliamentary Adviser,  
The Chamber of Deputies of the Romanian Parliament

The paper aims to pass European Union law through the Formal Legistics filter. The scientific approach aims to show that the "builders" of European Union law were inspired by the elaboration of national normative acts. Thus, in the drafting of legislative acts of the European Union we meet with notions and syntagms that claim to ensure the quality of drafting, i.e. intelligible and unitary drafting, observance of the uniform principles of presentation and legislative technique, clear and simple texts, etc.

Keywords: formal legistics, legislative technique, European Union law, legal conceptualization. JEL Classification: K19.

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Paper: Local Governments in the System of Separation of Powers. The Executive Function  
Author(s): Judit Siket, PhD, Faculty of Law and Political Sciences,  
University of Szeged, Hungary

The paper is focused on the principle of separation of powers, especially examined the role of local self-governments in the system of division of powers. It gives a brief description on the dogmatic approach of the principle of powers based on the concept of Montesquieu, and Benjamin Constant who emphasised the significance of local power. The study demonstrates the effectiveness of principle of separation of powers and the constitutional status of local self-governments in the Hungarian Fundamental Law. According to the Fundamental Law, the essence of local governments is to manage public affairs and to exercise public authority this is the reason why local governments exist. The leading conception has changed, rejected the collective fundamental rights approach. A separate section aims to describe the executive power of local self-governments, in particular the functionality of local self-governments. A comparative part illustrates changes of local task-system after the adoption of New Local-Government Act in 2011, including both municipal and county level responsibilities, the strong centralization process in the field of local governance. In conclusion, local self-governments' role significantly decreased in the field of providing public services and in exercising of local public powers, functionality of local self-governments was substantially narrowed.

Keywords: separation of power, local self-governments, centralization. JEL Classification: K23.

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Paper: Justinian's Legal Reform – the Avatars of a Political *Credo*  
Author(s): Ionela Cuciureanu, Bucharest Bar, PhD candidate, University „Babes Bolyai” Cluj  
Napoca, Faculty of Law, Cluj, Romania

The paper aims to present the reasons that laid behind emperor Justinian's legal reform (the last Latin speaking emperor of the Roman Empire), as well as its effects on the roman society as a whole. The legal reform will therefore be regarded in the larger social and political context of the time and analyzed in relation to the crisis that was already eroding the Roman Empire, but also from the perspective of the modern lawyer, seeking elements of actuality that could be transplanted into the contemporary world. All things considered, it can be stated that the legal reform represents one of Justinian's key achievements, one of the works that, being meant to refresh through law the social dimension of life, crucially influenced the evolution of the humanity and remained an example of codification that could be revisited and used as models even in the globalization era.

Keywords: Legal reform, Roman law, social reform, modern law. JEL Classification: K39.

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Paper: Reasonable Formalism as Dimension of Administrative Discipline  
Author(s): Emil Bălan, Professor, PhD, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

The substantial need for simplification of administrative law, as the body of principles and rules governing the implementation of policies by executive power is now obvious.

Simplification can be achieved by rationalisation and improvement of administrative procedure as a dimension of administrative discipline and guaranteeing the fundamental human rights and exercise of public authority.

Keywords: administrative law; simplification; rationalisation; administrative procedure; administrative discipline.  
JEL Classification: K23.

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**Paper:** Perspectives for Developing the Civil Services in Romania. Vision on the New Development Strategy  
**Author(s):** Paula Ghitescu, PhD candidate, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

Romania will provide professional civil servants, politically neutral, capable in acting in terms of stability, transparency and predictability, responsible for their results and able to develop and implement effective public policies that will support sustainable development in Romania. To implement the new strategy we will consider the following principles: the legality and the respect for the rule of law, transparency, openness and participation, efficiency and effectiveness, proportionality, consistency and accountability, promoting gender equality and non-discrimination, accessibility, flexibility.

**Keywords:** civil service principles, political neutrality, effective public policies. **JE Classification:** J24.

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**Paper:** Report on the Diagnostic Survey of the Network for Integrity for 2017  
**Author(s):** Daniela Mitutoiu, PhD candidate, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

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**Paper:** Constitutional Perspective of EU Member States on Legal Certainty  
**Author(s):** Elena Constantin, PhD candidate, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

The principle of legal certainty is the essence of the rule of law, which means that it must mirror directly or indirectly the Constitution of each Member State of the European Union. The analysis of constitutional provisions on legal certainty also makes it possible to assess the quality of regulation at the level of each state under discussion. The subject is particularly interesting in the context of the quantitative increase in legislation generated by the evolution and complexity of the relationships between individuals.

**Keywords:** legislative abundance, rule of law, quality of regulations. **JEL Classification:** K10.

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**Paper:** In Search of Time for Speeding up the Public Procurement Dispute Resolutions  
**Author(s):** Mihaela Victorița Căraușan, Associate Professor, PhD, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania; Member of European Law Institute

Arbitration was established by the Government Decision no. 1/2018 as one of the dispute resolutions method which must be used for work contracts over 5 million Euro financed by public funds. Even the rule was criticised, we appreciate, in a certain measure, the clauses for better adjudication of disputes among the contracting parties. Dispute resolution methods are currently commonly used in the construction industry, among them only arbitration and litigation are statutory controlled, all the others are private. This paper attempts to address these alternative mechanisms focusing more on the duration of the processes and on the Government success in decreasing the number of lawsuits. By focusing on the critical attributes of alternative dispute resolution methods we will try to find out if they can really be kept as simple, inexpensive and effective.

**Keywords:** administrative contract, celerity of dispute procedures, public system effectiveness. **JEL Classification:** H57.

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Paper: Confidentiality Clause vs Data Protection in Work Relationships  
Author(s): Radu Răzvan Popescu, Associate Professor, PhD, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

Throughout the duration of the individual employment contract, both the employee and the employer enter in possession of data and information of a private nature, pertaining to the partner in the employment relationship. This type of information with confidential character is basically divided, from the point of view of the legal nature, in three categories: confidential data, based on the fidelity obligation, data and information not disclosed due to the existence of a confidentiality clause, and the data and information which, according to the special law, are catalogued as being work or state secret. At the same time, the employer is held by the obligation to preserve the confidentiality of the personal data and information it learns about its employees. The duration of these periods when the parties must preserve confidentiality is another issue that raised disputes, both in the specialty literature and in the practice of the courts of law.

Keywords: confidentiality clause, damages, work secret, fidelity obligation. JEL Classification: K31.

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Paper: The Global Pact for the Environment – A New Framework for Global Environmental Governance

Author(s): Andrei Duțu-Buzura, Associate Professor, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

Appearing at first over thirty years ago, having an original evolution regarding its contents – explaining the meaning and increasing the international awareness on environmental issues – the idea of a Global Pact for the Environment has been broadly accepted by the legal community and has become an obvious necessity for each and every country. Assumed and promoted by France in a legal and diplomatic initiative, the project can soon be materialized as an internationally representative document, of global reach, in the field of environmental protection. Obviously, as an instrument for codification of existing law, its creative part will be minimal, which implies a continuation and intensification of the efforts to develop the regulations regarding the global sectors – biodiversity, air pollution, waste etc. – and, thus, the creation of a global mechanism of actualization and permanent update of the normative contents of the treatise. Finally, the elaboration, the adoption, and the perspectives of an international text of global impact would favour other innovating initiatives, such as new dimensions of international law and governance, both generally, and concerning the specific aspects of environmental protection.

Keywords: environment, international law, global governance, climate change. JEL Classification: K33.

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## WG6. Peaceful Settlement of Conflicts and Management

Chair: Niță Mircea Aurel, Associate Professor, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

Co-Chair: Cristina Teodora Pop, PhD, Assistant-Magistrate at the Constitutional Court of Romania,  
Associate professor at the Faculty of Philosophy, University of Bucharest, Romania

### *Papers:*

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Paper: Culture of Peace and Mediation in 21<sup>st</sup> Century Education

Author(s): Nadjat Karabernou Paduret, President CCIR-A

Starting from the UNESCO definition of Peace Culture in Article 1 of the Peace Culture Declaration, we can identify seven values that can be passed on to educated peoples culture. It is about Non Violence, Tolerance, Solidarity, Democracy, respect for human rights, respect for the law, and environmental protection. Education for peace culture emerged as a consequence of these seven types of education. They are found in many educational programs but well-regarded as different fields and autonomous subjects. In a culture of peace education, a holistic and global approach is needed.

Keywords: values, respect for the law, education, holistic approach. JEL Classification: J52.

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Paper: Revisiting the Ancients - a Modern Perspective on Administrative Dispute Resolution  
Methods in Roman Classical Law

Author(s): Ionela Cuciureanu, Bucharest Bar, PhD candidate, University „Babes Bolyai” Cluj  
Napoca, Faculty of Law, Cluj, Romania

The paper analyses an essential question: How would have looked the roman juridical belief and how would have evolved the modern law systems without the institution of the praetor and his innovations, particularly the administrative dispute resolution procedures? The evolution of social relations, the development of trade, of contracts, of the juridical status of the person, would have been stopped in their embryonic phases, because the patterns inside which they should have fit were far too tight, if the praetor would not have found appropriate means to manage dispute resolution in a non-contentious manner, without arriving in front of the judge. The praetor's activity represented the continuous adaptation of the law at the needs of the society – *adaequatio intellectus et rei-managing*, in the same time, to anticipate some steps forward that society was due to make in the future. The paper will also have in view a practical case study on how the judicial system could be significantly relieved in the event of a modern application of the praetorian dispute resolution methods.

Keywords: praetor, edict, *ius civile*, dispute resolution, classical roman law, modern law. JEL Classification: J52.

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Paper: Communication Techniques in Mediation

Author(s): Claudiu Florinel Augustin Ignat, PhD, Lecturer, Craiova Law Faculty, Bucharest “Spiru  
Haret” University, Romania

This paper aims to develop the importance of communication in the mediation procedure as well as to focus on several communication techniques that proved their utility in time. We shall analyze for the beginning the tremendous impact that communication has in a non-contentious dispute resolution procedure, as mediation, continue with the exposure of various communication techniques, underlining those that are appropriate for this procedure, and present also, in the end, several practical cases, justifying the choice for one or more particular communication techniques.

Keywords: mediation, communication techniques, dispute resolution. JEL Classification: J52.

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**Paper:** The Peculiarities of the Consumer Decision on the Services Market  
**Author(s):** Mihaela Andreea Stroe, Lecturer, PhD, “Nicolae Titulescu” University, Bucharest, Romania

The service market has some peculiarities given that the consumer decision is made upon the consumer's information about the service. People are reasonably rational because of the interpretation of things in relation to others without the autonomy of thinking. The service market is a very important model from the perspective of specific abstraction, intangibility, and psychological phenomena such as perception, motivation, consumer attitudes, framing effects emphasize the game of individual rationality. Consumers can react uncontrollably to certain stimuli and are sometimes unable, taking into account the options available, to choose the optimal solution despite being aware of what is favourable to them. Cognitive and psychological processes play an important role in the consumer decision given cognitive dissonance, the fact that people filter information according to attitudes and beliefs, attitude to risk, informational asymmetry, emotional factors leading to consumer decision, risk aversion and, also, phenomena related to consumer behaviour on the market. The rational behaviour of the consumer is considered to be the one that offers maximum satisfaction with minimal cost at a maximum efficiency. The fact that there are many existing needs in the context of a limited resource nature makes the consumer choose to be based on the priority criterion. The opportunity cost is seen in this context as the value of the consumer's abandonment. All decisions related to spending a sum of money will be made taking into account the opportunity cost that is measured on the services market and in terms of aversion to regret in making the decision in incomplete information. The additional costs and benefits of an election should not only be measured in money, but also in terms of risk and comfort. We can refer to a psychological cost defined as the buyer's sacrifice when choosing a product variant. Every decision taken presents opportunity costs. So, we can state a relation between consumption and happiness and, although, at a first glance, it can be said that consumption is related to materialism and wealth, studies show that the relation between happiness and consumption is inversely proportional are not aware of what brings them happiness or not. (Waiss and Brown 1977). This presumption can be exemplified on the insurance market, that is a service market and all the characteristics of this peculiar market are encountered enhanced by the uncertainty offered by the insured risk. So risk behaviour, attitude to risk, culture, education, cognitive dissonance can be analysed as filters or barriers in making the consumer decision influenced, on the other hand, by the processes regarding the consumer behaviour on the insurance market such as moral hazard, informational asymmetry, adverse selection.

**Keywords:** market of services, decision, consumer, cognitive dissonance, happiness, insurance. **JEL Classification:** D18.

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**Paper:** Settlement of Legal Disputes of Constitutional Nature between Public Authorities  
**Author(s):** Cristina Teodora Pop, PhD, Assistant-Magistrate at the Constitutional Court of Romania, Associate professor at the Faculty of Philosophy, University of Bucharest, Romania

Introduced by the revision of the Constitution, in 2003, at article 146 e), the power of the Constitutional Court of Romania to settle legal disputes of constitutional nature became one of the most effective constitutional mechanisms that lead to the restoring of the legal balance between the functioning of the implied public authorities, and thus to the state of constitutionality, as a result of exercising by the Constitutional Court of its role of constitutional arbitrator and of guarantor of the supremacy of Constitution. The legal effects of the decisions issued by the Constitutional Court are stipulated in a general manner at article 147 (4) of the Constitution, that provides that they shall be generally binding and take effect only for the future, after they are published in the Official Gazette of Romania, the reason why they shall be established according to the role of this power of the Constitutional Court and to the reason wherefore it was regulated. The case-law of the Constitutional Court regarding the settlement of legal disputes of constitutional nature reveals the active role of the Court in exercising this power, as more than in the past, the solutions of the Constitutional Court finding the existence a legal conflict of constitutional nature are accompanied by legal patterns that shall be followed by the parties, in order to achieve the standards of constitutionally, which is an aspect that gave rise to substantial controversies among doctrinaires in the field of constitutional law.

**Keywords:** the powers of the Constitutional Court of Romania, the legal effects of the decisions of the Constitutional Court of Romania, public authorities of constitutional level, standards of constitutionality. **JEL Classification:** K10.

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**Paper:** The Causes of Nonverbal Communication Errors. Applications in Mediation  
**Author(s):** Mircea Aurel Niță, Associate Professor, PhD, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

The paper shows the influence of human mind due to the mental representations upon nonverbal communication. The functional preferences of mind hemispheres can influence the coding and decoding process for the emitter and receiver while the nonverbal message is moving from emitter to receiver and vice versa. Errors in communication can appear inside both minds of emitter and receiver, for example for the mind of mediator and the client. That is why a mediator must know and must be full of awareness about his peaceful mind state and the client, too. Some solutions are underline and proposed to be used before the mediation meeting starts.

**Keywords:** human mind, mental representations, coding and decoding process. **JEL Classification:** J52.

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**Paper:** Conflict Management Strategies in Mediation  
**Author(s):** Claudiu Florinel Augustin Ignat, PhD, Lecturer, Craiova Law Faculty, Bucharest “Spiru Haret” University, Romania

Conflict has been regarded for long as the core element of law, its mere *raison d’etre*, and this contentious approach of disputes being unfortunately still popular upon both laymen and law professionals. However, in alternative dispute resolution procedures in general, and in mediation in particular, conflict is regarded from a different perspective. This paper is aimed to develop the approach of mediation towards conflict, an approach focused on the fact that in front of the mediator, often the sole common ground of parties is the conflict itself. In other words, having a conflict is the sole element upon which the parties agree. From this point further, it comes to the mediator to apply the appropriate mediation techniques in order to strike a balance between the conflicting interests and to transform the initial conflict into a starting point for discussions.

**Keywords:** mediation, procedure, dispute resolution. **JEL Classification:** J52.

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**Paper:** Infringement of International Law in Ukraine since 2014  
**Author(s):** Martina Novotná, University of Alexander Dubček in Trenčín, Slovakia, Department of Political Science

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**Paper:** Operational Truth, Mind State and Crises in Management of Mediation  
**Author(s):** Angela Stela Ivan, Chief Lecturer, Dunarea de Jos University of Galati, Romania  
Mircea Aurel Niță, Associate Professor, PhD, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

The human minds of both parts, either emitter and receiver, either mediator and client operate with the Triangle of Knowledge-General, Concrete and Specific, so that one part can operate with a type of truth while the other part operate with the truth specific to the experience of this part. Starting from logical truth, going to the emotional truth and taking into account different influencing factors such as, culture, experience and age, sex, level of education, belonging to an organization, spiritual or a nonspiritual vision, etc., it is very important the relaxing state of the mind for the mediator. The paper shows how important is the holistic approach for the mediator mind especially during the process of mediation.

**Keywords:** logical truth, emotional truth, holistic approach of mediation. **JEL Classification:** J52.

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**Paper:** Transdisciplinarity and the Logic of Third Part. What Is Different in Put Us Together  
**Author(s):** Adrian Singurov, Priest

The paper deals with separation as a thinking problem and as a behavior one, too. Separation is against unity, so that using the law of Third Part it is easy to avoid separation between individuals and people. Solving conflict by peaceful means is the future of Humanity. **JEL Classification:** J52.

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## Students' Workshop

Chair: Ioana Cristina Vida, PhD, Parliamentary Adviser, The Chamber of Deputies of the Romanian Parliament, Bucharest, Romania

Co-Chair: Elena Marinică, PhD, Assistant Professor, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

### *Papers:*

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Paper: The Power of People in a Democratic State

Author(s): Georgeta Claudia Pleșa, Student, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

The popular legislative initiative is a constitutional right recognized by the extra-parliamentary opposition. In a democratic state the power of the People represents a key point in the direction of a state. Democracy is the form of organization and political leadership of a society based on the principle of the exercise of power by the people. In this paper we will present under what conditions a law can enter into force and why it is important to consult the people in matters directly affecting it. Identifying citizen's needs as well as consulting them on certain issues is an excellent mechanism for peacekeeping and operation in the best possible conditions of the entire administrative apparatus.

Keywords: people's initiative, democracy, rights and duties. JEL Classification: K10.

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Paper: Legal Documentation - Normative Acts Drafts

Author(s): George Ilie, Student, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

My article deals with a special theme in Legislative Technique or Formal Legislation. It is one of the stages preceding the drafting of the normative act, in legal documentation. I have chosen this subject as the creation of law requires a research activity based, among other things, on studying and analyzing normative and jurisprudential acts of the forums considered to be milestones in this respect. The documentation in the drafting of normative acts is imperative because it makes the correlation between the elements to be in legal norms with the European law, the Fundamental Law and the other laws, on the one hand, and on the other hand, it agrees with the needs and the social reality with the provisions of the act, thus leading to the efficiency and the stability of the act of legislation, as well as the decrease of the risk that the act will become obsolete. The structure of the article will have two main parts. The first part will include an introduction to the study of formal legislation and will address aspects of scientific documentation in general and legal documentation in particular. The second part will practically, in a comparative way, deal with the legal documentation at the level of law-making bodies and of supreme courts in Romania and the European Union.

Keywords: rule of law, elaboration procedure, documentation. JEL Classification: K10, K40.

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Paper: Approval and Endorsement of Normative Act Draft  
Author(s): Razvan Adrian Grigore, Student, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

In this article I will speak about the problem of approval and endorsements of normative acts drafts, looking forward to try answer a number of key questions, such as: Why did I choose this issue? I will try to define what is the main reason of this paper/research in what concerns the subject of approval of normative acts drafts; What issues I have reached? Issues in what concerns the study of formal legislation, instruments for approval and endorsements; What difficulties I have reached, what is the importance of the study and what I have brought new with my research. The paper will be divided in two main parts. Part one will contain two sections which will approach to introductive aspects in what concerns the study of formal legislation and the problem of normative acts approval. The second part will contain an analyze of how European normative acts are approved.

Keywords: rule of law, endorsement procedure, adoption procedure. JEL Classification: K10, K40.

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Paper: The Legal Conceptualization of European Union Law and the Role of the Council of the European Union in the Adoption of EU Law  
Author(s): Cristi-Gabriel Stoian, Bachelor Degree Student, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

In this scientific approach, we aim to identify the premises underlying the creation of European Union law, to determine the legal nature of this new right, to observe the objectives it has set itself to achieve and the future consequences for the Member States. We will firstly point out that what the concept of European Union law means is where the EU has exclusive competence and shared competence with the Member States and that the ultimate interest of these actions is to ensure economic growth and competitiveness for all states and regions of the EU. We will also stop on the role of the Council of the European Union in the context of Romania's presidency in the first six months of 2019.

Keywords: Council of the European Union, legal conceptualization, attributions, presidency of the European Union. JEL Classification: K1.

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Paper: Elements of Legislative Technique - Comparative View  
Author(s): Izabela Lupu, Master Degree Student, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

Our scientific approach is based on the pre-requisites of Formal Legistics, according to which the law is made up of the sum of the normative acts in force in a certain predetermined geographic area, influenced by its own historical, cultural, political evolutions etc. Thus, we propose to find the answer to the following questions: "What is the lawmaker's creation?", "Is there a typology of a universal lawmaker?". In order to answer the questions raised, we propose to refer to Law No. 24/2000 and to its legal counterparts in Belgium, France, Spain, Austria and Finland.

Key words: legislative system, formal legislation, normative act, Constitution. JEL Classification: K10, K19.

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Paper: Education is Guarantor of Respecting the Realization of Rights  
Author(s): Mariana Dumitru, Student, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

The full guarantee of the exercise of the right to education, in all its dimensions, occupies an important place in the legal system, from which all the other fundamental rights and freedoms through which life standards are ensured, acces to the information necessary for the development of skills and abilities to improve quality of life, the environment, and respect human dignity. Keywords: education, guarantee, fundamental rights, human dignity. JEL Classification: K10, K19.

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**NATIONAL UNIVERSITY OF POLITICAL STUDIES AND  
PUBLIC ADMINISTRATION**

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6<sup>th</sup> Annual International Conference  
Law and Administrative Justice from an  
Interdisciplinary Perspective  
November 21<sup>st</sup> – 23<sup>rd</sup>, 2019, Bucharest, Romania





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5<sup>th</sup> Annual International Conference  
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November 23<sup>rd</sup> - 25<sup>th</sup>, 2018, Bucharest, Romania

**Organised in partnership with  
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# BOOK OF ABSTRACTS

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National University of Political Studies and Public Administration



## 5<sup>th</sup> Annual International Conference on Law and Administrative Justice from an Interdisciplinary Perspective

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The papers presented within the conference will be published in the *International Law Review*. The review is included in the international databases: SSRN, EBSCO, ProQuest and VLEX.

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For publication the full paper should be written in English using Microsoft Word. The text should be in TNR font size 10, justify and single line spacing. The footnotes should use Times New Roman 8.

If the paper is divided in chapters and paragraphs, the chapter's title will be written Times New Roman 10, left, caps lock, bold, double line spacing; the paragraph's title will be written, Times New Roman 10, left, normal, bold, double line spacing.

Both in the body of the text and in the footnotes the following short forms are used: art. (= article); para. (= paragraph); p./pp (= page or pages); t. (= tome); vol. (= volume); G. O. (= Government Ordinance); G. D. (= Government Decision). REFERENCES (books and specialized journals) must be introduced using "Harvard Style".

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On the day of your presentation, please report to your assigned room 10 or 15 minutes before the working group is scheduled to begin. Introduce yourself to the Chairman/Chairwoman of the working group your paper belongs to, and check that any audio - visual equipment you need to use is setup and working properly. Please load your presentation onto the hard drive so that the transition between presentations is smooth.

# Working Groups Sessions

## WG1. The Administrative Capacity of the Judicial System

Chair: Alistar Victor T., Associate Professor, PhD, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania  
Executive Director, Transparency International, Bucharest, Romania

Co-Chair: Judit Siket, PhD, Faculty of Law and Political Sciences, University of Szeged, Hungary

### *Papers:*

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Paper: Accession to the European Union Cannot Affect the Supremacy of the Constitution over the Whole Legal Order

Author(s): Ionița Cochînțu, PhD, Assistant Magistrate, Constitutional Court of Romania

Following the accession, the provisions of the founding Treaties of the European Union, as well as other binding provisions under Community law, shall prevail over any provisions of the domestic law, while observing provisions in the accession instrument. However, in relation to the notion of "internal laws", a distinction has been made between the Constitution and the other laws. Also, the same distinction is made at the level of the Basic Law by art. 20 par. (2) the final sentence for the purpose of applying international rules as a matter of priority, unless the Constitution or domestic laws contain more favourable provisions, and Art. 11 par. (3) states that if a treaty to which Romania is to become a party contains provisions contrary to the Constitution, its ratification can only take place after the revision of the Constitution.

Keywords: international law priority, rule of law, constitutional provisions. JEL Classification: K10.

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Paper: Boosting Access to Justice as a Support to Raise Administrative Capacity of the Judicial System

Author(s): Irina Lonean, PhD, Invited Lecturer, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

Trust in the judiciary is a key element of its capacity, as there is no fair trial without both the material guarantees and the feeling of a fair trial. In this context, boosting access to justice is not only a very important human rights issue, it is also instrumental in order to ensure the needed capacity of the judicial system. Moreover, boosting access to judiciary in administrative cases, when citizens appeal administrative decisions and procedures, is key in order to strengthen the administrative capacity as well. In this context, the paper focus on the successive programmes and projects aiming to boost access to justice of the Ministry of Justice, the Superior Council of Magistracy and other actors, including civil society organisations. Different policies and initiatives to ensure access to justice are examined in order to determine the most effective approaches, based on a combination of theory based evaluation methods including the Realist Evaluation and the Prospective Evaluation Synthesis and data collected from desk based research and interviews with decision makers, civil society representatives and justice seekers. The paper concludes that only a combination of support to access the judiciary (like the public judicial assistance) and incentives to access the judiciary to discouraged citizens can work for more trust in the judiciary better judicial capacity.

Keywords: public judicial assistance, incentives to access the judiciary, trust in the judiciary. JEL classification: K38.

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Paper: The Administrative Justice Completely Withdrawn in Republic of Moldova  
Author(s): Maria Orlov, PhD, Associate Professor, "Alecus Russo" State University of Bălți, Institute of Legal and Political Research of the Academy of Sciences of Moldova, President of the Association "The Institute of Administrative Sciences of the Republic of Moldova"  
Marina Grosu, Juristconsult, Project Coordinator in Public-Private Partnerships

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Paper: Administrative Capacity of the Judicial System. An Evaluation from the Point of View of the Judiciary Role in Fighting Corruption  
Author(s): Alistar Victor T., Associate Professor, PhD, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

The paper addresses the issue of the capacity of the judiciary in direct connection with the performance of the Judicial System to fulfil its role to curb corruption. The paper is based on the methodology of the National Integrity System Assessment proposed by Transparency International and proposed an evaluation of the capacity of the judiciary taking into account the legal provisions and the practical implementation of these provisions on the two main criteria on institutional capacity proposed by the National Integrity System model: resources provided and independence ensured. New provisions on the organisation of the judiciary are considered in this respect. The paper is then comparing the results of the assessment of the capacity of the Romanian judiciary with the assessment of its performance in curbing corruption in order to find a direct connection between the two: capacity and role to curb corruption. However, the paper also rises the issue of the judiciary governance, assessed based on three other criteria of the National Integrity System: transparency, accountability and integrity. These have, together with the capacity issues, the same instrumental importance to support curbing corruption by the judiciary.

Keywords: capacity of the judiciary, judiciary independence, resources for the judiciary, role of the judiciary, curbing corruption, performance. JEL Classification: D73.

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Paper: The General Court – The Tendency to Become a Common Jurisdiction  
Author(s): Irina Zlătescu, Professor, PhD, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

This study aims to prove that the General Court is becoming the ordinary court with the meaning of Article 256 TFEU for the first instance resolution of actions for annulment, actions for compensation based on non-contractual liability, actions for failure to act and for the resolution of disputes regarding arbitration clauses. Exceptions will be made when specialized courts will be established, as it was the case of the Civil Service Tribunal (2004-2014). Another exception consists for the resolution of causes, which fall according to the Statute under the competence of the Court of Justice. Nevertheless, the Statute may also provide competences of the General Court for other types of actions.

Keywords: first instance, actions, arbitration clauses. JEL Classification: K40.

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Paper: The Ombudsman in the European Context  
Author(s): Denis-Roxana Gavrilă, PhD Candidate, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

The article analyses the role of the Advocate of the People in the national and international context, starting with its appearance (OMBUDSMAN) on the historical and political stage of the northern European states, until today. It has assumed the role of supporting citizens in their problems with the administration and promotes, on its own initiative, the principles of transparency and inherent responsibility for the concept of good governance practices. Individuals have reported possible violations of the right to information, the right to petition, and the right of the person injured by a public authority. The article will present that in the local and central public administration institutions, civil servants are insecure and the managerial capacity to implement decentralized responsibilities is not strengthened. A sustained effort is necessary, noticing also that The European Commission Against Racism and Intolerance (ECRI), a body of the Council of Europe, in its Fourth Report on Romania, approved by the Council of

Europe in March 2014, recommended that the People's Advocate Institution take decisive action against public authorities when they suspect that there have been flagrant violations of human rights, especially when they are related to racial discrimination, cases presented in this paper.

Keywords: non-contentious means; mechanism for the prevention, minorities. JEL Classification: J15.

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Paper: Amendments to the Law no. 554/2004 Introduced by Law no. 212/2018

Author(s): Elena Mihaela Fodor, PhD, Associate Professor, Faculty of Law Cluj-Napoca,  
„Dimitrie Cantemir” Christian University, Romania

The paper discusses the amendments regarding the definition of the administrative act, the limitations of the control of the contentious administrative courts, the prior procedure, the object of the legal action, the competence of courts, the parties, the procedure and the enforcement of the court decision. The analysis of the amendments introduced in the Law no. 554/2004 by Law no. 212/2018 is made in corroboration with other normative acts. Generally, the legislator managed to harmonise the provisions of the Law no. 554/2004 with other normative acts and at the same time, to preserve the specific of the contentious administrative. However, litigation procedure for the administrative contracts together with the rules for contesting the first instance decision do not respond to the specificity of the administrative law.

Key words: Law no. 554/2004, contentious administrative, prior procedure, administrative act, administrative contract. JEL Classification: K39, K41.

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## WG2. Human Rights in the New Era

Chair: Zlătescu Irina, Professor, PhD, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania  
Director of the Transdisciplinary Centre of Human Rights; Titular Member of IACL and Member of the Council of ELI

Co-Chair: Saghi Florin Emeric, Vicepresident of the Romanian Association for the United Nations member of the World Federation of the United Nations Associations

### *Papers:*

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Paper: EU ETD – Towards a New Chapter in EU Citizens' Rights and a Better Administrative Cooperation

Author(s): Erzsébet Csatlós, PhD, Senior Lecturer, Faculty of Law and Political Sciences, Department of Administrative Law, University of Szeged, Hungary

The European citizenship was officially created by the Maastricht Treaty to confer rights on citizens of the Member States of the EU. Among these rights, the most challenging one was the right that enabled EU citizens to turn to any foreign representation of any Member States for consular protection in third States in case if their own State of nationality is not represented there. According to surveys, almost 7 million EU citizens travel or live outside the EU, in places where their own country does not have an embassy or consulate. Member States with well-developed and extended international relations are in a better position to serve their nationals in need, but most of the Member States are in a less favourable situations and the EU citizenship policy aimed to eliminate these differences in the point of EU citizenship rights. Given to the consular protection's strong ties to foreign relations, first, it was placed under the unanimous decision-making capacity of the Council under the CFSP regime, but the Lisbon Treaty has introduced major changes not only for the consular protection policy of the EU but on the other hand, to facilitate effective execution of EU policies in general. It lifted the right to get consular help abroad and also the right to good administration, among others, to fundamental level and placed them at the top of the norm pyramid. All these developments have indicated changes in the consular protection policy which resulted new foundation stones of the policy (Council Directive (EU) 2015/637 of 20 April 2015) and now, the reform of the issue of emergency travels document (ETD) is on the threshold as it is the most commonly claimed consular protection service. Therefore, a Council directive proposal was submitted on the last day of May of 2018 on the EU ETD. Its provisions are innovative and embody a series of opportunities for further development. On one hand, it is a pioneer among measures of facilitating the administrative cooperation while ensuring a better administration of this consular protection measure, although, on the other hand, it leaves open questions and offers a variety of choice for Member States which also increase legal challenges in the view of rights of the EU citizens.

Keywords: good administration, legal challenges, consular protection. JEL Classification: F22, K33.

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Paper: Multiple Discrimination in the Contemporary European Society

Author(s): Ruxandra Darclée Miu, Legal adviser, National Oil Transport Via Pipelines and Rail Tanks Company (CONPET SA), Ploiești, Romania

In the context of nowadays non-discrimination cannot be made through simple acts or statements. Statements as the Universal Declaration of Human Rights, or the European Convention of Human Rights have to be incorporated in every state's if not every individual's culture in order to achieve its goals.

Multiple discrimination represents any combination of forms of discrimination against persons on the grounds of sex, racial or ethnic origin, religion or belief, disability, age, sexual orientation, gender identity or other characteristics, and to discrimination suffered by those who have, or who are perceived to have, those characteristics. It can manifest itself in two ways, there is 'additive discrimination', where discrimination takes place on the basis of several grounds operating separately and second, there is 'intersectional discrimination',

where two or more grounds interact as they are inextricable. Although multiple discrimination has always existed, it has not been recognized as a legal concept until recently.

Keywords: multiple discrimination, non-discrimination, tolerance, European Union, human rights, European Agency for Fundamental Rights. JEL Classification: K38

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Paper: Aspects of Discrimination from the Perspective of the Migration Phenomenon

Author(s): Roxana Moisoiu, PhD candidate, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

Migration has existed since the beginning of mankind. The phenomenon did not cease over time, but it has seen changes and new forms with the evolution of society. Migration processes take place simultaneously and are increasing in many countries of the world. The main causes of unprecedented population movements are armed conflicts, famine, natural disasters, human rights violations and deplorable economic conditions in some states. Collective attempts to regulate refugee-specific issues and migration have so far been quite limited. The European Union has taken a step forward in this direction. The European Union now considers that an integrated and comprehensive approach is desirable in order to better manage the phenomenon of migration. The implications of contemporary regional and global migration have consequences on the social, economic, cultural, political and religious environment of the states. Migration has transformed and redefined the political and economic interests of states, but has accentuated and expanded the phenomenon of discrimination, violating the principle of equality. Accepting multiculturalism of different religions as well as social diversity is the key to combating discrimination and respecting the right of every person to equal opportunities. Equal opportunities are based on ensuring the full participation of each person in economic and social life, regardless of ethnic origin, sex, religion, age, disability or sexual orientation.

Keywords: migration, migrant, discrimination, equal opportunities. JEL Classification: J15.

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Paper: The Right to Health Care, a Fundamental Human Right

Author(s): Remus Marian, PhD candidate, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

The right to health protection is part of the human rights and freedoms, which the state, as a result of their recognition, is called upon to respect, guarantee and protect them. The existence and life of man being inextricably linked to society, these desiderata are always topics of study and debate. A common approach to ensuring the maintenance of the health of the population and a higher level of prevention in the national health system is revealed by the cooperation between the public administration and the Church institution, aiming to ensure a better health of the Romanian population and the accentuation the role of prevention in maintaining health. Such a project is aimed at disadvantaged people in rural areas with reduced educational level and social cases

Keywords: human rights, right to health, freedom, public administration. JEL Classification: I18.

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Paper: Promotion and Protection of Human Rights in the Context of the Actual and Future Local Fiscal System

Author(s): Florin-Ionel Trușcă, PhD candidate, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

The protection of human rights as well as their promotion have been and are still a challenge for each state, especially for developing countries. The multitude of normative acts regulating the local tax system in Romania, the bureaucracy reflected by the significant increase of the forms through which information is collected and the tax obligations are established, as well as the main objective of the tax bodies, respectively the collection of revenues to the local budgets, make it increasingly difficult to achieve human rights objectives. Therefore, the paper proposes the passage of the local tax system from the rudimentary state where it is to a digitized system at national level, which through its instruments and techniques can ensure the promotion and protection of human rights.

Keywords: promotion, protection, individuals, principles, rights. JEL classification: K38.

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Paper: Universal Declaration of Human Rights -  
70 Years of Promoting and Protecting Human Rights  
Author(s): Irina Zlătescu, Professor, PhD, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

Developed by law specialists coming from different regions of the world, from UN member states but with different legal systems and cultures, the Universal Declaration of Human Rights, proclaimed by the UN General Assembly on December 10 1948, is yet another a common ideal to be touched by all peoples, all nations and all individuals. Its 70th anniversary requires us to reflect on the past and to look for the future. It enables us to identify challenges and threats.

Keywords: human ideal, culture, future challenges. JEL Classification: K 33.

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Paper: Understanding of the Rights of the Data Subjects  
Author(s): Andreea Drăgan, PhD candidate, Faculty of Public Administration, National University of  
Political Studies and Public Administration

General Data Protection Regulation replaced the Data Protection Directive that has been in place since 1995. This regulation gives power back to the people as European Union considers privacy as human right. The whole Chapter 3 of the GDPR treats the subject of rights of the data subject, as with the new modified Regulation, the number of rights for data subject has increased considerably and the old ones have been consolidated. Now we can speak of the right to information, right to access, right to rectification, right to withdraw consent, to object, to object to automated processing, to be forgotten and data portability, just to mention a few. But how do these rights help to protect European citizens' personal data? For example, once an EU citizen has given his consent for processing his personal data for a purpose, he has the right to withdraw his consent through a request which implies that the company that processed his personal data to stop. The new GDPR provides many rights for data subjects, in order to protect their private life. But as important it is to know for each individual to know their national legislation because "*Ignorantia legis neminem excusat*" or "*nemo censetur ignorare legem*" which means "ignorance of law excuses no one" or "nobody is thought to be ignorant of the law", is as important to be aware of the European regulations especially when it works in citizens favour.

Keywords: privacy, GDPR, European regulations. JEL Classification: C89.

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Paper: Bussiness and Human Rights  
Author(s): Petru Emanuel Zlătescu, PhD candidate, "Nicolae Titulescu" University, Bucharest,  
Romania Member of European Law Institute

The respect of human rights in the economic sector has become the regulatory object of many international and national standards over the past two decades. The impact of multinational corporations on the environment, and human rights in particular, is one of the most important topics on the international's community human rights agenda. The debate on this topic includes next to the benefits associated with, such as the development of infrastructure and job creation also its negative impacts on human rights. Since the human rights in question usually do not have a direct effect and multinational companies are therefore not considered as fundamental rights addressees, it is primary the duty of the state to protect these rights indirectly, by adopting legal norms and standards. The binding nature of these standards varies and includes both legally enforceable rights and obligations as well as standards with programmatic content and soft-law provisions. In general, these norms address three main aspects of the protection of human rights from the negative effects of the economy and globalization. First, the very first guarantee in this field is the state's duty to protect human rights against private threats. Secondly, a special responsibility should be imposed to the business enterprises, which obliges them to respect human rights. Thirdly, access to remedies should be granted in the event that an infringement has already occurred.

Keywords: standards, globalization, responsibility of business enterprises. JEL Classification: K39.

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**Paper:** Religion and Christian Family - their Role in Promoting and Keeping Human Dignity  
**Author(s):** Rareș Bogdan Ruge, PhD Candidate, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

Religion is the free and conscious connection of man with God, and the family - a school of love and cradle of life. Religion has always played an important role in the formation of moral and social skills and attitudes. The Christian family is the very cradle of Christian faith and formation, a true school of life. The family is considered the cell of society, which is why the state has the responsibility to defend and protect this fundamental institution. Before being full rights citizens, each person needs to live in a healthy environment that will allow them to develop as fully and harmoniously as possible. The Christian family is a holy temple in which the fullness of Christian virtues is stored. It is the cell from which human society was founded and on which human society is based, but also the church community, widening the boundaries of the kingdom of God. The family is the most important institution in the service of life. All the other institutions that have a role in supporting and promoting human life are subordinate to them, both in terms of their origin, especially in their role and purpose. Today the family and all social structures are affected by secularization. The diminishing of the Church's role in everyday life and the decrease in trust in God result in the degradation of relations between people, the failure to observe moral principles, the increase of crime, corruption, etc. Dignity shows value, honour, moral merit, degree of appreciation as the rank achieved by a person in society. In Christian doctrine, human dignity is a divine gift that, regardless of the circumstances in which the individual lives, takes as an example the image of God. In society, in terms of dignity, the autonomy and freedom of thought and the behaviour of an individual are also understood.

**Keywords:** religion, the Christian family; dignity; human rights. **JEL Classification:** K36, K38.

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**Paper:** The Rights to Education, a Strategic Priority of the 70<sup>th</sup> Anniversary of the Universal Declaration of Human Rights  
**Author(s):** Roxana Elena Vișan, PhD candidate, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania,  
Member of the European Law Institute

This article aims to be an incurs on the evolution and affirmation of the right to education in the human rights system, in order to offer suggestions on collective hope of transforming the world and providing a better future for future generations. Such a manifestation is achievable by a political will, the creator of an equalitarian model, to redistribute utopian visions of human freedoms. Considered as a unique window to the fundamental problems of human dignity at the societal level, the Universal Declaration of Human Rights affirmed over the seventy years the legitimacy of human rights in the face of global challenges and ensured the diversity of universal thinking. Considered one of the fundamental human rights, yesterday's education, today and tomorrow, is the main pillar in finding answers to global issues. Now is the time to take stock of progress and to identify strategic priority areas for the effective implementation of Agenda 2030 on Global Education.

**Keywords:** the right to education, strategic priority, global education, Agenda 2030. **JEL Classification:** I29.

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### WG3. Citizenship and Immigration in Europe

Chair: Mădălina Cocoşatu, Associate Professor, PhD, Director of the Department of Law "V.D. Zlătescu", Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

Co-Chair: Orlov Maria, PhD, Associate Professor, "Alecu Russo" State University of Bălţi, Institute of Legal and Political Research of the Academy of Sciences of Moldova, President of the Association "The Institute of Administrative Sciences of the Republic of Moldova"

#### *Papers:*

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Paper: Integration Policies for Legally Resident Third Country Nationals in View of New and Future Challenges and Ensuring Relevant Policies

Author(s): Elena Loredana Pirvu, Lecturer PhD, Police Academy "Al. I. Cuza", Faculty of Juridical and Administrative Sciences, Bucharest, Romania

Over the past decades, most EU Member States have experienced increasing migration. Migrants from third countries represent around four percent of the total EU population. Europe is also strongly influenced by demographic changes, including the ageing population, longer life expectancies and a declining working-age population. Member States have confirmed their commitment to further developing the core idea of integration as a driver for economic development and social cohesion, in order to better enhance migrants' contribution to economic growth and cultural richness. With the recent EU Action Plan on Integration, the Commission sets out policy priorities and tools for concrete actions to be undertaken at EU level in support of the action on integration taken at Member States' level, with a view to further develop and strengthen integration policies across the EU. The article will present the social, economic and political context recently changed and all integration measures underlined within EU Action Plan on Integration and will research about future challenges and relevant policies in need to be drafted and implemented on EU level.

Keywords: integration, refugee, policy, action plan, third country nationals. JEL Classification: K37.

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Paper: Immigration in Democratic States

Author(s): Ionut Cosoi, PhD Candidate, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

One problem that should concern political analysts is the inclusion of individuals who migrate from totalitarian countries to harmless, democratic countries. One cannot fail to see the strangeness of these foreign elements in the democratic contest of a free country. My objective is even to identify / detect in a democratic state the deceptive behavior of the democratic values of immigrants from the closed / totalitarian states. Informational flow takes place regardless of the individual's will in society and influences him even if he has not lived this experience. In democracy, information is the engine that ensures its endurance. The research method I use is that of participatory observation on small merchants coming from China. The result of the research has pushed me to conclude that this kind of immigrants - from a totalitarian country - must go through a process of awareness of democratic values because their idea of democracy is different from its real principles. Of course, by this process, only mature individuals, not minors, must pass, in my view they do not pose any danger. School is here a very important institution in learning real / real democratic values. The need to adapt people from totalitarian states and migrating to democratic states is real. A significant weight that can help in this respect is given by sources of information, the only valid / necessary aspect for corroborating "undemocratic" behaviour as the willingness to know the immigrant. For individuals living in a democratic state besides their legitimate responsibilities, they are also those of identifying and helping newcomers from other totalitarian states, helping themselves. In other words, society regulates itself by transmitting information from one individual to another - no matter which party they are.

Keywords: democratic values, participatory observation, inclusion. JEL Classification: K33.

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**Paper:** Immigrants Statuses in Europe: Citizenship, Residence Permit and Stay Permit  
**Author(s):** Lucia-Ştefania Avram, PhD Candidate, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

The author of this articles analyses the main legal norms applicable for the citizenship, residence permits and stay permits regarding the immigrants in Europe. The author will make a comparison between the main regional and national norm to understand the differences and the most favourable and the hardest regulation. The method used is the analyse of the legislation and informal interviews of different subjects from different countries.

**Keywords:** immigration, legislation, citizenship, residence permit. **JEL Classification:** K37.

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**Paper:** A New European Policy on Legal Migration - Enhancing Legal Pathways to Europe  
**Author(s):** Eleodor Pirvu, General Inspectorate for Immigration, Asylum and Integration Directorate,  
Deputy Director

Establishing safe and legal pathways of admission to complement resettlement programmes is therefore an essential step towards securing a meaningful response to the current unprecedented global displacement situation. The need to provide increased and complementary pathways for refugee admission is reflected in the New York Declaration for Refugees and Migrants, which was adopted by all 193 Member States of the United Nations at the UN General Assembly in September 2016. Countries, including the Member States of the European Union, expressed their intention to “expand the number and range of legal pathways available for refugees to be admitted to or resettled in third countries.” The article will present the implications of the EU-Commission’s proposal for seeking protection in the EU and will research about resettlement as a protective tool and durable solution for refugees. Answers to the actual position of the EU governments towards new policy proposal and what is the future for admission programmes to EU will be analysed.

**Keywords:** asylum, refugee, protection, legal admission, resettlement. **JEL Classification:** K37.

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**Paper:** Public Administration and Integration of Immigrants  
**Author(s):** Alexandra Bucur, PhD candidate, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania,  
Member of the European Law Institute

The study presents aspects related to managing the phenomenon of immigration, which is an important activity of the states, including Romania. Thus, public administration is an important actor in coordinating immigration policies. With a growing number of asylum applications, the response of state authorities must also be based on promoting the integration of immigrants into society. At the same time, immigration becomes an administrative process and its answers are necessary and important.

**Keywords:** public administration, immigration, integration. **JEL Classification:** F22.

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**Paper:** Accessing Cohesion Funds Granted by the European Union to Extra-community  
Immigrants. Application and Conditioning  
**Author(s):** Mădălina Cocoşatu, PhD, Associate Professor, PhD, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

EU humanitarian aid supports refugees and migrants from countries such as Iraq, Jordan, Lebanon and Turkey. Between 2015 and 2017, a total of €17.7 billion was earmarked from the EU budget to cope with the migration crisis. This paper aims to analyze EU funding for immigrants and transit countries in order to combat illegal immigration and trafficking in human beings. Also, this paper will analyze the procedure and conditionality that will be put to the European states in order to be able to receive funds for the integration of immigrants.

**Keywords:** aid support, migration crisis, integration of immigrants. **JEL Classification:** J15.

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Paper: Political and Diplomatic Asylum

Author(s): Andrei Bogdan Cipere, PhD candidate, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

One of the novelties of this paper is the fact that the topic is very topical due to the numerous crises that have occurred over the last years in almost all the world's continents, situations that have generated large waves of refugees that have created extreme problems the great governors and all those in charge of managing such crises, demonstrating the need to address the institutions of political asylum and extradition with more interest and depth. The way in which the work will be conceived, provides for the treatment of diplomatic relations between states, the immunities accorded to diplomatic staff in various legal systems and the institutions of asylum and extradition, starting from a historical and legal appreciation of their evolution, going up to to analyse the level at which they have reached today, and how the institutions that manage to manage them work. At the same time, a large part of the legal components of the diplomatic institution, the asylum at the European level and in the Romanian system, and refugee status will be highlighted and analysed by the approach to be accomplished, aiming to eliminate the large number of mistakes or misinterpretations . It will start from a clear delimitation of concepts and will go up to the most complex elements of structure and the mechanisms that ensure their operation, both theoretically and procedurally.

Keywords: immunities, refugee status, administrative mechanisms. JEL Classification: F22.

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Paper: The Role of Immigrants When Striving for a Resilient Labour Market in Romania

Author(s): Teodora Ioana Bițoiu, PhD, Senior Lecturer, Director of the Department of Economics and Public Policy, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

Crina Ramona Rădulescu, PhD, Senior Lecturer, Deputy Dean, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

Labour, one of the main production factors, remains a sensitive factor that implies both identifying education and continuous training opportunities and smart resource allocation, so to avoid a market failure. The labour market resilience, especially after the Great Recession, is more and more influenced by the labour market changes induced by the structural policies and, moreover, the legal framework dealing with migration issues.

The current research aims at analysing the connection between the legal provisions (national and European laws) and the specific aim of creating a resilient labour market, namely referring to the impact these provisions could have upon the output and employment recovery to keep the inequality low (Stiglitz, 2015), long-run evolution of the wage distribution (Piketty, 2014) and labour productivity (OECD, ECO/WKP(2017)38). The topic of the economic integration of migrants is not one treated only on a central level (through policies and specific legislation), but also one priority of the local public administration through their involvement in European projects dealing with immigrants and their access to rights (e.g. DELI – Diversity in the Economy and Local Integration, of which Bucharest municipality was part of). All in all, the paper argues that resilience can be promoted through labour reform that allows employers to bring in non-EU migrants at all skill levels with minimal restrictions (MPI, 2014).

Keywords: labour market regulation, migration, resilience. JEL Classification: F22.

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Paper: Brexit: a Member State Withdrawal from the European Union and the EU Citizenship Issue

Author(s): Elena Marinică, PhD, Assistant Professor, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

This article examines how the voluntary withdrawal of the United Kingdom of Great Britain and Northern Ireland from the EU impacts the guarantee of the rights of EU citizens already living in the UK and the rights of British citizens living in other EU Member States, that must be secured in the context in which the loss of European citizenship is inherent to British citizens (accompanied by the loss of political rights, the right to vote, the right to stand as a candidate, etc.), followed by the loss of other rights after the end of the transitional period such as freedom of movement, recognition of professional qualifications, family reunification, etc. Some of the main ongoing initiatives and actions (e.g. the UK-EU withdrawal agreement) on citizens' rights are being analysed to see if all these measures are a qualitative leap towards a controlled, step-by-step exit to protect the rights and stability of the citizens affected by Brexit, or, on the contrary, they are small steps that demonstrate that this issue is far from complete, confronting a legal uncertainty that could cause losses and disadvantages likely to prove extremely dangerous to citizens.

Keywords: citizens' rights, legal uncertainty, voluntary withdrawal's effects. FEL Classification: K30.

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Paper: EU Institutions for Protecting the Vulnerable Groups in the European Space

Author(s): Ionuț Bogdan Berceanu, Assistant Professor, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

The paper is part of the Erasmus + Jean Monnet Project EU – Diversity, Citizenship and Solidarity under Migration Pressure. From learning to e-learning, which has as one of the main objectives to promote excellence and innovation in teaching and research in EU studies, in particular in Migration Law and Economics. The aim of the paper is to realize a research regarding the institutional framework of the European Union used for protecting the vulnerable groups and individuals in the EU. The analysis will start for the definitions of the vulnerable groups and the identification of the European regulations which are contributing to the protection of these groups. There will be also analyzed how through its measures the EU institutions such as the European Parliament and the European Commission are contributing to the realize the an added value in the European space, by creating the premises of an unitary protection of the persons which are vulnerable.

Keywords: diversity, regulations, added value, Erasmus+. JEL Classification: K37.

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## WG4. New Tendencies in Public Administration Development

Chair: Cărauşan V.Mihaela, Associate Professor, PhD,  
Deputy Dean, Faculty of Public Administration, National University of Political Studies  
and Public Administration, Bucharest, Romania  
Executive Director, Association Centre of Academic Excellence, Bucharest, Romania

Co-Chair: Erzsébet Csatlós, PhD, Senior Lecturer, Faculty of Law and Political Sciences, Department  
of Administrative Law, University of Szeged, Hungary

### *Papers:*

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Paper: New Tendencies in Public Administration Development – Rising Era of One Stop Shop  
Delivery Models in Developing Countries

Author(s): Hakim Alasgar, PhD candidate of Doctoral School of Public Administration Sciences,  
National University of Public Service, Budapest, Hungary

Current tendencies in public administration development indicates, further development of state administration and local government reforms is connected with the use of decentralization and decentralization of public administration, separation of strategy from the provision of services, diminishing the gap between democracy and efficiency, enhancing the citizens participation and mutual trust of citizens in government and vice versa, creation of “business oriented” governments, principle of simplifications, improving the quality of public service improving the political and administrative culture and integration of various institutions, reforms and activities in the context of public administration development. As a model of public service delivery, OSS have been in vogue for many decades now. One-stop shops have currently emerged as more powerful actors than ever before in the developing countries. OSS operate towards the simple goal of making public services available under a single roof. OSS come in various designs, institutional arrangements and financing models, and provide different baskets of services in different contexts. While some provide the services of a single level of government (national/provincial/local), others provide services of more than one level. This paper looks at some of these definitional issues and maps some of the recorded examples. The proposed paper, will discuss how new tendencies in public administration leads to rising era of OSS models in the developing countries by relying on an extensive survey of literature, including policy documents, project information sheets of donors, government websites, media stories, academic articles, third-party evaluation reports and case studies recorded by non-governmental organisations among others.

Keywords: One-stop-shop, public service delivery, public administration, governance, customer, citizen, government, data, management, reform. JEL Classification: H83.

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Paper: Elements of Formal Legistics - Prerequisites for the Creation of European Union Law

Author(s): Ioana Cristina Vida, PhD, Parliamentary Adviser,  
The Chamber of Deputies of the Romanian Parliament

The paper aims to pass European Union law through the Formal Legistics filter. The scientific approach aims to show that the "builders" of European Union law were inspired by the elaboration of national normative acts. Thus, in the drafting of legislative acts of the European Union we meet with notions and syntagms that claim to ensure the quality of drafting, i.e. intelligible and unitary drafting, observance of the uniform principles of presentation and legislative technique, clear and simple texts, etc.

Keywords: formal legistics, legislative technique, European Union law, legal conceptualization. JEL Classification: K19.

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Paper: Local Governments in the System of Separation of Powers. The Executive Function  
Author(s): Judit Siket, PhD, Faculty of Law and Political Sciences,  
University of Szeged, Hungary

The paper is focused on the principle of separation of powers, especially examined the role of local self-governments in the system of division of powers. It gives a brief description on the dogmatic approach of the principle of powers based on the concept of Montesquieu, and Benjamin Constant who emphasised the significance of local power. The study demonstrates the effectiveness of principle of separation of powers and the constitutional status of local self-governments in the Hungarian Fundamental Law. According to the Fundamental Law, the essence of local governments is to manage public affairs and to exercise public authority this is the reason why local governments exist. The leading conception has changed, rejected the collective fundamental rights approach. A separate section aims to describe the executive power of local self-governments, in particular the functionality of local self-governments. A comparative part illustrates changes of local task-system after the adoption of New Local-Government Act in 2011, including both municipal and county level responsibilities, the strong centralization process in the field of local governance. In conclusion, local self-governments' role significantly decreased in the field of providing public services and in exercising of local public powers, functionality of local self-governments was substantially narrowed.

Keywords: separation of power, local self-governments, centralization. JEL Classification: K23.

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Paper: Justinian's Legal Reform – the Avatars of a Political *Credo*  
Author(s): Ionela Cuciureanu, Bucharest Bar, PhD candidate, University „Babes Bolyai” Cluj  
Napoca, Faculty of Law, Cluj, Romania

The paper aims to present the reasons that laid behind emperor Justinian's legal reform (the last Latin speaking emperor of the Roman Empire), as well as its effects on the roman society as a whole. The legal reform will therefore be regarded in the larger social and political context of the time and analyzed in relation to the crisis that was already eroding the Roman Empire, but also from the perspective of the modern lawyer, seeking elements of actuality that could be transplanted into the contemporary world. All things considered, it can be stated that the legal reform represents one of Justinian's key achievements, one of the works that, being meant to refresh through law the social dimension of life, crucially influenced the evolution of the humanity and remained an example of codification that could be revisited and used as models even in the globalization era.

Keywords: Legal reform, Roman law, social reform, modern law. JEL Classification: K39.

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Paper: Reasonable Formalism as Dimension of Administrative Discipline  
Author(s): Emil Bălan, Professor, PhD, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

The substantial need for simplification of administrative law, as the body of principles and rules governing the implementation of policies by executive power is now obvious.

Simplification can be achieved by rationalisation and improvement of administrative procedure as a dimension of administrative discipline and guaranteeing the fundamental human rights and exercise of public authority.

Keywords: administrative law; simplification; rationalisation; administrative procedure; administrative discipline.  
JEL Classification: K23.

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**Paper:** Perspectives for Developing the Civil Services in Romania. Vision on the New Development Strategy  
**Author(s):** Paula Ghitescu, PhD candidate, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

Romania will provide professional civil servants, politically neutral, capable in acting in terms of stability, transparency and predictability, responsible for their results and able to develop and implement effective public policies that will support sustainable development in Romania. To implement the new strategy we will consider the following principles: the legality and the respect for the rule of law, transparency, openness and participation, efficiency and effectiveness, proportionality, consistency and accountability, promoting gender equality and non-discrimination, accessibility, flexibility.

**Keywords:** civil service principles, political neutrality, effective public policies. **JE Classification:** J24.

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**Paper:** Report on the Diagnostic Survey of the Network for Integrity for 2017  
**Author(s):** Daniela Mitutoiu, PhD candidate, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

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**Paper:** Constitutional Perspective of EU Member States on Legal Certainty  
**Author(s):** Elena Constantin, PhD candidate, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

The principle of legal certainty is the essence of the rule of law, which means that it must mirror directly or indirectly the Constitution of each Member State of the European Union. The analysis of constitutional provisions on legal certainty also makes it possible to assess the quality of regulation at the level of each state under discussion. The subject is particularly interesting in the context of the quantitative increase in legislation generated by the evolution and complexity of the relationships between individuals.

**Keywords:** legislative abundance, rule of law, quality of regulations. **JEL Classification:** K10.

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**Paper:** In Search of Time for Speeding up the Public Procurement Dispute Resolutions  
**Author(s):** Mihaela Victorița Căraușan, Associate Professor, PhD, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania; Member of European Law Institute

Arbitration was established by the Government Decision no. 1/2018 as one of the dispute resolutions method which must be used for work contracts over 5 million Euro financed by public funds. Even the rule was criticised, we appreciate, in a certain measure, the clauses for better adjudication of disputes among the contracting parties. Dispute resolution methods are currently commonly used in the construction industry, among them only arbitration and litigation are statutory controlled, all the others are private. This paper attempts to address these alternative mechanisms focusing more on the duration of the processes and on the Government success in decreasing the number of lawsuits. By focusing on the critical attributes of alternative dispute resolution methods we will try to find out if they can really be kept as simple, inexpensive and effective.

**Keywords:** administrative contract, celerity of dispute procedures, public system effectiveness. **JEL Classification:** H57.

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Paper: Confidentiality Clause vs Data Protection in Work Relationships  
Author(s): Radu Răzvan Popescu, Associate Professor, PhD, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

Throughout the duration of the individual employment contract, both the employee and the employer enter in possession of data and information of a private nature, pertaining to the partner in the employment relationship. This type of information with confidential character is basically divided, from the point of view of the legal nature, in three categories: confidential data, based on the fidelity obligation, data and information not disclosed due to the existence of a confidentiality clause, and the data and information which, according to the special law, are catalogued as being work or state secret. At the same time, the employer is held by the obligation to preserve the confidentiality of the personal data and information it learns about its employees. The duration of these periods when the parties must preserve confidentiality is another issue that raised disputes, both in the specialty literature and in the practice of the courts of law.

Keywords: confidentiality clause, damages, work secret, fidelity obligation. JEL Classification: K31.

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Paper: The Global Pact for the Environment – A New Framework for Global Environmental Governance

Author(s): Andrei Duțu-Buzura, Associate Professor, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

Appearing at first over thirty years ago, having an original evolution regarding its contents – explaining the meaning and increasing the international awareness on environmental issues – the idea of a Global Pact for the Environment has been broadly accepted by the legal community and has become an obvious necessity for each and every country. Assumed and promoted by France in a legal and diplomatic initiative, the project can soon be materialized as an internationally representative document, of global reach, in the field of environmental protection. Obviously, as an instrument for codification of existing law, its creative part will be minimal, which implies a continuation and intensification of the efforts to develop the regulations regarding the global sectors – biodiversity, air pollution, waste etc. – and, thus, the creation of a global mechanism of actualization and permanent update of the normative contents of the treatise. Finally, the elaboration, the adoption, and the perspectives of an international text of global impact would favour other innovating initiatives, such as new dimensions of international law and governance, both generally, and concerning the specific aspects of environmental protection.

Keywords: environment, international law, global governance, climate change. JEL Classification: K33.

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## WG6. Peaceful Settlement of Conflicts and Management

Chair: Niță Mircea Aurel, Associate Professor, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

Co-Chair: Cristina Teodora Pop, PhD, Assistant-Magistrate at the Constitutional Court of Romania,  
Associate professor at the Faculty of Philosophy, University of Bucharest, Romania

### *Papers:*

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Paper: Culture of Peace and Mediation in 21<sup>st</sup> Century Education

Author(s): Nadjat Karabernou Paduret, President CCIR-A

Starting from the UNESCO definition of Peace Culture in Article 1 of the Peace Culture Declaration, we can identify seven values that can be passed on to educated peoples culture. It is about Non Violence, Tolerance, Solidarity, Democracy, respect for human rights, respect for the law, and environmental protection. Education for peace culture emerged as a consequence of these seven types of education. They are found in many educational programs but well-regarded as different fields and autonomous subjects. In a culture of peace education, a holistic and global approach is needed.

Keywords: values, respect for the law, education, holistic approach. JEL Classification: J52.

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Paper: Revisiting the Ancients - a Modern Perspective on Administrative Dispute Resolution  
Methods in Roman Classical Law

Author(s): Ionela Cuciureanu, Bucharest Bar, PhD candidate, University „Babes Bolyai” Cluj  
Napoca, Faculty of Law, Cluj, Romania

The paper analyses an essential question: How would have looked the roman juridical belief and how would have evolved the modern law systems without the institution of the praetor and his innovations, particularly the administrative dispute resolution procedures? The evolution of social relations, the development of trade, of contracts, of the juridical status of the person, would have been stopped in their embryonic phases, because the patterns inside which they should have fit were far too tight, if the praetor would not have found appropriate means to manage dispute resolution in a non-contentious manner, without arriving in front of the judge. The praetor's activity represented the continuous adaptation of the law at the needs of the society – *adaequatio intellectus et rei-managing*, in the same time, to anticipate some steps forward that society was due to make in the future. The paper will also have in view a practical case study on how the judicial system could be significantly relieved in the event of a modern application of the praetorian dispute resolution methods.

Keywords: praetor, edict, *ius civile*, dispute resolution, classical roman law, modern law. JEL Classification: J52.

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Paper: Communication Techniques in Mediation

Author(s): Claudiu Florinel Augustin Ignat, PhD, Lecturer, Craiova Law Faculty, Bucharest “Spiru  
Haret” University, Romania

This paper aims to develop the importance of communication in the mediation procedure as well as to focus on several communication techniques that proved their utility in time. We shall analyze for the beginning the tremendous impact that communication has in a non-contentious dispute resolution procedure, as mediation, continue with the exposure of various communication techniques, underlining those that are appropriate for this procedure, and present also, in the end, several practical cases, justifying the choice for one or more particular communication techniques.

Keywords: mediation, communication techniques, dispute resolution. JEL Classification: J52.

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**Paper:** The Peculiarities of the Consumer Decision on the Services Market  
**Author(s):** Mihaela Andreea Stroe, Lecturer, PhD, “Nicolae Titulescu” University, Bucharest, Romania

The service market has some peculiarities given that the consumer decision is made upon the consumer's information about the service. People are reasonably rational because of the interpretation of things in relation to others without the autonomy of thinking. The service market is a very important model from the perspective of specific abstraction, intangibility, and psychological phenomena such as perception, motivation, consumer attitudes, framing effects emphasize the game of individual rationality. Consumers can react uncontrollably to certain stimuli and are sometimes unable, taking into account the options available, to choose the optimal solution despite being aware of what is favourable to them. Cognitive and psychological processes play an important role in the consumer decision given cognitive dissonance, the fact that people filter information according to attitudes and beliefs, attitude to risk, informational asymmetry, emotional factors leading to consumer decision, risk aversion and, also, phenomena related to consumer behaviour on the market. The rational behaviour of the consumer is considered to be the one that offers maximum satisfaction with minimal cost at a maximum efficiency. The fact that there are many existing needs in the context of a limited resource nature makes the consumer choose to be based on the priority criterion. The opportunity cost is seen in this context as the value of the consumer's abandonment. All decisions related to spending a sum of money will be made taking into account the opportunity cost that is measured on the services market and in terms of aversion to regret in making the decision in incomplete information. The additional costs and benefits of an election should not only be measured in money, but also in terms of risk and comfort. We can refer to a psychological cost defined as the buyer's sacrifice when choosing a product variant. Every decision taken presents opportunity costs. So, we can state a relation between consumption and happiness and, although, at a first glance, it can be said that consumption is related to materialism and wealth, studies show that the relation between happiness and consumption is inversely proportional are not aware of what brings them happiness or not. (Waiss and Brown 1977). This presumption can be exemplified on the insurance market, that is a service market and all the characteristics of this peculiar market are encountered enhanced by the uncertainty offered by the insured risk. So risk behaviour, attitude to risk, culture, education, cognitive dissonance can be analysed as filters or barriers in making the consumer decision influenced, on the other hand, by the processes regarding the consumer behaviour on the insurance market such as moral hazard, informational asymmetry, adverse selection.

**Keywords:** market of services, decision, consumer, cognitive dissonance, happiness, insurance. **JEL Classification:** D18.

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**Paper:** Settlement of Legal Disputes of Constitutional Nature between Public Authorities  
**Author(s):** Cristina Teodora Pop, PhD, Assistant-Magistrate at the Constitutional Court of Romania, Associate professor at the Faculty of Philosophy, University of Bucharest, Romania

Introduced by the revision of the Constitution, in 2003, at article 146 e), the power of the Constitutional Court of Romania to settle legal disputes of constitutional nature became one of the most effective constitutional mechanisms that lead to the restoring of the legal balance between the functioning of the implied public authorities, and thus to the state of constitutionality, as a result of exercising by the Constitutional Court of its role of constitutional arbitrator and of guarantor of the supremacy of Constitution. The legal effects of the decisions issued by the Constitutional Court are stipulated in a general manner at article 147 (4) of the Constitution, that provides that they shall be generally binding and take effect only for the future, after they are published in the Official Gazette of Romania, the reason why they shall be established according to the role of this power of the Constitutional Court and to the reason wherefore it was regulated. The case-law of the Constitutional Court regarding the settlement of legal disputes of constitutional nature reveals the active role of the Court in exercising this power, as more than in the past, the solutions of the Constitutional Court finding the existence a legal conflict of constitutional nature are accompanied by legal patterns that shall be followed by the parties, in order to achieve the standards of constitutionally, which is an aspect that gave rise to substantial controversies among doctrinaires in the field of constitutional law.

**Keywords:** the powers of the Constitutional Court of Romania, the legal effects of the decisions of the Constitutional Court of Romania, public authorities of constitutional level, standards of constitutionality. **JEL Classification:** K10.

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**Paper:** The Causes of Nonverbal Communication Errors. Applications in Mediation  
**Author(s):** Mircea Aurel Niță, Associate Professor, PhD, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

The paper shows the influence of human mind due to the mental representations upon nonverbal communication. The functional preferences of mind hemispheres can influence the coding and decoding process for the emitter and receiver while the nonverbal message is moving from emitter to receiver and vice versa. Errors in communication can appear inside both minds of emitter and receiver, for example for the mind of mediator and the client. That is why a mediator must know and must be full of awareness about his peaceful mind state and the client, too. Some solutions are underline and proposed to be used before the mediation meeting starts.

**Keywords:** human mind, mental representations, coding and decoding process. **JEL Classification:** J52.

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**Paper:** Conflict Management Strategies in Mediation  
**Author(s):** Claudiu Florinel Augustin Ignat, PhD, Lecturer, Craiova Law Faculty, Bucharest “Spiru Haret” University, Romania

Conflict has been regarded for long as the core element of law, its mere *raison d’etre*, and this contentious approach of disputes being unfortunately still popular upon both laymen and law professionals. However, in alternative dispute resolution procedures in general, and in mediation in particular, conflict is regarded from a different perspective. This paper is aimed to develop the approach of mediation towards conflict, an approach focused on the fact that in front of the mediator, often the sole common ground of parties is the conflict itself. In other words, having a conflict is the sole element upon which the parties agree. From this point further, it comes to the mediator to apply the appropriate mediation techniques in order to strike a balance between the conflicting interests and to transform the initial conflict into a starting point for discussions.

**Keywords:** mediation, procedure, dispute resolution. **JEL Classification:** J52.

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**Paper:** Infringement of International Law in Ukraine since 2014  
**Author(s):** Martina Novotná, University of Alexander Dubček in Trenčín, Slovakia, Department of Political Science

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**Paper:** Operational Truth, Mind State and Crises in Management of Mediation  
**Author(s):** Angela Stela Ivan, Chief Lecturer, Dunarea de Jos University of Galati, Romania  
Mircea Aurel Niță, Associate Professor, PhD, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

The human minds of both parts, either emitter and receiver, either mediator and client operate with the Triangle of Knowledge-General, Concrete and Specific, so that one part can operate with a type of truth while the other part operate with the truth specific to the experience of this part. Starting from logical truth, going to the emotional truth and taking into account different influencing factors such as, culture, experience and age, sex, level of education, belonging to an organization, spiritual or a nonspiritual vision, etc., it is very important the relaxing state of the mind for the mediator. The paper shows how important is the holistic approach for the mediator mind especially during the process of mediation.

**Keywords:** logical truth, emotional truth, holistic approach of mediation. **JEL Classification:** J52.

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**Paper:** Transdisciplinarity and the Logic of Third Part. What Is Different in Put Us Together  
**Author(s):** Adrian Singurov, Priest

The paper deals with separation as a thinking problem and as a behavior one, too. Separation is against unity, so that using the law of Third Part it is easy to avoid separation between individuals and people. Solving conflict by peaceful means is the future of Humanity. **JEL Classification:** J52.

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# Students' Workshop

Chair: Ioana Cristina Vida, PhD, Parliamentary Adviser, The Chamber of Deputies of the Romanian Parliament, Bucharest, Romania

Co-Chair: Elena Marinică, PhD, Assistant Professor, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

## *Papers:*

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Paper: The Power of People in a Democratic State

Author(s): Georgeta Claudia Pleșa, Student, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

The popular legislative initiative is a constitutional right recognized by the extra-parliamentary opposition. In a democratic state the power of the People represents a key point in the direction of a state. Democracy is the form of organization and political leadership of a society based on the principle of the exercise of power by the people. In this paper we will present under what conditions a law can enter into force and why it is important to consult the people in matters directly affecting it. Identifying citizen's needs as well as consulting them on certain issues is an excellent mechanism for peacekeeping and operation in the best possible conditions of the entire administrative apparatus.

Keywords: people's initiative, democracy, rights and duties. JEL Classification: K10.

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Paper: Legal Documentation - Normative Acts Drafts

Author(s): George Ilie, Student, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

My article deals with a special theme in Legislative Technique or Formal Legislation. It is one of the stages preceding the drafting of the normative act, in legal documentation. I have chosen this subject as the creation of law requires a research activity based, among other things, on studying and analyzing normative and jurisprudential acts of the forums considered to be milestones in this respect. The documentation in the drafting of normative acts is imperative because it makes the correlation between the elements to be in legal norms with the European law, the Fundamental Law and the other laws, on the one hand, and on the other hand, it agrees with the needs and the social reality with the provisions of the act, thus leading to the efficiency and the stability of the act of legislation, as well as the decrease of the risk that the act will become obsolete. The structure of the article will have two main parts. The first part will include an introduction to the study of formal legislation and will address aspects of scientific documentation in general and legal documentation in particular. The second part will practically, in a comparative way, deal with the legal documentation at the level of law-making bodies and of supreme courts in Romania and the European Union.

Keywords: rule of law, elaboration procedure, documentation. JEL Classification: K10, K40.

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Paper: Approval and Endorsement of Normative Act Draft  
Author(s): Razvan Adrian Grigore, Student, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

In this article I will speak about the problem of approval and endorsements of normative acts drafts, looking forward to try answer a number of key questions, such as: Why did I choose this issue? I will try to define what is the main reason of this paper/research in what concerns the subject of approval of normative acts drafts; What issues I have reached? Issues in what concerns the study of formal legislation, instruments for approval and endorsements; What difficulties I have reached, what is the importance of the study and what I have brought new with my research. The paper will be divided in two main parts. Part one will contain two sections which will approach to introductive aspects in what concerns the study of formal legislation and the problem of normative acts approval. The second part will contain an analyze of how European normative acts are approved.

Keywords: rule of law, endorsement procedure, adoption procedure. JEL Classification: K10, K40.

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Paper: The Legal Conceptualization of European Union Law and the Role of the Council of the European Union in the Adoption of EU Law  
Author(s): Cristi-Gabriel Stoian, Bachelor Degree Student, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

In this scientific approach, we aim to identify the premises underlying the creation of European Union law, to determine the legal nature of this new right, to observe the objectives it has set itself to achieve and the future consequences for the Member States. We will firstly point out that what the concept of European Union law means is where the EU has exclusive competence and shared competence with the Member States and that the ultimate interest of these actions is to ensure economic growth and competitiveness for all states and regions of the EU. We will also stop on the role of the Council of the European Union in the context of Romania's presidency in the first six months of 2019.

Keywords: Council of the European Union, legal conceptualization, attributions, presidency of the European Union. JEL Classification: K1.

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Paper: Elements of Legislative Technique - Comparative View  
Author(s): Izabela Lupu, Master Degree Student, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

Our scientific approach is based on the pre-requisites of Formal Legistics, according to which the law is made up of the sum of the normative acts in force in a certain predetermined geographic area, influenced by its own historical, cultural, political evolutions etc. Thus, we propose to find the answer to the following questions: "What is the lawmaker's creation?", "Is there a typology of a universal lawmaker?". In order to answer the questions raised, we propose to refer to Law No. 24/2000 and to its legal counterparts in Belgium, France, Spain, Austria and Finland.

Key words: legislative system, formal legislation, normative act, Constitution. JEL Classification: K10, K19.

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Paper: Education is Guarantor of Respecting the Realization of Rights  
Author(s): Mariana Dumitru, Student, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

The full guarantee of the exercise of the right to education, in all its dimensions, occupies an important place in the legal system, from which all the other fundamental rights and freedoms through which life standards are ensured, acces to the information necessary for the development of skills and abilities to improve quality of life, the environment, and respect human dignity. Keywords: education, guarantee, fundamental rights, human dignity. JEL Classification: K10, K19.

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6<sup>th</sup> Annual International Conference  
Law and Administrative Justice from an  
Interdisciplinary Perspective  
November 21<sup>st</sup> – 23<sup>rd</sup>, 2019, Bucharest, Romania





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5<sup>th</sup> Annual International Conference  
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**Organised in partnership with  
Charles University, Faculty of Social Sciences, Prague, Czech Republic**

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**Legal Research Institute of Romanian Academy;**

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# BOOK OF ABSTRACTS

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National University of Political Studies and Public Administration



## 5<sup>th</sup> Annual International Conference on Law and Administrative Justice from an Interdisciplinary Perspective

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The papers presented within the conference will be published in the *International Law Review*. The review is included in the international databases: SSRN, EBSCO, ProQuest and VLEX.

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Both in the body of the text and in the footnotes the following short forms are used: art. (= article); para. (= paragraph); p./pp (= page or pages); t. (= tome); vol. (= volume); G. O. (= Government Ordinance); G. D. (= Government Decision). REFERENCES (books and specialized journals) must be introduced using "Harvard Style".

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On the day of your presentation, please report to your assigned room 10 or 15 minutes before the working group is scheduled to begin. Introduce yourself to the Chairman/Chairwoman of the working group your paper belongs to, and check that any audio - visual equipment you need to use is setup and working properly. Please load your presentation onto the hard drive so that the transition between presentations is smooth.

# Working Groups Sessions

## WG1. The Administrative Capacity of the Judicial System

Chair: Alistar Victor T., Associate Professor, PhD, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania  
Executive Director, Transparency International, Bucharest, Romania

Co-Chair: Judit Siket, PhD, Faculty of Law and Political Sciences, University of Szeged, Hungary

### *Papers:*

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Paper: Accession to the European Union Cannot Affect the Supremacy of the Constitution over the Whole Legal Order

Author(s): Ionița Cochînțu, PhD, Assistant Magistrate, Constitutional Court of Romania

Following the accession, the provisions of the founding Treaties of the European Union, as well as other binding provisions under Community law, shall prevail over any provisions of the domestic law, while observing provisions in the accession instrument. However, in relation to the notion of "internal laws", a distinction has been made between the Constitution and the other laws. Also, the same distinction is made at the level of the Basic Law by art. 20 par. (2) the final sentence for the purpose of applying international rules as a matter of priority, unless the Constitution or domestic laws contain more favourable provisions, and Art. 11 par. (3) states that if a treaty to which Romania is to become a party contains provisions contrary to the Constitution, its ratification can only take place after the revision of the Constitution.

Keywords: international law priority, rule of law, constitutional provisions. JEL Classification: K10.

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Paper: Boosting Access to Justice as a Support to Raise Administrative Capacity of the Judicial System

Author(s): Irina Lonean, PhD, Invited Lecturer, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

Trust in the judiciary is a key element of its capacity, as there is no fair trial without both the material guarantees and the feeling of a fair trial. In this context, boosting access to justice is not only a very important human rights issue, it is also instrumental in order to ensure the needed capacity of the judicial system. Moreover, boosting access to judiciary in administrative cases, when citizens appeal administrative decisions and procedures, is key in order to strengthen the administrative capacity as well. In this context, the paper focus on the successive programmes and projects aiming to boost access to justice of the Ministry of Justice, the Superior Council of Magistracy and other actors, including civil society organisations. Different policies and initiatives to ensure access to justice are examined in order to determine the most effective approaches, based on a combination of theory based evaluation methods including the Realist Evaluation and the Prospective Evaluation Synthesis and data collected from desk based research and interviews with decision makers, civil society representatives and justice seekers. The paper concludes that only a combination of support to access the judiciary (like the public judicial assistance) and incentives to access the judiciary to discouraged citizens can work for more trust in the judiciary better judicial capacity.

Keywords: public judicial assistance, incentives to access the judiciary, trust in the judiciary. JEL classification: K38.

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**Paper:** The Administrative Justice Completely Withdrawn in Republic of Moldova  
**Author(s):** Maria Orlov, PhD, Associate Professor, "Alecus Russo" State University of Bălți, Institute of Legal and Political Research of the Academy of Sciences of Moldova, President of the Association "The Institute of Administrative Sciences of the Republic of Moldova"  
Marina Grosu, Juristconsult, Project Coordinator in Public-Private Partnerships

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**Paper:** Administrative Capacity of the Judicial System. An Evaluation from the Point of View of the Judiciary Role in Fighting Corruption  
**Author(s):** Alistar Victor T., Associate Professor, PhD, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

The paper addresses the issue of the capacity of the judiciary in direct connection with the performance of the Judicial System to fulfil its role to curb corruption. The paper is based on the methodology of the National Integrity System Assessment proposed by Transparency International and proposed an evaluation of the capacity of the judiciary taking into account the legal provisions and the practical implementation of these provisions on the two main criteria on institutional capacity proposed by the National Integrity System model: resources provided and independence ensured. New provisions on the organisation of the judiciary are considered in this respect. The paper is then comparing the results of the assessment of the capacity of the Romanian judiciary with the assessment of its performance in curbing corruption in order to find a direct connection between the two: capacity and role to curb corruption. However, the paper also rises the issue of the judiciary governance, assessed based on three other criteria of the National Integrity System: transparency, accountability and integrity. These have, together with the capacity issues, the same instrumental importance to support curbing corruption by the judiciary.

**Keywords:** capacity of the judiciary, judiciary independence, resources for the judiciary, role of the judiciary, curbing corruption, performance. **JEL Classification:** D73.

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**Paper:** The General Court – The Tendency to Become a Common Jurisdiction  
**Author(s):** Irina Zlătescu, Professor, PhD, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

This study aims to prove that the General Court is becoming the ordinary court with the meaning of Article 256 TFEU for the first instance resolution of actions for annulment, actions for compensation based on non-contractual liability, actions for failure to act and for the resolution of disputes regarding arbitration clauses. Exceptions will be made when specialized courts will be established, as it was the case of the Civil Service Tribunal (2004-2014). Another exception consists for the resolution of causes, which fall according to the Statute under the competence of the Court of Justice. Nevertheless, the Statute may also provide competences of the General Court for other types of actions.

**Keywords:** first instance, actions, arbitration clauses. **JEL Classification:** K40.

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**Paper:** The Ombudsman in the European Context  
**Author(s):** Denis-Roxana Gavrilă, PhD Candidate, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

The article analyses the role of the Advocate of the People in the national and international context, starting with its appearance (OMBUDSMAN) on the historical and political stage of the northern European states, until today. It has assumed the role of supporting citizens in their problems with the administration and promotes, on its own initiative, the principles of transparency and inherent responsibility for the concept of good governance practices. Individuals have reported possible violations of the right to information, the right to petition, and the right of the person injured by a public authority. The article will present that in the local and central public administration institutions, civil servants are insecure and the managerial capacity to implement decentralized responsibilities is not strengthened. A sustained effort is necessary, noticing also that The European Commission Against Racism and Intolerance (ECRI), a body of the Council of Europe, in its Fourth Report on Romania, approved by the Council of

Europe in March 2014, recommended that the People's Advocate Institution take decisive action against public authorities when they suspect that there have been flagrant violations of human rights, especially when they are related to racial discrimination, cases presented in this paper.

Keywords: non-contentious means; mechanism for the prevention, minorities. JEL Classification: J15.

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Paper: Amendments to the Law no. 554/2004 Introduced by Law no. 212/2018

Author(s): Elena Mihaela Fodor, PhD, Associate Professor, Faculty of Law Cluj-Napoca,  
„Dimitrie Cantemir” Christian University, Romania

The paper discusses the amendments regarding the definition of the administrative act, the limitations of the control of the contentious administrative courts, the prior procedure, the object of the legal action, the competence of courts, the parties, the procedure and the enforcement of the court decision. The analysis of the amendments introduced in the Law no. 554/2004 by Law no. 212/2018 is made in corroboration with other normative acts. Generally, the legislator managed to harmonise the provisions of the Law no. 554/2004 with other normative acts and at the same time, to preserve the specific of the contentious administrative. However, litigation procedure for the administrative contracts together with the rules for contesting the first instance decision do not respond to the specificity of the administrative law.

Key words: Law no. 554/2004, contentious administrative, prior procedure, administrative act, administrative contract. JEL Classification: K39, K41.

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## WG2. Human Rights in the New Era

Chair: Zlătescu Irina, Professor, PhD, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania  
Director of the Transdisciplinary Centre of Human Rights; Titular Member of IACL and Member of the Council of ELI

Co-Chair: Saghi Florin Emeric, Vicepresident of the Romanian Association for the United Nations member of the World Federation of the United Nations Associations

### *Papers:*

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Paper: EU ETD – Towards a New Chapter in EU Citizens' Rights and a Better Administrative Cooperation

Author(s): Erzsébet Csatlós, PhD, Senior Lecturer, Faculty of Law and Political Sciences, Department of Administrative Law, University of Szeged, Hungary

The European citizenship was officially created by the Maastricht Treaty to confer rights on citizens of the Member States of the EU. Among these rights, the most challenging one was the right that enabled EU citizens to turn to any foreign representation of any Member States for consular protection in third States in case if their own State of nationality is not represented there. According to surveys, almost 7 million EU citizens travel or live outside the EU, in places where their own country does not have an embassy or consulate. Member States with well-developed and extended international relations are in a better position to serve their nationals in need, but most of the Member States are in a less favourable situations and the EU citizenship policy aimed to eliminate these differences in the point of EU citizenship rights. Given to the consular protection's strong ties to foreign relations, first, it was placed under the unanimous decision-making capacity of the Council under the CFSP regime, but the Lisbon Treaty has introduced major changes not only for the consular protection policy of the EU but on the other hand, to facilitate effective execution of EU policies in general. It lifted the right to get consular help abroad and also the right to good administration, among others, to fundamental level and placed them at the top of the norm pyramid. All these developments have indicated changes in the consular protection policy which resulted new foundation stones of the policy (Council Directive (EU) 2015/637 of 20 April 2015) and now, the reform of the issue of emergency travels document (ETD) is on the threshold as it is the most commonly claimed consular protection service. Therefore, a Council directive proposal was submitted on the last day of May of 2018 on the EU ETD. Its provisions are innovative and embody a series of opportunities for further development. On one hand, it is a pioneer among measures of facilitating the administrative cooperation while ensuring a better administration of this consular protection measure, although, on the other hand, it leaves open questions and offers a variety of choice for Member States which also increase legal challenges in the view of rights of the EU citizens.

Keywords: good administration, legal challenges, consular protection. JEL Classification: F22, K33.

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Paper: Multiple Discrimination in the Contemporary European Society

Author(s): Ruxandra Darclée Miu, Legal adviser, National Oil Transport Via Pipelines and Rail Tanks Company (CONPET SA), Ploiești, Romania

In the context of nowadays non-discrimination cannot be made through simple acts or statements. Statements as the Universal Declaration of Human Rights, or the European Convention of Human Rights have to be incorporated in every state's if not every individual's culture in order to achieve its goals.

Multiple discrimination represents any combination of forms of discrimination against persons on the grounds of sex, racial or ethnic origin, religion or belief, disability, age, sexual orientation, gender identity or other characteristics, and to discrimination suffered by those who have, or who are perceived to have, those characteristics. It can manifest itself in two ways, there is 'additive discrimination', where discrimination takes place on the basis of several grounds operating separately and second, there is 'intersectional discrimination',

where two or more grounds interact as they are inextricable. Although multiple discrimination has always existed, it has not been recognized as a legal concept until recently.

Keywords: multiple discrimination, non-discrimination, tolerance, European Union, human rights, European Agency for Fundamental Rights. JEL Classification: K38

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Paper: Aspects of Discrimination from the Perspective of the Migration Phenomenon

Author(s): Roxana Moisoiu, PhD candidate, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

Migration has existed since the beginning of mankind. The phenomenon did not cease over time, but it has seen changes and new forms with the evolution of society. Migration processes take place simultaneously and are increasing in many countries of the world. The main causes of unprecedented population movements are armed conflicts, famine, natural disasters, human rights violations and deplorable economic conditions in some states. Collective attempts to regulate refugee-specific issues and migration have so far been quite limited. The European Union has taken a step forward in this direction. The European Union now considers that an integrated and comprehensive approach is desirable in order to better manage the phenomenon of migration. The implications of contemporary regional and global migration have consequences on the social, economic, cultural, political and religious environment of the states. Migration has transformed and redefined the political and economic interests of states, but has accentuated and expanded the phenomenon of discrimination, violating the principle of equality. Accepting multiculturalism of different religions as well as social diversity is the key to combating discrimination and respecting the right of every person to equal opportunities. Equal opportunities are based on ensuring the full participation of each person in economic and social life, regardless of ethnic origin, sex, religion, age, disability or sexual orientation.

Keywords: migration, migrant, discrimination, equal opportunities. JEL Classification: J15.

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Paper: The Right to Health Care, a Fundamental Human Right

Author(s): Remus Marian, PhD candidate, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

The right to health protection is part of the human rights and freedoms, which the state, as a result of their recognition, is called upon to respect, guarantee and protect them. The existence and life of man being inextricably linked to society, these desiderata are always topics of study and debate. A common approach to ensuring the maintenance of the health of the population and a higher level of prevention in the national health system is revealed by the cooperation between the public administration and the Church institution, aiming to ensure a better health of the Romanian population and the accentuation the role of prevention in maintaining health. Such a project is aimed at disadvantaged people in rural areas with reduced educational level and social cases

Keywords: human rights, right to health, freedom, public administration. JEL Classification: I18.

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Paper: Promotion and Protection of Human Rights in the Context of the Actual and Future Local Fiscal System

Author(s): Florin-Ionel Trușcă, PhD candidate, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

The protection of human rights as well as their promotion have been and are still a challenge for each state, especially for developing countries. The multitude of normative acts regulating the local tax system in Romania, the bureaucracy reflected by the significant increase of the forms through which information is collected and the tax obligations are established, as well as the main objective of the tax bodies, respectively the collection of revenues to the local budgets, make it increasingly difficult to achieve human rights objectives. Therefore, the paper proposes the passage of the local tax system from the rudimentary state where it is to a digitized system at national level, which through its instruments and techniques can ensure the promotion and protection of human rights.

Keywords: promotion, protection, individuals, principles, rights. JEL classification: K38.

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Paper: Universal Declaration of Human Rights -  
70 Years of Promoting and Protecting Human Rights  
Author(s): Irina Zlătescu, Professor, PhD, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

Developed by law specialists coming from different regions of the world, from UN member states but with different legal systems and cultures, the Universal Declaration of Human Rights, proclaimed by the UN General Assembly on December 10 1948, is yet another a common ideal to be touched by all peoples, all nations and all individuals. Its 70th anniversary requires us to reflect on the past and to look for the future. It enables us to identify challenges and threats.

Keywords: human ideal, culture, future challenges. JEL Classification: K 33.

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Paper: Understanding of the Rights of the Data Subjects  
Author(s): Andreea Drăgan, PhD candidate, Faculty of Public Administration, National University of  
Political Studies and Public Administration

General Data Protection Regulation replaced the Data Protection Directive that has been in place since 1995. This regulation gives power back to the people as European Union considers privacy as human right. The whole Chapter 3 of the GDPR treats the subject of rights of the data subject, as with the new modified Regulation, the number of rights for data subject has increased considerably and the old ones have been consolidated. Now we can speak of the right to information, right to access, right to rectification, right to withdraw consent, to object, to object to automated processing, to be forgotten and data portability, just to mention a few. But how do these rights help to protect European citizens' personal data? For example, once an EU citizen has given his consent for processing his personal data for a purpose, he has the right to withdraw his consent through a request which implies that the company that processed his personal data to stop. The new GDPR provides many rights for data subjects, in order to protect their private life. But as important it is to know for each individual to know their national legislation because "*Ignorantia legis neminem excusat*" or "*nemo censetur ignorare legem*" which means "ignorance of law excuses no one" or "nobody is thought to be ignorant of the law", is as important to be aware of the European regulations especially when it works in citizens favour.

Keywords: privacy, GDPR, European regulations. JEL Classification: C89.

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Paper: Bussiness and Human Rights  
Author(s): Petru Emanuel Zlătescu, PhD candidate, "Nicolae Titulescu" University, Bucharest,  
Romania Member of European Law Institute

The respect of human rights in the economic sector has become the regulatory object of many international and national standards over the past two decades. The impact of multinational corporations on the environment, and human rights in particular, is one of the most important topics on the international's community human rights agenda. The debate on this topic includes next to the benefits associated with, such as the development of infrastructure and job creation also its negative impacts on human rights. Since the human rights in question usually do not have a direct effect and multinational companies are therefore not considered as fundamental rights addressees, it is primary the duty of the state to protect these rights indirectly, by adopting legal norms and standards. The binding nature of these standards varies and includes both legally enforceable rights and obligations as well as standards with programmatic content and soft-law provisions. In general, these norms address three main aspects of the protection of human rights from the negative effects of the economy and globalization. First, the very first guarantee in this field is the state's duty to protect human rights against private threats. Secondly, a special responsibility should be imposed to the business enterprises, which obliges them to respect human rights. Thirdly, access to remedies should be granted in the event that an infringement has already occurred.

Keywords: standards, globalization, responsibility of business enterprises. JEL Classification: K39.

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**Paper:** Religion and Christian Family - their Role in Promoting and Keeping Human Dignity  
**Author(s):** Rareș Bogdan Ruge, PhD Candidate, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

Religion is the free and conscious connection of man with God, and the family - a school of love and cradle of life. Religion has always played an important role in the formation of moral and social skills and attitudes. The Christian family is the very cradle of Christian faith and formation, a true school of life. The family is considered the cell of society, which is why the state has the responsibility to defend and protect this fundamental institution. Before being full rights citizens, each person needs to live in a healthy environment that will allow them to develop as fully and harmoniously as possible. The Christian family is a holy temple in which the fullness of Christian virtues is stored. It is the cell from which human society was founded and on which human society is based, but also the church community, widening the boundaries of the kingdom of God. The family is the most important institution in the service of life. All the other institutions that have a role in supporting and promoting human life are subordinate to them, both in terms of their origin, especially in their role and purpose. Today the family and all social structures are affected by secularization. The diminishing of the Church's role in everyday life and the decrease in trust in God result in the degradation of relations between people, the failure to observe moral principles, the increase of crime, corruption, etc. Dignity shows value, honour, moral merit, degree of appreciation as the rank achieved by a person in society. In Christian doctrine, human dignity is a divine gift that, regardless of the circumstances in which the individual lives, takes as an example the image of God. In society, in terms of dignity, the autonomy and freedom of thought and the behaviour of an individual are also understood.

**Keywords:** religion, the Christian family; dignity; human rights. **JEL Classification:** K36, K38.

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**Paper:** The Rights to Education, a Strategic Priority of the 70<sup>th</sup> Anniversary of the Universal Declaration of Human Rights  
**Author(s):** Roxana Elena Vișan, PhD candidate, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania,  
Member of the European Law Institute

This article aims to be an incurs on the evolution and affirmation of the right to education in the human rights system, in order to offer suggestions on collective hope of transforming the world and providing a better future for future generations. Such a manifestation is achievable by a political will, the creator of an equalitarian model, to redistribute utopian visions of human freedoms. Considered as a unique window to the fundamental problems of human dignity at the societal level, the Universal Declaration of Human Rights affirmed over the seventy years the legitimacy of human rights in the face of global challenges and ensured the diversity of universal thinking. Considered one of the fundamental human rights, yesterday's education, today and tomorrow, is the main pillar in finding answers to global issues. Now is the time to take stock of progress and to identify strategic priority areas for the effective implementation of Agenda 2030 on Global Education.

**Keywords:** the right to education, strategic priority, global education, Agenda 2030. **JEL Classification:** I29.

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### WG3. Citizenship and Immigration in Europe

Chair: Mădălina Cocoşatu, Associate Professor, PhD, Director of the Department of Law "V.D. Zlătescu", Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

Co-Chair: Orlov Maria, PhD, Associate Professor, "Alecu Russo" State University of Bălţi, Institute of Legal and Political Research of the Academy of Sciences of Moldova, President of the Association "The Institute of Administrative Sciences of the Republic of Moldova"

#### *Papers:*

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Paper: Integration Policies for Legally Resident Third Country Nationals in View of New and Future Challenges and Ensuring Relevant Policies

Author(s): Elena Loredana Pirvu, Lecturer PhD, Police Academy "Al. I. Cuza", Faculty of Juridical and Administrative Sciences, Bucharest, Romania

Over the past decades, most EU Member States have experienced increasing migration. Migrants from third countries represent around four percent of the total EU population. Europe is also strongly influenced by demographic changes, including the ageing population, longer life expectancies and a declining working-age population. Member States have confirmed their commitment to further developing the core idea of integration as a driver for economic development and social cohesion, in order to better enhance migrants' contribution to economic growth and cultural richness. With the recent EU Action Plan on Integration, the Commission sets out policy priorities and tools for concrete actions to be undertaken at EU level in support of the action on integration taken at Member States' level, with a view to further develop and strengthen integration policies across the EU. The article will present the social, economic and political context recently changed and all integration measures underlined within EU Action Plan on Integration and will research about future challenges and relevant policies in need to be drafted and implemented on EU level.

Keywords: integration, refugee, policy, action plan, third country nationals. JEL Classification: K37.

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Paper: Immigration in Democratic States

Author(s): Ionut Cosoi, PhD Candidate, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

One problem that should concern political analysts is the inclusion of individuals who migrate from totalitarian countries to harmless, democratic countries. One cannot fail to see the strangeness of these foreign elements in the democratic contest of a free country. My objective is even to identify / detect in a democratic state the deceptive behavior of the democratic values of immigrants from the closed / totalitarian states. Informational flow takes place regardless of the individual's will in society and influences him even if he has not lived this experience. In democracy, information is the engine that ensures its endurance. The research method I use is that of participatory observation on small merchants coming from China. The result of the research has pushed me to conclude that this kind of immigrants - from a totalitarian country - must go through a process of awareness of democratic values because their idea of democracy is different from its real principles. Of course, by this process, only mature individuals, not minors, must pass, in my view they do not pose any danger. School is here a very important institution in learning real / real democratic values. The need to adapt people from totalitarian states and migrating to democratic states is real. A significant weight that can help in this respect is given by sources of information, the only valid / necessary aspect for corroborating "undemocratic" behaviour as the willingness to know the immigrant. For individuals living in a democratic state besides their legitimate responsibilities, they are also those of identifying and helping newcomers from other totalitarian states, helping themselves. In other words, society regulates itself by transmitting information from one individual to another - no matter which party they are.

Keywords: democratic values, participatory observation, inclusion. JEL Classification: K33.

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Paper: Immigrants Statuses in Europe: Citizenship, Residence Permit and Stay Permit  
Author(s): Lucia-Ştefania Avram, PhD Candidate, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

The author of this articles analyses the main legal norms applicable for the citizenship, residence permits and stay permits regarding the immigrants in Europe. The author will make a comparison between the main regional and national norm to understand the differences and the most favourable and the hardest regulation. The method used is the analyse of the legislation and informal interviews of different subjects from different countries.

Keywords: immigration, legislation, citizenship, residence permit. JEL Classification: K37.

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Paper: A New European Policy on Legal Migration - Enhancing Legal Pathways to Europe  
Author(s): Eleodor Pirvu, General Inspectorate for Immigration, Asylum and Integration Directorate,  
Deputy Director

Establishing safe and legal pathways of admission to complement resettlement programmes is therefore an essential step towards securing a meaningful response to the current unprecedented global displacement situation. The need to provide increased and complementary pathways for refugee admission is reflected in the New York Declaration for Refugees and Migrants, which was adopted by all 193 Member States of the United Nations at the UN General Assembly in September 2016. Countries, including the Member States of the European Union, expressed their intention to “expand the number and range of legal pathways available for refugees to be admitted to or resettled in third countries.” The article will present the implications of the EU-Commission’s proposal for seeking protection in the EU and will research about resettlement as a protective tool and durable solution for refugees. Answers to the actual position of the EU governments towards new policy proposal and what is the future for admission programmes to EU will be analysed.

Keywords: asylum, refugee, protection, legal admission, resettlement. JEL Classification: K37.

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Paper: Public Administration and Integration of Immigrants  
Author(s): Alexandra Bucur, PhD candidate, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania,  
Member of the European Law Institute

The study presents aspects related to managing the phenomenon of immigration, which is an important activity of the states, including Romania. Thus, public administration is an important actor in coordinating immigration policies. With a growing number of asylum applications, the response of state authorities must also be based on promoting the integration of immigrants into society. At the same time, immigration becomes an administrative process and its answers are necessary and important.

Keywords: public administration, immigration, integration. JEL Classification: F22.

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Paper: Accessing Cohesion Funds Granted by the European Union to Extra-community  
Immigrants. Application and Conditioning  
Author(s): Mădălina Cocoşatu, PhD, Associate Professor, PhD, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

EU humanitarian aid supports refugees and migrants from countries such as Iraq, Jordan, Lebanon and Turkey. Between 2015 and 2017, a total of €17.7 billion was earmarked from the EU budget to cope with the migration crisis. This paper aims to analyze EU funding for immigrants and transit countries in order to combat illegal immigration and trafficking in human beings. Also, this paper will analyze the procedure and conditionality that will be put to the European states in order to be able to receive funds for the integration of immigrants.

Keywords: aid support, migration crisis, integration of immigrants. JEL Classification: J15.

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Paper: Political and Diplomatic Asylum

Author(s): Andrei Bogdan Cipere, PhD candidate, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

One of the novelties of this paper is the fact that the topic is very topical due to the numerous crises that have occurred over the last years in almost all the world's continents, situations that have generated large waves of refugees that have created extreme problems the great governors and all those in charge of managing such crises, demonstrating the need to address the institutions of political asylum and extradition with more interest and depth. The way in which the work will be conceived, provides for the treatment of diplomatic relations between states, the immunities accorded to diplomatic staff in various legal systems and the institutions of asylum and extradition, starting from a historical and legal appreciation of their evolution, going up to to analyse the level at which they have reached today, and how the institutions that manage to manage them work. At the same time, a large part of the legal components of the diplomatic institution, the asylum at the European level and in the Romanian system, and refugee status will be highlighted and analysed by the approach to be accomplished, aiming to eliminate the large number of mistakes or misinterpretations . It will start from a clear delimitation of concepts and will go up to the most complex elements of structure and the mechanisms that ensure their operation, both theoretically and procedurally.

Keywords: immunities, refugee status, administrative mechanisms. JEL Classification: F22.

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Paper: The Role of Immigrants When Striving for a Resilient Labour Market in Romania

Author(s): Teodora Ioana Bițoiu, PhD, Senior Lecturer, Director of the Department of Economics and Public Policy, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

Crina Ramona Rădulescu, PhD, Senior Lecturer, Deputy Dean, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

Labour, one of the main production factors, remains a sensitive factor that implies both identifying education and continuous training opportunities and smart resource allocation, so to avoid a market failure. The labour market resilience, especially after the Great Recession, is more and more influenced by the labour market changes induced by the structural policies and, moreover, the legal framework dealing with migration issues.

The current research aims at analysing the connection between the legal provisions (national and European laws) and the specific aim of creating a resilient labour market, namely referring to the impact these provisions could have upon the output and employment recovery to keep the inequality low (Stiglitz, 2015), long-run evolution of the wage distribution (Piketty, 2014) and labour productivity (OECD, ECO/WKP(2017)38). The topic of the economic integration of migrants is not one treated only on a central level (through policies and specific legislation), but also one priority of the local public administration through their involvement in European projects dealing with immigrants and their access to rights (e.g. DELI – Diversity in the Economy and Local Integration, of which Bucharest municipality was part of). All in all, the paper argues that resilience can be promoted through labour reform that allows employers to bring in non-EU migrants at all skill levels with minimal restrictions (MPI, 2014).

Keywords: labour market regulation, migration, resilience. JEL Classification: F22.

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Paper: Brexit: a Member State Withdrawal from the European Union and the EU Citizenship Issue

Author(s): Elena Marinică, PhD, Assistant Professor, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

This article examines how the voluntary withdrawal of the United Kingdom of Great Britain and Northern Ireland from the EU impacts the guarantee of the rights of EU citizens already living in the UK and the rights of British citizens living in other EU Member States, that must be secured in the context in which the loss of European citizenship is inherent to British citizens (accompanied by the loss of political rights, the right to vote, the right to stand as a candidate, etc.), followed by the loss of other rights after the end of the transitional period such as freedom of movement, recognition of professional qualifications, family reunification, etc. Some of the main ongoing initiatives and actions (e.g. the UK-EU withdrawal agreement) on citizens' rights are being analysed to see if all these measures are a qualitative leap towards a controlled, step-by-step exit to protect the rights and stability of the citizens affected by Brexit, or, on the contrary, they are small steps that demonstrate that this issue is far from complete, confronting a legal uncertainty that could cause losses and disadvantages likely to prove extremely dangerous to citizens.

Keywords: citizens' rights, legal uncertainty, voluntary withdrawal's effects. FEL Classification: K30.

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Paper: EU Institutions for Protecting the Vulnerable Groups in the European Space

Author(s): Ionuț Bogdan Berceanu, Assistant Professor, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

The paper is part of the Erasmus + Jean Monnet Project EU – Diversity, Citizenship and Solidarity under Migration Pressure. From learning to e-learning , which has as one of the main objectives to promote excellence and innovation in teaching and research in EU studies, in particular in Migration Law and Economics. The aim of the paper is to realize a research regarding the institutional framework of the European Union used for protecting the vulnerable groups and individuals in the EU. The analysis will start for the definitions of the vulnerable groups and the identification of the European regulations which are contributing to the protection of these groups. There will be also analyzed how through its measures the EU institutions such as the European Parliament and the European Commission are contributing to the realize the an added value in the European space, by creating the premises of an unitary protection of the persons which are vulnerable.

Keywords: diversity, regulations, added value, Erasmus+. JEL Classification: K37.

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## WG4. New Tendencies in Public Administration Development

Chair: Cărauşan V.Mihaela, Associate Professor, PhD,  
Deputy Dean, Faculty of Public Administration, National University of Political Studies  
and Public Administration, Bucharest, Romania  
Executive Director, Association Centre of Academic Excellence, Bucharest, Romania

Co-Chair: Erzsébet Csatlós, PhD, Senior Lecturer, Faculty of Law and Political Sciences, Department  
of Administrative Law, University of Szeged, Hungary

### *Papers:*

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Paper: New Tendencies in Public Administration Development – Rising Era of One Stop Shop  
Delivery Models in Developing Countries

Author(s): Hakim Alasgar, PhD candidate of Doctoral School of Public Administration Sciences,  
National University of Public Service, Budapest, Hungary

Current tendencies in public administration development indicates, further development of state administration and local government reforms is connected with the use of decentralization and decentralization of public administration, separation of strategy from the provision of services, diminishing the gap between democracy and efficiency, enhancing the citizens participation and mutual trust of citizens in government and vice versa, creation of “business oriented” governments, principle of simplifications, improving the quality of public service improving the political and administrative culture and integration of various institutions, reforms and activities in the context of public administration development. As a model of public service delivery, OSS have been in vogue for many decades now. One-stop shops have currently emerged as more powerful actors than ever before in the developing countries. OSS operate towards the simple goal of making public services available under a single roof. OSS come in various designs, institutional arrangements and financing models, and provide different baskets of services in different contexts. While some provide the services of a single level of government (national/provincial/local), others provide services of more than one level. This paper looks at some of these definitional issues and maps some of the recorded examples. The proposed paper, will discuss how new tendencies in public administration leads to rising era of OSS models in the developing countries by relying on an extensive survey of literature, including policy documents, project information sheets of donors, government websites, media stories, academic articles, third-party evaluation reports and case studies recorded by non-governmental organisations among others.

Keywords: One-stop-shop, public service delivery, public administration, governance, customer, citizen, government, data, management, reform. JEL Classification: H83.

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Paper: Elements of Formal Legistics - Prerequisites for the Creation of European Union Law

Author(s): Ioana Cristina Vida, PhD, Parliamentary Adviser,  
The Chamber of Deputies of the Romanian Parliament

The paper aims to pass European Union law through the Formal Legistics filter. The scientific approach aims to show that the "builders" of European Union law were inspired by the elaboration of national normative acts. Thus, in the drafting of legislative acts of the European Union we meet with notions and syntagms that claim to ensure the quality of drafting, i.e. intelligible and unitary drafting, observance of the uniform principles of presentation and legislative technique, clear and simple texts, etc.

Keywords: formal legistics, legislative technique, European Union law, legal conceptualization. JEL Classification: K19.

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Paper: Local Governments in the System of Separation of Powers. The Executive Function  
Author(s): Judit Siket, PhD, Faculty of Law and Political Sciences,  
University of Szeged, Hungary

The paper is focused on the principle of separation of powers, especially examined the role of local self-governments in the system of division of powers. It gives a brief description on the dogmatic approach of the principle of powers based on the concept of Montesquieu, and Benjamin Constant who emphasised the significance of local power. The study demonstrates the effectiveness of principle of separation of powers and the constitutional status of local self-governments in the Hungarian Fundamental Law. According to the Fundamental Law, the essence of local governments is to manage public affairs and to exercise public authority this is the reason why local governments exist. The leading conception has changed, rejected the collective fundamental rights approach. A separate section aims to describe the executive power of local self-governments, in particular the functionality of local self-governments. A comparative part illustrates changes of local task-system after the adoption of New Local-Government Act in 2011, including both municipal and county level responsibilities, the strong centralization process in the field of local governance. In conclusion, local self-governments' role significantly decreased in the field of providing public services and in exercising of local public powers, functionality of local self-governments was substantially narrowed.

Keywords: separation of power, local self-governments, centralization. JEL Classification: K23.

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Paper: Justinian's Legal Reform – the Avatars of a Political *Credo*  
Author(s): Ionela Cuciureanu, Bucharest Bar, PhD candidate, University „Babes Bolyai” Cluj  
Napoca, Faculty of Law, Cluj, Romania

The paper aims to present the reasons that laid behind emperor Justinian's legal reform (the last Latin speaking emperor of the Roman Empire), as well as its effects on the roman society as a whole. The legal reform will therefore be regarded in the larger social and political context of the time and analyzed in relation to the crisis that was already eroding the Roman Empire, but also from the perspective of the modern lawyer, seeking elements of actuality that could be transplanted into the contemporary world. All things considered, it can be stated that the legal reform represents one of Justinian's key achievements, one of the works that, being meant to refresh through law the social dimension of life, crucially influenced the evolution of the humanity and remained an example of codification that could be revisited and used as models even in the globalization era.

Keywords: Legal reform, Roman law, social reform, modern law. JEL Classification: K39.

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Paper: Reasonable Formalism as Dimension of Administrative Discipline  
Author(s): Emil Bălan, Professor, PhD, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

The substantial need for simplification of administrative law, as the body of principles and rules governing the implementation of policies by executive power is now obvious.

Simplification can be achieved by rationalisation and improvement of administrative procedure as a dimension of administrative discipline and guaranteeing the fundamental human rights and exercise of public authority.

Keywords: administrative law; simplification; rationalisation; administrative procedure; administrative discipline.  
JEL Classification: K23.

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**Paper:** Perspectives for Developing the Civil Services in Romania. Vision on the New Development Strategy  
**Author(s):** Paula Ghitescu, PhD candidate, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

Romania will provide professional civil servants, politically neutral, capable in acting in terms of stability, transparency and predictability, responsible for their results and able to develop and implement effective public policies that will support sustainable development in Romania. To implement the new strategy we will consider the following principles: the legality and the respect for the rule of law, transparency, openness and participation, efficiency and effectiveness, proportionality, consistency and accountability, promoting gender equality and non-discrimination, accessibility, flexibility.

**Keywords:** civil service principles, political neutrality, effective public policies. **JE Classification:** J24.

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**Paper:** Report on the Diagnostic Survey of the Network for Integrity for 2017  
**Author(s):** Daniela Mitutoiu, PhD candidate, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

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**Paper:** Constitutional Perspective of EU Member States on Legal Certainty  
**Author(s):** Elena Constantin, PhD candidate, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

The principle of legal certainty is the essence of the rule of law, which means that it must mirror directly or indirectly the Constitution of each Member State of the European Union. The analysis of constitutional provisions on legal certainty also makes it possible to assess the quality of regulation at the level of each state under discussion. The subject is particularly interesting in the context of the quantitative increase in legislation generated by the evolution and complexity of the relationships between individuals.

**Keywords:** legislative abundance, rule of law, quality of regulations. **JEL Classification:** K10.

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**Paper:** In Search of Time for Speeding up the Public Procurement Dispute Resolutions  
**Author(s):** Mihaela Victorița Căraușan, Associate Professor, PhD, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania; Member of European Law Institute

Arbitration was established by the Government Decision no. 1/2018 as one of the dispute resolutions method which must be used for work contracts over 5 million Euro financed by public funds. Even the rule was criticised, we appreciate, in a certain measure, the clauses for better adjudication of disputes among the contracting parties. Dispute resolution methods are currently commonly used in the construction industry, among them only arbitration and litigation are statutory controlled, all the others are private. This paper attempts to address these alternative mechanisms focusing more on the duration of the processes and on the Government success in decreasing the number of lawsuits. By focusing on the critical attributes of alternative dispute resolution methods we will try to find out if they can really be kept as simple, inexpensive and effective.

**Keywords:** administrative contract, celerity of dispute procedures, public system effectiveness. **JEL Classification:** H57.

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Paper: Confidentiality Clause vs Data Protection in Work Relationships  
Author(s): Radu Răzvan Popescu, Associate Professor, PhD, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

Throughout the duration of the individual employment contract, both the employee and the employer enter in possession of data and information of a private nature, pertaining to the partner in the employment relationship. This type of information with confidential character is basically divided, from the point of view of the legal nature, in three categories: confidential data, based on the fidelity obligation, data and information not disclosed due to the existence of a confidentiality clause, and the data and information which, according to the special law, are catalogued as being work or state secret. At the same time, the employer is held by the obligation to preserve the confidentiality of the personal data and information it learns about its employees. The duration of these periods when the parties must preserve confidentiality is another issue that raised disputes, both in the specialty literature and in the practice of the courts of law.

Keywords: confidentiality clause, damages, work secret, fidelity obligation. JEL Classification: K31.

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Paper: The Global Pact for the Environment – A New Framework for Global Environmental Governance  
Author(s): Andrei Duțu-Buzura, Associate Professor, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

Appearing at first over thirty years ago, having an original evolution regarding its contents – explaining the meaning and increasing the international awareness on environmental issues – the idea of a Global Pact for the Environment has been broadly accepted by the legal community and has become an obvious necessity for each and every country. Assumed and promoted by France in a legal and diplomatic initiative, the project can soon be materialized as an internationally representative document, of global reach, in the field of environmental protection. Obviously, as an instrument for codification of existing law, its creative part will be minimal, which implies a continuation and intensification of the efforts to develop the regulations regarding the global sectors – biodiversity, air pollution, waste etc. – and, thus, the creation of a global mechanism of actualization and permanent update of the normative contents of the treatise. Finally, the elaboration, the adoption, and the perspectives of an international text of global impact would favour other innovating initiatives, such as new dimensions of international law and governance, both generally, and concerning the specific aspects of environmental protection.

Keywords: environment, international law, global governance, climate change. JEL Classification: K33.

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## WG6. Peaceful Settlement of Conflicts and Management

Chair: Niță Mircea Aurel, Associate Professor, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

Co-Chair: Cristina Teodora Pop, PhD, Assistant-Magistrate at the Constitutional Court of Romania,  
Associate professor at the Faculty of Philosophy, University of Bucharest, Romania

### *Papers:*

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Paper: Culture of Peace and Mediation in 21<sup>st</sup> Century Education

Author(s): Nadjat Karabernou Paduret, President CCIR-A

Starting from the UNESCO definition of Peace Culture in Article 1 of the Peace Culture Declaration, we can identify seven values that can be passed on to educated peoples culture. It is about Non Violence, Tolerance, Solidarity, Democracy, respect for human rights, respect for the law, and environmental protection. Education for peace culture emerged as a consequence of these seven types of education. They are found in many educational programs but well-regarded as different fields and autonomous subjects. In a culture of peace education, a holistic and global approach is needed.

Keywords: values, respect for the law, education, holistic approach. JEL Classification: J52.

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Paper: Revisiting the Ancients - a Modern Perspective on Administrative Dispute Resolution  
Methods in Roman Classical Law

Author(s): Ionela Cuciureanu, Bucharest Bar, PhD candidate, University „Babes Bolyai” Cluj  
Napoca, Faculty of Law, Cluj, Romania

The paper analyses an essential question: How would have looked the roman juridical belief and how would have evolved the modern law systems without the institution of the praetor and his innovations, particularly the administrative dispute resolution procedures? The evolution of social relations, the development of trade, of contracts, of the juridical status of the person, would have been stopped in their embryonic phases, because the patterns inside which they should have fit were far too tight, if the praetor would not have found appropriate means to manage dispute resolution in a non-contentious manner, without arriving in front of the judge. The praetor's activity represented the continuous adaptation of the law at the needs of the society – *adaequatio intellectus et rei-managing*, in the same time, to anticipate some steps forward that society was due to make in the future. The paper will also have in view a practical case study on how the judicial system could be significantly relieved in the event of a modern application of the praetorian dispute resolution methods.

Keywords: praetor, edict, *ius civile*, dispute resolution, classical roman law, modern law. JEL Classification: J52.

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Paper: Communication Techniques in Mediation

Author(s): Claudiu Florinel Augustin Ignat, PhD, Lecturer, Craiova Law Faculty, Bucharest “Spiru  
Haret” University, Romania

This paper aims to develop the importance of communication in the mediation procedure as well as to focus on several communication techniques that proved their utility in time. We shall analyze for the beginning the tremendous impact that communication has in a non-contentious dispute resolution procedure, as mediation, continue with the exposure of various communication techniques, underlining those that are appropriate for this procedure, and present also, in the end, several practical cases, justifying the choice for one or more particular communication techniques.

Keywords: mediation, communication techniques, dispute resolution. JEL Classification: J52.

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**Paper:** The Peculiarities of the Consumer Decision on the Services Market  
**Author(s):** Mihaela Andreea Stroe, Lecturer, PhD, “Nicolae Titulescu” University, Bucharest, Romania

The service market has some peculiarities given that the consumer decision is made upon the consumer's information about the service. People are reasonably rational because of the interpretation of things in relation to others without the autonomy of thinking. The service market is a very important model from the perspective of specific abstraction, intangibility, and psychological phenomena such as perception, motivation, consumer attitudes, framing effects emphasize the game of individual rationality. Consumers can react uncontrollably to certain stimuli and are sometimes unable, taking into account the options available, to choose the optimal solution despite being aware of what is favourable to them. Cognitive and psychological processes play an important role in the consumer decision given cognitive dissonance, the fact that people filter information according to attitudes and beliefs, attitude to risk, informational asymmetry, emotional factors leading to consumer decision, risk aversion and, also, phenomena related to consumer behaviour on the market. The rational behaviour of the consumer is considered to be the one that offers maximum satisfaction with minimal cost at a maximum efficiency. The fact that there are many existing needs in the context of a limited resource nature makes the consumer choose to be based on the priority criterion. The opportunity cost is seen in this context as the value of the consumer's abandonment. All decisions related to spending a sum of money will be made taking into account the opportunity cost that is measured on the services market and in terms of aversion to regret in making the decision in incomplete information. The additional costs and benefits of an election should not only be measured in money, but also in terms of risk and comfort. We can refer to a psychological cost defined as the buyer's sacrifice when choosing a product variant. Every decision taken presents opportunity costs. So, we can state a relation between consumption and happiness and, although, at a first glance, it can be said that consumption is related to materialism and wealth, studies show that the relation between happiness and consumption is inversely proportional are not aware of what brings them happiness or not. (Waiss and Brown 1977). This presumption can be exemplified on the insurance market, that is a service market and all the characteristics of this peculiar market are encountered enhanced by the uncertainty offered by the insured risk. So risk behaviour, attitude to risk, culture, education, cognitive dissonance can be analysed as filters or barriers in making the consumer decision influenced, on the other hand, by the processes regarding the consumer behaviour on the insurance market such as moral hazard, informational asymmetry, adverse selection.

**Keywords:** market of services, decision, consumer, cognitive dissonance, happiness, insurance. **JEL Classification:** D18.

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**Paper:** Settlement of Legal Disputes of Constitutional Nature between Public Authorities  
**Author(s):** Cristina Teodora Pop, PhD, Assistant-Magistrate at the Constitutional Court of Romania, Associate professor at the Faculty of Philosophy, University of Bucharest, Romania

Introduced by the revision of the Constitution, in 2003, at article 146 e), the power of the Constitutional Court of Romania to settle legal disputes of constitutional nature became one of the most effective constitutional mechanisms that lead to the restoring of the legal balance between the functioning of the implied public authorities, and thus to the state of constitutionality, as a result of exercising by the Constitutional Court of its role of constitutional arbitrator and of guarantor of the supremacy of Constitution. The legal effects of the decisions issued by the Constitutional Court are stipulated in a general manner at article 147 (4) of the Constitution, that provides that they shall be generally binding and take effect only for the future, after they are published in the Official Gazette of Romania, the reason why they shall be established according to the role of this power of the Constitutional Court and to the reason wherefore it was regulated. The case-law of the Constitutional Court regarding the settlement of legal disputes of constitutional nature reveals the active role of the Court in exercising this power, as more than in the past, the solutions of the Constitutional Court finding the existence a legal conflict of constitutional nature are accompanied by legal patterns that shall be followed by the parties, in order to achieve the standards of constitutionally, which is an aspect that gave rise to substantial controversies among doctrinaires in the field of constitutional law.

**Keywords:** the powers of the Constitutional Court of Romania, the legal effects of the decisions of the Constitutional Court of Romania, public authorities of constitutional level, standards of constitutionality. **JEL Classification:** K10.

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**Paper:** The Causes of Nonverbal Communication Errors. Applications in Mediation  
**Author(s):** Mircea Aurel Niță, Associate Professor, PhD, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

The paper shows the influence of human mind due to the mental representations upon nonverbal communication. The functional preferences of mind hemispheres can influence the coding and decoding process for the emitter and receiver while the nonverbal message is moving from emitter to receiver and vice versa. Errors in communication can appear inside both minds of emitter and receiver, for example for the mind of mediator and the client. That is why a mediator must know and must be full of awareness about his peaceful mind state and the client, too. Some solutions are underline and proposed to be used before the mediation meeting starts.

**Keywords:** human mind, mental representations, coding and decoding process. **JEL Classification:** J52.

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**Paper:** Conflict Management Strategies in Mediation  
**Author(s):** Claudiu Florinel Augustin Ignat, PhD, Lecturer, Craiova Law Faculty, Bucharest “Spiru Haret” University, Romania

Conflict has been regarded for long as the core element of law, its mere *raison d’etre*, and this contentious approach of disputes being unfortunately still popular upon both laymen and law professionals. However, in alternative dispute resolution procedures in general, and in mediation in particular, conflict is regarded from a different perspective. This paper is aimed to develop the approach of mediation towards conflict, an approach focused on the fact that in front of the mediator, often the sole common ground of parties is the conflict itself. In other words, having a conflict is the sole element upon which the parties agree. From this point further, it comes to the mediator to apply the appropriate mediation techniques in order to strike a balance between the conflicting interests and to transform the initial conflict into a starting point for discussions.

**Keywords:** mediation, procedure, dispute resolution. **JEL Classification:** J52.

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**Paper:** Infringement of International Law in Ukraine since 2014  
**Author(s):** Martina Novotná, University of Alexander Dubček in Trenčín, Slovakia, Department of Political Science

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**Paper:** Operational Truth, Mind State and Crises in Management of Mediation  
**Author(s):** Angela Stela Ivan, Chief Lecturer, Dunarea de Jos University of Galati, Romania  
Mircea Aurel Niță, Associate Professor, PhD, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

The human minds of both parts, either emitter and receiver, either mediator and client operate with the Triangle of Knowledge-General, Concrete and Specific, so that one part can operate with a type of truth while the other part operate with the truth specific to the experience of this part. Starting from logical truth, going to the emotional truth and taking into account different influencing factors such as, culture, experience and age, sex, level of education, belonging to an organization, spiritual or a nonspiritual vision, etc., it is very important the relaxing state of the mind for the mediator. The paper shows how important is the holistic approach for the mediator mind especially during the process of mediation.

**Keywords:** logical truth, emotional truth, holistic approach of mediation. **JEL Classification:** J52.

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**Paper:** Transdisciplinarity and the Logic of Third Part. What Is Different in Put Us Together  
**Author(s):** Adrian Singurov, Priest

The paper deals with separation as a thinking problem and as a behavior one, too. Separation is against unity, so that using the law of Third Part it is easy to avoid separation between individuals and people. Solving conflict by peaceful means is the future of Humanity. **JEL Classification:** J52.

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# Students' Workshop

Chair: Ioana Cristina Vida, PhD, Parliamentary Adviser, The Chamber of Deputies of the Romanian Parliament, Bucharest, Romania

Co-Chair: Elena Marinică, PhD, Assistant Professor, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

## *Papers:*

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Paper: The Power of People in a Democratic State

Author(s): Georgeta Claudia Pleșa, Student, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

The popular legislative initiative is a constitutional right recognized by the extra-parliamentary opposition. In a democratic state the power of the People represents a key point in the direction of a state. Democracy is the form of organization and political leadership of a society based on the principle of the exercise of power by the people. In this paper we will present under what conditions a law can enter into force and why it is important to consult the people in matters directly affecting it. Identifying citizen's needs as well as consulting them on certain issues is an excellent mechanism for peacekeeping and operation in the best possible conditions of the entire administrative apparatus.

Keywords: people's initiative, democracy, rights and duties. JEL Classification: K10.

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Paper: Legal Documentation - Normative Acts Drafts

Author(s): George Ilie, Student, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

My article deals with a special theme in Legislative Technique or Formal Legislation. It is one of the stages preceding the drafting of the normative act, in legal documentation. I have chosen this subject as the creation of law requires a research activity based, among other things, on studying and analyzing normative and jurisprudential acts of the forums considered to be milestones in this respect. The documentation in the drafting of normative acts is imperative because it makes the correlation between the elements to be in legal norms with the European law, the Fundamental Law and the other laws, on the one hand, and on the other hand, it agrees with the needs and the social reality with the provisions of the act, thus leading to the efficiency and the stability of the act of legislation, as well as the decrease of the risk that the act will become obsolete. The structure of the article will have two main parts. The first part will include an introduction to the study of formal legislation and will address aspects of scientific documentation in general and legal documentation in particular. The second part will practically, in a comparative way, deal with the legal documentation at the level of law-making bodies and of supreme courts in Romania and the European Union.

Keywords: rule of law, elaboration procedure, documentation. JEL Classification: K10, K40.

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Paper: Approval and Endorsement of Normative Act Draft  
Author(s): Razvan Adrian Grigore, Student, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

In this article I will speak about the problem of approval and endorsements of normative acts drafts, looking forward to try answer a number of key questions, such as: Why did I choose this issue? I will try to define what is the main reason of this paper/research in what concerns the subject of approval of normative acts drafts; What issues I have reached? Issues in what concerns the study of formal legislation, instruments for approval and endorsements; What difficulties I have reached, what is the importance of the study and what I have brought new with my research. The paper will be divided in two main parts. Part one will contain two sections which will approach to introductive aspects in what concerns the study of formal legislation and the problem of normative acts approval. The second part will contain an analyze of how European normative acts are approved.

Keywords: rule of law, endorsement procedure, adoption procedure. JEL Classification: K10, K40.

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Paper: The Legal Conceptualization of European Union Law and the Role of the Council of the European Union in the Adoption of EU Law  
Author(s): Cristi-Gabriel Stoian, Bachelor Degree Student, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

In this scientific approach, we aim to identify the premises underlying the creation of European Union law, to determine the legal nature of this new right, to observe the objectives it has set itself to achieve and the future consequences for the Member States. We will firstly point out that what the concept of European Union law means is where the EU has exclusive competence and shared competence with the Member States and that the ultimate interest of these actions is to ensure economic growth and competitiveness for all states and regions of the EU. We will also stop on the role of the Council of the European Union in the context of Romania's presidency in the first six months of 2019.

Keywords: Council of the European Union, legal conceptualization, attributions, presidency of the European Union. JEL Classification: K1.

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Paper: Elements of Legislative Technique - Comparative View  
Author(s): Izabela Lupu, Master Degree Student, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

Our scientific approach is based on the pre-requisites of Formal Legistics, according to which the law is made up of the sum of the normative acts in force in a certain predetermined geographic area, influenced by its own historical, cultural, political evolutions etc. Thus, we propose to find the answer to the following questions: "What is the lawmaker's creation?", "Is there a typology of a universal lawmaker?". In order to answer the questions raised, we propose to refer to Law No. 24/2000 and to its legal counterparts in Belgium, France, Spain, Austria and Finland.

Key words: legislative system, formal legislation, normative act, Constitution. JEL Classification: K10, K19.

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Paper: Education is Guarantor of Respecting the Realization of Rights  
Author(s): Mariana Dumitru, Student, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

The full guarantee of the exercise of the right to education, in all its dimensions, occupies an important place in the legal system, from which all the other fundamental rights and freedoms through which life standards are ensured, acces to the information necessary for the development of skills and abilities to improve quality of life, the environment, and respect human dignity. Keywords: education, guarantee, fundamental rights, human dignity. JEL Classification: K10, K19.

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**6<sup>th</sup> Annual International Conference**  
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5<sup>th</sup> Annual International Conference  
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# BOOK OF ABSTRACTS

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The papers presented within the conference will be published in the *International Law Review*. The review is included in the international databases: SSRN, EBSCO, ProQuest and VLEX.

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On the day of your presentation, please report to your assigned room 10 or 15 minutes before the working group is scheduled to begin. Introduce yourself to the Chairman/Chairwoman of the working group your paper belongs to, and check that any audio - visual equipment you need to use is setup and working properly. Please load your presentation onto the hard drive so that the transition between presentations is smooth.

# Working Groups Sessions

## WG1. The Administrative Capacity of the Judicial System

Chair: Alistar Victor T., Associate Professor, PhD, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania  
Executive Director, Transparency International, Bucharest, Romania

Co-Chair: Judit Siket, PhD, Faculty of Law and Political Sciences, University of Szeged, Hungary

### *Papers:*

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Paper: Accession to the European Union Cannot Affect the Supremacy of the Constitution over the Whole Legal Order

Author(s): Ionița Cochînțu, PhD, Assistant Magistrate, Constitutional Court of Romania

Following the accession, the provisions of the founding Treaties of the European Union, as well as other binding provisions under Community law, shall prevail over any provisions of the domestic law, while observing provisions in the accession instrument. However, in relation to the notion of "internal laws", a distinction has been made between the Constitution and the other laws. Also, the same distinction is made at the level of the Basic Law by art. 20 par. (2) the final sentence for the purpose of applying international rules as a matter of priority, unless the Constitution or domestic laws contain more favourable provisions, and Art. 11 par. (3) states that if a treaty to which Romania is to become a party contains provisions contrary to the Constitution, its ratification can only take place after the revision of the Constitution.

Keywords: international law priority, rule of law, constitutional provisions. JEL Classification: K10.

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Paper: Boosting Access to Justice as a Support to Raise Administrative Capacity of the Judicial System

Author(s): Irina Lonean, PhD, Invited Lecturer, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

Trust in the judiciary is a key element of its capacity, as there is no fair trial without both the material guarantees and the feeling of a fair trial. In this context, boosting access to justice is not only a very important human rights issue, it is also instrumental in order to ensure the needed capacity of the judicial system. Moreover, boosting access to judiciary in administrative cases, when citizens appeal administrative decisions and procedures, is key in order to strengthen the administrative capacity as well. In this context, the paper focus on the successive programmes and projects aiming to boost access to justice of the Ministry of Justice, the Superior Council of Magistracy and other actors, including civil society organisations. Different policies and initiatives to ensure access to justice are examined in order to determine the most effective approaches, based on a combination of theory based evaluation methods including the Realist Evaluation and the Prospective Evaluation Synthesis and data collected from desk based research and interviews with decision makers, civil society representatives and justice seekers. The paper concludes that only a combination of support to access the judiciary (like the public judicial assistance) and incentives to access the judiciary to discouraged citizens can work for more trust in the judiciary better judicial capacity.

Keywords: public judicial assistance, incentives to access the judiciary, trust in the judiciary. JEL classification: K38.

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**Paper:** The Administrative Justice Completely Withdrawn in Republic of Moldova  
**Author(s):** Maria Orlov, PhD, Associate Professor, "Alec Russo" State University of Bălți, Institute of Legal and Political Research of the Academy of Sciences of Moldova, President of the Association "The Institute of Administrative Sciences of the Republic of Moldova"  
Marina Grosu, Juristconsult, Project Coordinator in Public-Private Partnerships

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**Paper:** Administrative Capacity of the Judicial System. An Evaluation from the Point of View of the Judiciary Role in Fighting Corruption  
**Author(s):** Alistar Victor T., Associate Professor, PhD, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

The paper addresses the issue of the capacity of the judiciary in direct connection with the performance of the Judicial System to fulfil its role to curb corruption. The paper is based on the methodology of the National Integrity System Assessment proposed by Transparency International and proposed an evaluation of the capacity of the judiciary taking into account the legal provisions and the practical implementation of these provisions on the two main criteria on institutional capacity proposed by the National Integrity System model: resources provided and independence ensured. New provisions on the organisation of the judiciary are considered in this respect. The paper is then comparing the results of the assessment of the capacity of the Romanian judiciary with the assessment of its performance in curbing corruption in order to find a direct connection between the two: capacity and role to curb corruption. However, the paper also rises the issue of the judiciary governance, assessed based on three other criteria of the National Integrity System: transparency, accountability and integrity. These have, together with the capacity issues, the same instrumental importance to support curbing corruption by the judiciary.

**Keywords:** capacity of the judiciary, judiciary independence, resources for the judiciary, role of the judiciary, curbing corruption, performance. **JEL Classification:** D73.

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**Paper:** The General Court – The Tendency to Become a Common Jurisdiction  
**Author(s):** Irina Zlătescu, Professor, PhD, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

This study aims to prove that the General Court is becoming the ordinary court with the meaning of Article 256 TFEU for the first instance resolution of actions for annulment, actions for compensation based on non-contractual liability, actions for failure to act and for the resolution of disputes regarding arbitration clauses. Exceptions will be made when specialized courts will be established, as it was the case of the Civil Service Tribunal (2004-2014). Another exception consists for the resolution of causes, which fall according to the Statute under the competence of the Court of Justice. Nevertheless, the Statute may also provide competences of the General Court for other types of actions.

**Keywords:** first instance, actions, arbitration clauses. **JEL Classification:** K40.

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**Paper:** The Ombudsman in the European Context  
**Author(s):** Denis-Roxana Gavrilă, PhD Candidate, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

The article analyses the role of the Advocate of the People in the national and international context, starting with its appearance (OMBUDSMAN) on the historical and political stage of the northern European states, until today. It has assumed the role of supporting citizens in their problems with the administration and promotes, on its own initiative, the principles of transparency and inherent responsibility for the concept of good governance practices. Individuals have reported possible violations of the right to information, the right to petition, and the right of the person injured by a public authority. The article will present that in the local and central public administration institutions, civil servants are insecure and the managerial capacity to implement decentralized responsibilities is not strengthened. A sustained effort is necessary, noticing also that The European Commission Against Racism and Intolerance (ECRI), a body of the Council of Europe, in its Fourth Report on Romania, approved by the Council of

Europe in March 2014, recommended that the People's Advocate Institution take decisive action against public authorities when they suspect that there have been flagrant violations of human rights, especially when they are related to racial discrimination, cases presented in this paper.

Keywords: non-contentious means; mechanism for the prevention, minorities. JEL Classification: J15.

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Paper: Amendments to the Law no. 554/2004 Introduced by Law no. 212/2018

Author(s): Elena Mihaela Fodor, PhD, Associate Professor, Faculty of Law Cluj-Napoca,  
„Dimitrie Cantemir” Christian University, Romania

The paper discusses the amendments regarding the definition of the administrative act, the limitations of the control of the contentious administrative courts, the prior procedure, the object of the legal action, the competence of courts, the parties, the procedure and the enforcement of the court decision. The analysis of the amendments introduced in the Law no. 554/2004 by Law no. 212/2018 is made in corroboration with other normative acts. Generally, the legislator managed to harmonise the provisions of the Law no. 554/2004 with other normative acts and at the same time, to preserve the specific of the contentious administrative. However, litigation procedure for the administrative contracts together with the rules for contesting the first instance decision do not respond to the specificity of the administrative law.

Key words: Law no. 554/2004, contentious administrative, prior procedure, administrative act, administrative contract. JEL Classification: K39, K41.

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## WG2. Human Rights in the New Era

Chair: Zlătescu Irina, Professor, PhD, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania  
Director of the Transdisciplinary Centre of Human Rights; Titular Member of IACL and Member of the Council of ELI

Co-Chair: Saghi Florin Emeric, Vicepresident of the Romanian Association for the United Nations member of the World Federation of the United Nations Associations

### *Papers:*

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Paper: EU ETD – Towards a New Chapter in EU Citizens' Rights and a Better Administrative Cooperation

Author(s): Erzsébet Csatlós, PhD, Senior Lecturer, Faculty of Law and Political Sciences, Department of Administrative Law, University of Szeged, Hungary

The European citizenship was officially created by the Maastricht Treaty to confer rights on citizens of the Member States of the EU. Among these rights, the most challenging one was the right that enabled EU citizens to turn to any foreign representation of any Member States for consular protection in third States in case if their own State of nationality is not represented there. According to surveys, almost 7 million EU citizens travel or live outside the EU, in places where their own country does not have an embassy or consulate. Member States with well-developed and extended international relations are in a better position to serve their nationals in need, but most of the Member States are in a less favourable situations and the EU citizenship policy aimed to eliminate these differences in the point of EU citizenship rights. Given to the consular protection's strong ties to foreign relations, first, it was placed under the unanimous decision-making capacity of the Council under the CFSP regime, but the Lisbon Treaty has introduced major changes not only for the consular protection policy of the EU but on the other hand, to facilitate effective execution of EU policies in general. It lifted the right to get consular help abroad and also the right to good administration, among others, to fundamental level and placed them at the top of the norm pyramid. All these developments have indicated changes in the consular protection policy which resulted new foundation stones of the policy (Council Directive (EU) 2015/637 of 20 April 2015) and now, the reform of the issue of emergency travels document (ETD) is on the threshold as it is the most commonly claimed consular protection service. Therefore, a Council directive proposal was submitted on the last day of May of 2018 on the EU ETD. Its provisions are innovative and embody a series of opportunities for further development. On one hand, it is a pioneer among measures of facilitating the administrative cooperation while ensuring a better administration of this consular protection measure, although, on the other hand, it leaves open questions and offers a variety of choice for Member States which also increase legal challenges in the view of rights of the EU citizens.

Keywords: good administration, legal challenges, consular protection. JEL Classification: F22, K33.

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Paper: Multiple Discrimination in the Contemporary European Society

Author(s): Ruxandra Darclée Miu, Legal adviser, National Oil Transport Via Pipelines and Rail Tanks Company (CONPET SA), Ploiești, Romania

In the context of nowadays non-discrimination cannot be made through simple acts or statements. Statements as the Universal Declaration of Human Rights, or the European Convention of Human Rights have to be incorporated in every state's if not every individual's culture in order to achieve its goals.

Multiple discrimination represents any combination of forms of discrimination against persons on the grounds of sex, racial or ethnic origin, religion or belief, disability, age, sexual orientation, gender identity or other characteristics, and to discrimination suffered by those who have, or who are perceived to have, those characteristics. It can manifest itself in two ways, there is 'additive discrimination', where discrimination takes place on the basis of several grounds operating separately and second, there is 'intersectional discrimination',

where two or more grounds interact as they are inextricable. Although multiple discrimination has always existed, it has not been recognized as a legal concept until recently.

Keywords: multiple discrimination, non-discrimination, tolerance, European Union, human rights, European Agency for Fundamental Rights. JEL Classification: K38

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Paper: Aspects of Discrimination from the Perspective of the Migration Phenomenon

Author(s): Roxana Moisoiu, PhD candidate, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

Migration has existed since the beginning of mankind. The phenomenon did not cease over time, but it has seen changes and new forms with the evolution of society. Migration processes take place simultaneously and are increasing in many countries of the world. The main causes of unprecedented population movements are armed conflicts, famine, natural disasters, human rights violations and deplorable economic conditions in some states. Collective attempts to regulate refugee-specific issues and migration have so far been quite limited. The European Union has taken a step forward in this direction. The European Union now considers that an integrated and comprehensive approach is desirable in order to better manage the phenomenon of migration. The implications of contemporary regional and global migration have consequences on the social, economic, cultural, political and religious environment of the states. Migration has transformed and redefined the political and economic interests of states, but has accentuated and expanded the phenomenon of discrimination, violating the principle of equality. Accepting multiculturalism of different religions as well as social diversity is the key to combating discrimination and respecting the right of every person to equal opportunities. Equal opportunities are based on ensuring the full participation of each person in economic and social life, regardless of ethnic origin, sex, religion, age, disability or sexual orientation.

Keywords: migration, migrant, discrimination, equal opportunities. JEL Classification: J15.

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Paper: The Right to Health Care, a Fundamental Human Right

Author(s): Remus Marian, PhD candidate, Faculty of Public Administration,  
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The right to health protection is part of the human rights and freedoms, which the state, as a result of their recognition, is called upon to respect, guarantee and protect them. The existence and life of man being inextricably linked to society, these desiderata are always topics of study and debate. A common approach to ensuring the maintenance of the health of the population and a higher level of prevention in the national health system is revealed by the cooperation between the public administration and the Church institution, aiming to ensure a better health of the Romanian population and the accentuation the role of prevention in maintaining health. Such a project is aimed at disadvantaged people in rural areas with reduced educational level and social cases

Keywords: human rights, right to health, freedom, public administration. JEL Classification: I18.

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Paper: Promotion and Protection of Human Rights in the Context of the Actual and Future Local Fiscal System

Author(s): Florin-Ionel Trușcă, PhD candidate, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

The protection of human rights as well as their promotion have been and are still a challenge for each state, especially for developing countries. The multitude of normative acts regulating the local tax system in Romania, the bureaucracy reflected by the significant increase of the forms through which information is collected and the tax obligations are established, as well as the main objective of the tax bodies, respectively the collection of revenues to the local budgets, make it increasingly difficult to achieve human rights objectives. Therefore, the paper proposes the passage of the local tax system from the rudimentary state where it is to a digitized system at national level, which through its instruments and techniques can ensure the promotion and protection of human rights.

Keywords: promotion, protection, individuals, principles, rights. JEL classification: K38.

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Paper: Universal Declaration of Human Rights -  
70 Years of Promoting and Protecting Human Rights  
Author(s): Irina Zlătescu, Professor, PhD, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

Developed by law specialists coming from different regions of the world, from UN member states but with different legal systems and cultures, the Universal Declaration of Human Rights, proclaimed by the UN General Assembly on December 10 1948, is yet another a common ideal to be touched by all peoples, all nations and all individuals. Its 70th anniversary requires us to reflect on the past and to look for the future. It enables us to identify challenges and threats.

Keywords: human ideal, culture, future challenges. JEL Classification: K 33.

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Paper: Understanding of the Rights of the Data Subjects  
Author(s): Andreea Drăgan, PhD candidate, Faculty of Public Administration, National University of  
Political Studies and Public Administration

General Data Protection Regulation replaced the Data Protection Directive that has been in place since 1995. This regulation gives power back to the people as European Union considers privacy as human right. The whole Chapter 3 of the GDPR treats the subject of rights of the data subject, as with the new modified Regulation, the number of rights for data subject has increased considerably and the old ones have been consolidated. Now we can speak of the right to information, right to access, right to rectification, right to withdraw consent, to object, to object to automated processing, to be forgotten and data portability, just to mention a few. But how do these rights help to protect European citizens' personal data? For example, once an EU citizen has given his consent for processing his personal data for a purpose, he has the right to withdraw his consent through a request which implies that the company that processed his personal data to stop. The new GDPR provides many rights for data subjects, in order to protect their private life. But as important it is to know for each individual to know their national legislation because "*Ignorantia legis neminem excusat*" or "*nemo censetur ignorare legem*" which means "ignorance of law excuses no one" or "nobody is thought to be ignorant of the law", is as important to be aware of the European regulations especially when it works in citizens favour.

Keywords: privacy, GDPR, European regulations. JEL Classification: C89.

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Paper: Bussiness and Human Rights  
Author(s): Petru Emanuel Zlătescu, PhD candidate, "Nicolae Titulescu" University, Bucharest,  
Romania Member of European Law Institute

The respect of human rights in the economic sector has become the regulatory object of many international and national standards over the past two decades. The impact of multinational corporations on the environment, and human rights in particular, is one of the most important topics on the international's community human rights agenda. The debate on this topic includes next to the benefits associated with, such as the development of infrastructure and job creation also its negative impacts on human rights. Since the human rights in question usually do not have a direct effect and multinational companies are therefore not considered as fundamental rights addressees, it is primary the duty of the state to protect these rights indirectly, by adopting legal norms and standards. The binding nature of these standards varies and includes both legally enforceable rights and obligations as well as standards with programmatic content and soft-law provisions. In general, these norms address three main aspects of the protection of human rights from the negative effects of the economy and globalization. First, the very first guarantee in this field is the state's duty to protect human rights against private threats. Secondly, a special responsibility should be imposed to the business enterprises, which obliges them to respect human rights. Thirdly, access to remedies should be granted in the event that an infringement has already occurred.

Keywords: standards, globalization, responsibility of business enterprises. JEL Classification: K39.

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**Paper:** Religion and Christian Family - their Role in Promoting and Keeping Human Dignity  
**Author(s):** Rareș Bogdan Ruge, PhD Candidate, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

Religion is the free and conscious connection of man with God, and the family - a school of love and cradle of life. Religion has always played an important role in the formation of moral and social skills and attitudes. The Christian family is the very cradle of Christian faith and formation, a true school of life. The family is considered the cell of society, which is why the state has the responsibility to defend and protect this fundamental institution. Before being full rights citizens, each person needs to live in a healthy environment that will allow them to develop as fully and harmoniously as possible. The Christian family is a holy temple in which the fullness of Christian virtues is stored. It is the cell from which human society was founded and on which human society is based, but also the church community, widening the boundaries of the kingdom of God. The family is the most important institution in the service of life. All the other institutions that have a role in supporting and promoting human life are subordinate to them, both in terms of their origin, especially in their role and purpose. Today the family and all social structures are affected by secularization. The diminishing of the Church's role in everyday life and the decrease in trust in God result in the degradation of relations between people, the failure to observe moral principles, the increase of crime, corruption, etc. Dignity shows value, honour, moral merit, degree of appreciation as the rank achieved by a person in society. In Christian doctrine, human dignity is a divine gift that, regardless of the circumstances in which the individual lives, takes as an example the image of God. In society, in terms of dignity, the autonomy and freedom of thought and the behaviour of an individual are also understood.

**Keywords:** religion, the Christian family; dignity; human rights. **JEL Classification:** K36, K38.

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**Paper:** The Rights to Education, a Strategic Priority of the 70<sup>th</sup> Anniversary of the Universal Declaration of Human Rights  
**Author(s):** Roxana Elena Vișan, PhD candidate, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania,  
Member of the European Law Institute

This article aims to be an incurs on the evolution and affirmation of the right to education in the human rights system, in order to offer suggestions on collective hope of transforming the world and providing a better future for future generations. Such a manifestation is achievable by a political will, the creator of an equalitarian model, to redistribute utopian visions of human freedoms. Considered as a unique window to the fundamental problems of human dignity at the societal level, the Universal Declaration of Human Rights affirmed over the seventy years the legitimacy of human rights in the face of global challenges and ensured the diversity of universal thinking. Considered one of the fundamental human rights, yesterday's education, today and tomorrow, is the main pillar in finding answers to global issues. Now is the time to take stock of progress and to identify strategic priority areas for the effective implementation of Agenda 2030 on Global Education.

**Keywords:** the right to education, strategic priority, global education, Agenda 2030. **JEL Classification:** I29.

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### WG3. Citizenship and Immigration in Europe

Chair: Mădălina Cocoşatu, Associate Professor, PhD, Director of the Department of Law "V.D. Zlătescu", Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

Co-Chair: Orlov Maria, PhD, Associate Professor, "Alecu Russo" State University of Bălţi, Institute of Legal and Political Research of the Academy of Sciences of Moldova, President of the Association "The Institute of Administrative Sciences of the Republic of Moldova"

#### *Papers:*

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Paper: Integration Policies for Legally Resident Third Country Nationals in View of New and Future Challenges and Ensuring Relevant Policies

Author(s): Elena Loredana Pirvu, Lecturer PhD, Police Academy "Al. I. Cuza", Faculty of Juridical and Administrative Sciences, Bucharest, Romania

Over the past decades, most EU Member States have experienced increasing migration. Migrants from third countries represent around four percent of the total EU population. Europe is also strongly influenced by demographic changes, including the ageing population, longer life expectancies and a declining working-age population. Member States have confirmed their commitment to further developing the core idea of integration as a driver for economic development and social cohesion, in order to better enhance migrants' contribution to economic growth and cultural richness. With the recent EU Action Plan on Integration, the Commission sets out policy priorities and tools for concrete actions to be undertaken at EU level in support of the action on integration taken at Member States' level, with a view to further develop and strengthen integration policies across the EU. The article will present the social, economic and political context recently changed and all integration measures underlined within EU Action Plan on Integration and will research about future challenges and relevant policies in need to be drafted and implemented on EU level.

Keywords: integration, refugee, policy, action plan, third country nationals. JEL Classification: K37.

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Paper: Immigration in Democratic States

Author(s): Ionut Cosoi, PhD Candidate, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

One problem that should concern political analysts is the inclusion of individuals who migrate from totalitarian countries to harmless, democratic countries. One cannot fail to see the strangeness of these foreign elements in the democratic contest of a free country. My objective is even to identify / detect in a democratic state the deceptive behavior of the democratic values of immigrants from the closed / totalitarian states. Informational flow takes place regardless of the individual's will in society and influences him even if he has not lived this experience. In democracy, information is the engine that ensures its endurance. The research method I use is that of participatory observation on small merchants coming from China. The result of the research has pushed me to conclude that this kind of immigrants - from a totalitarian country - must go through a process of awareness of democratic values because their idea of democracy is different from its real principles. Of course, by this process, only mature individuals, not minors, must pass, in my view they do not pose any danger. School is here a very important institution in learning real / real democratic values. The need to adapt people from totalitarian states and migrating to democratic states is real. A significant weight that can help in this respect is given by sources of information, the only valid / necessary aspect for corroborating "undemocratic" behaviour as the willingness to know the immigrant. For individuals living in a democratic state besides their legitimate responsibilities, they are also those of identifying and helping newcomers from other totalitarian states, helping themselves. In other words, society regulates itself by transmitting information from one individual to another - no matter which party they are.

Keywords: democratic values, participatory observation, inclusion. JEL Classification: K33.

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**Paper:** Immigrants Statuses in Europe: Citizenship, Residence Permit and Stay Permit  
**Author(s):** Lucia-Ştefania Avram, PhD Candidate, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

The author of this articles analyses the main legal norms applicable for the citizenship, residence permits and stay permits regarding the immigrants in Europe. The author will make a comparison between the main regional and national norm to understand the differences and the most favourable and the hardest regulation. The method used is the analyse of the legislation and informal interviews of different subjects from different countries.

**Keywords:** immigration, legislation, citizenship, residence permit. **JEL Classification:** K37.

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**Paper:** A New European Policy on Legal Migration - Enhancing Legal Pathways to Europe  
**Author(s):** Eleodor Pirvu, General Inspectorate for Immigration, Asylum and Integration Directorate,  
Deputy Director

Establishing safe and legal pathways of admission to complement resettlement programmes is therefore an essential step towards securing a meaningful response to the current unprecedented global displacement situation. The need to provide increased and complementary pathways for refugee admission is reflected in the New York Declaration for Refugees and Migrants, which was adopted by all 193 Member States of the United Nations at the UN General Assembly in September 2016. Countries, including the Member States of the European Union, expressed their intention to “expand the number and range of legal pathways available for refugees to be admitted to or resettled in third countries.” The article will present the implications of the EU-Commission’s proposal for seeking protection in the EU and will research about resettlement as a protective tool and durable solution for refugees. Answers to the actual position of the EU governments towards new policy proposal and what is the future for admission programmes to EU will be analysed.

**Keywords:** asylum, refugee, protection, legal admission, resettlement. **JEL Classification:** K37.

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**Paper:** Public Administration and Integration of Immigrants  
**Author(s):** Alexandra Bucur, PhD candidate, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania,  
Member of the European Law Institute

The study presents aspects related to managing the phenomenon of immigration, which is an important activity of the states, including Romania. Thus, public administration is an important actor in coordinating immigration policies. With a growing number of asylum applications, the response of state authorities must also be based on promoting the integration of immigrants into society. At the same time, immigration becomes an administrative process and its answers are necessary and important.

**Keywords:** public administration, immigration, integration. **JEL Classification:** F22.

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**Paper:** Accessing Cohesion Funds Granted by the European Union to Extra-community  
Immigrants. Application and Conditioning  
**Author(s):** Mădălina Cocoşatu, PhD, Associate Professor, PhD, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

EU humanitarian aid supports refugees and migrants from countries such as Iraq, Jordan, Lebanon and Turkey. Between 2015 and 2017, a total of €17.7 billion was earmarked from the EU budget to cope with the migration crisis. This paper aims to analyze EU funding for immigrants and transit countries in order to combat illegal immigration and trafficking in human beings. Also, this paper will analyze the procedure and conditionality that will be put to the European states in order to be able to receive funds for the integration of immigrants.

**Keywords:** aid support, migration crisis, integration of immigrants. **JEL Classification:** J15.

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Paper: Political and Diplomatic Asylum

Author(s): Andrei Bogdan Cipere, PhD candidate, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

One of the novelties of this paper is the fact that the topic is very topical due to the numerous crises that have occurred over the last years in almost all the world's continents, situations that have generated large waves of refugees that have created extreme problems the great governors and all those in charge of managing such crises, demonstrating the need to address the institutions of political asylum and extradition with more interest and depth. The way in which the work will be conceived, provides for the treatment of diplomatic relations between states, the immunities accorded to diplomatic staff in various legal systems and the institutions of asylum and extradition, starting from a historical and legal appreciation of their evolution, going up to to analyse the level at which they have reached today, and how the institutions that manage to manage them work. At the same time, a large part of the legal components of the diplomatic institution, the asylum at the European level and in the Romanian system, and refugee status will be highlighted and analysed by the approach to be accomplished, aiming to eliminate the large number of mistakes or misinterpretations . It will start from a clear delimitation of concepts and will go up to the most complex elements of structure and the mechanisms that ensure their operation, both theoretically and procedurally.

Keywords: immunities, refugee status, administrative mechanisms. JEL Classification: F22.

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Paper: The Role of Immigrants When Striving for a Resilient Labour Market in Romania

Author(s): Teodora Ioana Bițoiu, PhD, Senior Lecturer, Director of the Department of Economics and Public Policy, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

Crina Ramona Rădulescu, PhD, Senior Lecturer, Deputy Dean, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

Labour, one of the main production factors, remains a sensitive factor that implies both identifying education and continuous training opportunities and smart resource allocation, so to avoid a market failure. The labour market resilience, especially after the Great Recession, is more and more influenced by the labour market changes induced by the structural policies and, moreover, the legal framework dealing with migration issues.

The current research aims at analysing the connection between the legal provisions (national and European laws) and the specific aim of creating a resilient labour market, namely referring to the impact these provisions could have upon the output and employment recovery to keep the inequality low (Stiglitz, 2015), long-run evolution of the wage distribution (Piketty, 2014) and labour productivity (OECD, ECO/WKP(2017)38). The topic of the economic integration of migrants is not one treated only on a central level (through policies and specific legislation), but also one priority of the local public administration through their involvement in European projects dealing with immigrants and their access to rights (e.g. DELI – Diversity in the Economy and Local Integration, of which Bucharest municipality was part of). All in all, the paper argues that resilience can be promoted through labour reform that allows employers to bring in non-EU migrants at all skill levels with minimal restrictions (MPI, 2014).

Keywords: labour market regulation, migration, resilience. JEL Classification: F22.

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**Paper:** Brexit: a Member State Withdrawal from the European Union and the EU Citizenship Issue  
**Author(s):** Elena Marinică, PhD, Assistant Professor, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

This article examines how the voluntary withdrawal of the United Kingdom of Great Britain and Northern Ireland from the EU impacts the guarantee of the rights of EU citizens already living in the UK and the rights of British citizens living in other EU Member States, that must be secured in the context in which the loss of European citizenship is inherent to British citizens (accompanied by the loss of political rights, the right to vote, the right to stand as a candidate, etc.), followed by the loss of other rights after the end of the transitional period such as freedom of movement, recognition of professional qualifications, family reunification, etc. Some of the main ongoing initiatives and actions (e.g. the UK-EU withdrawal agreement) on citizens' rights are being analysed to see if all these measures are a qualitative leap towards a controlled, step-by-step exit to protect the rights and stability of the citizens affected by Brexit, or, on the contrary, they are small steps that demonstrate that this issue is far from complete, confronting a legal uncertainty that could cause losses and disadvantages likely to prove extremely dangerous to citizens.

**Keywords:** citizens' rights, legal uncertainty, voluntary withdrawal's effects. **FEL Classification:** K30.

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**Paper:** EU Institutions for Protecting the Vulnerable Groups in the European Space  
**Author(s):** Ionuț Bogdan Berceanu, Assistant Professor, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

The paper is part of the Erasmus + Jean Monnet Project EU – Diversity, Citizenship and Solidarity under Migration Pressure. From learning to e-learning, which has as one of the main objectives to promote excellence and innovation in teaching and research in EU studies, in particular in Migration Law and Economics. The aim of the paper is to realize a research regarding the institutional framework of the European Union used for protecting the vulnerable groups and individuals in the EU. The analysis will start for the definitions of the vulnerable groups and the identification of the European regulations which are contributing to the protection of these groups. There will be also analyzed how through its measures the EU institutions such as the European Parliament and the European Commission are contributing to the realize the an added value in the European space, by creating the premises of an unitary protection of the persons which are vulnerable.

**Keywords:** diversity, regulations, added value, Erasmus+. **JEL Classification:** K37.

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## WG4. New Tendencies in Public Administration Development

Chair: Cărauşan V.Mihaela, Associate Professor, PhD,  
Deputy Dean, Faculty of Public Administration, National University of Political Studies  
and Public Administration, Bucharest, Romania  
Executive Director, Association Centre of Academic Excellence, Bucharest, Romania

Co-Chair: Erzsébet Csatlós, PhD, Senior Lecturer, Faculty of Law and Political Sciences, Department  
of Administrative Law, University of Szeged, Hungary

### *Papers:*

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Paper: New Tendencies in Public Administration Development – Rising Era of One Stop Shop  
Delivery Models in Developing Countries

Author(s): Hakim Alasgar, PhD candidate of Doctoral School of Public Administration Sciences,  
National University of Public Service, Budapest, Hungary

Current tendencies in public administration development indicates, further development of state administration and local government reforms is connected with the use of decentralization and decentralization of public administration, separation of strategy from the provision of services, diminishing the gap between democracy and efficiency, enhancing the citizens participation and mutual trust of citizens in government and vice versa, creation of “business oriented” governments, principle of simplifications, improving the quality of public service improving the political and administrative culture and integration of various institutions, reforms and activities in the context of public administration development. As a model of public service delivery, OSS have been in vogue for many decades now. One-stop shops have currently emerged as more powerful actors than ever before in the developing countries. OSS operate towards the simple goal of making public services available under a single roof. OSS come in various designs, institutional arrangements and financing models, and provide different baskets of services in different contexts. While some provide the services of a single level of government (national/provincial/local), others provide service s of more than one level. This paper looks at some of these definitional issues and maps some of the recorded examples. The proposed paper, will discuss how new tendencies in public administration leads to rising era of OSS models in the developing countries by relying on an extensive survey of literature, including policy documents, project information sheets of donors, government websites, media stories, academic articles, third-party evaluation reports and case studies recorded by non-governmental organisations among others.

Keywords: One-stop-shop, public service delivery, public administration, governance, customer, citizen, government, data, management, reform. JEL Classification: H83.

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Paper: Elements of Formal Legistics - Prerequisites for the Creation of European Union Law

Author(s): Ioana Cristina Vida, PhD, Parliamentary Adviser,  
The Chamber of Deputies of the Romanian Parliament

The paper aims to pass European Union law through the Formal Legistics filter. The scientific approach aims to show that the "builders" of European Union law were inspired by the elaboration of national normative acts. Thus, in the drafting of legislative acts of the European Union we meet with notions and syntagms that claim to ensure the quality of drafting, i.e. intelligible and unitary drafting, observance of the uniform principles of presentation and legislative technique, clear and simple texts, etc.

Keywords: formal legistics, legislative technique, European Union law, legal conceptualization. JEL Classification: K19.

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Paper: Local Governments in the System of Separation of Powers. The Executive Function  
Author(s): Judit Siket, PhD, Faculty of Law and Political Sciences,  
University of Szeged, Hungary

The paper is focused on the principle of separation of powers, especially examined the role of local self-governments in the system of division of powers. It gives a brief description on the dogmatic approach of the principle of powers based on the concept of Montesquieu, and Benjamin Constant who emphasised the significance of local power. The study demonstrates the effectiveness of principle of separation of powers and the constitutional status of local self-governments in the Hungarian Fundamental Law. According to the Fundamental Law, the essence of local governments is to manage public affairs and to exercise public authority this is the reason why local governments exist. The leading conception has changed, rejected the collective fundamental rights approach. A separate section aims to describe the executive power of local self-governments, in particular the functionality of local self-governments. A comparative part illustrates changes of local task-system after the adoption of New Local-Government Act in 2011, including both municipal and county level responsibilities, the strong centralization process in the field of local governance. In conclusion, local self-governments' role significantly decreased in the field of providing public services and in exercising of local public powers, functionality of local self-governments was substantially narrowed.

Keywords: separation of power, local self-governments, centralization. JEL Classification: K23.

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Paper: Justinian's Legal Reform – the Avatars of a Political *Credo*  
Author(s): Ionela Cuciureanu, Bucharest Bar, PhD candidate, University „Babes Bolyai” Cluj  
Napoca, Faculty of Law, Cluj, Romania

The paper aims to present the reasons that laid behind emperor Justinian's legal reform (the last Latin speaking emperor of the Roman Empire), as well as its effects on the roman society as a whole. The legal reform will therefore be regarded in the larger social and political context of the time and analyzed in relation to the crisis that was already eroding the Roman Empire, but also from the perspective of the modern lawyer, seeking elements of actuality that could be transplanted into the contemporary world. All things considered, it can be stated that the legal reform represents one of Justinian's key achievements, one of the works that, being meant to refresh through law the social dimension of life, crucially influenced the evolution of the humanity and remained an example of codification that could be revisited and used as models even in the globalization era.

Keywords: Legal reform, Roman law, social reform, modern law. JEL Classification: K39.

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Paper: Reasonable Formalism as Dimension of Administrative Discipline  
Author(s): Emil Bălan, Professor, PhD, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

The substantial need for simplification of administrative law, as the body of principles and rules governing the implementation of policies by executive power is now obvious.

Simplification can be achieved by rationalisation and improvement of administrative procedure as a dimension of administrative discipline and guaranteeing the fundamental human rights and exercise of public authority.

Keywords: administrative law; simplification; rationalisation; administrative procedure; administrative discipline.  
JEL Classification: K23.

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**Paper:** Perspectives for Developing the Civil Services in Romania. Vision on the New Development Strategy  
**Author(s):** Paula Ghitescu, PhD candidate, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

Romania will provide professional civil servants, politically neutral, capable in acting in terms of stability, transparency and predictability, responsible for their results and able to develop and implement effective public policies that will support sustainable development in Romania. To implement the new strategy we will consider the following principles: the legality and the respect for the rule of law, transparency, openness and participation, efficiency and effectiveness, proportionality, consistency and accountability, promoting gender equality and non-discrimination, accessibility, flexibility.

**Keywords:** civil service principles, political neutrality, effective public policies. **JE Classification:** J24.

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**Paper:** Report on the Diagnostic Survey of the Network for Integrity for 2017  
**Author(s):** Daniela Mitutoiu, PhD candidate, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

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**Paper:** Constitutional Perspective of EU Member States on Legal Certainty  
**Author(s):** Elena Constantin, PhD candidate, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

The principle of legal certainty is the essence of the rule of law, which means that it must mirror directly or indirectly the Constitution of each Member State of the European Union. The analysis of constitutional provisions on legal certainty also makes it possible to assess the quality of regulation at the level of each state under discussion. The subject is particularly interesting in the context of the quantitative increase in legislation generated by the evolution and complexity of the relationships between individuals.

**Keywords:** legislative abundance, rule of law, quality of regulations. **JEL Classification:** K10.

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**Paper:** In Search of Time for Speeding up the Public Procurement Dispute Resolutions  
**Author(s):** Mihaela Victorița Căraușan, Associate Professor, PhD, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania; Member of European Law Institute

Arbitration was established by the Government Decision no. 1/2018 as one of the dispute resolutions method which must be used for work contracts over 5 million Euro financed by public funds. Even the rule was criticised, we appreciate, in a certain measure, the clauses for better adjudication of disputes among the contracting parties. Dispute resolution methods are currently commonly used in the construction industry, among them only arbitration and litigation are statutory controlled, all the others are private. This paper attempts to address these alternative mechanisms focusing more on the duration of the processes and on the Government success in decreasing the number of lawsuits. By focusing on the critical attributes of alternative dispute resolution methods we will try to find out if they can really be kept as simple, inexpensive and effective.

**Keywords:** administrative contract, celerity of dispute procedures, public system effectiveness. **JEL Classification:** H57.

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Paper: Confidentiality Clause vs Data Protection in Work Relationships  
Author(s): Radu Răzvan Popescu, Associate Professor, PhD, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

Throughout the duration of the individual employment contract, both the employee and the employer enter in possession of data and information of a private nature, pertaining to the partner in the employment relationship. This type of information with confidential character is basically divided, from the point of view of the legal nature, in three categories: confidential data, based on the fidelity obligation, data and information not disclosed due to the existence of a confidentiality clause, and the data and information which, according to the special law, are catalogued as being work or state secret. At the same time, the employer is held by the obligation to preserve the confidentiality of the personal data and information it learns about its employees. The duration of these periods when the parties must preserve confidentiality is another issue that raised disputes, both in the specialty literature and in the practice of the courts of law.

Keywords: confidentiality clause, damages, work secret, fidelity obligation. JEL Classification: K31.

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Paper: The Global Pact for the Environment – A New Framework for Global Environmental Governance

Author(s): Andrei Duțu-Buzura, Associate Professor, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

Appearing at first over thirty years ago, having an original evolution regarding its contents – explaining the meaning and increasing the international awareness on environmental issues – the idea of a Global Pact for the Environment has been broadly accepted by the legal community and has become an obvious necessity for each and every country. Assumed and promoted by France in a legal and diplomatic initiative, the project can soon be materialized as an internationally representative document, of global reach, in the field of environmental protection. Obviously, as an instrument for codification of existing law, its creative part will be minimal, which implies a continuation and intensification of the efforts to develop the regulations regarding the global sectors – biodiversity, air pollution, waste etc. – and, thus, the creation of a global mechanism of actualization and permanent update of the normative contents of the treatise. Finally, the elaboration, the adoption, and the perspectives of an international text of global impact would favour other innovating initiatives, such as new dimensions of international law and governance, both generally, and concerning the specific aspects of environmental protection.

Keywords: environment, international law, global governance, climate change. JEL Classification: K33.

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## WG6. Peaceful Settlement of Conflicts and Management

Chair: Niță Mircea Aurel, Associate Professor, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

Co-Chair: Cristina Teodora Pop, PhD, Assistant-Magistrate at the Constitutional Court of Romania,  
Associate professor at the Faculty of Philosophy, University of Bucharest, Romania

### *Papers:*

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Paper: Culture of Peace and Mediation in 21<sup>st</sup> Century Education

Author(s): Nadjat Karabernou Paduret, President CCIR-A

Starting from the UNESCO definition of Peace Culture in Article 1 of the Peace Culture Declaration, we can identify seven values that can be passed on to educated peoples culture. It is about Non Violence, Tolerance, Solidarity, Democracy, respect for human rights, respect for the law, and environmental protection. Education for peace culture emerged as a consequence of these seven types of education. They are found in many educational programs but well-regarded as different fields and autonomous subjects. In a culture of peace education, a holistic and global approach is needed.

Keywords: values, respect for the law, education, holistic approach. JEL Classification: J52.

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Paper: Revisiting the Ancients - a Modern Perspective on Administrative Dispute Resolution  
Methods in Roman Classical Law

Author(s): Ionela Cuciureanu, Bucharest Bar, PhD candidate, University „Babes Bolyai” Cluj  
Napoca, Faculty of Law, Cluj, Romania

The paper analyses an essential question: How would have looked the roman juridical belief and how would have evolved the modern law systems without the institution of the praetor and his innovations, particularly the administrative dispute resolution procedures? The evolution of social relations, the development of trade, of contracts, of the juridical status of the person, would have been stopped in their embryonic phases, because the patterns inside which they should have fit were far too tight, if the praetor would not have found appropriate means to manage dispute resolution in a non-contentious manner, without arriving in front of the judge. The praetor's activity represented the continuous adaptation of the law at the needs of the society – *adaequatio intellectus et rei-managing*, in the same time, to anticipate some steps forward that society was due to make in the future. The paper will also have in view a practical case study on how the judicial system could be significantly relieved in the event of a modern application of the praetorian dispute resolution methods.

Keywords: praetor, edict, *ius civile*, dispute resolution, classical roman law, modern law. JEL Classification: J52.

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Paper: Communication Techniques in Mediation

Author(s): Claudiu Florinel Augustin Ignat, PhD, Lecturer, Craiova Law Faculty, Bucharest “Spiru  
Haret” University, Romania

This paper aims to develop the importance of communication in the mediation procedure as well as to focus on several communication techniques that proved their utility in time. We shall analyze for the beginning the tremendous impact that communication has in a non-contentious dispute resolution procedure, as mediation, continue with the exposure of various communication techniques, underlining those that are appropriate for this procedure, and present also, in the end, several practical cases, justifying the choice for one or more particular communication techniques.

Keywords: mediation, communication techniques, dispute resolution. JEL Classification: J52.

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**Paper:** The Peculiarities of the Consumer Decision on the Services Market  
**Author(s):** Mihaela Andreea Stroe, Lecturer, PhD, “Nicolae Titulescu” University, Bucharest, Romania

The service market has some peculiarities given that the consumer decision is made upon the consumer's information about the service. People are reasonably rational because of the interpretation of things in relation to others without the autonomy of thinking. The service market is a very important model from the perspective of specific abstraction, intangibility, and psychological phenomena such as perception, motivation, consumer attitudes, framing effects emphasize the game of individual rationality. Consumers can react uncontrollably to certain stimuli and are sometimes unable, taking into account the options available, to choose the optimal solution despite being aware of what is favourable to them. Cognitive and psychological processes play an important role in the consumer decision given cognitive dissonance, the fact that people filter information according to attitudes and beliefs, attitude to risk, informational asymmetry, emotional factors leading to consumer decision, risk aversion and, also, phenomena related to consumer behaviour on the market. The rational behaviour of the consumer is considered to be the one that offers maximum satisfaction with minimal cost at a maximum efficiency. The fact that there are many existing needs in the context of a limited resource nature makes the consumer choose to be based on the priority criterion. The opportunity cost is seen in this context as the value of the consumer's abandonment. All decisions related to spending a sum of money will be made taking into account the opportunity cost that is measured on the services market and in terms of aversion to regret in making the decision in incomplete information. The additional costs and benefits of an election should not only be measured in money, but also in terms of risk and comfort. We can refer to a psychological cost defined as the buyer's sacrifice when choosing a product variant. Every decision taken presents opportunity costs. So, we can state a relation between consumption and happiness and, although, at a first glance, it can be said that consumption is related to materialism and wealth, studies show that the relation between happiness and consumption is inversely proportional are not aware of what brings them happiness or not. (Waiss and Brown 1977). This presumption can be exemplified on the insurance market, that is a service market and all the characteristics of this peculiar market are encountered enhanced by the uncertainty offered by the insured risk. So risk behaviour, attitude to risk, culture, education, cognitive dissonance can be analysed as filters or barriers in making the consumer decision influenced, on the other hand, by the processes regarding the consumer behaviour on the insurance market such as moral hazard, informational asymmetry, adverse selection.

**Keywords:** market of services, decision, consumer, cognitive dissonance, happiness, insurance. **JEL Classification:** D18.

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**Paper:** Settlement of Legal Disputes of Constitutional Nature between Public Authorities  
**Author(s):** Cristina Teodora Pop, PhD, Assistant-Magistrate at the Constitutional Court of Romania, Associate professor at the Faculty of Philosophy, University of Bucharest, Romania

Introduced by the revision of the Constitution, in 2003, at article 146 e), the power of the Constitutional Court of Romania to settle legal disputes of constitutional nature became one of the most effective constitutional mechanisms that lead to the restoring of the legal balance between the functioning of the implied public authorities, and thus to the state of constitutionality, as a result of exercising by the Constitutional Court of its role of constitutional arbitrator and of guarantor of the supremacy of Constitution. The legal effects of the decisions issued by the Constitutional Court are stipulated in a general manner at article 147 (4) of the Constitution, that provides that they shall be generally binding and take effect only for the future, after they are published in the Official Gazette of Romania, the reason why they shall be established according to the role of this power of the Constitutional Court and to the reason wherefore it was regulated. The case-law of the Constitutional Court regarding the settlement of legal disputes of constitutional nature reveals the active role of the Court in exercising this power, as more than in the past, the solutions of the Constitutional Court finding the existence a legal conflict of constitutional nature are accompanied by legal patterns that shall be followed by the parties, in order to achieve the standards of constitutionally, which is an aspect that gave rise to substantial controversies among doctrinaires in the field of constitutional law.

**Keywords:** the powers of the Constitutional Court of Romania, the legal effects of the decisions of the Constitutional Court of Romania, public authorities of constitutional level, standards of constitutionality. **JEL Classification:** K10.

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**Paper:** The Causes of Nonverbal Communication Errors. Applications in Mediation  
**Author(s):** Mircea Aurel Niță, Associate Professor, PhD, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

The paper shows the influence of human mind due to the mental representations upon nonverbal communication. The functional preferences of mind hemispheres can influence the coding and decoding process for the emitter and receiver while the nonverbal message is moving from emitter to receiver and vice versa. Errors in communication can appear inside both minds of emitter and receiver, for example for the mind of mediator and the client. That is why a mediator must know and must be full of awareness about his peaceful mind state and the client, too. Some solutions are underline and proposed to be used before the mediation meeting starts.

**Keywords:** human mind, mental representations, coding and decoding process. **JEL Classification:** J52.

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**Paper:** Conflict Management Strategies in Mediation  
**Author(s):** Claudiu Florinel Augustin Ignat, PhD, Lecturer, Craiova Law Faculty, Bucharest “Spiru Haret” University, Romania

Conflict has been regarded for long as the core element of law, its mere *raison d’etre*, and this contentious approach of disputes being unfortunately still popular upon both laymen and law professionals. However, in alternative dispute resolution procedures in general, and in mediation in particular, conflict is regarded from a different perspective. This paper is aimed to develop the approach of mediation towards conflict, an approach focused on the fact that in front of the mediator, often the sole common ground of parties is the conflict itself. In other words, having a conflict is the sole element upon which the parties agree. From this point further, it comes to the mediator to apply the appropriate mediation techniques in order to strike a balance between the conflicting interests and to transform the initial conflict into a starting point for discussions.

**Keywords:** mediation, procedure, dispute resolution. **JEL Classification:** J52.

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**Paper:** Infringement of International Law in Ukraine since 2014  
**Author(s):** Martina Novotná, University of Alexander Dubček in Trenčín, Slovakia, Department of Political Science

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**Paper:** Operational Truth, Mind State and Crises in Management of Mediation  
**Author(s):** Angela Stela Ivan, Chief Lecturer, Dunarea de Jos University of Galati, Romania  
Mircea Aurel Niță, Associate Professor, PhD, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

The human minds of both parts, either emitter and receiver, either mediator and client operate with the Triangle of Knowledge-General, Concrete and Specific, so that one part can operate with a type of truth while the other part operate with the truth specific to the experience of this part. Starting from logical truth, going to the emotional truth and taking into account different influencing factors such as, culture, experience and age, sex, level of education, belonging to an organization, spiritual or a nonspiritual vision, etc., it is very important the relaxing state of the mind for the mediator. The paper shows how important is the holistic approach for the mediator mind especially during the process of mediation.

**Keywords:** logical truth, emotional truth, holistic approach of mediation. **JEL Classification:** J52.

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**Paper:** Transdisciplinarity and the Logic of Third Part. What Is Different in Put Us Together  
**Author(s):** Adrian Singurov, Priest

The paper deals with separation as a thinking problem and as a behavior one, too. Separation is against unity, so that using the law of Third Part it is easy to avoid separation between individuals and people. Solving conflict by peaceful means is the future of Humanity. **JEL Classification:** J52.

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# Students' Workshop

Chair: Ioana Cristina Vida, PhD, Parliamentary Adviser, The Chamber of Deputies of the Romanian Parliament, Bucharest, Romania

Co-Chair: Elena Marinică, PhD, Assistant Professor, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

## *Papers:*

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Paper: The Power of People in a Democratic State

Author(s): Georgeta Claudia Pleșa, Student, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

The popular legislative initiative is a constitutional right recognized by the extra-parliamentary opposition. In a democratic state the power of the People represents a key point in the direction of a state. Democracy is the form of organization and political leadership of a society based on the principle of the exercise of power by the people. In this paper we will present under what conditions a law can enter into force and why it is important to consult the people in matters directly affecting it. Identifying citizen's needs as well as consulting them on certain issues is an excellent mechanism for peacekeeping and operation in the best possible conditions of the entire administrative apparatus.

Keywords: people's initiative, democracy, rights and duties. JEL Classification: K10.

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Paper: Legal Documentation - Normative Acts Drafts

Author(s): George Ilie, Student, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

My article deals with a special theme in Legislative Technique or Formal Legislation. It is one of the stages preceding the drafting of the normative act, in legal documentation. I have chosen this subject as the creation of law requires a research activity based, among other things, on studying and analyzing normative and jurisprudential acts of the forums considered to be milestones in this respect. The documentation in the drafting of normative acts is imperative because it makes the correlation between the elements to be in legal norms with the European law, the Fundamental Law and the other laws, on the one hand, and on the other hand, it agrees with the needs and the social reality with the provisions of the act, thus leading to the efficiency and the stability of the act of legislation, as well as the decrease of the risk that the act will become obsolete. The structure of the article will have two main parts. The first part will include an introduction to the study of formal legislation and will address aspects of scientific documentation in general and legal documentation in particular. The second part will practically, in a comparative way, deal with the legal documentation at the level of law-making bodies and of supreme courts in Romania and the European Union.

Keywords: rule of law, elaboration procedure, documentation. JEL Classification: K10, K40.

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Paper: Approval and Endorsement of Normative Act Draft  
Author(s): Razvan Adrian Grigore, Student, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

In this article I will speak about the problem of approval and endorsements of normative acts drafts, looking forward to try answer a number of key questions, such as: Why did I choose this issue? I will try to define what is the main reason of this paper/research in what concerns the subject of approval of normative acts drafts; What issues I have reached? Issues in what concerns the study of formal legislation, instruments for approval and endorsements; What difficulties I have reached, what is the importance of the study and what I have brought new with my research. The paper will be divided in two main parts. Part one will contain two sections which will approach to introductive aspects in what concerns the study of formal legislation and the problem of normative acts approval. The second part will contain an analyze of how European normative acts are approved.

Keywords: rule of law, endorsement procedure, adoption procedure. JEL Classification: K10, K40.

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Paper: The Legal Conceptualization of European Union Law and the Role of the Council of the European Union in the Adoption of EU Law  
Author(s): Cristi-Gabriel Stoian, Bachelor Degree Student, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

In this scientific approach, we aim to identify the premises underlying the creation of European Union law, to determine the legal nature of this new right, to observe the objectives it has set itself to achieve and the future consequences for the Member States. We will firstly point out that what the concept of European Union law means is where the EU has exclusive competence and shared competence with the Member States and that the ultimate interest of these actions is to ensure economic growth and competitiveness for all states and regions of the EU. We will also stop on the role of the Council of the European Union in the context of Romania's presidency in the first six months of 2019.

Keywords: Council of the European Union, legal conceptualization, attributions, presidency of the European Union. JEL Classification: K1.

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Paper: Elements of Legislative Technique - Comparative View  
Author(s): Izabela Lupu, Master Degree Student, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

Our scientific approach is based on the pre-requisites of Formal Legistics, according to which the law is made up of the sum of the normative acts in force in a certain predetermined geographic area, influenced by its own historical, cultural, political evolutions etc. Thus, we propose to find the answer to the following questions: "What is the lawmaker's creation?", "Is there a typology of a universal lawmaker?". In order to answer the questions raised, we propose to refer to Law No. 24/2000 and to its legal counterparts in Belgium, France, Spain, Austria and Finland.

Key words: legislative system, formal legislation, normative act, Constitution. JEL Classification: K10, K19.

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Paper: Education is Guarantor of Respecting the Realization of Rights  
Author(s): Mariana Dumitru, Student, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

The full guarantee of the exercise of the right to education, in all its dimensions, occupies an important place in the legal system, from which all the other fundamental rights and freedoms through which life standards are ensured, acces to the information necessary for the development of skills and abilities to improve quality of life, the environment, and respect human dignity. Keywords: education, guarantee, fundamental rights, human dignity. JEL Classification: K10, K19.

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# BOOK OF ABSTRACTS

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National University of Political Studies and Public Administration



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The papers presented within the conference will be published in the *International Law Review*. The review is included in the international databases: SSRN, EBSCO, ProQuest and VLEX.

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For publication the full paper should be written in English using Microsoft Word. The text should be in TNR font size 10, justify and single line spacing. The footnotes should use Times New Roman 8.

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Both in the body of the text and in the footnotes the following short forms are used: art. (= article); para. (= paragraph); p./pp (= page or pages); t. (= tome); vol. (= volume); G. O. (= Government Ordinance); G. D. (= Government Decision). REFERENCES (books and specialized journals) must be introduced using "Harvard Style".

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### **IMPORTANT:**

On the day of your presentation, please report to your assigned room 10 or 15 minutes before the working group is scheduled to begin. Introduce yourself to the Chairman/Chairwoman of the working group your paper belongs to, and check that any audio - visual equipment you need to use is setup and working properly. Please load your presentation onto the hard drive so that the transition between presentations is smooth.

# Working Groups Sessions

## WG1. The Administrative Capacity of the Judicial System

Chair: Alistar Victor T., Associate Professor, PhD, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania  
Executive Director, Transparency International, Bucharest, Romania

Co-Chair: Judit Siket, PhD, Faculty of Law and Political Sciences, University of Szeged, Hungary

### *Papers:*

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Paper: Accession to the European Union Cannot Affect the Supremacy of the Constitution over the Whole Legal Order

Author(s): Ionița Cochînțu, PhD, Assistant Magistrate, Constitutional Court of Romania

Following the accession, the provisions of the founding Treaties of the European Union, as well as other binding provisions under Community law, shall prevail over any provisions of the domestic law, while observing provisions in the accession instrument. However, in relation to the notion of "internal laws", a distinction has been made between the Constitution and the other laws. Also, the same distinction is made at the level of the Basic Law by art. 20 par. (2) the final sentence for the purpose of applying international rules as a matter of priority, unless the Constitution or domestic laws contain more favourable provisions, and Art. 11 par. (3) states that if a treaty to which Romania is to become a party contains provisions contrary to the Constitution, its ratification can only take place after the revision of the Constitution.

Keywords: international law priority, rule of law, constitutional provisions. JEL Classification: K10.

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Paper: Boosting Access to Justice as a Support to Raise Administrative Capacity of the Judicial System

Author(s): Irina Lonean, PhD, Invited Lecturer, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

Trust in the judiciary is a key element of its capacity, as there is no fair trial without both the material guarantees and the feeling of a fair trial. In this context, boosting access to justice is not only a very important human rights issue, it is also instrumental in order to ensure the needed capacity of the judicial system. Moreover, boosting access to judiciary in administrative cases, when citizens appeal administrative decisions and procedures, is key in order to strengthen the administrative capacity as well. In this context, the paper focus on the successive programmes and projects aiming to boost access to justice of the Ministry of Justice, the Superior Council of Magistracy and other actors, including civil society organisations. Different policies and initiatives to ensure access to justice are examined in order to determine the most effective approaches, based on a combination of theory based evaluation methods including the Realist Evaluation and the Prospective Evaluation Synthesis and data collected from desk based research and interviews with decision makers, civil society representatives and justice seekers. The paper concludes that only a combination of support to access the judiciary (like the public judicial assistance) and incentives to access the judiciary to discouraged citizens can work for more trust in the judiciary better judicial capacity.

Keywords: public judicial assistance, incentives to access the judiciary, trust in the judiciary. JEL classification: K38.

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Paper: The Administrative Justice Completely Withdrawn in Republic of Moldova  
Author(s): Maria Orlov, PhD, Associate Professor, "Alecus Russo" State University of Bălți, Institute of Legal and Political Research of the Academy of Sciences of Moldova, President of the Association "The Institute of Administrative Sciences of the Republic of Moldova"  
Marina Grosu, Juristconsult, Project Coordinator in Public-Private Partnerships

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Paper: Administrative Capacity of the Judicial System. An Evaluation from the Point of View of the Judiciary Role in Fighting Corruption  
Author(s): Alistar Victor T., Associate Professor, PhD, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

The paper addresses the issue of the capacity of the judiciary in direct connection with the performance of the Judicial System to fulfil its role to curb corruption. The paper is based on the methodology of the National Integrity System Assessment proposed by Transparency International and proposed an evaluation of the capacity of the judiciary taking into account the legal provisions and the practical implementation of these provisions on the two main criteria on institutional capacity proposed by the National Integrity System model: resources provided and independence ensured. New provisions on the organisation of the judiciary are considered in this respect. The paper is then comparing the results of the assessment of the capacity of the Romanian judiciary with the assessment of its performance in curbing corruption in order to find a direct connection between the two: capacity and role to curb corruption. However, the paper also rises the issue of the judiciary governance, assessed based on three other criteria of the National Integrity System: transparency, accountability and integrity. These have, together with the capacity issues, the same instrumental importance to support curbing corruption by the judiciary.

Keywords: capacity of the judiciary, judiciary independence, resources for the judiciary, role of the judiciary, curbing corruption, performance. JEL Classification: D73.

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Paper: The General Court – The Tendency to Become a Common Jurisdiction  
Author(s): Irina Zlătescu, Professor, PhD, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

This study aims to prove that the General Court is becoming the ordinary court with the meaning of Article 256 TFEU for the first instance resolution of actions for annulment, actions for compensation based on non-contractual liability, actions for failure to act and for the resolution of disputes regarding arbitration clauses. Exceptions will be made when specialized courts will be established, as it was the case of the Civil Service Tribunal (2004-2014). Another exception consists for the resolution of causes, which fall according to the Statute under the competence of the Court of Justice. Nevertheless, the Statute may also provide competences of the General Court for other types of actions.

Keywords: first instance, actions, arbitration clauses. JEL Classification: K40.

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Paper: The Ombudsman in the European Context  
Author(s): Denis-Roxana Gavrilă, PhD Candidate, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

The article analyses the role of the Advocate of the People in the national and international context, starting with its appearance (OMBUDSMAN) on the historical and political stage of the northern European states, until today. It has assumed the role of supporting citizens in their problems with the administration and promotes, on its own initiative, the principles of transparency and inherent responsibility for the concept of good governance practices. Individuals have reported possible violations of the right to information, the right to petition, and the right of the person injured by a public authority. The article will present that in the local and central public administration institutions, civil servants are insecure and the managerial capacity to implement decentralized responsibilities is not strengthened. A sustained effort is necessary, noticing also that The European Commission Against Racism and Intolerance (ECRI), a body of the Council of Europe, in its Fourth Report on Romania, approved by the Council of

Europe in March 2014, recommended that the People's Advocate Institution take decisive action against public authorities when they suspect that there have been flagrant violations of human rights, especially when they are related to racial discrimination, cases presented in this paper.

Keywords: non-contentious means; mechanism for the prevention, minorities. JEL Classification: J15.

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Paper: Amendments to the Law no. 554/2004 Introduced by Law no. 212/2018

Author(s): Elena Mihaela Fodor, PhD, Associate Professor, Faculty of Law Cluj-Napoca,  
„Dimitrie Cantemir” Christian University, Romania

The paper discusses the amendments regarding the definition of the administrative act, the limitations of the control of the contentious administrative courts, the prior procedure, the object of the legal action, the competence of courts, the parties, the procedure and the enforcement of the court decision. The analysis of the amendments introduced in the Law no. 554/2004 by Law no. 212/2018 is made in corroboration with other normative acts. Generally, the legislator managed to harmonise the provisions of the Law no. 554/2004 with other normative acts and at the same time, to preserve the specific of the contentious administrative. However, litigation procedure for the administrative contracts together with the rules for contesting the first instance decision do not respond to the specificity of the administrative law.

Key words: Law no. 554/2004, contentious administrative, prior procedure, administrative act, administrative contract. JEL Classification: K39, K41.

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## WG2. Human Rights in the New Era

Chair: Zlătescu Irina, Professor, PhD, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania  
Director of the Transdisciplinary Centre of Human Rights; Titular Member of IACL and Member of the Council of ELI

Co-Chair: Saghi Florin Emeric, Vicepresident of the Romanian Association for the United Nations member of the World Federation of the United Nations Associations

### *Papers:*

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Paper: EU ETD – Towards a New Chapter in EU Citizens' Rights and a Better Administrative Cooperation

Author(s): Erzsébet Csatlós, PhD, Senior Lecturer, Faculty of Law and Political Sciences, Department of Administrative Law, University of Szeged, Hungary

The European citizenship was officially created by the Maastricht Treaty to confer rights on citizens of the Member States of the EU. Among these rights, the most challenging one was the right that enabled EU citizens to turn to any foreign representation of any Member States for consular protection in third States in case if their own State of nationality is not represented there. According to surveys, almost 7 million EU citizens travel or live outside the EU, in places where their own country does not have an embassy or consulate. Member States with well-developed and extended international relations are in a better position to serve their nationals in need, but most of the Member States are in a less favourable situations and the EU citizenship policy aimed to eliminate these differences in the point of EU citizenship rights. Given to the consular protection's strong ties to foreign relations, first, it was placed under the unanimous decision-making capacity of the Council under the CFSP regime, but the Lisbon Treaty has introduced major changes not only for the consular protection policy of the EU but on the other hand, to facilitate effective execution of EU policies in general. It lifted the right to get consular help abroad and also the right to good administration, among others, to fundamental level and placed them at the top of the norm pyramid. All these developments have indicated changes in the consular protection policy which resulted new foundation stones of the policy (Council Directive (EU) 2015/637 of 20 April 2015) and now, the reform of the issue of emergency travels document (ETD) is on the threshold as it is the most commonly claimed consular protection service. Therefore, a Council directive proposal was submitted on the last day of May of 2018 on the EU ETD. Its provisions are innovative and embody a series of opportunities for further development. On one hand, it is a pioneer among measures of facilitating the administrative cooperation while ensuring a better administration of this consular protection measure, although, on the other hand, it leaves open questions and offers a variety of choice for Member States which also increase legal challenges in the view of rights of the EU citizens.

Keywords: good administration, legal challenges, consular protection. JEL Classification: F22, K33.

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Paper: Multiple Discrimination in the Contemporary European Society

Author(s): Ruxandra Darclée Miu, Legal adviser, National Oil Transport Via Pipelines and Rail Tanks Company (CONPET SA), Ploiești, Romania

In the context of nowadays non-discrimination cannot be made through simple acts or statements. Statements as the Universal Declaration of Human Rights, or the European Convention of Human Rights have to be incorporated in every state's if not every individual's culture in order to achieve its goals.

Multiple discrimination represents any combination of forms of discrimination against persons on the grounds of sex, racial or ethnic origin, religion or belief, disability, age, sexual orientation, gender identity or other characteristics, and to discrimination suffered by those who have, or who are perceived to have, those characteristics. It can manifest itself in two ways, there is 'additive discrimination', where discrimination takes place on the basis of several grounds operating separately and second, there is 'intersectional discrimination',

where two or more grounds interact as they are inextricable. Although multiple discrimination has always existed, it has not been recognized as a legal concept until recently.

Keywords: multiple discrimination, non-discrimination, tolerance, European Union, human rights, European Agency for Fundamental Rights. JEL Classification: K38

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Paper: Aspects of Discrimination from the Perspective of the Migration Phenomenon

Author(s): Roxana Moisoiu, PhD candidate, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

Migration has existed since the beginning of mankind. The phenomenon did not cease over time, but it has seen changes and new forms with the evolution of society. Migration processes take place simultaneously and are increasing in many countries of the world. The main causes of unprecedented population movements are armed conflicts, famine, natural disasters, human rights violations and deplorable economic conditions in some states. Collective attempts to regulate refugee-specific issues and migration have so far been quite limited. The European Union has taken a step forward in this direction. The European Union now considers that an integrated and comprehensive approach is desirable in order to better manage the phenomenon of migration. The implications of contemporary regional and global migration have consequences on the social, economic, cultural, political and religious environment of the states. Migration has transformed and redefined the political and economic interests of states, but has accentuated and expanded the phenomenon of discrimination, violating the principle of equality. Accepting multiculturalism of different religions as well as social diversity is the key to combating discrimination and respecting the right of every person to equal opportunities. Equal opportunities are based on ensuring the full participation of each person in economic and social life, regardless of ethnic origin, sex, religion, age, disability or sexual orientation.

Keywords: migration, migrant, discrimination, equal opportunities. JEL Classification: J15.

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Paper: The Right to Health Care, a Fundamental Human Right

Author(s): Remus Marian, PhD candidate, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

The right to health protection is part of the human rights and freedoms, which the state, as a result of their recognition, is called upon to respect, guarantee and protect them. The existence and life of man being inextricably linked to society, these desiderata are always topics of study and debate. A common approach to ensuring the maintenance of the health of the population and a higher level of prevention in the national health system is revealed by the cooperation between the public administration and the Church institution, aiming to ensure a better health of the Romanian population and the accentuation the role of prevention in maintaining health. Such a project is aimed at disadvantaged people in rural areas with reduced educational level and social cases

Keywords: human rights, right to health, freedom, public administration. JEL Classification: I18.

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Paper: Promotion and Protection of Human Rights in the Context of the Actual and Future Local Fiscal System

Author(s): Florin-Ionel Trușcă, PhD candidate, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

The protection of human rights as well as their promotion have been and are still a challenge for each state, especially for developing countries. The multitude of normative acts regulating the local tax system in Romania, the bureaucracy reflected by the significant increase of the forms through which information is collected and the tax obligations are established, as well as the main objective of the tax bodies, respectively the collection of revenues to the local budgets, make it increasingly difficult to achieve human rights objectives. Therefore, the paper proposes the passage of the local tax system from the rudimentary state where it is to a digitized system at national level, which through its instruments and techniques can ensure the promotion and protection of human rights.

Keywords: promotion, protection, individuals, principles, rights. JEL classification: K38.

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Paper: Universal Declaration of Human Rights -  
70 Years of Promoting and Protecting Human Rights  
Author(s): Irina Zlătescu, Professor, PhD, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

Developed by law specialists coming from different regions of the world, from UN member states but with different legal systems and cultures, the Universal Declaration of Human Rights, proclaimed by the UN General Assembly on December 10 1948, is yet another a common ideal to be touched by all peoples, all nations and all individuals. Its 70th anniversary requires us to reflect on the past and to look for the future. It enables us to identify challenges and threats.

Keywords: human ideal, culture, future challenges. JEL Classification: K 33.

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Paper: Understanding of the Rights of the Data Subjects  
Author(s): Andreea Drăgan, PhD candidate, Faculty of Public Administration, National University of  
Political Studies and Public Administration

General Data Protection Regulation replaced the Data Protection Directive that has been in place since 1995. This regulation gives power back to the people as European Union considers privacy as human right. The whole Chapter 3 of the GDPR treats the subject of rights of the data subject, as with the new modified Regulation, the number of rights for data subject has increased considerably and the old ones have been consolidated. Now we can speak of the right to information, right to access, right to rectification, right to withdraw consent, to object, to object to automated processing, to be forgotten and data portability, just to mention a few. But how do these rights help to protect European citizens' personal data? For example, once an EU citizen has given his consent for processing his personal data for a purpose, he has the right to withdraw his consent through a request which implies that the company that processed his personal data to stop. The new GDPR provides many rights for data subjects, in order to protect their private life. But as important it is to know for each individual to know their national legislation because "*Ignorantia legis neminem excusat*" or "*nemo censetur ignorare legem*" which means "ignorance of law excuses no one" or "nobody is thought to be ignorant of the law", is as important to be aware of the European regulations especially when it works in citizens favour.

Keywords: privacy, GDPR, European regulations. JEL Classification: C89.

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Paper: Bussiness and Human Rights  
Author(s): Petru Emanuel Zlătescu, PhD candidate, "Nicolae Titulescu" University, Bucharest,  
Romania Member of European Law Institute

The respect of human rights in the economic sector has become the regulatory object of many international and national standards over the past two decades. The impact of multinational corporations on the environment, and human rights in particular, is one of the most important topics on the international's community human rights agenda. The debate on this topic includes next to the benefits associated with, such as the development of infrastructure and job creation also its negative impacts on human rights. Since the human rights in question usually do not have a direct effect and multinational companies are therefore not considered as fundamental rights addressees, it is primary the duty of the state to protect these rights indirectly, by adopting legal norms and standards. The binding nature of these standards varies and includes both legally enforceable rights and obligations as well as standards with programmatic content and soft-law provisions. In general, these norms address three main aspects of the protection of human rights from the negative effects of the economy and globalization. First, the very first guarantee in this field is the state's duty to protect human rights against private threats. Secondly, a special responsibility should be imposed to the business enterprises, which obliges them to respect human rights. Thirdly, access to remedies should be granted in the event that an infringement has already occurred.

Keywords: standards, globalization, responsibility of business enterprises. JEL Classification: K39.

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**Paper:** Religion and Christian Family - their Role in Promoting and Keeping Human Dignity  
**Author(s):** Rareș Bogdan Ruge, PhD Candidate, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

Religion is the free and conscious connection of man with God, and the family - a school of love and cradle of life. Religion has always played an important role in the formation of moral and social skills and attitudes. The Christian family is the very cradle of Christian faith and formation, a true school of life. The family is considered the cell of society, which is why the state has the responsibility to defend and protect this fundamental institution. Before being full rights citizens, each person needs to live in a healthy environment that will allow them to develop as fully and harmoniously as possible. The Christian family is a holy temple in which the fullness of Christian virtues is stored. It is the cell from which human society was founded and on which human society is based, but also the church community, widening the boundaries of the kingdom of God. The family is the most important institution in the service of life. All the other institutions that have a role in supporting and promoting human life are subordinate to them, both in terms of their origin, especially in their role and purpose. Today the family and all social structures are affected by secularization. The diminishing of the Church's role in everyday life and the decrease in trust in God result in the degradation of relations between people, the failure to observe moral principles, the increase of crime, corruption, etc. Dignity shows value, honour, moral merit, degree of appreciation as the rank achieved by a person in society. In Christian doctrine, human dignity is a divine gift that, regardless of the circumstances in which the individual lives, takes as an example the image of God. In society, in terms of dignity, the autonomy and freedom of thought and the behaviour of an individual are also understood.

**Keywords:** religion, the Christian family; dignity; human rights. **JEL Classification:** K36, K38.

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**Paper:** The Rights to Education, a Strategic Priority of the 70<sup>th</sup> Anniversary of the Universal Declaration of Human Rights  
**Author(s):** Roxana Elena Vișan, PhD candidate, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania,  
Member of the European Law Institute

This article aims to be an incurs on the evolution and affirmation of the right to education in the human rights system, in order to offer suggestions on collective hope of transforming the world and providing a better future for future generations. Such a manifestation is achievable by a political will, the creator of an equalitarian model, to redistribute utopian visions of human freedoms. Considered as a unique window to the fundamental problems of human dignity at the societal level, the Universal Declaration of Human Rights affirmed over the seventy years the legitimacy of human rights in the face of global challenges and ensured the diversity of universal thinking. Considered one of the fundamental human rights, yesterday's education, today and tomorrow, is the main pillar in finding answers to global issues. Now is the time to take stock of progress and to identify strategic priority areas for the effective implementation of Agenda 2030 on Global Education.

**Keywords:** the right to education, strategic priority, global education, Agenda 2030. **JEL Classification:** I29.

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### WG3. Citizenship and Immigration in Europe

Chair: Mădălina Cocoşatu, Associate Professor, PhD, Director of the Department of Law "V.D. Zlătescu", Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

Co-Chair: Orlov Maria, PhD, Associate Professor, "Alecu Russo" State University of Bălţi, Institute of Legal and Political Research of the Academy of Sciences of Moldova, President of the Association "The Institute of Administrative Sciences of the Republic of Moldova"

#### *Papers:*

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Paper: Integration Policies for Legally Resident Third Country Nationals in View of New and Future Challenges and Ensuring Relevant Policies

Author(s): Elena Loredana Pirvu, Lecturer PhD, Police Academy "Al. I. Cuza", Faculty of Juridical and Administrative Sciences, Bucharest, Romania

Over the past decades, most EU Member States have experienced increasing migration. Migrants from third countries represent around four percent of the total EU population. Europe is also strongly influenced by demographic changes, including the ageing population, longer life expectancies and a declining working-age population. Member States have confirmed their commitment to further developing the core idea of integration as a driver for economic development and social cohesion, in order to better enhance migrants' contribution to economic growth and cultural richness. With the recent EU Action Plan on Integration, the Commission sets out policy priorities and tools for concrete actions to be undertaken at EU level in support of the action on integration taken at Member States' level, with a view to further develop and strengthen integration policies across the EU. The article will present the social, economic and political context recently changed and all integration measures underlined within EU Action Plan on Integration and will research about future challenges and relevant policies in need to be drafted and implemented on EU level.

Keywords: integration, refugee, policy, action plan, third country nationals. JEL Classification: K37.

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Paper: Immigration in Democratic States

Author(s): Ionut Cosoi, PhD Candidate, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

One problem that should concern political analysts is the inclusion of individuals who migrate from totalitarian countries to harmless, democratic countries. One cannot fail to see the strangeness of these foreign elements in the democratic contest of a free country. My objective is even to identify / detect in a democratic state the deceptive behavior of the democratic values of immigrants from the closed / totalitarian states. Informational flow takes place regardless of the individual's will in society and influences him even if he has not lived this experience. In democracy, information is the engine that ensures its endurance. The research method I use is that of participatory observation on small merchants coming from China. The result of the research has pushed me to conclude that this kind of immigrants - from a totalitarian country - must go through a process of awareness of democratic values because their idea of democracy is different from its real principles. Of course, by this process, only mature individuals, not minors, must pass, in my view they do not pose any danger. School is here a very important institution in learning real / real democratic values. The need to adapt people from totalitarian states and migrating to democratic states is real. A significant weight that can help in this respect is given by sources of information, the only valid / necessary aspect for corroborating "undemocratic" behaviour as the willingness to know the immigrant. For individuals living in a democratic state besides their legitimate responsibilities, they are also those of identifying and helping newcomers from other totalitarian states, helping themselves. In other words, society regulates itself by transmitting information from one individual to another - no matter which party they are.

Keywords: democratic values, participatory observation, inclusion. JEL Classification: K33.

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**Paper:** Immigrants Statuses in Europe: Citizenship, Residence Permit and Stay Permit  
**Author(s):** Lucia-Ştefania Avram, PhD Candidate, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

The author of this articles analyses the main legal norms applicable for the citizenship, residence permits and stay permits regarding the immigrants in Europe. The author will make a comparison between the main regional and national norm to understand the differences and the most favourable and the hardest regulation. The method used is the analyse of the legislation and informal interviews of different subjects from different countries.

**Keywords:** immigration, legislation, citizenship, residence permit. **JEL Classification:** K37.

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**Paper:** A New European Policy on Legal Migration - Enhancing Legal Pathways to Europe  
**Author(s):** Eleodor Pirvu, General Inspectorate for Immigration, Asylum and Integration Directorate,  
Deputy Director

Establishing safe and legal pathways of admission to complement resettlement programmes is therefore an essential step towards securing a meaningful response to the current unprecedented global displacement situation. The need to provide increased and complementary pathways for refugee admission is reflected in the New York Declaration for Refugees and Migrants, which was adopted by all 193 Member States of the United Nations at the UN General Assembly in September 2016. Countries, including the Member States of the European Union, expressed their intention to “expand the number and range of legal pathways available for refugees to be admitted to or resettled in third countries.” The article will present the implications of the EU-Commission’s proposal for seeking protection in the EU and will research about resettlement as a protective tool and durable solution for refugees. Answers to the actual position of the EU governments towards new policy proposal and what is the future for admission programmes to EU will be analysed.

**Keywords:** asylum, refugee, protection, legal admission, resettlement. **JEL Classification:** K37.

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**Paper:** Public Administration and Integration of Immigrants  
**Author(s):** Alexandra Bucur, PhD candidate, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania,  
Member of the European Law Institute

The study presents aspects related to managing the phenomenon of immigration, which is an important activity of the states, including Romania. Thus, public administration is an important actor in coordinating immigration policies. With a growing number of asylum applications, the response of state authorities must also be based on promoting the integration of immigrants into society. At the same time, immigration becomes an administrative process and its answers are necessary and important.

**Keywords:** public administration, immigration, integration. **JEL Classification:** F22.

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**Paper:** Accessing Cohesion Funds Granted by the European Union to Extra-community  
Immigrants. Application and Conditioning  
**Author(s):** Mădălina Cocoşatu, PhD, Associate Professor, PhD, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

EU humanitarian aid supports refugees and migrants from countries such as Iraq, Jordan, Lebanon and Turkey. Between 2015 and 2017, a total of €17.7 billion was earmarked from the EU budget to cope with the migration crisis. This paper aims to analyze EU funding for immigrants and transit countries in order to combat illegal immigration and trafficking in human beings. Also, this paper will analyze the procedure and conditionality that will be put to the European states in order to be able to receive funds for the integration of immigrants.

**Keywords:** aid support, migration crisis, integration of immigrants. **JEL Classification:** J15.

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Paper: Political and Diplomatic Asylum

Author(s): Andrei Bogdan Cipere, PhD candidate, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

One of the novelties of this paper is the fact that the topic is very topical due to the numerous crises that have occurred over the last years in almost all the world's continents, situations that have generated large waves of refugees that have created extreme problems the great governors and all those in charge of managing such crises, demonstrating the need to address the institutions of political asylum and extradition with more interest and depth. The way in which the work will be conceived, provides for the treatment of diplomatic relations between states, the immunities accorded to diplomatic staff in various legal systems and the institutions of asylum and extradition, starting from a historical and legal appreciation of their evolution, going up to to analyse the level at which they have reached today, and how the institutions that manage to manage them work. At the same time, a large part of the legal components of the diplomatic institution, the asylum at the European level and in the Romanian system, and refugee status will be highlighted and analysed by the approach to be accomplished, aiming to eliminate the large number of mistakes or misinterpretations . It will start from a clear delimitation of concepts and will go up to the most complex elements of structure and the mechanisms that ensure their operation, both theoretically and procedurally.

Keywords: immunities, refugee status, administrative mechanisms. JEL Classification: F22.

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Paper: The Role of Immigrants When Striving for a Resilient Labour Market in Romania

Author(s): Teodora Ioana Bițoiu, PhD, Senior Lecturer, Director of the Department of Economics and Public Policy, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

Crina Ramona Rădulescu, PhD, Senior Lecturer, Deputy Dean, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

Labour, one of the main production factors, remains a sensitive factor that implies both identifying education and continuous training opportunities and smart resource allocation, so to avoid a market failure. The labour market resilience, especially after the Great Recession, is more and more influenced by the labour market changes induced by the structural policies and, moreover, the legal framework dealing with migration issues.

The current research aims at analysing the connection between the legal provisions (national and European laws) and the specific aim of creating a resilient labour market, namely referring to the impact these provisions could have upon the output and employment recovery to keep the inequality low (Stiglitz, 2015), long-run evolution of the wage distribution (Piketty, 2014) and labour productivity (OECD, ECO/WKP(2017)38). The topic of the economic integration of migrants is not one treated only on a central level (through policies and specific legislation), but also one priority of the local public administration through their involvement in European projects dealing with immigrants and their access to rights (e.g. DELI – Diversity in the Economy and Local Integration, of which Bucharest municipality was part of). All in all, the paper argues that resilience can be promoted through labour reform that allows employers to bring in non-EU migrants at all skill levels with minimal restrictions (MPI, 2014).

Keywords: labour market regulation, migration, resilience. JEL Classification: F22.

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**Paper:** Brexit: a Member State Withdrawal from the European Union and the EU Citizenship Issue  
**Author(s):** Elena Marinică, PhD, Assistant Professor, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

This article examines how the voluntary withdrawal of the United Kingdom of Great Britain and Northern Ireland from the EU impacts the guarantee of the rights of EU citizens already living in the UK and the rights of British citizens living in other EU Member States, that must be secured in the context in which the loss of European citizenship is inherent to British citizens (accompanied by the loss of political rights, the right to vote, the right to stand as a candidate, etc.), followed by the loss of other rights after the end of the transitional period such as freedom of movement, recognition of professional qualifications, family reunification, etc. Some of the main ongoing initiatives and actions (e.g. the UK-EU withdrawal agreement) on citizens' rights are being analysed to see if all these measures are a qualitative leap towards a controlled, step-by-step exit to protect the rights and stability of the citizens affected by Brexit, or, on the contrary, they are small steps that demonstrate that this issue is far from complete, confronting a legal uncertainty that could cause losses and disadvantages likely to prove extremely dangerous to citizens.

**Keywords:** citizens' rights, legal uncertainty, voluntary withdrawal's effects. **FEL Classification:** K30.

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**Paper:** EU Institutions for Protecting the Vulnerable Groups in the European Space  
**Author(s):** Ionuț Bogdan Berceanu, Assistant Professor, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

The paper is part of the Erasmus + Jean Monnet Project EU – Diversity, Citizenship and Solidarity under Migration Pressure. From learning to e-learning , which has as one of the main objectives to promote excellence and innovation in teaching and research in EU studies, in particular in Migration Law and Economics. The aim of the paper is to realize a research regarding the institutional framework of the European Union used for protecting the vulnerable groups and individuals in the EU. The analysis will start for the definitions of the vulnerable groups and the identification of the European regulations which are contributing to the protection of these groups. There will be also analyzed how through its measures the EU institutions such as the European Parliament and the European Commission are contributing to the realize the an added value in the European space, by creating the premises of an unitary protection of the persons which are vulnerable.

**Keywords:** diversity, regulations, added value, Erasmus+. **JEL Classification:** K37.

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## WG4. New Tendencies in Public Administration Development

Chair: Cărauşan V.Mihaela, Associate Professor, PhD,  
Deputy Dean, Faculty of Public Administration, National University of Political Studies  
and Public Administration, Bucharest, Romania  
Executive Director, Association Centre of Academic Excellence, Bucharest, Romania

Co-Chair: Erzsébet Csatlós, PhD, Senior Lecturer, Faculty of Law and Political Sciences, Department  
of Administrative Law, University of Szeged, Hungary

### *Papers:*

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Paper: New Tendencies in Public Administration Development – Rising Era of One Stop Shop  
Delivery Models in Developing Countries

Author(s): Hakim Alasgar, PhD candidate of Doctoral School of Public Administration Sciences,  
National University of Public Service, Budapest, Hungary

Current tendencies in public administration development indicates, further development of state administration and local government reforms is connected with the use of decentralization and decentralization of public administration, separation of strategy from the provision of services, diminishing the gap between democracy and efficiency, enhancing the citizens participation and mutual trust of citizens in government and vice versa, creation of “business oriented” governments, principle of simplifications, improving the quality of public service improving the political and administrative culture and integration of various institutions, reforms and activities in the context of public administration development. As a model of public service delivery, OSS have been in vogue for many decades now. One-stop shops have currently emerged as more powerful actors than ever before in the developing countries. OSS operate towards the simple goal of making public services available under a single roof. OSS come in various designs, institutional arrangements and financing models, and provide different baskets of services in different contexts. While some provide the services of a single level of government (national/provincial/local), others provide services of more than one level. This paper looks at some of these definitional issues and maps some of the recorded examples. The proposed paper, will discuss how new tendencies in public administration leads to rising era of OSS models in the developing countries by relying on an extensive survey of literature, including policy documents, project information sheets of donors, government websites, media stories, academic articles, third-party evaluation reports and case studies recorded by non-governmental organisations among others.

Keywords: One-stop-shop, public service delivery, public administration, governance, customer, citizen, government, data, management, reform. JEL Classification: H83.

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Paper: Elements of Formal Legistics - Prerequisites for the Creation of European Union Law

Author(s): Ioana Cristina Vida, PhD, Parliamentary Adviser,  
The Chamber of Deputies of the Romanian Parliament

The paper aims to pass European Union law through the Formal Legistics filter. The scientific approach aims to show that the "builders" of European Union law were inspired by the elaboration of national normative acts. Thus, in the drafting of legislative acts of the European Union we meet with notions and syntagms that claim to ensure the quality of drafting, i.e. intelligible and unitary drafting, observance of the uniform principles of presentation and legislative technique, clear and simple texts, etc.

Keywords: formal legistics, legislative technique, European Union law, legal conceptualization. JEL Classification: K19.

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Paper: Local Governments in the System of Separation of Powers. The Executive Function  
Author(s): Judit Siket, PhD, Faculty of Law and Political Sciences,  
University of Szeged, Hungary

The paper is focused on the principle of separation of powers, especially examined the role of local self-governments in the system of division of powers. It gives a brief description on the dogmatic approach of the principle of powers based on the concept of Montesquieu, and Benjamin Constant who emphasised the significance of local power. The study demonstrates the effectiveness of principle of separation of powers and the constitutional status of local self-governments in the Hungarian Fundamental Law. According to the Fundamental Law, the essence of local governments is to manage public affairs and to exercise public authority this is the reason why local governments exist. The leading conception has changed, rejected the collective fundamental rights approach. A separate section aims to describe the executive power of local self-governments, in particular the functionality of local self-governments. A comparative part illustrates changes of local task-system after the adoption of New Local-Government Act in 2011, including both municipal and county level responsibilities, the strong centralization process in the field of local governance. In conclusion, local self-governments' role significantly decreased in the field of providing public services and in exercising of local public powers, functionality of local self-governments was substantially narrowed.

Keywords: separation of power, local self-governments, centralization. JEL Classification: K23.

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Paper: Justinian's Legal Reform – the Avatars of a Political *Credo*  
Author(s): Ionela Cuciureanu, Bucharest Bar, PhD candidate, University „Babes Bolyai” Cluj  
Napoca, Faculty of Law, Cluj, Romania

The paper aims to present the reasons that laid behind emperor Justinian's legal reform (the last Latin speaking emperor of the Roman Empire), as well as its effects on the roman society as a whole. The legal reform will therefore be regarded in the larger social and political context of the time and analyzed in relation to the crisis that was already eroding the Roman Empire, but also from the perspective of the modern lawyer, seeking elements of actuality that could be transplanted into the contemporary world. All things considered, it can be stated that the legal reform represents one of Justinian's key achievements, one of the works that, being meant to refresh through law the social dimension of life, crucially influenced the evolution of the humanity and remained an example of codification that could be revisited and used as models even in the globalization era.

Keywords: Legal reform, Roman law, social reform, modern law. JEL Classification: K39.

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Paper: Reasonable Formalism as Dimension of Administrative Discipline  
Author(s): Emil Bălan, Professor, PhD, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

The substantial need for simplification of administrative law, as the body of principles and rules governing the implementation of policies by executive power is now obvious.

Simplification can be achieved by rationalisation and improvement of administrative procedure as a dimension of administrative discipline and guaranteeing the fundamental human rights and exercise of public authority.

Keywords: administrative law; simplification; rationalisation; administrative procedure; administrative discipline.  
JEL Classification: K23.

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**Paper:** Perspectives for Developing the Civil Services in Romania. Vision on the New Development Strategy  
**Author(s):** Paula Ghitescu, PhD candidate, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

Romania will provide professional civil servants, politically neutral, capable in acting in terms of stability, transparency and predictability, responsible for their results and able to develop and implement effective public policies that will support sustainable development in Romania. To implement the new strategy we will consider the following principles: the legality and the respect for the rule of law, transparency, openness and participation, efficiency and effectiveness, proportionality, consistency and accountability, promoting gender equality and non-discrimination, accessibility, flexibility.

**Keywords:** civil service principles, political neutrality, effective public policies. **JE Classification:** J24.

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**Paper:** Report on the Diagnostic Survey of the Network for Integrity for 2017  
**Author(s):** Daniela Mitutoiu, PhD candidate, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

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**Paper:** Constitutional Perspective of EU Member States on Legal Certainty  
**Author(s):** Elena Constantin, PhD candidate, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

The principle of legal certainty is the essence of the rule of law, which means that it must mirror directly or indirectly the Constitution of each Member State of the European Union. The analysis of constitutional provisions on legal certainty also makes it possible to assess the quality of regulation at the level of each state under discussion. The subject is particularly interesting in the context of the quantitative increase in legislation generated by the evolution and complexity of the relationships between individuals.

**Keywords:** legislative abundance, rule of law, quality of regulations. **JEL Classification:** K10.

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**Paper:** In Search of Time for Speeding up the Public Procurement Dispute Resolutions  
**Author(s):** Mihaela Victorița Căraușan, Associate Professor, PhD, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania; Member of European Law Institute

Arbitration was established by the Government Decision no. 1/2018 as one of the dispute resolutions method which must be used for work contracts over 5 million Euro financed by public funds. Even the rule was criticised, we appreciate, in a certain measure, the clauses for better adjudication of disputes among the contracting parties. Dispute resolution methods are currently commonly used in the construction industry, among them only arbitration and litigation are statutory controlled, all the others are private. This paper attempts to address these alternative mechanisms focusing more on the duration of the processes and on the Government success in decreasing the number of lawsuits. By focusing on the critical attributes of alternative dispute resolution methods we will try to find out if they can really be kept as simple, inexpensive and effective.

**Keywords:** administrative contract, celerity of dispute procedures, public system effectiveness. **JEL Classification:** H57.

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Paper: Confidentiality Clause vs Data Protection in Work Relationships  
Author(s): Radu Răzvan Popescu, Associate Professor, PhD, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

Throughout the duration of the individual employment contract, both the employee and the employer enter in possession of data and information of a private nature, pertaining to the partner in the employment relationship. This type of information with confidential character is basically divided, from the point of view of the legal nature, in three categories: confidential data, based on the fidelity obligation, data and information not disclosed due to the existence of a confidentiality clause, and the data and information which, according to the special law, are catalogued as being work or state secret. At the same time, the employer is held by the obligation to preserve the confidentiality of the personal data and information it learns about its employees. The duration of these periods when the parties must preserve confidentiality is another issue that raised disputes, both in the specialty literature and in the practice of the courts of law.

Keywords: confidentiality clause, damages, work secret, fidelity obligation. JEL Classification: K31.

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Paper: The Global Pact for the Environment – A New Framework for Global Environmental Governance  
Author(s): Andrei Duțu-Buzura, Associate Professor, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

Appearing at first over thirty years ago, having an original evolution regarding its contents – explaining the meaning and increasing the international awareness on environmental issues – the idea of a Global Pact for the Environment has been broadly accepted by the legal community and has become an obvious necessity for each and every country. Assumed and promoted by France in a legal and diplomatic initiative, the project can soon be materialized as an internationally representative document, of global reach, in the field of environmental protection. Obviously, as an instrument for codification of existing law, its creative part will be minimal, which implies a continuation and intensification of the efforts to develop the regulations regarding the global sectors – biodiversity, air pollution, waste etc. – and, thus, the creation of a global mechanism of actualization and permanent update of the normative contents of the treatise. Finally, the elaboration, the adoption, and the perspectives of an international text of global impact would favour other innovating initiatives, such as new dimensions of international law and governance, both generally, and concerning the specific aspects of environmental protection.

Keywords: environment, international law, global governance, climate change. JEL Classification: K33.

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## WG6. Peaceful Settlement of Conflicts and Management

Chair: Niță Mircea Aurel, Associate Professor, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

Co-Chair: Cristina Teodora Pop, PhD, Assistant-Magistrate at the Constitutional Court of Romania,  
Associate professor at the Faculty of Philosophy, University of Bucharest, Romania

### *Papers:*

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Paper: Culture of Peace and Mediation in 21<sup>st</sup> Century Education

Author(s): Nadjat Karabernou Paduret, President CCIR-A

Starting from the UNESCO definition of Peace Culture in Article 1 of the Peace Culture Declaration, we can identify seven values that can be passed on to educated peoples culture. It is about Non Violence, Tolerance, Solidarity, Democracy, respect for human rights, respect for the law, and environmental protection. Education for peace culture emerged as a consequence of these seven types of education. They are found in many educational programs but well-regarded as different fields and autonomous subjects. In a culture of peace education, a holistic and global approach is needed.

Keywords: values, respect for the law, education, holistic approach. JEL Classification: J52.

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Paper: Revisiting the Ancients - a Modern Perspective on Administrative Dispute Resolution  
Methods in Roman Classical Law

Author(s): Ionela Cuciureanu, Bucharest Bar, PhD candidate, University „Babes Bolyai” Cluj  
Napoca, Faculty of Law, Cluj, Romania

The paper analyses an essential question: How would have looked the roman juridical belief and how would have evolved the modern law systems without the institution of the praetor and his innovations, particularly the administrative dispute resolution procedures? The evolution of social relations, the development of trade, of contracts, of the juridical status of the person, would have been stopped in their embryonic phases, because the patterns inside which they should have fit were far too tight, if the praetor would not have found appropriate means to manage dispute resolution in a non-contentious manner, without arriving in front of the judge. The praetor's activity represented the continuous adaptation of the law at the needs of the society – *adaequatio intellectus et rei-managing*, in the same time, to anticipate some steps forward that society was due to make in the future. The paper will also have in view a practical case study on how the judicial system could be significantly relieved in the event of a modern application of the praetorian dispute resolution methods.

Keywords: praetor, edict, *ius civile*, dispute resolution, classical roman law, modern law. JEL Classification: J52.

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Paper: Communication Techniques in Mediation

Author(s): Claudiu Florinel Augustin Ignat, PhD, Lecturer, Craiova Law Faculty, Bucharest “Spiru  
Haret” University, Romania

This paper aims to develop the importance of communication in the mediation procedure as well as to focus on several communication techniques that proved their utility in time. We shall analyze for the beginning the tremendous impact that communication has in a non-contentious dispute resolution procedure, as mediation, continue with the exposure of various communication techniques, underlining those that are appropriate for this procedure, and present also, in the end, several practical cases, justifying the choice for one or more particular communication techniques.

Keywords: mediation, communication techniques, dispute resolution. JEL Classification: J52.

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**Paper:** The Peculiarities of the Consumer Decision on the Services Market  
**Author(s):** Mihaela Andreea Stroe, Lecturer, PhD, “Nicolae Titulescu” University, Bucharest, Romania

The service market has some peculiarities given that the consumer decision is made upon the consumer's information about the service. People are reasonably rational because of the interpretation of things in relation to others without the autonomy of thinking. The service market is a very important model from the perspective of specific abstraction, intangibility, and psychological phenomena such as perception, motivation, consumer attitudes, framing effects emphasize the game of individual rationality. Consumers can react uncontrollably to certain stimuli and are sometimes unable, taking into account the options available, to choose the optimal solution despite being aware of what is favourable to them. Cognitive and psychological processes play an important role in the consumer decision given cognitive dissonance, the fact that people filter information according to attitudes and beliefs, attitude to risk, informational asymmetry, emotional factors leading to consumer decision, risk aversion and, also, phenomena related to consumer behaviour on the market. The rational behaviour of the consumer is considered to be the one that offers maximum satisfaction with minimal cost at a maximum efficiency. The fact that there are many existing needs in the context of a limited resource nature makes the consumer choose to be based on the priority criterion. The opportunity cost is seen in this context as the value of the consumer's abandonment. All decisions related to spending a sum of money will be made taking into account the opportunity cost that is measured on the services market and in terms of aversion to regret in making the decision in incomplete information. The additional costs and benefits of an election should not only be measured in money, but also in terms of risk and comfort. We can refer to a psychological cost defined as the buyer's sacrifice when choosing a product variant. Every decision taken presents opportunity costs. So, we can state a relation between consumption and happiness and, although, at a first glance, it can be said that consumption is related to materialism and wealth, studies show that the relation between happiness and consumption is inversely proportional are not aware of what brings them happiness or not. (Waiss and Brown 1977). This presumption can be exemplified on the insurance market, that is a service market and all the characteristics of this peculiar market are encountered enhanced by the uncertainty offered by the insured risk. So risk behaviour, attitude to risk, culture, education, cognitive dissonance can be analysed as filters or barriers in making the consumer decision influenced, on the other hand, by the processes regarding the consumer behaviour on the insurance market such as moral hazard, informational asymmetry, adverse selection.

**Keywords:** market of services, decision, consumer, cognitive dissonance, happiness, insurance. **JEL Classification:** D18.

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**Paper:** Settlement of Legal Disputes of Constitutional Nature between Public Authorities  
**Author(s):** Cristina Teodora Pop, PhD, Assistant-Magistrate at the Constitutional Court of Romania, Associate professor at the Faculty of Philosophy, University of Bucharest, Romania

Introduced by the revision of the Constitution, in 2003, at article 146 e), the power of the Constitutional Court of Romania to settle legal disputes of constitutional nature became one of the most effective constitutional mechanisms that lead to the restoring of the legal balance between the functioning of the implied public authorities, and thus to the state of constitutionality, as a result of exercising by the Constitutional Court of its role of constitutional arbitrator and of guarantor of the supremacy of Constitution. The legal effects of the decisions issued by the Constitutional Court are stipulated in a general manner at article 147 (4) of the Constitution, that provides that they shall be generally binding and take effect only for the future, after they are published in the Official Gazette of Romania, the reason why they shall be established according to the role of this power of the Constitutional Court and to the reason wherefore it was regulated. The case-law of the Constitutional Court regarding the settlement of legal disputes of constitutional nature reveals the active role of the Court in exercising this power, as more than in the past, the solutions of the Constitutional Court finding the existence a legal conflict of constitutional nature are accompanied by legal patterns that shall be followed by the parties, in order to achieve the standards of constitutionally, which is an aspect that gave rise to substantial controversies among doctrinaires in the field of constitutional law.

**Keywords:** the powers of the Constitutional Court of Romania, the legal effects of the decisions of the Constitutional Court of Romania, public authorities of constitutional level, standards of constitutionality. **JEL Classification:** K10.

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**Paper:** The Causes of Nonverbal Communication Errors. Applications in Mediation  
**Author(s):** Mircea Aurel Niță, Associate Professor, PhD, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

The paper shows the influence of human mind due to the mental representations upon nonverbal communication. The functional preferences of mind hemispheres can influence the coding and decoding process for the emitter and receiver while the nonverbal message is moving from emitter to receiver and vice versa. Errors in communication can appear inside both minds of emitter and receiver, for example for the mind of mediator and the client. That is why a mediator must know and must be full of awareness about his peaceful mind state and the client, too. Some solutions are underline and proposed to be used before the mediation meeting starts.

**Keywords:** human mind, mental representations, coding and decoding process. **JEL Classification:** J52.

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**Paper:** Conflict Management Strategies in Mediation  
**Author(s):** Claudiu Florinel Augustin Ignat, PhD, Lecturer, Craiova Law Faculty, Bucharest “Spiru Haret” University, Romania

Conflict has been regarded for long as the core element of law, its mere *raison d’etre*, and this contentious approach of disputes being unfortunately still popular upon both laymen and law professionals. However, in alternative dispute resolution procedures in general, and in mediation in particular, conflict is regarded from a different perspective. This paper is aimed to develop the approach of mediation towards conflict, an approach focused on the fact that in front of the mediator, often the sole common ground of parties is the conflict itself. In other words, having a conflict is the sole element upon which the parties agree. From this point further, it comes to the mediator to apply the appropriate mediation techniques in order to strike a balance between the conflicting interests and to transform the initial conflict into a starting point for discussions.

**Keywords:** mediation, procedure, dispute resolution. **JEL Classification:** J52.

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**Paper:** Infringement of International Law in Ukraine since 2014  
**Author(s):** Martina Novotná, University of Alexander Dubček in Trenčín, Slovakia, Department of Political Science

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**Paper:** Operational Truth, Mind State and Crises in Management of Mediation  
**Author(s):** Angela Stela Ivan, Chief Lecturer, Dunarea de Jos University of Galati, Romania  
Mircea Aurel Niță, Associate Professor, PhD, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

The human minds of both parts, either emitter and receiver, either mediator and client operate with the Triangle of Knowledge-General, Concrete and Specific, so that one part can operate with a type of truth while the other part operate with the truth specific to the experience of this part. Starting from logical truth, going to the emotional truth and taking into account different influencing factors such as, culture, experience and age, sex, level of education, belonging to an organization, spiritual or a nonspiritual vision, etc., it is very important the relaxing state of the mind for the mediator. The paper shows how important is the holistic approach for the mediator mind especially during the process of mediation.

**Keywords:** logical truth, emotional truth, holistic approach of mediation. **JEL Classification:** J52.

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**Paper:** Transdisciplinarity and the Logic of Third Part. What Is Different in Put Us Together  
**Author(s):** Adrian Singurov, Priest

The paper deals with separation as a thinking problem and as a behavior one, too. Separation is against unity, so that using the law of Third Part it is easy to avoid separation between individuals and people. Solving conflict by peaceful means is the future of Humanity. **JEL Classification:** J52.

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# Students' Workshop

Chair: Ioana Cristina Vida, PhD, Parliamentary Adviser, The Chamber of Deputies of the Romanian Parliament, Bucharest, Romania

Co-Chair: Elena Marinică, PhD, Assistant Professor, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

## *Papers:*

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Paper: The Power of People in a Democratic State

Author(s): Georgeta Claudia Pleșa, Student, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

The popular legislative initiative is a constitutional right recognized by the extra-parliamentary opposition. In a democratic state the power of the People represents a key point in the direction of a state. Democracy is the form of organization and political leadership of a society based on the principle of the exercise of power by the people. In this paper we will present under what conditions a law can enter into force and why it is important to consult the people in matters directly affecting it. Identifying citizen's needs as well as consulting them on certain issues is an excellent mechanism for peacekeeping and operation in the best possible conditions of the entire administrative apparatus.

Keywords: people's initiative, democracy, rights and duties. JEL Classification: K10.

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Paper: Legal Documentation - Normative Acts Drafts

Author(s): George Ilie, Student, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

My article deals with a special theme in Legislative Technique or Formal Legislation. It is one of the stages preceding the drafting of the normative act, in legal documentation. I have chosen this subject as the creation of law requires a research activity based, among other things, on studying and analyzing normative and jurisprudential acts of the forums considered to be milestones in this respect. The documentation in the drafting of normative acts is imperative because it makes the correlation between the elements to be in legal norms with the European law, the Fundamental Law and the other laws, on the one hand, and on the other hand, it agrees with the needs and the social reality with the provisions of the act, thus leading to the efficiency and the stability of the act of legislation, as well as the decrease of the risk that the act will become obsolete. The structure of the article will have two main parts. The first part will include an introduction to the study of formal legislation and will address aspects of scientific documentation in general and legal documentation in particular. The second part will practically, in a comparative way, deal with the legal documentation at the level of law-making bodies and of supreme courts in Romania and the European Union.

Keywords: rule of law, elaboration procedure, documentation. JEL Classification: K10, K40.

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Paper: Approval and Endorsement of Normative Act Draft  
Author(s): Razvan Adrian Grigore, Student, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

In this article I will speak about the problem of approval and endorsements of normative acts drafts, looking forward to try answer a number of key questions, such as: Why did I choose this issue? I will try to define what is the main reason of this paper/research in what concerns the subject of approval of normative acts drafts; What issues I have reached? Issues in what concerns the study of formal legislation, instruments for approval and endorsements; What difficulties I have reached, what is the importance of the study and what I have brought new with my research. The paper will be divided in two main parts. Part one will contain two sections which will approach to introductive aspects in what concerns the study of formal legislation and the problem of normative acts approval. The second part will contain an analyze of how European normative acts are approved.

Keywords: rule of law, endorsement procedure, adoption procedure. JEL Classification: K10, K40.

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Paper: The Legal Conceptualization of European Union Law and the Role of the Council of the European Union in the Adoption of EU Law  
Author(s): Cristi-Gabriel Stoian, Bachelor Degree Student, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

In this scientific approach, we aim to identify the premises underlying the creation of European Union law, to determine the legal nature of this new right, to observe the objectives it has set itself to achieve and the future consequences for the Member States. We will firstly point out that what the concept of European Union law means is where the EU has exclusive competence and shared competence with the Member States and that the ultimate interest of these actions is to ensure economic growth and competitiveness for all states and regions of the EU. We will also stop on the role of the Council of the European Union in the context of Romania's presidency in the first six months of 2019.

Keywords: Council of the European Union, legal conceptualization, attributions, presidency of the European Union. JEL Classification: K1.

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Paper: Elements of Legislative Technique - Comparative View  
Author(s): Izabela Lupu, Master Degree Student, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

Our scientific approach is based on the pre-requisites of Formal Legistics, according to which the law is made up of the sum of the normative acts in force in a certain predetermined geographic area, influenced by its own historical, cultural, political evolutions etc. Thus, we propose to find the answer to the following questions: "What is the lawmaker's creation?", "Is there a typology of a universal lawmaker?". In order to answer the questions raised, we propose to refer to Law No. 24/2000 and to its legal counterparts in Belgium, France, Spain, Austria and Finland.

Key words: legislative system, formal legislation, normative act, Constitution. JEL Classification: K10, K19.

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Paper: Education is Guarantor of Respecting the Realization of Rights  
Author(s): Mariana Dumitru, Student, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

The full guarantee of the exercise of the right to education, in all its dimensions, occupies an important place in the legal system, from which all the other fundamental rights and freedoms through which life standards are ensured, acces to the information necessary for the development of skills and abilities to improve quality of life, the environment, and respect human dignity. Keywords: education, guarantee, fundamental rights, human dignity. JEL Classification: K10, K19.

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# BOOK OF ABSTRACTS

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National University of Political Studies and Public Administration



## 5<sup>th</sup> Annual International Conference on Law and Administrative Justice from an Interdisciplinary Perspective

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The papers presented within the conference will be published in the *International Law Review*. The review is included in the international databases: SSRN, EBSCO, ProQuest and VLEX.

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For publication the full paper should be written in English using Microsoft Word. The text should be in TNR font size 10, justify and single line spacing. The footnotes should use Times New Roman 8.

If the paper is divided in chapters and paragraphs, the chapter's title will be written Times New Roman 10, left, caps lock, bold, double line spacing; the paragraph's title will be written, Times New Roman 10, left, normal, bold, double line spacing.

Both in the body of the text and in the footnotes the following short forms are used: art. (= article); para. (= paragraph); p./pp (= page or pages); t. (= tome); vol. (= volume); G. O. (= Government Ordinance); G. D. (= Government Decision). REFERENCES (books and specialized journals) must be introduced using "Harvard Style".

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### **IMPORTANT:**

On the day of your presentation, please report to your assigned room 10 or 15 minutes before the working group is scheduled to begin. Introduce yourself to the Chairman/Chairwoman of the working group your paper belongs to, and check that any audio - visual equipment you need to use is setup and working properly. Please load your presentation onto the hard drive so that the transition between presentations is smooth.

# Working Groups Sessions

## WG1. The Administrative Capacity of the Judicial System

Chair: Alistar Victor T., Associate Professor, PhD, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania  
Executive Director, Transparency International, Bucharest, Romania

Co-Chair: Judit Siket, PhD, Faculty of Law and Political Sciences, University of Szeged, Hungary

### *Papers:*

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Paper: Accession to the European Union Cannot Affect the Supremacy of the Constitution over the Whole Legal Order

Author(s): Ionița Cochînțu, PhD, Assistant Magistrate, Constitutional Court of Romania

Following the accession, the provisions of the founding Treaties of the European Union, as well as other binding provisions under Community law, shall prevail over any provisions of the domestic law, while observing provisions in the accession instrument. However, in relation to the notion of "internal laws", a distinction has been made between the Constitution and the other laws. Also, the same distinction is made at the level of the Basic Law by art. 20 par. (2) the final sentence for the purpose of applying international rules as a matter of priority, unless the Constitution or domestic laws contain more favourable provisions, and Art. 11 par. (3) states that if a treaty to which Romania is to become a party contains provisions contrary to the Constitution, its ratification can only take place after the revision of the Constitution.

Keywords: international law priority, rule of law, constitutional provisions. JEL Classification: K10.

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Paper: Boosting Access to Justice as a Support to Raise Administrative Capacity of the Judicial System

Author(s): Irina Lonean, PhD, Invited Lecturer, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

Trust in the judiciary is a key element of its capacity, as there is no fair trial without both the material guarantees and the feeling of a fair trial. In this context, boosting access to justice is not only a very important human rights issue, it is also instrumental in order to ensure the needed capacity of the judicial system. Moreover, boosting access to judiciary in administrative cases, when citizens appeal administrative decisions and procedures, is key in order to strengthen the administrative capacity as well. In this context, the paper focus on the successive programmes and projects aiming to boost access to justice of the Ministry of Justice, the Superior Council of Magistracy and other actors, including civil society organisations. Different policies and initiatives to ensure access to justice are examined in order to determine the most effective approaches, based on a combination of theory based evaluation methods including the Realist Evaluation and the Prospective Evaluation Synthesis and data collected from desk based research and interviews with decision makers, civil society representatives and justice seekers. The paper concludes that only a combination of support to access the judiciary (like the public judicial assistance) and incentives to access the judiciary to discouraged citizens can work for more trust in the judiciary better judicial capacity.

Keywords: public judicial assistance, incentives to access the judiciary, trust in the judiciary. JEL classification: K38.

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Paper: The Administrative Justice Completely Withdrawn in Republic of Moldova  
Author(s): Maria Orlov, PhD, Associate Professor, "Alecus Russo" State University of Bălți, Institute of Legal and Political Research of the Academy of Sciences of Moldova, President of the Association "The Institute of Administrative Sciences of the Republic of Moldova"  
Marina Grosu, Juristconsult, Project Coordinator in Public-Private Partnerships

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Paper: Administrative Capacity of the Judicial System. An Evaluation from the Point of View of the Judiciary Role in Fighting Corruption  
Author(s): Alistar Victor T., Associate Professor, PhD, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

The paper addresses the issue of the capacity of the judiciary in direct connection with the performance of the Judicial System to fulfil its role to curb corruption. The paper is based on the methodology of the National Integrity System Assessment proposed by Transparency International and proposed an evaluation of the capacity of the judiciary taking into account the legal provisions and the practical implementation of these provisions on the two main criteria on institutional capacity proposed by the National Integrity System model: resources provided and independence ensured. New provisions on the organisation of the judiciary are considered in this respect. The paper is then comparing the results of the assessment of the capacity of the Romanian judiciary with the assessment of its performance in curbing corruption in order to find a direct connection between the two: capacity and role to curb corruption. However, the paper also rises the issue of the judiciary governance, assessed based on three other criteria of the National Integrity System: transparency, accountability and integrity. These have, together with the capacity issues, the same instrumental importance to support curbing corruption by the judiciary.

Keywords: capacity of the judiciary, judiciary independence, resources for the judiciary, role of the judiciary, curbing corruption, performance. JEL Classification: D73.

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Paper: The General Court – The Tendency to Become a Common Jurisdiction  
Author(s): Irina Zlătescu, Professor, PhD, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

This study aims to prove that the General Court is becoming the ordinary court with the meaning of Article 256 TFEU for the first instance resolution of actions for annulment, actions for compensation based on non-contractual liability, actions for failure to act and for the resolution of disputes regarding arbitration clauses. Exceptions will be made when specialized courts will be established, as it was the case of the Civil Service Tribunal (2004-2014). Another exception consists for the resolution of causes, which fall according to the Statute under the competence of the Court of Justice. Nevertheless, the Statute may also provide competences of the General Court for other types of actions.

Keywords: first instance, actions, arbitration clauses. JEL Classification: K40.

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Paper: The Ombudsman in the European Context  
Author(s): Denis-Roxana Gavrilă, PhD Candidate, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

The article analyses the role of the Advocate of the People in the national and international context, starting with its appearance (OMBUDSMAN) on the historical and political stage of the northern European states, until today. It has assumed the role of supporting citizens in their problems with the administration and promotes, on its own initiative, the principles of transparency and inherent responsibility for the concept of good governance practices. Individuals have reported possible violations of the right to information, the right to petition, and the right of the person injured by a public authority. The article will present that in the local and central public administration institutions, civil servants are insecure and the managerial capacity to implement decentralized responsibilities is not strengthened. A sustained effort is necessary, noticing also that The European Commission Against Racism and Intolerance (ECRI), a body of the Council of Europe, in its Fourth Report on Romania, approved by the Council of

Europe in March 2014, recommended that the People's Advocate Institution take decisive action against public authorities when they suspect that there have been flagrant violations of human rights, especially when they are related to racial discrimination, cases presented in this paper.

Keywords: non-contentious means; mechanism for the prevention, minorities. JEL Classification: J15.

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Paper: Amendments to the Law no. 554/2004 Introduced by Law no. 212/2018

Author(s): Elena Mihaela Fodor, PhD, Associate Professor, Faculty of Law Cluj-Napoca,  
„Dimitrie Cantemir” Christian University, Romania

The paper discusses the amendments regarding the definition of the administrative act, the limitations of the control of the contentious administrative courts, the prior procedure, the object of the legal action, the competence of courts, the parties, the procedure and the enforcement of the court decision. The analysis of the amendments introduced in the Law no. 554/2004 by Law no. 212/2018 is made in corroboration with other normative acts. Generally, the legislator managed to harmonise the provisions of the Law no. 554/2004 with other normative acts and at the same time, to preserve the specific of the contentious administrative. However, litigation procedure for the administrative contracts together with the rules for contesting the first instance decision do not respond to the specificity of the administrative law.

Key words: Law no. 554/2004, contentious administrative, prior procedure, administrative act, administrative contract. JEL Classification: K39, K41.

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## WG2. Human Rights in the New Era

Chair: Zlătescu Irina, Professor, PhD, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania  
Director of the Transdisciplinary Centre of Human Rights; Titular Member of IACL and Member of the Council of ELI

Co-Chair: Saghi Florin Emeric, Vicepresident of the Romanian Association for the United Nations member of the World Federation of the United Nations Associations

### *Papers:*

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Paper: EU ETD – Towards a New Chapter in EU Citizens' Rights and a Better Administrative Cooperation

Author(s): Erzsébet Csatlós, PhD, Senior Lecturer, Faculty of Law and Political Sciences, Department of Administrative Law, University of Szeged, Hungary

The European citizenship was officially created by the Maastricht Treaty to confer rights on citizens of the Member States of the EU. Among these rights, the most challenging one was the right that enabled EU citizens to turn to any foreign representation of any Member States for consular protection in third States in case if their own State of nationality is not represented there. According to surveys, almost 7 million EU citizens travel or live outside the EU, in places where their own country does not have an embassy or consulate. Member States with well-developed and extended international relations are in a better position to serve their nationals in need, but most of the Member States are in a less favourable situations and the EU citizenship policy aimed to eliminate these differences in the point of EU citizenship rights. Given to the consular protection's strong ties to foreign relations, first, it was placed under the unanimous decision-making capacity of the Council under the CFSP regime, but the Lisbon Treaty has introduced major changes not only for the consular protection policy of the EU but on the other hand, to facilitate effective execution of EU policies in general. It lifted the right to get consular help abroad and also the right to good administration, among others, to fundamental level and placed them at the top of the norm pyramid. All these developments have indicated changes in the consular protection policy which resulted new foundation stones of the policy (Council Directive (EU) 2015/637 of 20 April 2015) and now, the reform of the issue of emergency travels document (ETD) is on the threshold as it is the most commonly claimed consular protection service. Therefore, a Council directive proposal was submitted on the last day of May of 2018 on the EU ETD. Its provisions are innovative and embody a series of opportunities for further development. On one hand, it is a pioneer among measures of facilitating the administrative cooperation while ensuring a better administration of this consular protection measure, although, on the other hand, it leaves open questions and offers a variety of choice for Member States which also increase legal challenges in the view of rights of the EU citizens.

Keywords: good administration, legal challenges, consular protection. JEL Classification: F22, K33.

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Paper: Multiple Discrimination in the Contemporary European Society

Author(s): Ruxandra Darclée Miu, Legal adviser, National Oil Transport Via Pipelines and Rail Tanks Company (CONPET SA), Ploiești, Romania

In the context of nowadays non-discrimination cannot be made through simple acts or statements. Statements as the Universal Declaration of Human Rights, or the European Convention of Human Rights have to be incorporated in every state's if not every individual's culture in order to achieve its goals.

Multiple discrimination represents any combination of forms of discrimination against persons on the grounds of sex, racial or ethnic origin, religion or belief, disability, age, sexual orientation, gender identity or other characteristics, and to discrimination suffered by those who have, or who are perceived to have, those characteristics. It can manifest itself in two ways, there is 'additive discrimination', where discrimination takes place on the basis of several grounds operating separately and second, there is 'intersectional discrimination',

where two or more grounds interact as they are inextricable. Although multiple discrimination has always existed, it has not been recognized as a legal concept until recently.

Keywords: multiple discrimination, non-discrimination, tolerance, European Union, human rights, European Agency for Fundamental Rights. JEL Classification: K38

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Paper: Aspects of Discrimination from the Perspective of the Migration Phenomenon

Author(s): Roxana Moisoiu, PhD candidate, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

Migration has existed since the beginning of mankind. The phenomenon did not cease over time, but it has seen changes and new forms with the evolution of society. Migration processes take place simultaneously and are increasing in many countries of the world. The main causes of unprecedented population movements are armed conflicts, famine, natural disasters, human rights violations and deplorable economic conditions in some states. Collective attempts to regulate refugee-specific issues and migration have so far been quite limited. The European Union has taken a step forward in this direction. The European Union now considers that an integrated and comprehensive approach is desirable in order to better manage the phenomenon of migration. The implications of contemporary regional and global migration have consequences on the social, economic, cultural, political and religious environment of the states. Migration has transformed and redefined the political and economic interests of states, but has accentuated and expanded the phenomenon of discrimination, violating the principle of equality. Accepting multiculturalism of different religions as well as social diversity is the key to combating discrimination and respecting the right of every person to equal opportunities. Equal opportunities are based on ensuring the full participation of each person in economic and social life, regardless of ethnic origin, sex, religion, age, disability or sexual orientation.

Keywords: migration, migrant, discrimination, equal opportunities. JEL Classification: J15.

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Paper: The Right to Health Care, a Fundamental Human Right

Author(s): Remus Marian, PhD candidate, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

The right to health protection is part of the human rights and freedoms, which the state, as a result of their recognition, is called upon to respect, guarantee and protect them. The existence and life of man being inextricably linked to society, these desiderata are always topics of study and debate. A common approach to ensuring the maintenance of the health of the population and a higher level of prevention in the national health system is revealed by the cooperation between the public administration and the Church institution, aiming to ensure a better health of the Romanian population and the accentuation the role of prevention in maintaining health. Such a project is aimed at disadvantaged people in rural areas with reduced educational level and social cases

Keywords: human rights, right to health, freedom, public administration. JEL Classification: I18.

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Paper: Promotion and Protection of Human Rights in the Context of the Actual and Future Local Fiscal System

Author(s): Florin-Ionel Trușcă, PhD candidate, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

The protection of human rights as well as their promotion have been and are still a challenge for each state, especially for developing countries. The multitude of normative acts regulating the local tax system in Romania, the bureaucracy reflected by the significant increase of the forms through which information is collected and the tax obligations are established, as well as the main objective of the tax bodies, respectively the collection of revenues to the local budgets, make it increasingly difficult to achieve human rights objectives. Therefore, the paper proposes the passage of the local tax system from the rudimentary state where it is to a digitized system at national level, which through its instruments and techniques can ensure the promotion and protection of human rights.

Keywords: promotion, protection, individuals, principles, rights. JEL classification: K38.

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Paper: Universal Declaration of Human Rights -  
70 Years of Promoting and Protecting Human Rights  
Author(s): Irina Zlătescu, Professor, PhD, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

Developed by law specialists coming from different regions of the world, from UN member states but with different legal systems and cultures, the Universal Declaration of Human Rights, proclaimed by the UN General Assembly on December 10 1948, is yet another a common ideal to be touched by all peoples, all nations and all individuals. Its 70th anniversary requires us to reflect on the past and to look for the future. It enables us to identify challenges and threats.

Keywords: human ideal, culture, future challenges. JEL Classification: K 33.

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Paper: Understanding of the Rights of the Data Subjects  
Author(s): Andreea Drăgan, PhD candidate, Faculty of Public Administration, National University of  
Political Studies and Public Administration

General Data Protection Regulation replaced the Data Protection Directive that has been in place since 1995. This regulation gives power back to the people as European Union considers privacy as human right. The whole Chapter 3 of the GDPR treats the subject of rights of the data subject, as with the new modified Regulation, the number of rights for data subject has increased considerably and the old ones have been consolidated. Now we can speak of the right to information, right to access, right to rectification, right to withdraw consent, to object, to object to automated processing, to be forgotten and data portability, just to mention a few. But how do these rights help to protect European citizens' personal data? For example, once an EU citizen has given his consent for processing his personal data for a purpose, he has the right to withdraw his consent through a request which implies that the company that processed his personal data to stop. The new GDPR provides many rights for data subjects, in order to protect their private life. But as important it is to know for each individual to know their national legislation because "*Ignorantia legis neminem excusat*" or "*nemo censetur ignorare legem*" which means "ignorance of law excuses no one" or "nobody is thought to be ignorant of the law", is as important to be aware of the European regulations especially when it works in citizens favour.

Keywords: privacy, GDPR, European regulations. JEL Classification: C89.

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Paper: Bussiness and Human Rights  
Author(s): Petru Emanuel Zlătescu, PhD candidate, "Nicolae Titulescu" University, Bucharest,  
Romania Member of European Law Institute

The respect of human rights in the economic sector has become the regulatory object of many international and national standards over the past two decades. The impact of multinational corporations on the environment, and human rights in particular, is one of the most important topics on the international's community human rights agenda. The debate on this topic includes next to the benefits associated with, such as the development of infrastructure and job creation also its negative impacts on human rights. Since the human rights in question usually do not have a direct effect and multinational companies are therefore not considered as fundamental rights addressees, it is primary the duty of the state to protect these rights indirectly, by adopting legal norms and standards. The binding nature of these standards varies and includes both legally enforceable rights and obligations as well as standards with programmatic content and soft-law provisions. In general, these norms address three main aspects of the protection of human rights from the negative effects of the economy and globalization. First, the very first guarantee in this field is the state's duty to protect human rights against private threats. Secondly, a special responsibility should be imposed to the business enterprises, which obliges them to respect human rights. Thirdly, access to remedies should be granted in the event that an infringement has already occurred.

Keywords: standards, globalization, responsibility of business enterprises. JEL Classification: K39.

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**Paper:** Religion and Christian Family - their Role in Promoting and Keeping Human Dignity  
**Author(s):** Rareș Bogdan Ruge, PhD Candidate, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

Religion is the free and conscious connection of man with God, and the family - a school of love and cradle of life. Religion has always played an important role in the formation of moral and social skills and attitudes. The Christian family is the very cradle of Christian faith and formation, a true school of life. The family is considered the cell of society, which is why the state has the responsibility to defend and protect this fundamental institution. Before being full rights citizens, each person needs to live in a healthy environment that will allow them to develop as fully and harmoniously as possible. The Christian family is a holy temple in which the fullness of Christian virtues is stored. It is the cell from which human society was founded and on which human society is based, but also the church community, widening the boundaries of the kingdom of God. The family is the most important institution in the service of life. All the other institutions that have a role in supporting and promoting human life are subordinate to them, both in terms of their origin, especially in their role and purpose. Today the family and all social structures are affected by secularization. The diminishing of the Church's role in everyday life and the decrease in trust in God result in the degradation of relations between people, the failure to observe moral principles, the increase of crime, corruption, etc. Dignity shows value, honour, moral merit, degree of appreciation as the rank achieved by a person in society. In Christian doctrine, human dignity is a divine gift that, regardless of the circumstances in which the individual lives, takes as an example the image of God. In society, in terms of dignity, the autonomy and freedom of thought and the behaviour of an individual are also understood.

**Keywords:** religion, the Christian family; dignity; human rights. **JEL Classification:** K36, K38.

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**Paper:** The Rights to Education, a Strategic Priority of the 70<sup>th</sup> Anniversary of the Universal Declaration of Human Rights  
**Author(s):** Roxana Elena Vișan, PhD candidate, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania,  
Member of the European Law Institute

This article aims to be an incurs on the evolution and affirmation of the right to education in the human rights system, in order to offer suggestions on collective hope of transforming the world and providing a better future for future generations. Such a manifestation is achievable by a political will, the creator of an equalitarian model, to redistribute utopian visions of human freedoms. Considered as a unique window to the fundamental problems of human dignity at the societal level, the Universal Declaration of Human Rights affirmed over the seventy years the legitimacy of human rights in the face of global challenges and ensured the diversity of universal thinking. Considered one of the fundamental human rights, yesterday's education, today and tomorrow, is the main pillar in finding answers to global issues. Now is the time to take stock of progress and to identify strategic priority areas for the effective implementation of Agenda 2030 on Global Education.

**Keywords:** the right to education, strategic priority, global education, Agenda 2030. **JEL Classification:** I29.

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### WG3. Citizenship and Immigration in Europe

Chair: Mădălina Cocoşatu, Associate Professor, PhD, Director of the Department of Law "V.D. Zlătescu", Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

Co-Chair: Orlov Maria, PhD, Associate Professor, "Alecu Russo" State University of Bălţi, Institute of Legal and Political Research of the Academy of Sciences of Moldova, President of the Association "The Institute of Administrative Sciences of the Republic of Moldova"

#### *Papers:*

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Paper: Integration Policies for Legally Resident Third Country Nationals in View of New and Future Challenges and Ensuring Relevant Policies

Author(s): Elena Loredana Pirvu, Lecturer PhD, Police Academy "Al. I. Cuza", Faculty of Juridical and Administrative Sciences, Bucharest, Romania

Over the past decades, most EU Member States have experienced increasing migration. Migrants from third countries represent around four percent of the total EU population. Europe is also strongly influenced by demographic changes, including the ageing population, longer life expectancies and a declining working-age population. Member States have confirmed their commitment to further developing the core idea of integration as a driver for economic development and social cohesion, in order to better enhance migrants' contribution to economic growth and cultural richness. With the recent EU Action Plan on Integration, the Commission sets out policy priorities and tools for concrete actions to be undertaken at EU level in support of the action on integration taken at Member States' level, with a view to further develop and strengthen integration policies across the EU. The article will present the social, economic and political context recently changed and all integration measures underlined within EU Action Plan on Integration and will research about future challenges and relevant policies in need to be drafted and implemented on EU level.

Keywords: integration, refugee, policy, action plan, third country nationals. JEL Classification: K37.

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Paper: Immigration in Democratic States

Author(s): Ionut Cosoi, PhD Candidate, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

One problem that should concern political analysts is the inclusion of individuals who migrate from totalitarian countries to harmless, democratic countries. One cannot fail to see the strangeness of these foreign elements in the democratic contest of a free country. My objective is even to identify / detect in a democratic state the deceptive behavior of the democratic values of immigrants from the closed / totalitarian states. Informational flow takes place regardless of the individual's will in society and influences him even if he has not lived this experience. In democracy, information is the engine that ensures its endurance. The research method I use is that of participatory observation on small merchants coming from China. The result of the research has pushed me to conclude that this kind of immigrants - from a totalitarian country - must go through a process of awareness of democratic values because their idea of democracy is different from its real principles. Of course, by this process, only mature individuals, not minors, must pass, in my view they do not pose any danger. School is here a very important institution in learning real / real democratic values. The need to adapt people from totalitarian states and migrating to democratic states is real. A significant weight that can help in this respect is given by sources of information, the only valid / necessary aspect for corroborating "undemocratic" behaviour as the willingness to know the immigrant. For individuals living in a democratic state besides their legitimate responsibilities, they are also those of identifying and helping newcomers from other totalitarian states, helping themselves. In other words, society regulates itself by transmitting information from one individual to another - no matter which party they are.

Keywords: democratic values, participatory observation, inclusion. JEL Classification: K33.

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**Paper:** Immigrants Statuses in Europe: Citizenship, Residence Permit and Stay Permit  
**Author(s):** Lucia-Ştefania Avram, PhD Candidate, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

The author of this articles analyses the main legal norms applicable for the citizenship, residence permits and stay permits regarding the immigrants in Europe. The author will make a comparison between the main regional and national norm to understand the differences and the most favourable and the hardest regulation. The method used is the analyse of the legislation and informal interviews of different subjects from different countries.

**Keywords:** immigration, legislation, citizenship, residence permit. **JEL Classification:** K37.

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**Paper:** A New European Policy on Legal Migration - Enhancing Legal Pathways to Europe  
**Author(s):** Eleodor Pirvu, General Inspectorate for Immigration, Asylum and Integration Directorate,  
Deputy Director

Establishing safe and legal pathways of admission to complement resettlement programmes is therefore an essential step towards securing a meaningful response to the current unprecedented global displacement situation. The need to provide increased and complementary pathways for refugee admission is reflected in the New York Declaration for Refugees and Migrants, which was adopted by all 193 Member States of the United Nations at the UN General Assembly in September 2016. Countries, including the Member States of the European Union, expressed their intention to “expand the number and range of legal pathways available for refugees to be admitted to or resettled in third countries.” The article will present the implications of the EU-Commission’s proposal for seeking protection in the EU and will research about resettlement as a protective tool and durable solution for refugees. Answers to the actual position of the EU governments towards new policy proposal and what is the future for admission programmes to EU will be analysed.

**Keywords:** asylum, refugee, protection, legal admission, resettlement. **JEL Classification:** K37.

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**Paper:** Public Administration and Integration of Immigrants  
**Author(s):** Alexandra Bucur, PhD candidate, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania,  
Member of the European Law Institute

The study presents aspects related to managing the phenomenon of immigration, which is an important activity of the states, including Romania. Thus, public administration is an important actor in coordinating immigration policies. With a growing number of asylum applications, the response of state authorities must also be based on promoting the integration of immigrants into society. At the same time, immigration becomes an administrative process and its answers are necessary and important.

**Keywords:** public administration, immigration, integration. **JEL Classification:** F22.

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**Paper:** Accessing Cohesion Funds Granted by the European Union to Extra-community  
Immigrants. Application and Conditioning  
**Author(s):** Mădălina Cocoşatu, PhD, Associate Professor, PhD, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

EU humanitarian aid supports refugees and migrants from countries such as Iraq, Jordan, Lebanon and Turkey. Between 2015 and 2017, a total of €17.7 billion was earmarked from the EU budget to cope with the migration crisis. This paper aims to analyze EU funding for immigrants and transit countries in order to combat illegal immigration and trafficking in human beings. Also, this paper will analyze the procedure and conditionality that will be put to the European states in order to be able to receive funds for the integration of immigrants.

**Keywords:** aid support, migration crisis, integration of immigrants. **JEL Classification:** J15.

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Paper: Political and Diplomatic Asylum

Author(s): Andrei Bogdan Cipere, PhD candidate, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

One of the novelties of this paper is the fact that the topic is very topical due to the numerous crises that have occurred over the last years in almost all the world's continents, situations that have generated large waves of refugees that have created extreme problems the great governors and all those in charge of managing such crises, demonstrating the need to address the institutions of political asylum and extradition with more interest and depth. The way in which the work will be conceived, provides for the treatment of diplomatic relations between states, the immunities accorded to diplomatic staff in various legal systems and the institutions of asylum and extradition, starting from a historical and legal appreciation of their evolution, going up to to analyse the level at which they have reached today, and how the institutions that manage to manage them work. At the same time, a large part of the legal components of the diplomatic institution, the asylum at the European level and in the Romanian system, and refugee status will be highlighted and analysed by the approach to be accomplished, aiming to eliminate the large number of mistakes or misinterpretations . It will start from a clear delimitation of concepts and will go up to the most complex elements of structure and the mechanisms that ensure their operation, both theoretically and procedurally.

Keywords: immunities, refugee status, administrative mechanisms. JEL Classification: F22.

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Paper: The Role of Immigrants When Striving for a Resilient Labour Market in Romania

Author(s): Teodora Ioana Bițoiu, PhD, Senior Lecturer, Director of the Department of Economics and Public Policy, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

Crina Ramona Rădulescu, PhD, Senior Lecturer, Deputy Dean, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

Labour, one of the main production factors, remains a sensitive factor that implies both identifying education and continuous training opportunities and smart resource allocation, so to avoid a market failure. The labour market resilience, especially after the Great Recession, is more and more influenced by the labour market changes induced by the structural policies and, moreover, the legal framework dealing with migration issues.

The current research aims at analysing the connection between the legal provisions (national and European laws) and the specific aim of creating a resilient labour market, namely referring to the impact these provisions could have upon the output and employment recovery to keep the inequality low (Stiglitz, 2015), long-run evolution of the wage distribution (Piketty, 2014) and labour productivity (OECD, ECO/WKP(2017)38). The topic of the economic integration of migrants is not one treated only on a central level (through policies and specific legislation), but also one priority of the local public administration through their involvement in European projects dealing with immigrants and their access to rights (e.g. DELI – Diversity in the Economy and Local Integration, of which Bucharest municipality was part of). All in all, the paper argues that resilience can be promoted through labour reform that allows employers to bring in non-EU migrants at all skill levels with minimal restrictions (MPI, 2014).

Keywords: labour market regulation, migration, resilience. JEL Classification: F22.

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**Paper:** Brexit: a Member State Withdrawal from the European Union and the EU Citizenship Issue  
**Author(s):** Elena Marinică, PhD, Assistant Professor, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

This article examines how the voluntary withdrawal of the United Kingdom of Great Britain and Northern Ireland from the EU impacts the guarantee of the rights of EU citizens already living in the UK and the rights of British citizens living in other EU Member States, that must be secured in the context in which the loss of European citizenship is inherent to British citizens (accompanied by the loss of political rights, the right to vote, the right to stand as a candidate, etc.), followed by the loss of other rights after the end of the transitional period such as freedom of movement, recognition of professional qualifications, family reunification, etc. Some of the main ongoing initiatives and actions (e.g. the UK-EU withdrawal agreement) on citizens' rights are being analysed to see if all these measures are a qualitative leap towards a controlled, step-by-step exit to protect the rights and stability of the citizens affected by Brexit, or, on the contrary, they are small steps that demonstrate that this issue is far from complete, confronting a legal uncertainty that could cause losses and disadvantages likely to prove extremely dangerous to citizens.

**Keywords:** citizens' rights, legal uncertainty, voluntary withdrawal's effects. **FEL Classification:** K30.

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**Paper:** EU Institutions for Protecting the Vulnerable Groups in the European Space  
**Author(s):** Ionuț Bogdan Berceanu, Assistant Professor, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

The paper is part of the Erasmus + Jean Monnet Project EU – Diversity, Citizenship and Solidarity under Migration Pressure. From learning to e-learning , which has as one of the main objectives to promote excellence and innovation in teaching and research in EU studies, in particular in Migration Law and Economics. The aim of the paper is to realize a research regarding the institutional framework of the European Union used for protecting the vulnerable groups and individuals in the EU. The analysis will start for the definitions of the vulnerable groups and the identification of the European regulations which are contributing to the protection of these groups. There will be also analyzed how through its measures the EU institutions such as the European Parliament and the European Commission are contributing to the realize the an added value in the European space, by creating the premises of an unitary protection of the persons which are vulnerable.

**Keywords:** diversity, regulations, added value, Erasmus+. **JEL Classification:** K37.

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## WG4. New Tendencies in Public Administration Development

Chair: Cărauşan V.Mihaela, Associate Professor, PhD,  
Deputy Dean, Faculty of Public Administration, National University of Political Studies  
and Public Administration, Bucharest, Romania  
Executive Director, Association Centre of Academic Excellence, Bucharest, Romania

Co-Chair: Erzsébet Csatlós, PhD, Senior Lecturer, Faculty of Law and Political Sciences, Department  
of Administrative Law, University of Szeged, Hungary

### *Papers:*

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Paper: New Tendencies in Public Administration Development – Rising Era of One Stop Shop  
Delivery Models in Developing Countries

Author(s): Hakim Alasgar, PhD candidate of Doctoral School of Public Administration Sciences,  
National University of Public Service, Budapest, Hungary

Current tendencies in public administration development indicates, further development of state administration and local government reforms is connected with the use of decentralization and decentralization of public administration, separation of strategy from the provision of services, diminishing the gap between democracy and efficiency, enhancing the citizens participation and mutual trust of citizens in government and vice versa, creation of “business oriented” governments, principle of simplifications, improving the quality of public service improving the political and administrative culture and integration of various institutions, reforms and activities in the context of public administration development. As a model of public service delivery, OSS have been in vogue for many decades now. One-stop shops have currently emerged as more powerful actors than ever before in the developing countries. OSS operate towards the simple goal of making public services available under a single roof. OSS come in various designs, institutional arrangements and financing models, and provide different baskets of services in different contexts. While some provide the services of a single level of government (national/provincial/local), others provide services of more than one level. This paper looks at some of these definitional issues and maps some of the recorded examples. The proposed paper, will discuss how new tendencies in public administration leads to rising era of OSS models in the developing countries by relying on an extensive survey of literature, including policy documents, project information sheets of donors, government websites, media stories, academic articles, third-party evaluation reports and case studies recorded by non-governmental organisations among others.

Keywords: One-stop-shop, public service delivery, public administration, governance, customer, citizen, government, data, management, reform. JEL Classification: H83.

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Paper: Elements of Formal Legistics - Prerequisites for the Creation of European Union Law

Author(s): Ioana Cristina Vida, PhD, Parliamentary Adviser,  
The Chamber of Deputies of the Romanian Parliament

The paper aims to pass European Union law through the Formal Legistics filter. The scientific approach aims to show that the "builders" of European Union law were inspired by the elaboration of national normative acts. Thus, in the drafting of legislative acts of the European Union we meet with notions and syntagms that claim to ensure the quality of drafting, i.e. intelligible and unitary drafting, observance of the uniform principles of presentation and legislative technique, clear and simple texts, etc.

Keywords: formal legistics, legislative technique, European Union law, legal conceptualization. JEL Classification: K19.

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Paper: Local Governments in the System of Separation of Powers. The Executive Function  
Author(s): Judit Siket, PhD, Faculty of Law and Political Sciences,  
University of Szeged, Hungary

The paper is focused on the principle of separation of powers, especially examined the role of local self-governments in the system of division of powers. It gives a brief description on the dogmatic approach of the principle of powers based on the concept of Montesquieu, and Benjamin Constant who emphasised the significance of local power. The study demonstrates the effectiveness of principle of separation of powers and the constitutional status of local self-governments in the Hungarian Fundamental Law. According to the Fundamental Law, the essence of local governments is to manage public affairs and to exercise public authority this is the reason why local governments exist. The leading conception has changed, rejected the collective fundamental rights approach. A separate section aims to describe the executive power of local self-governments, in particular the functionality of local self-governments. A comparative part illustrates changes of local task-system after the adoption of New Local-Government Act in 2011, including both municipal and county level responsibilities, the strong centralization process in the field of local governance. In conclusion, local self-governments' role significantly decreased in the field of providing public services and in exercising of local public powers, functionality of local self-governments was substantially narrowed.

Keywords: separation of power, local self-governments, centralization. JEL Classification: K23.

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Paper: Justinian's Legal Reform – the Avatars of a Political *Credo*  
Author(s): Ionela Cuciureanu, Bucharest Bar, PhD candidate, University „Babes Bolyai” Cluj  
Napoca, Faculty of Law, Cluj, Romania

The paper aims to present the reasons that laid behind emperor Justinian's legal reform (the last Latin speaking emperor of the Roman Empire), as well as its effects on the roman society as a whole. The legal reform will therefore be regarded in the larger social and political context of the time and analyzed in relation to the crisis that was already eroding the Roman Empire, but also from the perspective of the modern lawyer, seeking elements of actuality that could be transplanted into the contemporary world. All things considered, it can be stated that the legal reform represents one of Justinian's key achievements, one of the works that, being meant to refresh through law the social dimension of life, crucially influenced the evolution of the humanity and remained an example of codification that could be revisited and used as models even in the globalization era.

Keywords: Legal reform, Roman law, social reform, modern law. JEL Classification: K39.

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Paper: Reasonable Formalism as Dimension of Administrative Discipline  
Author(s): Emil Bălan, Professor, PhD, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

The substantial need for simplification of administrative law, as the body of principles and rules governing the implementation of policies by executive power is now obvious.

Simplification can be achieved by rationalisation and improvement of administrative procedure as a dimension of administrative discipline and guaranteeing the fundamental human rights and exercise of public authority.

Keywords: administrative law; simplification; rationalisation; administrative procedure; administrative discipline.  
JEL Classification: K23.

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**Paper:** Perspectives for Developing the Civil Services in Romania. Vision on the New Development Strategy  
**Author(s):** Paula Ghitescu, PhD candidate, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

Romania will provide professional civil servants, politically neutral, capable in acting in terms of stability, transparency and predictability, responsible for their results and able to develop and implement effective public policies that will support sustainable development in Romania. To implement the new strategy we will consider the following principles: the legality and the respect for the rule of law, transparency, openness and participation, efficiency and effectiveness, proportionality, consistency and accountability, promoting gender equality and non-discrimination, accessibility, flexibility.

**Keywords:** civil service principles, political neutrality, effective public policies. **JE Classification:** J24.

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**Paper:** Report on the Diagnostic Survey of the Network for Integrity for 2017  
**Author(s):** Daniela Mitutoiu, PhD candidate, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

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**Paper:** Constitutional Perspective of EU Member States on Legal Certainty  
**Author(s):** Elena Constantin, PhD candidate, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

The principle of legal certainty is the essence of the rule of law, which means that it must mirror directly or indirectly the Constitution of each Member State of the European Union. The analysis of constitutional provisions on legal certainty also makes it possible to assess the quality of regulation at the level of each state under discussion. The subject is particularly interesting in the context of the quantitative increase in legislation generated by the evolution and complexity of the relationships between individuals.

**Keywords:** legislative abundance, rule of law, quality of regulations. **JEL Classification:** K10.

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**Paper:** In Search of Time for Speeding up the Public Procurement Dispute Resolutions  
**Author(s):** Mihaela Victorița Căraușan, Associate Professor, PhD, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania; Member of European Law Institute

Arbitration was established by the Government Decision no. 1/2018 as one of the dispute resolutions method which must be used for work contracts over 5 million Euro financed by public funds. Even the rule was criticised, we appreciate, in a certain measure, the clauses for better adjudication of disputes among the contracting parties. Dispute resolution methods are currently commonly used in the construction industry, among them only arbitration and litigation are statutory controlled, all the others are private. This paper attempts to address these alternative mechanisms focusing more on the duration of the processes and on the Government success in decreasing the number of lawsuits. By focusing on the critical attributes of alternative dispute resolution methods we will try to find out if they can really be kept as simple, inexpensive and effective.

**Keywords:** administrative contract, celerity of dispute procedures, public system effectiveness. **JEL Classification:** H57.

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Paper: Confidentiality Clause vs Data Protection in Work Relationships  
Author(s): Radu Răzvan Popescu, Associate Professor, PhD, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

Throughout the duration of the individual employment contract, both the employee and the employer enter in possession of data and information of a private nature, pertaining to the partner in the employment relationship. This type of information with confidential character is basically divided, from the point of view of the legal nature, in three categories: confidential data, based on the fidelity obligation, data and information not disclosed due to the existence of a confidentiality clause, and the data and information which, according to the special law, are catalogued as being work or state secret. At the same time, the employer is held by the obligation to preserve the confidentiality of the personal data and information it learns about its employees. The duration of these periods when the parties must preserve confidentiality is another issue that raised disputes, both in the specialty literature and in the practice of the courts of law.

Keywords: confidentiality clause, damages, work secret, fidelity obligation. JEL Classification: K31.

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Paper: The Global Pact for the Environment – A New Framework for Global Environmental Governance  
Author(s): Andrei Duțu-Buzura, Associate Professor, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

Appearing at first over thirty years ago, having an original evolution regarding its contents – explaining the meaning and increasing the international awareness on environmental issues – the idea of a Global Pact for the Environment has been broadly accepted by the legal community and has become an obvious necessity for each and every country. Assumed and promoted by France in a legal and diplomatic initiative, the project can soon be materialized as an internationally representative document, of global reach, in the field of environmental protection. Obviously, as an instrument for codification of existing law, its creative part will be minimal, which implies a continuation and intensification of the efforts to develop the regulations regarding the global sectors – biodiversity, air pollution, waste etc. – and, thus, the creation of a global mechanism of actualization and permanent update of the normative contents of the treatise. Finally, the elaboration, the adoption, and the perspectives of an international text of global impact would favour other innovating initiatives, such as new dimensions of international law and governance, both generally, and concerning the specific aspects of environmental protection.

Keywords: environment, international law, global governance, climate change. JEL Classification: K33.

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## WG6. Peaceful Settlement of Conflicts and Management

Chair: Niță Mircea Aurel, Associate Professor, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

Co-Chair: Cristina Teodora Pop, PhD, Assistant-Magistrate at the Constitutional Court of Romania,  
Associate professor at the Faculty of Philosophy, University of Bucharest, Romania

### *Papers:*

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Paper: Culture of Peace and Mediation in 21<sup>st</sup> Century Education

Author(s): Nadjat Karabernou Paduret, President CCIR-A

Starting from the UNESCO definition of Peace Culture in Article 1 of the Peace Culture Declaration, we can identify seven values that can be passed on to educated peoples culture. It is about Non Violence, Tolerance, Solidarity, Democracy, respect for human rights, respect for the law, and environmental protection. Education for peace culture emerged as a consequence of these seven types of education. They are found in many educational programs but well-regarded as different fields and autonomous subjects. In a culture of peace education, a holistic and global approach is needed.

Keywords: values, respect for the law, education, holistic approach. JEL Classification: J52.

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Paper: Revisiting the Ancients - a Modern Perspective on Administrative Dispute Resolution  
Methods in Roman Classical Law

Author(s): Ionela Cuciureanu, Bucharest Bar, PhD candidate, University „Babes Bolyai” Cluj  
Napoca, Faculty of Law, Cluj, Romania

The paper analyses an essential question: How would have looked the roman juridical belief and how would have evolved the modern law systems without the institution of the praetor and his innovations, particularly the administrative dispute resolution procedures? The evolution of social relations, the development of trade, of contracts, of the juridical status of the person, would have been stopped in their embryonic phases, because the patterns inside which they should have fit were far too tight, if the praetor would not have found appropriate means to manage dispute resolution in a non-contentious manner, without arriving in front of the judge. The praetor's activity represented the continuous adaptation of the law at the needs of the society – *adaequatio intellectus et rei-managing*, in the same time, to anticipate some steps forward that society was due to make in the future. The paper will also have in view a practical case study on how the judicial system could be significantly relieved in the event of a modern application of the praetorian dispute resolution methods.

Keywords: praetor, edict, *ius civile*, dispute resolution, classical roman law, modern law. JEL Classification: J52.

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Paper: Communication Techniques in Mediation

Author(s): Claudiu Florinel Augustin Ignat, PhD, Lecturer, Craiova Law Faculty, Bucharest “Spiru  
Haret” University, Romania

This paper aims to develop the importance of communication in the mediation procedure as well as to focus on several communication techniques that proved their utility in time. We shall analyze for the beginning the tremendous impact that communication has in a non-contentious dispute resolution procedure, as mediation, continue with the exposure of various communication techniques, underlining those that are appropriate for this procedure, and present also, in the end, several practical cases, justifying the choice for one or more particular communication techniques.

Keywords: mediation, communication techniques, dispute resolution. JEL Classification: J52.

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**Paper:** The Peculiarities of the Consumer Decision on the Services Market  
**Author(s):** Mihaela Andreea Stroe, Lecturer, PhD, “Nicolae Titulescu” University, Bucharest, Romania

The service market has some peculiarities given that the consumer decision is made upon the consumer's information about the service. People are reasonably rational because of the interpretation of things in relation to others without the autonomy of thinking. The service market is a very important model from the perspective of specific abstraction, intangibility, and psychological phenomena such as perception, motivation, consumer attitudes, framing effects emphasize the game of individual rationality. Consumers can react uncontrollably to certain stimuli and are sometimes unable, taking into account the options available, to choose the optimal solution despite being aware of what is favourable to them. Cognitive and psychological processes play an important role in the consumer decision given cognitive dissonance, the fact that people filter information according to attitudes and beliefs, attitude to risk, informational asymmetry, emotional factors leading to consumer decision, risk aversion and, also, phenomena related to consumer behaviour on the market. The rational behaviour of the consumer is considered to be the one that offers maximum satisfaction with minimal cost at a maximum efficiency. The fact that there are many existing needs in the context of a limited resource nature makes the consumer choose to be based on the priority criterion. The opportunity cost is seen in this context as the value of the consumer's abandonment. All decisions related to spending a sum of money will be made taking into account the opportunity cost that is measured on the services market and in terms of aversion to regret in making the decision in incomplete information. The additional costs and benefits of an election should not only be measured in money, but also in terms of risk and comfort. We can refer to a psychological cost defined as the buyer's sacrifice when choosing a product variant. Every decision taken presents opportunity costs. So, we can state a relation between consumption and happiness and, although, at a first glance, it can be said that consumption is related to materialism and wealth, studies show that the relation between happiness and consumption is inversely proportional are not aware of what brings them happiness or not. (Waiss and Brown 1977). This presumption can be exemplified on the insurance market, that is a service market and all the characteristics of this peculiar market are encountered enhanced by the uncertainty offered by the insured risk. So risk behaviour, attitude to risk, culture, education, cognitive dissonance can be analysed as filters or barriers in making the consumer decision influenced, on the other hand, by the processes regarding the consumer behaviour on the insurance market such as moral hazard, informational asymmetry, adverse selection.

**Keywords:** market of services, decision, consumer, cognitive dissonance, happiness, insurance. **JEL Classification:** D18.

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**Paper:** Settlement of Legal Disputes of Constitutional Nature between Public Authorities  
**Author(s):** Cristina Teodora Pop, PhD, Assistant-Magistrate at the Constitutional Court of Romania, Associate professor at the Faculty of Philosophy, University of Bucharest, Romania

Introduced by the revision of the Constitution, in 2003, at article 146 e), the power of the Constitutional Court of Romania to settle legal disputes of constitutional nature became one of the most effective constitutional mechanisms that lead to the restoring of the legal balance between the functioning of the implied public authorities, and thus to the state of constitutionality, as a result of exercising by the Constitutional Court of its role of constitutional arbitrator and of guarantor of the supremacy of Constitution. The legal effects of the decisions issued by the Constitutional Court are stipulated in a general manner at article 147 (4) of the Constitution, that provides that they shall be generally binding and take effect only for the future, after they are published in the Official Gazette of Romania, the reason why they shall be established according to the role of this power of the Constitutional Court and to the reason wherefore it was regulated. The case-law of the Constitutional Court regarding the settlement of legal disputes of constitutional nature reveals the active role of the Court in exercising this power, as more than in the past, the solutions of the Constitutional Court finding the existence a legal conflict of constitutional nature are accompanied by legal patterns that shall be followed by the parties, in order to achieve the standards of constitutionally, which is an aspect that gave rise to substantial controversies among doctrinaires in the field of constitutional law.

**Keywords:** the powers of the Constitutional Court of Romania, the legal effects of the decisions of the Constitutional Court of Romania, public authorities of constitutional level, standards of constitutionality. **JEL Classification:** K10.

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**Paper:** The Causes of Nonverbal Communication Errors. Applications in Mediation  
**Author(s):** Mircea Aurel Niță, Associate Professor, PhD, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

The paper shows the influence of human mind due to the mental representations upon nonverbal communication. The functional preferences of mind hemispheres can influence the coding and decoding process for the emitter and receiver while the nonverbal message is moving from emitter to receiver and vice versa. Errors in communication can appear inside both minds of emitter and receiver, for example for the mind of mediator and the client. That is why a mediator must know and must be full of awareness about his peaceful mind state and the client, too. Some solutions are underline and proposed to be used before the mediation meeting starts.

**Keywords:** human mind, mental representations, coding and decoding process. **JEL Classification:** J52.

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**Paper:** Conflict Management Strategies in Mediation  
**Author(s):** Claudiu Florinel Augustin Ignat, PhD, Lecturer, Craiova Law Faculty, Bucharest “Spiru Haret” University, Romania

Conflict has been regarded for long as the core element of law, its mere *raison d’etre*, and this contentious approach of disputes being unfortunately still popular upon both laymen and law professionals. However, in alternative dispute resolution procedures in general, and in mediation in particular, conflict is regarded from a different perspective. This paper is aimed to develop the approach of mediation towards conflict, an approach focused on the fact that in front of the mediator, often the sole common ground of parties is the conflict itself. In other words, having a conflict is the sole element upon which the parties agree. From this point further, it comes to the mediator to apply the appropriate mediation techniques in order to strike a balance between the conflicting interests and to transform the initial conflict into a starting point for discussions.

**Keywords:** mediation, procedure, dispute resolution. **JEL Classification:** J52.

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**Paper:** Infringement of International Law in Ukraine since 2014  
**Author(s):** Martina Novotná, University of Alexander Dubček in Trenčín, Slovakia, Department of Political Science

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**Paper:** Operational Truth, Mind State and Crises in Management of Mediation  
**Author(s):** Angela Stela Ivan, Chief Lecturer, Dunarea de Jos University of Galati, Romania  
Mircea Aurel Niță, Associate Professor, PhD, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

The human minds of both parts, either emitter and receiver, either mediator and client operate with the Triangle of Knowledge-General, Concrete and Specific, so that one part can operate with a type of truth while the other part operate with the truth specific to the experience of this part. Starting from logical truth, going to the emotional truth and taking into account different influencing factors such as, culture, experience and age, sex, level of education, belonging to an organization, spiritual or a nonspiritual vision, etc., it is very important the relaxing state of the mind for the mediator. The paper shows how important is the holistic approach for the mediator mind especially during the process of mediation.

**Keywords:** logical truth, emotional truth, holistic approach of mediation. **JEL Classification:** J52.

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**Paper:** Transdisciplinarity and the Logic of Third Part. What Is Different in Put Us Together  
**Author(s):** Adrian Singurov, Priest

The paper deals with separation as a thinking problem and as a behavior one, too. Separation is against unity, so that using the law of Third Part it is easy to avoid separation between individuals and people. Solving conflict by peaceful means is the future of Humanity. **JEL Classification:** J52.

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# Students' Workshop

Chair: Ioana Cristina Vida, PhD, Parliamentary Adviser, The Chamber of Deputies of the Romanian Parliament, Bucharest, Romania

Co-Chair: Elena Marinică, PhD, Assistant Professor, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

## *Papers:*

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Paper: The Power of People in a Democratic State

Author(s): Georgeta Claudia Pleșa, Student, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

The popular legislative initiative is a constitutional right recognized by the extra-parliamentary opposition. In a democratic state the power of the People represents a key point in the direction of a state. Democracy is the form of organization and political leadership of a society based on the principle of the exercise of power by the people. In this paper we will present under what conditions a law can enter into force and why it is important to consult the people in matters directly affecting it. Identifying citizen's needs as well as consulting them on certain issues is an excellent mechanism for peacekeeping and operation in the best possible conditions of the entire administrative apparatus.

Keywords: people's initiative, democracy, rights and duties. JEL Classification: K10.

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Paper: Legal Documentation - Normative Acts Drafts

Author(s): George Ilie, Student, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

My article deals with a special theme in Legislative Technique or Formal Legislation. It is one of the stages preceding the drafting of the normative act, in legal documentation. I have chosen this subject as the creation of law requires a research activity based, among other things, on studying and analyzing normative and jurisprudential acts of the forums considered to be milestones in this respect. The documentation in the drafting of normative acts is imperative because it makes the correlation between the elements to be in legal norms with the European law, the Fundamental Law and the other laws, on the one hand, and on the other hand, it agrees with the needs and the social reality with the provisions of the act, thus leading to the efficiency and the stability of the act of legislation, as well as the decrease of the risk that the act will become obsolete. The structure of the article will have two main parts. The first part will include an introduction to the study of formal legislation and will address aspects of scientific documentation in general and legal documentation in particular. The second part will practically, in a comparative way, deal with the legal documentation at the level of law-making bodies and of supreme courts in Romania and the European Union.

Keywords: rule of law, elaboration procedure, documentation. JEL Classification: K10, K40.

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Paper: Approval and Endorsement of Normative Act Draft  
Author(s): Razvan Adrian Grigore, Student, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

In this article I will speak about the problem of approval and endorsements of normative acts drafts, looking forward to try answer a number of key questions, such as: Why did I choose this issue? I will try to define what is the main reason of this paper/research in what concerns the subject of approval of normative acts drafts; What issues I have reached? Issues in what concerns the study of formal legislation, instruments for approval and endorsements; What difficulties I have reached, what is the importance of the study and what I have brought new with my research. The paper will be divided in two main parts. Part one will contain two sections which will approach to introductive aspects in what concerns the study of formal legislation and the problem of normative acts approval. The second part will contain an analyze of how European normative acts are approved.

Keywords: rule of law, endorsement procedure, adoption procedure. JEL Classification: K10, K40.

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Paper: The Legal Conceptualization of European Union Law and the Role of the Council of the European Union in the Adoption of EU Law  
Author(s): Cristi-Gabriel Stoian, Bachelor Degree Student, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

In this scientific approach, we aim to identify the premises underlying the creation of European Union law, to determine the legal nature of this new right, to observe the objectives it has set itself to achieve and the future consequences for the Member States. We will firstly point out that what the concept of European Union law means is where the EU has exclusive competence and shared competence with the Member States and that the ultimate interest of these actions is to ensure economic growth and competitiveness for all states and regions of the EU. We will also stop on the role of the Council of the European Union in the context of Romania's presidency in the first six months of 2019.

Keywords: Council of the European Union, legal conceptualization, attributions, presidency of the European Union. JEL Classification: K1.

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Paper: Elements of Legislative Technique - Comparative View  
Author(s): Izabela Lupu, Master Degree Student, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

Our scientific approach is based on the pre-requisites of Formal Legistics, according to which the law is made up of the sum of the normative acts in force in a certain predetermined geographic area, influenced by its own historical, cultural, political evolutions etc. Thus, we propose to find the answer to the following questions: "What is the lawmaker's creation?", "Is there a typology of a universal lawmaker?". In order to answer the questions raised, we propose to refer to Law No. 24/2000 and to its legal counterparts in Belgium, France, Spain, Austria and Finland.

Key words: legislative system, formal legislation, normative act, Constitution. JEL Classification: K10, K19.

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Paper: Education is Guarantor of Respecting the Realization of Rights  
Author(s): Mariana Dumitru, Student, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

The full guarantee of the exercise of the right to education, in all its dimensions, occupies an important place in the legal system, from which all the other fundamental rights and freedoms through which life standards are ensured, acces to the information necessary for the development of skills and abilities to improve quality of life, the environment, and respect human dignity. Keywords: education, guarantee, fundamental rights, human dignity. JEL Classification: K10, K19.

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National University of Political Studies and Public Administration



## 5<sup>th</sup> Annual International Conference on Law and Administrative Justice from an Interdisciplinary Perspective

# AUTHORS GUIDELINES FOR 2018 LAJIP INTERNATIONAL CONFERENCE

### **PUBLICATION:**

The papers presented within the conference will be published in the *International Law Review*. The review is included in the international databases: SSRN, EBSCO, ProQuest and VLEX.

Papers submitted after the deadline cannot be published.

For publication the full paper should be written in English using Microsoft Word. The text should be in TNR font size 10, justify and single line spacing. The footnotes should use Times New Roman 8.

If the paper is divided in chapters and paragraphs, the chapter's title will be written Times New Roman 10, left, caps lock, bold, double line spacing; the paragraph's title will be written, Times New Roman 10, left, normal, bold, double line spacing.

Both in the body of the text and in the footnotes the following short forms are used: art. (= article); para. (= paragraph); p./pp (= page or pages); t. (= tome); vol. (= volume); G. O. (= Government Ordinance); G. D. (= Government Decision). REFERENCES (books and specialized journals) must be introduced using "Harvard Style".

Please consult: [http://www.library.uq.edu.au/training/citation/harvard\\_6.pdf](http://www.library.uq.edu.au/training/citation/harvard_6.pdf). For another quoted works (jurisprudence, legislation, websites) please use only footnotes. The document's name has to be mentioned, its number, the date of ruling/ issuing, the issuing authority (court), and the publication where it is included (The Official Gazette, case law reports etc.). Footnotes will continue on the following pages and won't start with no.1 on each page.

With the exception of the title, the text and the footnotes of the material have to use normal character format, and, when required, only italics. The materials (articles, researches) submitted for publication cannot exceed 15 standard pages.

### **SUBMISSION PROCEDURE:**

For participation please submit your final paper until **January 11, 2019**.

Submit your paper to: [law.justice.conference@gmail.com](mailto:law.justice.conference@gmail.com)

### **PREPARE YOUR PRESENTATION SLIDES:**

- Every presenter will be given 10 minutes for presentation plus 5 minutes for questions and answers. Please prepare your slides to fit into that duration.
- An effective oral presentation should be structured accordingly: introduction, outline of main points, detail of main points, conclusion. The presentation must be in English.

### **IMPORTANT:**

On the day of your presentation, please report to your assigned room 10 or 15 minutes before the working group is scheduled to begin. Introduce yourself to the Chairman/Chairwoman of the working group your paper belongs to, and check that any audio - visual equipment you need to use is setup and working properly. Please load your presentation onto the hard drive so that the transition between presentations is smooth.

# Working Groups Sessions

## WG1. The Administrative Capacity of the Judicial System

Chair: Alistar Victor T., Associate Professor, PhD, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania  
Executive Director, Transparency International, Bucharest, Romania

Co-Chair: Judit Siket, PhD, Faculty of Law and Political Sciences, University of Szeged, Hungary

### *Papers:*

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Paper: Accession to the European Union Cannot Affect the Supremacy of the Constitution over the Whole Legal Order

Author(s): Ionița Cochînțu, PhD, Assistant Magistrate, Constitutional Court of Romania

Following the accession, the provisions of the founding Treaties of the European Union, as well as other binding provisions under Community law, shall prevail over any provisions of the domestic law, while observing provisions in the accession instrument. However, in relation to the notion of "internal laws", a distinction has been made between the Constitution and the other laws. Also, the same distinction is made at the level of the Basic Law by art. 20 par. (2) the final sentence for the purpose of applying international rules as a matter of priority, unless the Constitution or domestic laws contain more favourable provisions, and Art. 11 par. (3) states that if a treaty to which Romania is to become a party contains provisions contrary to the Constitution, its ratification can only take place after the revision of the Constitution.

Keywords: international law priority, rule of law, constitutional provisions. JEL Classification: K10.

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Paper: Boosting Access to Justice as a Support to Raise Administrative Capacity of the Judicial System

Author(s): Irina Lonean, PhD, Invited Lecturer, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

Trust in the judiciary is a key element of its capacity, as there is no fair trial without both the material guarantees and the feeling of a fair trial. In this context, boosting access to justice is not only a very important human rights issue, it is also instrumental in order to ensure the needed capacity of the judicial system. Moreover, boosting access to judiciary in administrative cases, when citizens appeal administrative decisions and procedures, is key in order to strengthen the administrative capacity as well. In this context, the paper focus on the successive programmes and projects aiming to boost access to justice of the Ministry of Justice, the Superior Council of Magistracy and other actors, including civil society organisations. Different policies and initiatives to ensure access to justice are examined in order to determine the most effective approaches, based on a combination of theory based evaluation methods including the Realist Evaluation and the Prospective Evaluation Synthesis and data collected from desk based research and interviews with decision makers, civil society representatives and justice seekers. The paper concludes that only a combination of support to access the judiciary (like the public judicial assistance) and incentives to access the judiciary to discouraged citizens can work for more trust in the judiciary better judicial capacity.

Keywords: public judicial assistance, incentives to access the judiciary, trust in the judiciary. JEL classification: K38.

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Paper: The Administrative Justice Completely Withdrawn in Republic of Moldova  
Author(s): Maria Orlov, PhD, Associate Professor, "Alecus Russo" State University of Bălți, Institute of Legal and Political Research of the Academy of Sciences of Moldova, President of the Association "The Institute of Administrative Sciences of the Republic of Moldova"  
Marina Grosu, Juristconsult, Project Coordinator in Public-Private Partnerships

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Paper: Administrative Capacity of the Judicial System. An Evaluation from the Point of View of the Judiciary Role in Fighting Corruption  
Author(s): Alistar Victor T., Associate Professor, PhD, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

The paper addresses the issue of the capacity of the judiciary in direct connection with the performance of the Judicial System to fulfil its role to curb corruption. The paper is based on the methodology of the National Integrity System Assessment proposed by Transparency International and proposed an evaluation of the capacity of the judiciary taking into account the legal provisions and the practical implementation of these provisions on the two main criteria on institutional capacity proposed by the National Integrity System model: resources provided and independence ensured. New provisions on the organisation of the judiciary are considered in this respect. The paper is then comparing the results of the assessment of the capacity of the Romanian judiciary with the assessment of its performance in curbing corruption in order to find a direct connection between the two: capacity and role to curb corruption. However, the paper also rises the issue of the judiciary governance, assessed based on three other criteria of the National Integrity System: transparency, accountability and integrity. These have, together with the capacity issues, the same instrumental importance to support curbing corruption by the judiciary.

Keywords: capacity of the judiciary, judiciary independence, resources for the judiciary, role of the judiciary, curbing corruption, performance. JEL Classification: D73.

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Paper: The General Court – The Tendency to Become a Common Jurisdiction  
Author(s): Irina Zlătescu, Professor, PhD, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

This study aims to prove that the General Court is becoming the ordinary court with the meaning of Article 256 TFEU for the first instance resolution of actions for annulment, actions for compensation based on non-contractual liability, actions for failure to act and for the resolution of disputes regarding arbitration clauses. Exceptions will be made when specialized courts will be established, as it was the case of the Civil Service Tribunal (2004-2014). Another exception consists for the resolution of causes, which fall according to the Statute under the competence of the Court of Justice. Nevertheless, the Statute may also provide competences of the General Court for other types of actions.

Keywords: first instance, actions, arbitration clauses. JEL Classification: K40.

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Paper: The Ombudsman in the European Context  
Author(s): Denis-Roxana Gavrilă, PhD Candidate, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

The article analyses the role of the Advocate of the People in the national and international context, starting with its appearance (OMBUDSMAN) on the historical and political stage of the northern European states, until today. It has assumed the role of supporting citizens in their problems with the administration and promotes, on its own initiative, the principles of transparency and inherent responsibility for the concept of good governance practices. Individuals have reported possible violations of the right to information, the right to petition, and the right of the person injured by a public authority. The article will present that in the local and central public administration institutions, civil servants are insecure and the managerial capacity to implement decentralized responsibilities is not strengthened. A sustained effort is necessary, noticing also that The European Commission Against Racism and Intolerance (ECRI), a body of the Council of Europe, in its Fourth Report on Romania, approved by the Council of

Europe in March 2014, recommended that the People's Advocate Institution take decisive action against public authorities when they suspect that there have been flagrant violations of human rights, especially when they are related to racial discrimination, cases presented in this paper.

Keywords: non-contentious means; mechanism for the prevention, minorities. JEL Classification: J15.

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Paper: Amendments to the Law no. 554/2004 Introduced by Law no. 212/2018

Author(s): Elena Mihaela Fodor, PhD, Associate Professor, Faculty of Law Cluj-Napoca,  
„Dimitrie Cantemir” Christian University, Romania

The paper discusses the amendments regarding the definition of the administrative act, the limitations of the control of the contentious administrative courts, the prior procedure, the object of the legal action, the competence of courts, the parties, the procedure and the enforcement of the court decision. The analysis of the amendments introduced in the Law no. 554/2004 by Law no. 212/2018 is made in corroboration with other normative acts. Generally, the legislator managed to harmonise the provisions of the Law no. 554/2004 with other normative acts and at the same time, to preserve the specific of the contentious administrative. However, litigation procedure for the administrative contracts together with the rules for contesting the first instance decision do not respond to the specificity of the administrative law.

Key words: Law no. 554/2004, contentious administrative, prior procedure, administrative act, administrative contract. JEL Classification: K39, K41.

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## WG2. Human Rights in the New Era

Chair: Zlătescu Irina, Professor, PhD, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania  
Director of the Transdisciplinary Centre of Human Rights; Titular Member of IACL and Member of the Council of ELI

Co-Chair: Saghi Florin Emeric, Vicepresident of the Romanian Association for the United Nations member of the World Federation of the United Nations Associations

### *Papers:*

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Paper: EU ETD – Towards a New Chapter in EU Citizens' Rights and a Better Administrative Cooperation

Author(s): Erzsébet Csatlós, PhD, Senior Lecturer, Faculty of Law and Political Sciences, Department of Administrative Law, University of Szeged, Hungary

The European citizenship was officially created by the Maastricht Treaty to confer rights on citizens of the Member States of the EU. Among these rights, the most challenging one was the right that enabled EU citizens to turn to any foreign representation of any Member States for consular protection in third States in case if their own State of nationality is not represented there. According to surveys, almost 7 million EU citizens travel or live outside the EU, in places where their own country does not have an embassy or consulate. Member States with well-developed and extended international relations are in a better position to serve their nationals in need, but most of the Member States are in a less favourable situations and the EU citizenship policy aimed to eliminate these differences in the point of EU citizenship rights. Given to the consular protection's strong ties to foreign relations, first, it was placed under the unanimous decision-making capacity of the Council under the CFSP regime, but the Lisbon Treaty has introduced major changes not only for the consular protection policy of the EU but on the other hand, to facilitate effective execution of EU policies in general. It lifted the right to get consular help abroad and also the right to good administration, among others, to fundamental level and placed them at the top of the norm pyramid. All these developments have indicated changes in the consular protection policy which resulted new foundation stones of the policy (Council Directive (EU) 2015/637 of 20 April 2015) and now, the reform of the issue of emergency travels document (ETD) is on the threshold as it is the most commonly claimed consular protection service. Therefore, a Council directive proposal was submitted on the last day of May of 2018 on the EU ETD. Its provisions are innovative and embody a series of opportunities for further development. On one hand, it is a pioneer among measures of facilitating the administrative cooperation while ensuring a better administration of this consular protection measure, although, on the other hand, it leaves open questions and offers a variety of choice for Member States which also increase legal challenges in the view of rights of the EU citizens.

Keywords: good administration, legal challenges, consular protection. JEL Classification: F22, K33.

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Paper: Multiple Discrimination in the Contemporary European Society

Author(s): Ruxandra Darclée Miu, Legal adviser, National Oil Transport Via Pipelines and Rail Tanks Company (CONPET SA), Ploiești, Romania

In the context of nowadays non-discrimination cannot be made through simple acts or statements. Statements as the Universal Declaration of Human Rights, or the European Convention of Human Rights have to be incorporated in every state's if not every individual's culture in order to achieve its goals.

Multiple discrimination represents any combination of forms of discrimination against persons on the grounds of sex, racial or ethnic origin, religion or belief, disability, age, sexual orientation, gender identity or other characteristics, and to discrimination suffered by those who have, or who are perceived to have, those characteristics. It can manifest itself in two ways, there is 'additive discrimination', where discrimination takes place on the basis of several grounds operating separately and second, there is 'intersectional discrimination',

where two or more grounds interact as they are inextricable. Although multiple discrimination has always existed, it has not been recognized as a legal concept until recently.

Keywords: multiple discrimination, non-discrimination, tolerance, European Union, human rights, European Agency for Fundamental Rights. JEL Classification: K38

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Paper: Aspects of Discrimination from the Perspective of the Migration Phenomenon

Author(s): Roxana Moisoiu, PhD candidate, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

Migration has existed since the beginning of mankind. The phenomenon did not cease over time, but it has seen changes and new forms with the evolution of society. Migration processes take place simultaneously and are increasing in many countries of the world. The main causes of unprecedented population movements are armed conflicts, famine, natural disasters, human rights violations and deplorable economic conditions in some states. Collective attempts to regulate refugee-specific issues and migration have so far been quite limited. The European Union has taken a step forward in this direction. The European Union now considers that an integrated and comprehensive approach is desirable in order to better manage the phenomenon of migration. The implications of contemporary regional and global migration have consequences on the social, economic, cultural, political and religious environment of the states. Migration has transformed and redefined the political and economic interests of states, but has accentuated and expanded the phenomenon of discrimination, violating the principle of equality. Accepting multiculturalism of different religions as well as social diversity is the key to combating discrimination and respecting the right of every person to equal opportunities. Equal opportunities are based on ensuring the full participation of each person in economic and social life, regardless of ethnic origin, sex, religion, age, disability or sexual orientation.

Keywords: migration, migrant, discrimination, equal opportunities. JEL Classification: J15.

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Paper: The Right to Health Care, a Fundamental Human Right

Author(s): Remus Marian, PhD candidate, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

The right to health protection is part of the human rights and freedoms, which the state, as a result of their recognition, is called upon to respect, guarantee and protect them. The existence and life of man being inextricably linked to society, these desiderata are always topics of study and debate. A common approach to ensuring the maintenance of the health of the population and a higher level of prevention in the national health system is revealed by the cooperation between the public administration and the Church institution, aiming to ensure a better health of the Romanian population and the accentuation the role of prevention in maintaining health. Such a project is aimed at disadvantaged people in rural areas with reduced educational level and social cases

Keywords: human rights, right to health, freedom, public administration. JEL Classification: I18.

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Paper: Promotion and Protection of Human Rights in the Context of the Actual and Future Local Fiscal System

Author(s): Florin-Ionel Trușcă, PhD candidate, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

The protection of human rights as well as their promotion have been and are still a challenge for each state, especially for developing countries. The multitude of normative acts regulating the local tax system in Romania, the bureaucracy reflected by the significant increase of the forms through which information is collected and the tax obligations are established, as well as the main objective of the tax bodies, respectively the collection of revenues to the local budgets, make it increasingly difficult to achieve human rights objectives. Therefore, the paper proposes the passage of the local tax system from the rudimentary state where it is to a digitized system at national level, which through its instruments and techniques can ensure the promotion and protection of human rights.

Keywords: promotion, protection, individuals, principles, rights. JEL classification: K38.

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Paper: Universal Declaration of Human Rights -  
70 Years of Promoting and Protecting Human Rights  
Author(s): Irina Zlătescu, Professor, PhD, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

Developed by law specialists coming from different regions of the world, from UN member states but with different legal systems and cultures, the Universal Declaration of Human Rights, proclaimed by the UN General Assembly on December 10 1948, is yet another a common ideal to be touched by all peoples, all nations and all individuals. Its 70th anniversary requires us to reflect on the past and to look for the future. It enables us to identify challenges and threats.

Keywords: human ideal, culture, future challenges. JEL Classification: K 33.

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Paper: Understanding of the Rights of the Data Subjects  
Author(s): Andreea Drăgan, PhD candidate, Faculty of Public Administration, National University of  
Political Studies and Public Administration

General Data Protection Regulation replaced the Data Protection Directive that has been in place since 1995. This regulation gives power back to the people as European Union considers privacy as human right. The whole Chapter 3 of the GDPR treats the subject of rights of the data subject, as with the new modified Regulation, the number of rights for data subject has increased considerably and the old ones have been consolidated. Now we can speak of the right to information, right to access, right to rectification, right to withdraw consent, to object, to object to automated processing, to be forgotten and data portability, just to mention a few. But how do these rights help to protect European citizens' personal data? For example, once an EU citizen has given his consent for processing his personal data for a purpose, he has the right to withdraw his consent through a request which implies that the company that processed his personal data to stop. The new GDPR provides many rights for data subjects, in order to protect their private life. But as important it is to know for each individual to know their national legislation because "*Ignorantia legis neminem excusat*" or "*nemo censetur ignorare legem*" which means "ignorance of law excuses no one" or "nobody is thought to be ignorant of the law", is as important to be aware of the European regulations especially when it works in citizens favour.

Keywords: privacy, GDPR, European regulations. JEL Classification: C89.

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Paper: Bussiness and Human Rights  
Author(s): Petru Emanuel Zlătescu, PhD candidate, "Nicolae Titulescu" University, Bucharest,  
Romania Member of European Law Institute

The respect of human rights in the economic sector has become the regulatory object of many international and national standards over the past two decades. The impact of multinational corporations on the environment, and human rights in particular, is one of the most important topics on the international's community human rights agenda. The debate on this topic includes next to the benefits associated with, such as the development of infrastructure and job creation also its negative impacts on human rights. Since the human rights in question usually do not have a direct effect and multinational companies are therefore not considered as fundamental rights addressees, it is primary the duty of the state to protect these rights indirectly, by adopting legal norms and standards. The binding nature of these standards varies and includes both legally enforceable rights and obligations as well as standards with programmatic content and soft-law provisions. In general, these norms address three main aspects of the protection of human rights from the negative effects of the economy and globalization. First, the very first guarantee in this field is the state's duty to protect human rights against private threats. Secondly, a special responsibility should be imposed to the business enterprises, which obliges them to respect human rights. Thirdly, access to remedies should be granted in the event that an infringement has already occurred.

Keywords: standards, globalization, responsibility of business enterprises. JEL Classification: K39.

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**Paper:** Religion and Christian Family - their Role in Promoting and Keeping Human Dignity  
**Author(s):** Rareș Bogdan Ruge, PhD Candidate, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

Religion is the free and conscious connection of man with God, and the family - a school of love and cradle of life. Religion has always played an important role in the formation of moral and social skills and attitudes. The Christian family is the very cradle of Christian faith and formation, a true school of life. The family is considered the cell of society, which is why the state has the responsibility to defend and protect this fundamental institution. Before being full rights citizens, each person needs to live in a healthy environment that will allow them to develop as fully and harmoniously as possible. The Christian family is a holy temple in which the fullness of Christian virtues is stored. It is the cell from which human society was founded and on which human society is based, but also the church community, widening the boundaries of the kingdom of God. The family is the most important institution in the service of life. All the other institutions that have a role in supporting and promoting human life are subordinate to them, both in terms of their origin, especially in their role and purpose. Today the family and all social structures are affected by secularization. The diminishing of the Church's role in everyday life and the decrease in trust in God result in the degradation of relations between people, the failure to observe moral principles, the increase of crime, corruption, etc. Dignity shows value, honour, moral merit, degree of appreciation as the rank achieved by a person in society. In Christian doctrine, human dignity is a divine gift that, regardless of the circumstances in which the individual lives, takes as an example the image of God. In society, in terms of dignity, the autonomy and freedom of thought and the behaviour of an individual are also understood.

**Keywords:** religion, the Christian family; dignity; human rights. **JEL Classification:** K36, K38.

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**Paper:** The Rights to Education, a Strategic Priority of the 70<sup>th</sup> Anniversary of the Universal Declaration of Human Rights  
**Author(s):** Roxana Elena Vișan, PhD candidate, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania,  
Member of the European Law Institute

This article aims to be an incurs on the evolution and affirmation of the right to education in the human rights system, in order to offer suggestions on collective hope of transforming the world and providing a better future for future generations. Such a manifestation is achievable by a political will, the creator of an equalitarian model, to redistribute utopian visions of human freedoms. Considered as a unique window to the fundamental problems of human dignity at the societal level, the Universal Declaration of Human Rights affirmed over the seventy years the legitimacy of human rights in the face of global challenges and ensured the diversity of universal thinking. Considered one of the fundamental human rights, yesterday's education, today and tomorrow, is the main pillar in finding answers to global issues. Now is the time to take stock of progress and to identify strategic priority areas for the effective implementation of Agenda 2030 on Global Education.

**Keywords:** the right to education, strategic priority, global education, Agenda 2030. **JEL Classification:** I29.

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### WG3. Citizenship and Immigration in Europe

Chair: Mădălina Cocoşatu, Associate Professor, PhD, Director of the Department of Law "V.D. Zlătescu", Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

Co-Chair: Orlov Maria, PhD, Associate Professor, "Alecu Russo" State University of Bălţi, Institute of Legal and Political Research of the Academy of Sciences of Moldova, President of the Association "The Institute of Administrative Sciences of the Republic of Moldova"

#### *Papers:*

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Paper: Integration Policies for Legally Resident Third Country Nationals in View of New and Future Challenges and Ensuring Relevant Policies

Author(s): Elena Loredana Pirvu, Lecturer PhD, Police Academy "Al. I. Cuza", Faculty of Juridical and Administrative Sciences, Bucharest, Romania

Over the past decades, most EU Member States have experienced increasing migration. Migrants from third countries represent around four percent of the total EU population. Europe is also strongly influenced by demographic changes, including the ageing population, longer life expectancies and a declining working-age population. Member States have confirmed their commitment to further developing the core idea of integration as a driver for economic development and social cohesion, in order to better enhance migrants' contribution to economic growth and cultural richness. With the recent EU Action Plan on Integration, the Commission sets out policy priorities and tools for concrete actions to be undertaken at EU level in support of the action on integration taken at Member States' level, with a view to further develop and strengthen integration policies across the EU. The article will present the social, economic and political context recently changed and all integration measures underlined within EU Action Plan on Integration and will research about future challenges and relevant policies in need to be drafted and implemented on EU level.

Keywords: integration, refugee, policy, action plan, third country nationals. JEL Classification: K37.

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Paper: Immigration in Democratic States

Author(s): Ionut Cosoi, PhD Candidate, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

One problem that should concern political analysts is the inclusion of individuals who migrate from totalitarian countries to harmless, democratic countries. One cannot fail to see the strangeness of these foreign elements in the democratic contest of a free country. My objective is even to identify / detect in a democratic state the deceptive behavior of the democratic values of immigrants from the closed / totalitarian states. Informational flow takes place regardless of the individual's will in society and influences him even if he has not lived this experience. In democracy, information is the engine that ensures its endurance. The research method I use is that of participatory observation on small merchants coming from China. The result of the research has pushed me to conclude that this kind of immigrants - from a totalitarian country - must go through a process of awareness of democratic values because their idea of democracy is different from its real principles. Of course, by this process, only mature individuals, not minors, must pass, in my view they do not pose any danger. School is here a very important institution in learning real / real democratic values. The need to adapt people from totalitarian states and migrating to democratic states is real. A significant weight that can help in this respect is given by sources of information, the only valid / necessary aspect for corroborating "undemocratic" behaviour as the willingness to know the immigrant. For individuals living in a democratic state besides their legitimate responsibilities, they are also those of identifying and helping newcomers from other totalitarian states, helping themselves. In other words, society regulates itself by transmitting information from one individual to another - no matter which party they are.

Keywords: democratic values, participatory observation, inclusion. JEL Classification: K33.

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**Paper:** Immigrants Statuses in Europe: Citizenship, Residence Permit and Stay Permit  
**Author(s):** Lucia-Ştefania Avram, PhD Candidate, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

The author of this articles analyses the main legal norms applicable for the citizenship, residence permits and stay permits regarding the immigrants in Europe. The author will make a comparison between the main regional and national norm to understand the differences and the most favourable and the hardest regulation. The method used is the analyse of the legislation and informal interviews of different subjects from different countries.

**Keywords:** immigration, legislation, citizenship, residence permit. **JEL Classification:** K37.

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**Paper:** A New European Policy on Legal Migration - Enhancing Legal Pathways to Europe  
**Author(s):** Eleodor Pirvu, General Inspectorate for Immigration, Asylum and Integration Directorate,  
Deputy Director

Establishing safe and legal pathways of admission to complement resettlement programmes is therefore an essential step towards securing a meaningful response to the current unprecedented global displacement situation. The need to provide increased and complementary pathways for refugee admission is reflected in the New York Declaration for Refugees and Migrants, which was adopted by all 193 Member States of the United Nations at the UN General Assembly in September 2016. Countries, including the Member States of the European Union, expressed their intention to “expand the number and range of legal pathways available for refugees to be admitted to or resettled in third countries.” The article will present the implications of the EU-Commission’s proposal for seeking protection in the EU and will research about resettlement as a protective tool and durable solution for refugees. Answers to the actual position of the EU governments towards new policy proposal and what is the future for admission programmes to EU will be analysed.

**Keywords:** asylum, refugee, protection, legal admission, resettlement. **JEL Classification:** K37.

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**Paper:** Public Administration and Integration of Immigrants  
**Author(s):** Alexandra Bucur, PhD candidate, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania,  
Member of the European Law Institute

The study presents aspects related to managing the phenomenon of immigration, which is an important activity of the states, including Romania. Thus, public administration is an important actor in coordinating immigration policies. With a growing number of asylum applications, the response of state authorities must also be based on promoting the integration of immigrants into society. At the same time, immigration becomes an administrative process and its answers are necessary and important.

**Keywords:** public administration, immigration, integration. **JEL Classification:** F22.

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**Paper:** Accessing Cohesion Funds Granted by the European Union to Extra-community  
Immigrants. Application and Conditioning  
**Author(s):** Mădălina Cocoşatu, PhD, Associate Professor, PhD, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

EU humanitarian aid supports refugees and migrants from countries such as Iraq, Jordan, Lebanon and Turkey. Between 2015 and 2017, a total of €17.7 billion was earmarked from the EU budget to cope with the migration crisis. This paper aims to analyze EU funding for immigrants and transit countries in order to combat illegal immigration and trafficking in human beings. Also, this paper will analyze the procedure and conditionality that will be put to the European states in order to be able to receive funds for the integration of immigrants.

**Keywords:** aid support, migration crisis, integration of immigrants. **JEL Classification:** J15.

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Paper: Political and Diplomatic Asylum

Author(s): Andrei Bogdan Cipere, PhD candidate, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

One of the novelties of this paper is the fact that the topic is very topical due to the numerous crises that have occurred over the last years in almost all the world's continents, situations that have generated large waves of refugees that have created extreme problems the great governors and all those in charge of managing such crises, demonstrating the need to address the institutions of political asylum and extradition with more interest and depth. The way in which the work will be conceived, provides for the treatment of diplomatic relations between states, the immunities accorded to diplomatic staff in various legal systems and the institutions of asylum and extradition, starting from a historical and legal appreciation of their evolution, going up to to analyse the level at which they have reached today, and how the institutions that manage to manage them work. At the same time, a large part of the legal components of the diplomatic institution, the asylum at the European level and in the Romanian system, and refugee status will be highlighted and analysed by the approach to be accomplished, aiming to eliminate the large number of mistakes or misinterpretations . It will start from a clear delimitation of concepts and will go up to the most complex elements of structure and the mechanisms that ensure their operation, both theoretically and procedurally.

Keywords: immunities, refugee status, administrative mechanisms. JEL Classification: F22.

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Paper: The Role of Immigrants When Striving for a Resilient Labour Market in Romania

Author(s): Teodora Ioana Bițoiu, PhD, Senior Lecturer, Director of the Department of Economics and Public Policy, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

Crina Ramona Rădulescu, PhD, Senior Lecturer, Deputy Dean, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

Labour, one of the main production factors, remains a sensitive factor that implies both identifying education and continuous training opportunities and smart resource allocation, so to avoid a market failure. The labour market resilience, especially after the Great Recession, is more and more influenced by the labour market changes induced by the structural policies and, moreover, the legal framework dealing with migration issues.

The current research aims at analysing the connection between the legal provisions (national and European laws) and the specific aim of creating a resilient labour market, namely referring to the impact these provisions could have upon the output and employment recovery to keep the inequality low (Stiglitz, 2015), long-run evolution of the wage distribution (Piketty, 2014) and labour productivity (OECD, ECO/WKP(2017)38). The topic of the economic integration of migrants is not one treated only on a central level (through policies and specific legislation), but also one priority of the local public administration through their involvement in European projects dealing with immigrants and their access to rights (e.g. DELI – Diversity in the Economy and Local Integration, of which Bucharest municipality was part of). All in all, the paper argues that resilience can be promoted through labour reform that allows employers to bring in non-EU migrants at all skill levels with minimal restrictions (MPI, 2014).

Keywords: labour market regulation, migration, resilience. JEL Classification: F22.

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**Paper:** Brexit: a Member State Withdrawal from the European Union and the EU Citizenship Issue  
**Author(s):** Elena Marinică, PhD, Assistant Professor, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

This article examines how the voluntary withdrawal of the United Kingdom of Great Britain and Northern Ireland from the EU impacts the guarantee of the rights of EU citizens already living in the UK and the rights of British citizens living in other EU Member States, that must be secured in the context in which the loss of European citizenship is inherent to British citizens (accompanied by the loss of political rights, the right to vote, the right to stand as a candidate, etc.), followed by the loss of other rights after the end of the transitional period such as freedom of movement, recognition of professional qualifications, family reunification, etc. Some of the main ongoing initiatives and actions (e.g. the UK-EU withdrawal agreement) on citizens' rights are being analysed to see if all these measures are a qualitative leap towards a controlled, step-by-step exit to protect the rights and stability of the citizens affected by Brexit, or, on the contrary, they are small steps that demonstrate that this issue is far from complete, confronting a legal uncertainty that could cause losses and disadvantages likely to prove extremely dangerous to citizens.

**Keywords:** citizens' rights, legal uncertainty, voluntary withdrawal's effects. **FEL Classification:** K30.

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**Paper:** EU Institutions for Protecting the Vulnerable Groups in the European Space  
**Author(s):** Ionuț Bogdan Berceanu, Assistant Professor, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

The paper is part of the Erasmus + Jean Monnet Project EU – Diversity, Citizenship and Solidarity under Migration Pressure. From learning to e-learning , which has as one of the main objectives to promote excellence and innovation in teaching and research in EU studies, in particular in Migration Law and Economics. The aim of the paper is to realize a research regarding the institutional framework of the European Union used for protecting the vulnerable groups and individuals in the EU. The analysis will start for the definitions of the vulnerable groups and the identification of the European regulations which are contributing to the protection of these groups. There will be also analyzed how through its measures the EU institutions such as the European Parliament and the European Commission are contributing to the realize the an added value in the European space, by creating the premises of an unitary protection of the persons which are vulnerable.

**Keywords:** diversity, regulations, added value, Erasmus+. **JEL Classification:** K37.

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## WG4. New Tendencies in Public Administration Development

Chair: Cărauşan V.Mihaela, Associate Professor, PhD,  
Deputy Dean, Faculty of Public Administration, National University of Political Studies  
and Public Administration, Bucharest, Romania  
Executive Director, Association Centre of Academic Excellence, Bucharest, Romania

Co-Chair: Erzsébet Csatlós, PhD, Senior Lecturer, Faculty of Law and Political Sciences, Department  
of Administrative Law, University of Szeged, Hungary

### *Papers:*

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Paper: New Tendencies in Public Administration Development – Rising Era of One Stop Shop  
Delivery Models in Developing Countries

Author(s): Hakim Alasgar, PhD candidate of Doctoral School of Public Administration Sciences,  
National University of Public Service, Budapest, Hungary

Current tendencies in public administration development indicates, further development of state administration and local government reforms is connected with the use of decentralization and decentralization of public administration, separation of strategy from the provision of services, diminishing the gap between democracy and efficiency, enhancing the citizens participation and mutual trust of citizens in government and vice versa, creation of “business oriented” governments, principle of simplifications, improving the quality of public service improving the political and administrative culture and integration of various institutions, reforms and activities in the context of public administration development. As a model of public service delivery, OSS have been in vogue for many decades now. One-stop shops have currently emerged as more powerful actors than ever before in the developing countries. OSS operate towards the simple goal of making public services available under a single roof. OSS come in various designs, institutional arrangements and financing models, and provide different baskets of services in different contexts. While some provide the services of a single level of government (national/provincial/local), others provide services of more than one level. This paper looks at some of these definitional issues and maps some of the recorded examples. The proposed paper, will discuss how new tendencies in public administration leads to rising era of OSS models in the developing countries by relying on an extensive survey of literature, including policy documents, project information sheets of donors, government websites, media stories, academic articles, third-party evaluation reports and case studies recorded by non-governmental organisations among others.

Keywords: One-stop-shop, public service delivery, public administration, governance, customer, citizen, government, data, management, reform. JEL Classification: H83.

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Paper: Elements of Formal Legistics - Prerequisites for the Creation of European Union Law

Author(s): Ioana Cristina Vida, PhD, Parliamentary Adviser,  
The Chamber of Deputies of the Romanian Parliament

The paper aims to pass European Union law through the Formal Legistics filter. The scientific approach aims to show that the "builders" of European Union law were inspired by the elaboration of national normative acts. Thus, in the drafting of legislative acts of the European Union we meet with notions and syntagms that claim to ensure the quality of drafting, i.e. intelligible and unitary drafting, observance of the uniform principles of presentation and legislative technique, clear and simple texts, etc.

Keywords: formal legistics, legislative technique, European Union law, legal conceptualization. JEL Classification: K19.

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Paper: Local Governments in the System of Separation of Powers. The Executive Function  
Author(s): Judit Siket, PhD, Faculty of Law and Political Sciences,  
University of Szeged, Hungary

The paper is focused on the principle of separation of powers, especially examined the role of local self-governments in the system of division of powers. It gives a brief description on the dogmatic approach of the principle of powers based on the concept of Montesquieu, and Benjamin Constant who emphasised the significance of local power. The study demonstrates the effectiveness of principle of separation of powers and the constitutional status of local self-governments in the Hungarian Fundamental Law. According to the Fundamental Law, the essence of local governments is to manage public affairs and to exercise public authority this is the reason why local governments exist. The leading conception has changed, rejected the collective fundamental rights approach. A separate section aims to describe the executive power of local self-governments, in particular the functionality of local self-governments. A comparative part illustrates changes of local task-system after the adoption of New Local-Government Act in 2011, including both municipal and county level responsibilities, the strong centralization process in the field of local governance. In conclusion, local self-governments' role significantly decreased in the field of providing public services and in exercising of local public powers, functionality of local self-governments was substantially narrowed.

Keywords: separation of power, local self-governments, centralization. JEL Classification: K23.

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Paper: Justinian's Legal Reform – the Avatars of a Political *Credo*  
Author(s): Ionela Cuciureanu, Bucharest Bar, PhD candidate, University „Babes Bolyai” Cluj  
Napoca, Faculty of Law, Cluj, Romania

The paper aims to present the reasons that laid behind emperor Justinian's legal reform (the last Latin speaking emperor of the Roman Empire), as well as its effects on the roman society as a whole. The legal reform will therefore be regarded in the larger social and political context of the time and analyzed in relation to the crisis that was already eroding the Roman Empire, but also from the perspective of the modern lawyer, seeking elements of actuality that could be transplanted into the contemporary world. All things considered, it can be stated that the legal reform represents one of Justinian's key achievements, one of the works that, being meant to refresh through law the social dimension of life, crucially influenced the evolution of the humanity and remained an example of codification that could be revisited and used as models even in the globalization era.

Keywords: Legal reform, Roman law, social reform, modern law. JEL Classification: K39.

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Paper: Reasonable Formalism as Dimension of Administrative Discipline  
Author(s): Emil Bălan, Professor, PhD, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

The substantial need for simplification of administrative law, as the body of principles and rules governing the implementation of policies by executive power is now obvious.

Simplification can be achieved by rationalisation and improvement of administrative procedure as a dimension of administrative discipline and guaranteeing the fundamental human rights and exercise of public authority.

Keywords: administrative law; simplification; rationalisation; administrative procedure; administrative discipline.  
JEL Classification: K23.

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**Paper:** Perspectives for Developing the Civil Services in Romania. Vision on the New Development Strategy  
**Author(s):** Paula Ghitescu, PhD candidate, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

Romania will provide professional civil servants, politically neutral, capable in acting in terms of stability, transparency and predictability, responsible for their results and able to develop and implement effective public policies that will support sustainable development in Romania. To implement the new strategy we will consider the following principles: the legality and the respect for the rule of law, transparency, openness and participation, efficiency and effectiveness, proportionality, consistency and accountability, promoting gender equality and non-discrimination, accessibility, flexibility.

**Keywords:** civil service principles, political neutrality, effective public policies. **JE Classification:** J24.

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**Paper:** Report on the Diagnostic Survey of the Network for Integrity for 2017  
**Author(s):** Daniela Mitutoiu, PhD candidate, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

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**Paper:** Constitutional Perspective of EU Member States on Legal Certainty  
**Author(s):** Elena Constantin, PhD candidate, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

The principle of legal certainty is the essence of the rule of law, which means that it must mirror directly or indirectly the Constitution of each Member State of the European Union. The analysis of constitutional provisions on legal certainty also makes it possible to assess the quality of regulation at the level of each state under discussion. The subject is particularly interesting in the context of the quantitative increase in legislation generated by the evolution and complexity of the relationships between individuals.

**Keywords:** legislative abundance, rule of law, quality of regulations. **JEL Classification:** K10.

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**Paper:** In Search of Time for Speeding up the Public Procurement Dispute Resolutions  
**Author(s):** Mihaela Victorița Căraușan, Associate Professor, PhD, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania; Member of European Law Institute

Arbitration was established by the Government Decision no. 1/2018 as one of the dispute resolutions method which must be used for work contracts over 5 million Euro financed by public funds. Even the rule was criticised, we appreciate, in a certain measure, the clauses for better adjudication of disputes among the contracting parties. Dispute resolution methods are currently commonly used in the construction industry, among them only arbitration and litigation are statutory controlled, all the others are private. This paper attempts to address these alternative mechanisms focusing more on the duration of the processes and on the Government success in decreasing the number of lawsuits. By focusing on the critical attributes of alternative dispute resolution methods we will try to find out if they can really be kept as simple, inexpensive and effective.

**Keywords:** administrative contract, celerity of dispute procedures, public system effectiveness. **JEL Classification:** H57.

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Paper: Confidentiality Clause vs Data Protection in Work Relationships  
Author(s): Radu Răzvan Popescu, Associate Professor, PhD, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

Throughout the duration of the individual employment contract, both the employee and the employer enter in possession of data and information of a private nature, pertaining to the partner in the employment relationship. This type of information with confidential character is basically divided, from the point of view of the legal nature, in three categories: confidential data, based on the fidelity obligation, data and information not disclosed due to the existence of a confidentiality clause, and the data and information which, according to the special law, are catalogued as being work or state secret. At the same time, the employer is held by the obligation to preserve the confidentiality of the personal data and information it learns about its employees. The duration of these periods when the parties must preserve confidentiality is another issue that raised disputes, both in the specialty literature and in the practice of the courts of law.

Keywords: confidentiality clause, damages, work secret, fidelity obligation. JEL Classification: K31.

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Paper: The Global Pact for the Environment – A New Framework for Global Environmental Governance  
Author(s): Andrei Duțu-Buzura, Associate Professor, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

Appearing at first over thirty years ago, having an original evolution regarding its contents – explaining the meaning and increasing the international awareness on environmental issues – the idea of a Global Pact for the Environment has been broadly accepted by the legal community and has become an obvious necessity for each and every country. Assumed and promoted by France in a legal and diplomatic initiative, the project can soon be materialized as an internationally representative document, of global reach, in the field of environmental protection. Obviously, as an instrument for codification of existing law, its creative part will be minimal, which implies a continuation and intensification of the efforts to develop the regulations regarding the global sectors – biodiversity, air pollution, waste etc. – and, thus, the creation of a global mechanism of actualization and permanent update of the normative contents of the treatise. Finally, the elaboration, the adoption, and the perspectives of an international text of global impact would favour other innovating initiatives, such as new dimensions of international law and governance, both generally, and concerning the specific aspects of environmental protection.

Keywords: environment, international law, global governance, climate change. JEL Classification: K33.

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## WG6. Peaceful Settlement of Conflicts and Management

Chair: Niță Mircea Aurel, Associate Professor, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

Co-Chair: Cristina Teodora Pop, PhD, Assistant-Magistrate at the Constitutional Court of Romania,  
Associate professor at the Faculty of Philosophy, University of Bucharest, Romania

### *Papers:*

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Paper: Culture of Peace and Mediation in 21<sup>st</sup> Century Education

Author(s): Nadjat Karabernou Paduret, President CCIR-A

Starting from the UNESCO definition of Peace Culture in Article 1 of the Peace Culture Declaration, we can identify seven values that can be passed on to educated peoples culture. It is about Non Violence, Tolerance, Solidarity, Democracy, respect for human rights, respect for the law, and environmental protection. Education for peace culture emerged as a consequence of these seven types of education. They are found in many educational programs but well-regarded as different fields and autonomous subjects. In a culture of peace education, a holistic and global approach is needed.

Keywords: values, respect for the law, education, holistic approach. JEL Classification: J52.

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Paper: Revisiting the Ancients - a Modern Perspective on Administrative Dispute Resolution  
Methods in Roman Classical Law

Author(s): Ionela Cuciureanu, Bucharest Bar, PhD candidate, University „Babes Bolyai” Cluj  
Napoca, Faculty of Law, Cluj, Romania

The paper analyses an essential question: How would have looked the roman juridical belief and how would have evolved the modern law systems without the institution of the praetor and his innovations, particularly the administrative dispute resolution procedures? The evolution of social relations, the development of trade, of contracts, of the juridical status of the person, would have been stopped in their embryonic phases, because the patterns inside which they should have fit were far too tight, if the praetor would not have found appropriate means to manage dispute resolution in a non-contentious manner, without arriving in front of the judge. The praetor's activity represented the continuous adaptation of the law at the needs of the society – *adaequatio intellectus et rei-managing*, in the same time, to anticipate some steps forward that society was due to make in the future. The paper will also have in view a practical case study on how the judicial system could be significantly relieved in the event of a modern application of the praetorian dispute resolution methods.

Keywords: praetor, edict, *ius civile*, dispute resolution, classical roman law, modern law. JEL Classification: J52.

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Paper: Communication Techniques in Mediation

Author(s): Claudiu Florinel Augustin Ignat, PhD, Lecturer, Craiova Law Faculty, Bucharest “Spiru  
Haret” University, Romania

This paper aims to develop the importance of communication in the mediation procedure as well as to focus on several communication techniques that proved their utility in time. We shall analyze for the beginning the tremendous impact that communication has in a non-contentious dispute resolution procedure, as mediation, continue with the exposure of various communication techniques, underlining those that are appropriate for this procedure, and present also, in the end, several practical cases, justifying the choice for one or more particular communication techniques.

Keywords: mediation, communication techniques, dispute resolution. JEL Classification: J52.

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**Paper:** The Peculiarities of the Consumer Decision on the Services Market  
**Author(s):** Mihaela Andreea Stroe, Lecturer, PhD, “Nicolae Titulescu” University, Bucharest, Romania

The service market has some peculiarities given that the consumer decision is made upon the consumer's information about the service. People are reasonably rational because of the interpretation of things in relation to others without the autonomy of thinking. The service market is a very important model from the perspective of specific abstraction, intangibility, and psychological phenomena such as perception, motivation, consumer attitudes, framing effects emphasize the game of individual rationality. Consumers can react uncontrollably to certain stimuli and are sometimes unable, taking into account the options available, to choose the optimal solution despite being aware of what is favourable to them. Cognitive and psychological processes play an important role in the consumer decision given cognitive dissonance, the fact that people filter information according to attitudes and beliefs, attitude to risk, informational asymmetry, emotional factors leading to consumer decision, risk aversion and, also, phenomena related to consumer behaviour on the market. The rational behaviour of the consumer is considered to be the one that offers maximum satisfaction with minimal cost at a maximum efficiency. The fact that there are many existing needs in the context of a limited resource nature makes the consumer choose to be based on the priority criterion. The opportunity cost is seen in this context as the value of the consumer's abandonment. All decisions related to spending a sum of money will be made taking into account the opportunity cost that is measured on the services market and in terms of aversion to regret in making the decision in incomplete information. The additional costs and benefits of an election should not only be measured in money, but also in terms of risk and comfort. We can refer to a psychological cost defined as the buyer's sacrifice when choosing a product variant. Every decision taken presents opportunity costs. So, we can state a relation between consumption and happiness and, although, at a first glance, it can be said that consumption is related to materialism and wealth, studies show that the relation between happiness and consumption is inversely proportional are not aware of what brings them happiness or not. (Waiss and Brown 1977). This presumption can be exemplified on the insurance market, that is a service market and all the characteristics of this peculiar market are encountered enhanced by the uncertainty offered by the insured risk. So risk behaviour, attitude to risk, culture, education, cognitive dissonance can be analysed as filters or barriers in making the consumer decision influenced, on the other hand, by the processes regarding the consumer behaviour on the insurance market such as moral hazard, informational asymmetry, adverse selection.

**Keywords:** market of services, decision, consumer, cognitive dissonance, happiness, insurance. **JEL Classification:** D18.

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**Paper:** Settlement of Legal Disputes of Constitutional Nature between Public Authorities  
**Author(s):** Cristina Teodora Pop, PhD, Assistant-Magistrate at the Constitutional Court of Romania, Associate professor at the Faculty of Philosophy, University of Bucharest, Romania

Introduced by the revision of the Constitution, in 2003, at article 146 e), the power of the Constitutional Court of Romania to settle legal disputes of constitutional nature became one of the most effective constitutional mechanisms that lead to the restoring of the legal balance between the functioning of the implied public authorities, and thus to the state of constitutionality, as a result of exercising by the Constitutional Court of its role of constitutional arbitrator and of guarantor of the supremacy of Constitution. The legal effects of the decisions issued by the Constitutional Court are stipulated in a general manner at article 147 (4) of the Constitution, that provides that they shall be generally binding and take effect only for the future, after they are published in the Official Gazette of Romania, the reason why they shall be established according to the role of this power of the Constitutional Court and to the reason wherefore it was regulated. The case-law of the Constitutional Court regarding the settlement of legal disputes of constitutional nature reveals the active role of the Court in exercising this power, as more than in the past, the solutions of the Constitutional Court finding the existence a legal conflict of constitutional nature are accompanied by legal patterns that shall be followed by the parties, in order to achieve the standards of constitutionally, which is an aspect that gave rise to substantial controversies among doctrinaires in the field of constitutional law.

**Keywords:** the powers of the Constitutional Court of Romania, the legal effects of the decisions of the Constitutional Court of Romania, public authorities of constitutional level, standards of constitutionality. **JEL Classification:** K10.

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**Paper:** The Causes of Nonverbal Communication Errors. Applications in Mediation  
**Author(s):** Mircea Aurel Niță, Associate Professor, PhD, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

The paper shows the influence of human mind due to the mental representations upon nonverbal communication. The functional preferences of mind hemispheres can influence the coding and decoding process for the emitter and receiver while the nonverbal message is moving from emitter to receiver and vice versa. Errors in communication can appear inside both minds of emitter and receiver, for example for the mind of mediator and the client. That is why a mediator must know and must be full of awareness about his peaceful mind state and the client, too. Some solutions are underline and proposed to be used before the mediation meeting starts.

**Keywords:** human mind, mental representations, coding and decoding process. **JEL Classification:** J52.

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**Paper:** Conflict Management Strategies in Mediation  
**Author(s):** Claudiu Florinel Augustin Ignat, PhD, Lecturer, Craiova Law Faculty, Bucharest “Spiru Haret” University, Romania

Conflict has been regarded for long as the core element of law, its mere *raison d’etre*, and this contentious approach of disputes being unfortunately still popular upon both laymen and law professionals. However, in alternative dispute resolution procedures in general, and in mediation in particular, conflict is regarded from a different perspective. This paper is aimed to develop the approach of mediation towards conflict, an approach focused on the fact that in front of the mediator, often the sole common ground of parties is the conflict itself. In other words, having a conflict is the sole element upon which the parties agree. From this point further, it comes to the mediator to apply the appropriate mediation techniques in order to strike a balance between the conflicting interests and to transform the initial conflict into a starting point for discussions.

**Keywords:** mediation, procedure, dispute resolution. **JEL Classification:** J52.

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**Paper:** Infringement of International Law in Ukraine since 2014  
**Author(s):** Martina Novotná, University of Alexander Dubček in Trenčín, Slovakia, Department of Political Science

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**Paper:** Operational Truth, Mind State and Crises in Management of Mediation  
**Author(s):** Angela Stela Ivan, Chief Lecturer, Dunarea de Jos University of Galati, Romania  
Mircea Aurel Niță, Associate Professor, PhD, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

The human minds of both parts, either emitter and receiver, either mediator and client operate with the Triangle of Knowledge-General, Concrete and Specific, so that one part can operate with a type of truth while the other part operate with the truth specific to the experience of this part. Starting from logical truth, going to the emotional truth and taking into account different influencing factors such as, culture, experience and age, sex, level of education, belonging to an organization, spiritual or a nonspiritual vision, etc., it is very important the relaxing state of the mind for the mediator. The paper shows how important is the holistic approach for the mediator mind especially during the process of mediation.

**Keywords:** logical truth, emotional truth, holistic approach of mediation. **JEL Classification:** J52.

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**Paper:** Transdisciplinarity and the Logic of Third Part. What Is Different in Put Us Together  
**Author(s):** Adrian Singurov, Priest

The paper deals with separation as a thinking problem and as a behavior one, too. Separation is against unity, so that using the law of Third Part it is easy to avoid separation between individuals and people. Solving conflict by peaceful means is the future of Humanity. **JEL Classification:** J52.

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# Students' Workshop

Chair: Ioana Cristina Vida, PhD, Parliamentary Adviser, The Chamber of Deputies of the Romanian Parliament, Bucharest, Romania

Co-Chair: Elena Marinică, PhD, Assistant Professor, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

## *Papers:*

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Paper: The Power of People in a Democratic State

Author(s): Georgeta Claudia Pleșa, Student, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

The popular legislative initiative is a constitutional right recognized by the extra-parliamentary opposition. In a democratic state the power of the People represents a key point in the direction of a state. Democracy is the form of organization and political leadership of a society based on the principle of the exercise of power by the people. In this paper we will present under what conditions a law can enter into force and why it is important to consult the people in matters directly affecting it. Identifying citizen's needs as well as consulting them on certain issues is an excellent mechanism for peacekeeping and operation in the best possible conditions of the entire administrative apparatus.

Keywords: people's initiative, democracy, rights and duties. JEL Classification: K10.

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Paper: Legal Documentation - Normative Acts Drafts

Author(s): George Ilie, Student, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

My article deals with a special theme in Legislative Technique or Formal Legislation. It is one of the stages preceding the drafting of the normative act, in legal documentation. I have chosen this subject as the creation of law requires a research activity based, among other things, on studying and analyzing normative and jurisprudential acts of the forums considered to be milestones in this respect. The documentation in the drafting of normative acts is imperative because it makes the correlation between the elements to be in legal norms with the European law, the Fundamental Law and the other laws, on the one hand, and on the other hand, it agrees with the needs and the social reality with the provisions of the act, thus leading to the efficiency and the stability of the act of legislation, as well as the decrease of the risk that the act will become obsolete. The structure of the article will have two main parts. The first part will include an introduction to the study of formal legislation and will address aspects of scientific documentation in general and legal documentation in particular. The second part will practically, in a comparative way, deal with the legal documentation at the level of law-making bodies and of supreme courts in Romania and the European Union.

Keywords: rule of law, elaboration procedure, documentation. JEL Classification: K10, K40.

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Paper: Approval and Endorsement of Normative Act Draft  
Author(s): Razvan Adrian Grigore, Student, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

In this article I will speak about the problem of approval and endorsements of normative acts drafts, looking forward to try answer a number of key questions, such as: Why did I choose this issue? I will try to define what is the main reason of this paper/research in what concerns the subject of approval of normative acts drafts; What issues I have reached? Issues in what concerns the study of formal legislation, instruments for approval and endorsements; What difficulties I have reached, what is the importance of the study and what I have brought new with my research. The paper will be divided in two main parts. Part one will contain two sections which will approach to introductive aspects in what concerns the study of formal legislation and the problem of normative acts approval. The second part will contain an analyze of how European normative acts are approved.

Keywords: rule of law, endorsement procedure, adoption procedure. JEL Classification: K10, K40.

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Paper: The Legal Conceptualization of European Union Law and the Role of the Council of the European Union in the Adoption of EU Law  
Author(s): Cristi-Gabriel Stoian, Bachelor Degree Student, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

In this scientific approach, we aim to identify the premises underlying the creation of European Union law, to determine the legal nature of this new right, to observe the objectives it has set itself to achieve and the future consequences for the Member States. We will firstly point out that what the concept of European Union law means is where the EU has exclusive competence and shared competence with the Member States and that the ultimate interest of these actions is to ensure economic growth and competitiveness for all states and regions of the EU. We will also stop on the role of the Council of the European Union in the context of Romania's presidency in the first six months of 2019.

Keywords: Council of the European Union, legal conceptualization, attributions, presidency of the European Union. JEL Classification: K1.

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Paper: Elements of Legislative Technique - Comparative View  
Author(s): Izabela Lupu, Master Degree Student, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

Our scientific approach is based on the pre-requisites of Formal Legistics, according to which the law is made up of the sum of the normative acts in force in a certain predetermined geographic area, influenced by its own historical, cultural, political evolutions etc. Thus, we propose to find the answer to the following questions: "What is the lawmaker's creation?", "Is there a typology of a universal lawmaker?". In order to answer the questions raised, we propose to refer to Law No. 24/2000 and to its legal counterparts in Belgium, France, Spain, Austria and Finland.

Key words: legislative system, formal legislation, normative act, Constitution. JEL Classification: K10, K19.

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Paper: Education is Guarantor of Respecting the Realization of Rights  
Author(s): Mariana Dumitru, Student, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

The full guarantee of the exercise of the right to education, in all its dimensions, occupies an important place in the legal system, from which all the other fundamental rights and freedoms through which life standards are ensured, acces to the information necessary for the development of skills and abilities to improve quality of life, the environment, and respect human dignity. Keywords: education, guarantee, fundamental rights, human dignity. JEL Classification: K10, K19.

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## Conference Chairs:

Assoc.prof. Mihaela V. Căraușan, PhD

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**NATIONAL UNIVERSITY OF POLITICAL STUDIES AND  
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6<sup>th</sup> Annual International Conference  
Law and Administrative Justice from an  
Interdisciplinary Perspective  
November 21<sup>st</sup> – 23<sup>rd</sup>, 2019, Bucharest, Romania





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5<sup>th</sup> Annual International Conference  
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Interdisciplinary Perspective  
November 23<sup>rd</sup> - 25<sup>th</sup>, 2018, Bucharest, Romania

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# BOOK OF ABSTRACTS

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National University of Political Studies and Public Administration



## 5<sup>th</sup> Annual International Conference on Law and Administrative Justice from an Interdisciplinary Perspective

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The papers presented within the conference will be published in the *International Law Review*. The review is included in the international databases: SSRN, EBSCO, ProQuest and VLEX.

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For publication the full paper should be written in English using Microsoft Word. The text should be in TNR font size 10, justify and single line spacing. The footnotes should use Times New Roman 8.

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On the day of your presentation, please report to your assigned room 10 or 15 minutes before the working group is scheduled to begin. Introduce yourself to the Chairman/Chairwoman of the working group your paper belongs to, and check that any audio - visual equipment you need to use is setup and working properly. Please load your presentation onto the hard drive so that the transition between presentations is smooth.

# Working Groups Sessions

## WG1. The Administrative Capacity of the Judicial System

Chair: Alistar Victor T., Associate Professor, PhD, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania  
Executive Director, Transparency International, Bucharest, Romania

Co-Chair: Judit Siket, PhD, Faculty of Law and Political Sciences, University of Szeged, Hungary

### *Papers:*

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Paper: Accession to the European Union Cannot Affect the Supremacy of the Constitution over the Whole Legal Order

Author(s): Ionița Cochînțu, PhD, Assistant Magistrate, Constitutional Court of Romania

Following the accession, the provisions of the founding Treaties of the European Union, as well as other binding provisions under Community law, shall prevail over any provisions of the domestic law, while observing provisions in the accession instrument. However, in relation to the notion of "internal laws", a distinction has been made between the Constitution and the other laws. Also, the same distinction is made at the level of the Basic Law by art. 20 par. (2) the final sentence for the purpose of applying international rules as a matter of priority, unless the Constitution or domestic laws contain more favourable provisions, and Art. 11 par. (3) states that if a treaty to which Romania is to become a party contains provisions contrary to the Constitution, its ratification can only take place after the revision of the Constitution.

Keywords: international law priority, rule of law, constitutional provisions. JEL Classification: K10.

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Paper: Boosting Access to Justice as a Support to Raise Administrative Capacity of the Judicial System

Author(s): Irina Lonean, PhD, Invited Lecturer, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

Trust in the judiciary is a key element of its capacity, as there is no fair trial without both the material guarantees and the feeling of a fair trial. In this context, boosting access to justice is not only a very important human rights issue, it is also instrumental in order to ensure the needed capacity of the judicial system. Moreover, boosting access to judiciary in administrative cases, when citizens appeal administrative decisions and procedures, is key in order to strengthen the administrative capacity as well. In this context, the paper focus on the successive programmes and projects aiming to boost access to justice of the Ministry of Justice, the Superior Council of Magistracy and other actors, including civil society organisations. Different policies and initiatives to ensure access to justice are examined in order to determine the most effective approaches, based on a combination of theory based evaluation methods including the Realist Evaluation and the Prospective Evaluation Synthesis and data collected from desk based research and interviews with decision makers, civil society representatives and justice seekers. The paper concludes that only a combination of support to access the judiciary (like the public judicial assistance) and incentives to access the judiciary to discouraged citizens can work for more trust in the judiciary better judicial capacity.

Keywords: public judicial assistance, incentives to access the judiciary, trust in the judiciary. JEL classification: K38.

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Paper: The Administrative Justice Completely Withdrawn in Republic of Moldova  
Author(s): Maria Orlov, PhD, Associate Professor, "Alecus Russo" State University of Bălți, Institute of Legal and Political Research of the Academy of Sciences of Moldova, President of the Association "The Institute of Administrative Sciences of the Republic of Moldova"  
Marina Grosu, Juristconsult, Project Coordinator in Public-Private Partnerships

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Paper: Administrative Capacity of the Judicial System. An Evaluation from the Point of View of the Judiciary Role in Fighting Corruption  
Author(s): Alistar Victor T., Associate Professor, PhD, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

The paper addresses the issue of the capacity of the judiciary in direct connection with the performance of the Judicial System to fulfil its role to curb corruption. The paper is based on the methodology of the National Integrity System Assessment proposed by Transparency International and proposed an evaluation of the capacity of the judiciary taking into account the legal provisions and the practical implementation of these provisions on the two main criteria on institutional capacity proposed by the National Integrity System model: resources provided and independence ensured. New provisions on the organisation of the judiciary are considered in this respect. The paper is then comparing the results of the assessment of the capacity of the Romanian judiciary with the assessment of its performance in curbing corruption in order to find a direct connection between the two: capacity and role to curb corruption. However, the paper also rises the issue of the judiciary governance, assessed based on three other criteria of the National Integrity System: transparency, accountability and integrity. These have, together with the capacity issues, the same instrumental importance to support curbing corruption by the judiciary.

Keywords: capacity of the judiciary, judiciary independence, resources for the judiciary, role of the judiciary, curbing corruption, performance. JEL Classification: D73.

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Paper: The General Court – The Tendency to Become a Common Jurisdiction  
Author(s): Irina Zlătescu, Professor, PhD, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

This study aims to prove that the General Court is becoming the ordinary court with the meaning of Article 256 TFEU for the first instance resolution of actions for annulment, actions for compensation based on non-contractual liability, actions for failure to act and for the resolution of disputes regarding arbitration clauses. Exceptions will be made when specialized courts will be established, as it was the case of the Civil Service Tribunal (2004-2014). Another exception consists for the resolution of causes, which fall according to the Statute under the competence of the Court of Justice. Nevertheless, the Statute may also provide competences of the General Court for other types of actions.

Keywords: first instance, actions, arbitration clauses. JEL Classification: K40.

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Paper: The Ombudsman in the European Context  
Author(s): Denis-Roxana Gavrilă, PhD Candidate, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

The article analyses the role of the Advocate of the People in the national and international context, starting with its appearance (OMBUDSMAN) on the historical and political stage of the northern European states, until today. It has assumed the role of supporting citizens in their problems with the administration and promotes, on its own initiative, the principles of transparency and inherent responsibility for the concept of good governance practices. Individuals have reported possible violations of the right to information, the right to petition, and the right of the person injured by a public authority. The article will present that in the local and central public administration institutions, civil servants are insecure and the managerial capacity to implement decentralized responsibilities is not strengthened. A sustained effort is necessary, noticing also that The European Commission Against Racism and Intolerance (ECRI), a body of the Council of Europe, in its Fourth Report on Romania, approved by the Council of

Europe in March 2014, recommended that the People's Advocate Institution take decisive action against public authorities when they suspect that there have been flagrant violations of human rights, especially when they are related to racial discrimination, cases presented in this paper.

Keywords: non-contentious means; mechanism for the prevention, minorities. JEL Classification: J15.

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Paper: Amendments to the Law no. 554/2004 Introduced by Law no. 212/2018

Author(s): Elena Mihaela Fodor, PhD, Associate Professor, Faculty of Law Cluj-Napoca,  
„Dimitrie Cantemir” Christian University, Romania

The paper discusses the amendments regarding the definition of the administrative act, the limitations of the control of the contentious administrative courts, the prior procedure, the object of the legal action, the competence of courts, the parties, the procedure and the enforcement of the court decision. The analysis of the amendments introduced in the Law no. 554/2004 by Law no. 212/2018 is made in corroboration with other normative acts. Generally, the legislator managed to harmonise the provisions of the Law no. 554/2004 with other normative acts and at the same time, to preserve the specific of the contentious administrative. However, litigation procedure for the administrative contracts together with the rules for contesting the first instance decision do not respond to the specificity of the administrative law.

Key words: Law no. 554/2004, contentious administrative, prior procedure, administrative act, administrative contract. JEL Classification: K39, K41.

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## WG2. Human Rights in the New Era

Chair: Zlătescu Irina, Professor, PhD, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania  
Director of the Transdisciplinary Centre of Human Rights; Titular Member of IACL and Member of the Council of ELI

Co-Chair: Saghi Florin Emeric, Vicepresident of the Romanian Association for the United Nations member of the World Federation of the United Nations Associations

### *Papers:*

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Paper: EU ETD – Towards a New Chapter in EU Citizens' Rights and a Better Administrative Cooperation

Author(s): Erzsébet Csatlós, PhD, Senior Lecturer, Faculty of Law and Political Sciences, Department of Administrative Law, University of Szeged, Hungary

The European citizenship was officially created by the Maastricht Treaty to confer rights on citizens of the Member States of the EU. Among these rights, the most challenging one was the right that enabled EU citizens to turn to any foreign representation of any Member States for consular protection in third States in case if their own State of nationality is not represented there. According to surveys, almost 7 million EU citizens travel or live outside the EU, in places where their own country does not have an embassy or consulate. Member States with well-developed and extended international relations are in a better position to serve their nationals in need, but most of the Member States are in a less favourable situations and the EU citizenship policy aimed to eliminate these differences in the point of EU citizenship rights. Given to the consular protection's strong ties to foreign relations, first, it was placed under the unanimous decision-making capacity of the Council under the CFSP regime, but the Lisbon Treaty has introduced major changes not only for the consular protection policy of the EU but on the other hand, to facilitate effective execution of EU policies in general. It lifted the right to get consular help abroad and also the right to good administration, among others, to fundamental level and placed them at the top of the norm pyramid. All these developments have indicated changes in the consular protection policy which resulted new foundation stones of the policy (Council Directive (EU) 2015/637 of 20 April 2015) and now, the reform of the issue of emergency travels document (ETD) is on the threshold as it is the most commonly claimed consular protection service. Therefore, a Council directive proposal was submitted on the last day of May of 2018 on the EU ETD. Its provisions are innovative and embody a series of opportunities for further development. On one hand, it is a pioneer among measures of facilitating the administrative cooperation while ensuring a better administration of this consular protection measure, although, on the other hand, it leaves open questions and offers a variety of choice for Member States which also increase legal challenges in the view of rights of the EU citizens.

Keywords: good administration, legal challenges, consular protection. JEL Classification: F22, K33.

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Paper: Multiple Discrimination in the Contemporary European Society

Author(s): Ruxandra Darclée Miu, Legal adviser, National Oil Transport Via Pipelines and Rail Tanks Company (CONPET SA), Ploiești, Romania

In the context of nowadays non-discrimination cannot be made through simple acts or statements. Statements as the Universal Declaration of Human Rights, or the European Convention of Human Rights have to be incorporated in every state's if not every individual's culture in order to achieve its goals.

Multiple discrimination represents any combination of forms of discrimination against persons on the grounds of sex, racial or ethnic origin, religion or belief, disability, age, sexual orientation, gender identity or other characteristics, and to discrimination suffered by those who have, or who are perceived to have, those characteristics. It can manifest itself in two ways, there is 'additive discrimination', where discrimination takes place on the basis of several grounds operating separately and second, there is 'intersectional discrimination',

where two or more grounds interact as they are inextricable. Although multiple discrimination has always existed, it has not been recognized as a legal concept until recently.

Keywords: multiple discrimination, non-discrimination, tolerance, European Union, human rights, European Agency for Fundamental Rights. JEL Classification: K38

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Paper: Aspects of Discrimination from the Perspective of the Migration Phenomenon

Author(s): Roxana Moisoiu, PhD candidate, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

Migration has existed since the beginning of mankind. The phenomenon did not cease over time, but it has seen changes and new forms with the evolution of society. Migration processes take place simultaneously and are increasing in many countries of the world. The main causes of unprecedented population movements are armed conflicts, famine, natural disasters, human rights violations and deplorable economic conditions in some states. Collective attempts to regulate refugee-specific issues and migration have so far been quite limited. The European Union has taken a step forward in this direction. The European Union now considers that an integrated and comprehensive approach is desirable in order to better manage the phenomenon of migration. The implications of contemporary regional and global migration have consequences on the social, economic, cultural, political and religious environment of the states. Migration has transformed and redefined the political and economic interests of states, but has accentuated and expanded the phenomenon of discrimination, violating the principle of equality. Accepting multiculturalism of different religions as well as social diversity is the key to combating discrimination and respecting the right of every person to equal opportunities. Equal opportunities are based on ensuring the full participation of each person in economic and social life, regardless of ethnic origin, sex, religion, age, disability or sexual orientation.

Keywords: migration, migrant, discrimination, equal opportunities. JEL Classification: J15.

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Paper: The Right to Health Care, a Fundamental Human Right

Author(s): Remus Marian, PhD candidate, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

The right to health protection is part of the human rights and freedoms, which the state, as a result of their recognition, is called upon to respect, guarantee and protect them. The existence and life of man being inextricably linked to society, these desiderata are always topics of study and debate. A common approach to ensuring the maintenance of the health of the population and a higher level of prevention in the national health system is revealed by the cooperation between the public administration and the Church institution, aiming to ensure a better health of the Romanian population and the accentuation the role of prevention in maintaining health. Such a project is aimed at disadvantaged people in rural areas with reduced educational level and social cases

Keywords: human rights, right to health, freedom, public administration. JEL Classification: I18.

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Paper: Promotion and Protection of Human Rights in the Context of the Actual and Future Local Fiscal System

Author(s): Florin-Ionel Trușcă, PhD candidate, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

The protection of human rights as well as their promotion have been and are still a challenge for each state, especially for developing countries. The multitude of normative acts regulating the local tax system in Romania, the bureaucracy reflected by the significant increase of the forms through which information is collected and the tax obligations are established, as well as the main objective of the tax bodies, respectively the collection of revenues to the local budgets, make it increasingly difficult to achieve human rights objectives. Therefore, the paper proposes the passage of the local tax system from the rudimentary state where it is to a digitized system at national level, which through its instruments and techniques can ensure the promotion and protection of human rights.

Keywords: promotion, protection, individuals, principles, rights. JEL classification: K38.

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Paper: Universal Declaration of Human Rights -  
70 Years of Promoting and Protecting Human Rights  
Author(s): Irina Zlătescu, Professor, PhD, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

Developed by law specialists coming from different regions of the world, from UN member states but with different legal systems and cultures, the Universal Declaration of Human Rights, proclaimed by the UN General Assembly on December 10 1948, is yet another a common ideal to be touched by all peoples, all nations and all individuals. Its 70th anniversary requires us to reflect on the past and to look for the future. It enables us to identify challenges and threats.

Keywords: human ideal, culture, future challenges. JEL Classification: K 33.

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Paper: Understanding of the Rights of the Data Subjects  
Author(s): Andreea Drăgan, PhD candidate, Faculty of Public Administration, National University of  
Political Studies and Public Administration

General Data Protection Regulation replaced the Data Protection Directive that has been in place since 1995. This regulation gives power back to the people as European Union considers privacy as human right. The whole Chapter 3 of the GDPR treats the subject of rights of the data subject, as with the new modified Regulation, the number of rights for data subject has increased considerably and the old ones have been consolidated. Now we can speak of the right to information, right to access, right to rectification, right to withdraw consent, to object, to object to automated processing, to be forgotten and data portability, just to mention a few. But how do these rights help to protect European citizens' personal data? For example, once an EU citizen has given his consent for processing his personal data for a purpose, he has the right to withdraw his consent through a request which implies that the company that processed his personal data to stop. The new GDPR provides many rights for data subjects, in order to protect their private life. But as important it is to know for each individual to know their national legislation because "*Ignorantia legis neminem excusat*" or "*nemo censetur ignorare legem*" which means "ignorance of law excuses no one" or "nobody is thought to be ignorant of the law", is as important to be aware of the European regulations especially when it works in citizens favour.

Keywords: privacy, GDPR, European regulations. JEL Classification: C89.

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Paper: Bussiness and Human Rights  
Author(s): Petru Emanuel Zlătescu, PhD candidate, "Nicolae Titulescu" University, Bucharest,  
Romania Member of European Law Institute

The respect of human rights in the economic sector has become the regulatory object of many international and national standards over the past two decades. The impact of multinational corporations on the environment, and human rights in particular, is one of the most important topics on the international's community human rights agenda. The debate on this topic includes next to the benefits associated with, such as the development of infrastructure and job creation also its negative impacts on human rights. Since the human rights in question usually do not have a direct effect and multinational companies are therefore not considered as fundamental rights addressees, it is primary the duty of the state to protect these rights indirectly, by adopting legal norms and standards. The binding nature of these standards varies and includes both legally enforceable rights and obligations as well as standards with programmatic content and soft-law provisions. In general, these norms address three main aspects of the protection of human rights from the negative effects of the economy and globalization. First, the very first guarantee in this field is the state's duty to protect human rights against private threats. Secondly, a special responsibility should be imposed to the business enterprises, which obliges them to respect human rights. Thirdly, access to remedies should be granted in the event that an infringement has already occurred.

Keywords: standards, globalization, responsibility of business enterprises. JEL Classification: K39.

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**Paper:** Religion and Christian Family - their Role in Promoting and Keeping Human Dignity  
**Author(s):** Rareș Bogdan Ruge, PhD Candidate, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

Religion is the free and conscious connection of man with God, and the family - a school of love and cradle of life. Religion has always played an important role in the formation of moral and social skills and attitudes. The Christian family is the very cradle of Christian faith and formation, a true school of life. The family is considered the cell of society, which is why the state has the responsibility to defend and protect this fundamental institution. Before being full rights citizens, each person needs to live in a healthy environment that will allow them to develop as fully and harmoniously as possible. The Christian family is a holy temple in which the fullness of Christian virtues is stored. It is the cell from which human society was founded and on which human society is based, but also the church community, widening the boundaries of the kingdom of God. The family is the most important institution in the service of life. All the other institutions that have a role in supporting and promoting human life are subordinate to them, both in terms of their origin, especially in their role and purpose. Today the family and all social structures are affected by secularization. The diminishing of the Church's role in everyday life and the decrease in trust in God result in the degradation of relations between people, the failure to observe moral principles, the increase of crime, corruption, etc. Dignity shows value, honour, moral merit, degree of appreciation as the rank achieved by a person in society. In Christian doctrine, human dignity is a divine gift that, regardless of the circumstances in which the individual lives, takes as an example the image of God. In society, in terms of dignity, the autonomy and freedom of thought and the behaviour of an individual are also understood.

**Keywords:** religion, the Christian family; dignity; human rights. **JEL Classification:** K36, K38.

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**Paper:** The Rights to Education, a Strategic Priority of the 70<sup>th</sup> Anniversary of the Universal Declaration of Human Rights  
**Author(s):** Roxana Elena Vișan, PhD candidate, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania,  
Member of the European Law Institute

This article aims to be an incurs on the evolution and affirmation of the right to education in the human rights system, in order to offer suggestions on collective hope of transforming the world and providing a better future for future generations. Such a manifestation is achievable by a political will, the creator of an equalitarian model, to redistribute utopian visions of human freedoms. Considered as a unique window to the fundamental problems of human dignity at the societal level, the Universal Declaration of Human Rights affirmed over the seventy years the legitimacy of human rights in the face of global challenges and ensured the diversity of universal thinking. Considered one of the fundamental human rights, yesterday's education, today and tomorrow, is the main pillar in finding answers to global issues. Now is the time to take stock of progress and to identify strategic priority areas for the effective implementation of Agenda 2030 on Global Education.

**Keywords:** the right to education, strategic priority, global education, Agenda 2030. **JEL Classification:** I29.

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### WG3. Citizenship and Immigration in Europe

Chair: Mădălina Cocoșatu, Associate Professor, PhD, Director of the Department of Law "V.D. Zlătescu", Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

Co-Chair: Orlov Maria, PhD, Associate Professor, "Alecu Russo" State University of Bălți, Institute of Legal and Political Research of the Academy of Sciences of Moldova, President of the Association "The Institute of Administrative Sciences of the Republic of Moldova"

#### *Papers:*

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Paper: Integration Policies for Legally Resident Third Country Nationals in View of New and Future Challenges and Ensuring Relevant Policies

Author(s): Elena Loredana Pirvu, Lecturer PhD, Police Academy "Al. I. Cuza", Faculty of Juridical and Administrative Sciences, Bucharest, Romania

Over the past decades, most EU Member States have experienced increasing migration. Migrants from third countries represent around four percent of the total EU population. Europe is also strongly influenced by demographic changes, including the ageing population, longer life expectancies and a declining working-age population. Member States have confirmed their commitment to further developing the core idea of integration as a driver for economic development and social cohesion, in order to better enhance migrants' contribution to economic growth and cultural richness. With the recent EU Action Plan on Integration, the Commission sets out policy priorities and tools for concrete actions to be undertaken at EU level in support of the action on integration taken at Member States' level, with a view to further develop and strengthen integration policies across the EU. The article will present the social, economic and political context recently changed and all integration measures underlined within EU Action Plan on Integration and will research about future challenges and relevant policies in need to be drafted and implemented on EU level.

Keywords: integration, refugee, policy, action plan, third country nationals. JEL Classification: K37.

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Paper: Immigration in Democratic States

Author(s): Ionut Cosoi, PhD Candidate, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

One problem that should concern political analysts is the inclusion of individuals who migrate from totalitarian countries to harmless, democratic countries. One cannot fail to see the strangeness of these foreign elements in the democratic contest of a free country. My objective is even to identify / detect in a democratic state the deceptive behavior of the democratic values of immigrants from the closed / totalitarian states. Informational flow takes place regardless of the individual's will in society and influences him even if he has not lived this experience. In democracy, information is the engine that ensures its endurance. The research method I use is that of participatory observation on small merchants coming from China. The result of the research has pushed me to conclude that this kind of immigrants - from a totalitarian country - must go through a process of awareness of democratic values because their idea of democracy is different from its real principles. Of course, by this process, only mature individuals, not minors, must pass, in my view they do not pose any danger. School is here a very important institution in learning real / real democratic values. The need to adapt people from totalitarian states and migrating to democratic states is real. A significant weight that can help in this respect is given by sources of information, the only valid / necessary aspect for corroborating "undemocratic" behaviour as the willingness to know the immigrant. For individuals living in a democratic state besides their legitimate responsibilities, they are also those of identifying and helping newcomers from other totalitarian states, helping themselves. In other words, society regulates itself by transmitting information from one individual to another - no matter which party they are.

Keywords: democratic values, participatory observation, inclusion. JEL Classification: K33.

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**Paper:** Immigrants Statuses in Europe: Citizenship, Residence Permit and Stay Permit  
**Author(s):** Lucia-Ştefania Avram, PhD Candidate, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

The author of this articles analyses the main legal norms applicable for the citizenship, residence permits and stay permits regarding the immigrants in Europe. The author will make a comparison between the main regional and national norm to understand the differences and the most favourable and the hardest regulation. The method used is the analyse of the legislation and informal interviews of different subjects from different countries.

**Keywords:** immigration, legislation, citizenship, residence permit. **JEL Classification:** K37.

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**Paper:** A New European Policy on Legal Migration - Enhancing Legal Pathways to Europe  
**Author(s):** Eleodor Pirvu, General Inspectorate for Immigration, Asylum and Integration Directorate,  
Deputy Director

Establishing safe and legal pathways of admission to complement resettlement programmes is therefore an essential step towards securing a meaningful response to the current unprecedented global displacement situation. The need to provide increased and complementary pathways for refugee admission is reflected in the New York Declaration for Refugees and Migrants, which was adopted by all 193 Member States of the United Nations at the UN General Assembly in September 2016. Countries, including the Member States of the European Union, expressed their intention to “expand the number and range of legal pathways available for refugees to be admitted to or resettled in third countries.” The article will present the implications of the EU-Commission’s proposal for seeking protection in the EU and will research about resettlement as a protective tool and durable solution for refugees. Answers to the actual position of the EU governments towards new policy proposal and what is the future for admission programmes to EU will be analysed.

**Keywords:** asylum, refugee, protection, legal admission, resettlement. **JEL Classification:** K37.

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**Paper:** Public Administration and Integration of Immigrants  
**Author(s):** Alexandra Bucur, PhD candidate, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania,  
Member of the European Law Institute

The study presents aspects related to managing the phenomenon of immigration, which is an important activity of the states, including Romania. Thus, public administration is an important actor in coordinating immigration policies. With a growing number of asylum applications, the response of state authorities must also be based on promoting the integration of immigrants into society. At the same time, immigration becomes an administrative process and its answers are necessary and important.

**Keywords:** public administration, immigration, integration. **JEL Classification:** F22.

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**Paper:** Accessing Cohesion Funds Granted by the European Union to Extra-community  
Immigrants. Application and Conditioning  
**Author(s):** Mădălina Cocoşatu, PhD, Associate Professor, PhD, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

EU humanitarian aid supports refugees and migrants from countries such as Iraq, Jordan, Lebanon and Turkey. Between 2015 and 2017, a total of €17.7 billion was earmarked from the EU budget to cope with the migration crisis. This paper aims to analyze EU funding for immigrants and transit countries in order to combat illegal immigration and trafficking in human beings. Also, this paper will analyze the procedure and conditionality that will be put to the European states in order to be able to receive funds for the integration of immigrants.

**Keywords:** aid support, migration crisis, integration of immigrants. **JEL Classification:** J15.

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Paper: Political and Diplomatic Asylum

Author(s): Andrei Bogdan Cipere, PhD candidate, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

One of the novelties of this paper is the fact that the topic is very topical due to the numerous crises that have occurred over the last years in almost all the world's continents, situations that have generated large waves of refugees that have created extreme problems the great governors and all those in charge of managing such crises, demonstrating the need to address the institutions of political asylum and extradition with more interest and depth. The way in which the work will be conceived, provides for the treatment of diplomatic relations between states, the immunities accorded to diplomatic staff in various legal systems and the institutions of asylum and extradition, starting from a historical and legal appreciation of their evolution, going up to to analyse the level at which they have reached today, and how the institutions that manage to manage them work. At the same time, a large part of the legal components of the diplomatic institution, the asylum at the European level and in the Romanian system, and refugee status will be highlighted and analysed by the approach to be accomplished, aiming to eliminate the large number of mistakes or misinterpretations . It will start from a clear delimitation of concepts and will go up to the most complex elements of structure and the mechanisms that ensure their operation, both theoretically and procedurally.

Keywords: immunities, refugee status, administrative mechanisms. JEL Classification: F22.

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Paper: The Role of Immigrants When Striving for a Resilient Labour Market in Romania

Author(s): Teodora Ioana Bițoiu, PhD, Senior Lecturer, Director of the Department of Economics and Public Policy, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

Crina Ramona Rădulescu, PhD, Senior Lecturer, Deputy Dean, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

Labour, one of the main production factors, remains a sensitive factor that implies both identifying education and continuous training opportunities and smart resource allocation, so to avoid a market failure. The labour market resilience, especially after the Great Recession, is more and more influenced by the labour market changes induced by the structural policies and, moreover, the legal framework dealing with migration issues.

The current research aims at analysing the connection between the legal provisions (national and European laws) and the specific aim of creating a resilient labour market, namely referring to the impact these provisions could have upon the output and employment recovery to keep the inequality low (Stiglitz, 2015), long-run evolution of the wage distribution (Piketty, 2014) and labour productivity (OECD, ECO/WKP(2017)38). The topic of the economic integration of migrants is not one treated only on a central level (through policies and specific legislation), but also one priority of the local public administration through their involvement in European projects dealing with immigrants and their access to rights (e.g. DELI – Diversity in the Economy and Local Integration, of which Bucharest municipality was part of). All in all, the paper argues that resilience can be promoted through labour reform that allows employers to bring in non-EU migrants at all skill levels with minimal restrictions (MPI, 2014).

Keywords: labour market regulation, migration, resilience. JEL Classification: F22.

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**Paper:** Brexit: a Member State Withdrawal from the European Union and the EU Citizenship Issue  
**Author(s):** Elena Marinică, PhD, Assistant Professor, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

This article examines how the voluntary withdrawal of the United Kingdom of Great Britain and Northern Ireland from the EU impacts the guarantee of the rights of EU citizens already living in the UK and the rights of British citizens living in other EU Member States, that must be secured in the context in which the loss of European citizenship is inherent to British citizens (accompanied by the loss of political rights, the right to vote, the right to stand as a candidate, etc.), followed by the loss of other rights after the end of the transitional period such as freedom of movement, recognition of professional qualifications, family reunification, etc. Some of the main ongoing initiatives and actions (e.g. the UK-EU withdrawal agreement) on citizens' rights are being analysed to see if all these measures are a qualitative leap towards a controlled, step-by-step exit to protect the rights and stability of the citizens affected by Brexit, or, on the contrary, they are small steps that demonstrate that this issue is far from complete, confronting a legal uncertainty that could cause losses and disadvantages likely to prove extremely dangerous to citizens.

**Keywords:** citizens' rights, legal uncertainty, voluntary withdrawal's effects. **FEL Classification:** K30.

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**Paper:** EU Institutions for Protecting the Vulnerable Groups in the European Space  
**Author(s):** Ionuț Bogdan Berceanu, Assistant Professor, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

The paper is part of the Erasmus + Jean Monnet Project EU – Diversity, Citizenship and Solidarity under Migration Pressure. From learning to e-learning , which has as one of the main objectives to promote excellence and innovation in teaching and research in EU studies, in particular in Migration Law and Economics. The aim of the paper is to realize a research regarding the institutional framework of the European Union used for protecting the vulnerable groups and individuals in the EU. The analysis will start for the definitions of the vulnerable groups and the identification of the European regulations which are contributing to the protection of these groups. There will be also analyzed how through its measures the EU institutions such as the European Parliament and the European Commission are contributing to the realize the an added value in the European space, by creating the premises of an unitary protection of the persons which are vulnerable.

**Keywords:** diversity, regulations, added value, Erasmus+. **JEL Classification:** K37.

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## WG4. New Tendencies in Public Administration Development

Chair: Cărauşan V.Mihaela, Associate Professor, PhD,  
Deputy Dean, Faculty of Public Administration, National University of Political Studies  
and Public Administration, Bucharest, Romania  
Executive Director, Association Centre of Academic Excellence, Bucharest, Romania

Co-Chair: Erzsébet Csatlós, PhD, Senior Lecturer, Faculty of Law and Political Sciences, Department  
of Administrative Law, University of Szeged, Hungary

### *Papers:*

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Paper: New Tendencies in Public Administration Development – Rising Era of One Stop Shop  
Delivery Models in Developing Countries

Author(s): Hakim Alasgar, PhD candidate of Doctoral School of Public Administration Sciences,  
National University of Public Service, Budapest, Hungary

Current tendencies in public administration development indicates, further development of state administration and local government reforms is connected with the use of decentralization and decentralization of public administration, separation of strategy from the provision of services, diminishing the gap between democracy and efficiency, enhancing the citizens participation and mutual trust of citizens in government and vice versa, creation of “business oriented” governments, principle of simplifications, improving the quality of public service improving the political and administrative culture and integration of various institutions, reforms and activities in the context of public administration development. As a model of public service delivery, OSS have been in vogue for many decades now. One-stop shops have currently emerged as more powerful actors than ever before in the developing countries. OSS operate towards the simple goal of making public services available under a single roof. OSS come in various designs, institutional arrangements and financing models, and provide different baskets of services in different contexts. While some provide the services of a single level of government (national/provincial/local), others provide services of more than one level. This paper looks at some of these definitional issues and maps some of the recorded examples. The proposed paper, will discuss how new tendencies in public administration leads to rising era of OSS models in the developing countries by relying on an extensive survey of literature, including policy documents, project information sheets of donors, government websites, media stories, academic articles, third-party evaluation reports and case studies recorded by non-governmental organisations among others.

Keywords: One-stop-shop, public service delivery, public administration, governance, customer, citizen, government, data, management, reform. JEL Classification: H83.

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Paper: Elements of Formal Legistics - Prerequisites for the Creation of European Union Law

Author(s): Ioana Cristina Vida, PhD, Parliamentary Adviser,  
The Chamber of Deputies of the Romanian Parliament

The paper aims to pass European Union law through the Formal Legistics filter. The scientific approach aims to show that the "builders" of European Union law were inspired by the elaboration of national normative acts. Thus, in the drafting of legislative acts of the European Union we meet with notions and syntagms that claim to ensure the quality of drafting, i.e. intelligible and unitary drafting, observance of the uniform principles of presentation and legislative technique, clear and simple texts, etc.

Keywords: formal legistics, legislative technique, European Union law, legal conceptualization. JEL Classification: K19.

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Paper: Local Governments in the System of Separation of Powers. The Executive Function  
Author(s): Judit Siket, PhD, Faculty of Law and Political Sciences,  
University of Szeged, Hungary

The paper is focused on the principle of separation of powers, especially examined the role of local self-governments in the system of division of powers. It gives a brief description on the dogmatic approach of the principle of powers based on the concept of Montesquieu, and Benjamin Constant who emphasised the significance of local power. The study demonstrates the effectiveness of principle of separation of powers and the constitutional status of local self-governments in the Hungarian Fundamental Law. According to the Fundamental Law, the essence of local governments is to manage public affairs and to exercise public authority this is the reason why local governments exist. The leading conception has changed, rejected the collective fundamental rights approach. A separate section aims to describe the executive power of local self-governments, in particular the functionality of local self-governments. A comparative part illustrates changes of local task-system after the adoption of New Local-Government Act in 2011, including both municipal and county level responsibilities, the strong centralization process in the field of local governance. In conclusion, local self-governments' role significantly decreased in the field of providing public services and in exercising of local public powers, functionality of local self-governments was substantially narrowed.

Keywords: separation of power, local self-governments, centralization. JEL Classification: K23.

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Paper: Justinian's Legal Reform – the Avatars of a Political *Credo*  
Author(s): Ionela Cuciureanu, Bucharest Bar, PhD candidate, University „Babes Bolyai” Cluj  
Napoca, Faculty of Law, Cluj, Romania

The paper aims to present the reasons that laid behind emperor Justinian's legal reform (the last Latin speaking emperor of the Roman Empire), as well as its effects on the roman society as a whole. The legal reform will therefore be regarded in the larger social and political context of the time and analyzed in relation to the crisis that was already eroding the Roman Empire, but also from the perspective of the modern lawyer, seeking elements of actuality that could be transplanted into the contemporary world. All things considered, it can be stated that the legal reform represents one of Justinian's key achievements, one of the works that, being meant to refresh through law the social dimension of life, crucially influenced the evolution of the humanity and remained an example of codification that could be revisited and used as models even in the globalization era.

Keywords: Legal reform, Roman law, social reform, modern law. JEL Classification: K39.

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Paper: Reasonable Formalism as Dimension of Administrative Discipline  
Author(s): Emil Bălan, Professor, PhD, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

The substantial need for simplification of administrative law, as the body of principles and rules governing the implementation of policies by executive power is now obvious.

Simplification can be achieved by rationalisation and improvement of administrative procedure as a dimension of administrative discipline and guaranteeing the fundamental human rights and exercise of public authority.

Keywords: administrative law; simplification; rationalisation; administrative procedure; administrative discipline.  
JEL Classification: K23.

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**Paper:** Perspectives for Developing the Civil Services in Romania. Vision on the New Development Strategy  
**Author(s):** Paula Ghitescu, PhD candidate, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

Romania will provide professional civil servants, politically neutral, capable in acting in terms of stability, transparency and predictability, responsible for their results and able to develop and implement effective public policies that will support sustainable development in Romania. To implement the new strategy we will consider the following principles: the legality and the respect for the rule of law, transparency, openness and participation, efficiency and effectiveness, proportionality, consistency and accountability, promoting gender equality and non-discrimination, accessibility, flexibility.

**Keywords:** civil service principles, political neutrality, effective public policies. **JE Classification:** J24.

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**Paper:** Report on the Diagnostic Survey of the Network for Integrity for 2017  
**Author(s):** Daniela Mitutoiu, PhD candidate, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

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**Paper:** Constitutional Perspective of EU Member States on Legal Certainty  
**Author(s):** Elena Constantin, PhD candidate, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

The principle of legal certainty is the essence of the rule of law, which means that it must mirror directly or indirectly the Constitution of each Member State of the European Union. The analysis of constitutional provisions on legal certainty also makes it possible to assess the quality of regulation at the level of each state under discussion. The subject is particularly interesting in the context of the quantitative increase in legislation generated by the evolution and complexity of the relationships between individuals.

**Keywords:** legislative abundance, rule of law, quality of regulations. **JEL Classification:** K10.

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**Paper:** In Search of Time for Speeding up the Public Procurement Dispute Resolutions  
**Author(s):** Mihaela Victorița Căraușan, Associate Professor, PhD, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania; Member of European Law Institute

Arbitration was established by the Government Decision no. 1/2018 as one of the dispute resolutions method which must be used for work contracts over 5 million Euro financed by public funds. Even the rule was criticised, we appreciate, in a certain measure, the clauses for better adjudication of disputes among the contracting parties. Dispute resolution methods are currently commonly used in the construction industry, among them only arbitration and litigation are statutory controlled, all the others are private. This paper attempts to address these alternative mechanisms focusing more on the duration of the processes and on the Government success in decreasing the number of lawsuits. By focusing on the critical attributes of alternative dispute resolution methods we will try to find out if they can really be kept as simple, inexpensive and effective.

**Keywords:** administrative contract, celerity of dispute procedures, public system effectiveness. **JEL Classification:** H57.

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Paper: Confidentiality Clause vs Data Protection in Work Relationships  
Author(s): Radu Răzvan Popescu, Associate Professor, PhD, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

Throughout the duration of the individual employment contract, both the employee and the employer enter in possession of data and information of a private nature, pertaining to the partner in the employment relationship. This type of information with confidential character is basically divided, from the point of view of the legal nature, in three categories: confidential data, based on the fidelity obligation, data and information not disclosed due to the existence of a confidentiality clause, and the data and information which, according to the special law, are catalogued as being work or state secret. At the same time, the employer is held by the obligation to preserve the confidentiality of the personal data and information it learns about its employees. The duration of these periods when the parties must preserve confidentiality is another issue that raised disputes, both in the specialty literature and in the practice of the courts of law.

Keywords: confidentiality clause, damages, work secret, fidelity obligation. JEL Classification: K31.

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Paper: The Global Pact for the Environment – A New Framework for Global Environmental Governance  
Author(s): Andrei Duțu-Buzura, Associate Professor, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

Appearing at first over thirty years ago, having an original evolution regarding its contents – explaining the meaning and increasing the international awareness on environmental issues – the idea of a Global Pact for the Environment has been broadly accepted by the legal community and has become an obvious necessity for each and every country. Assumed and promoted by France in a legal and diplomatic initiative, the project can soon be materialized as an internationally representative document, of global reach, in the field of environmental protection. Obviously, as an instrument for codification of existing law, its creative part will be minimal, which implies a continuation and intensification of the efforts to develop the regulations regarding the global sectors – biodiversity, air pollution, waste etc. – and, thus, the creation of a global mechanism of actualization and permanent update of the normative contents of the treatise. Finally, the elaboration, the adoption, and the perspectives of an international text of global impact would favour other innovating initiatives, such as new dimensions of international law and governance, both generally, and concerning the specific aspects of environmental protection.

Keywords: environment, international law, global governance, climate change. JEL Classification: K33.

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## WG6. Peaceful Settlement of Conflicts and Management

Chair: Niță Mircea Aurel, Associate Professor, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

Co-Chair: Cristina Teodora Pop, PhD, Assistant-Magistrate at the Constitutional Court of Romania,  
Associate professor at the Faculty of Philosophy, University of Bucharest, Romania

### *Papers:*

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Paper: Culture of Peace and Mediation in 21<sup>st</sup> Century Education

Author(s): Nadjat Karabernou Paduret, President CCIR-A

Starting from the UNESCO definition of Peace Culture in Article 1 of the Peace Culture Declaration, we can identify seven values that can be passed on to educated peoples culture. It is about Non Violence, Tolerance, Solidarity, Democracy, respect for human rights, respect for the law, and environmental protection. Education for peace culture emerged as a consequence of these seven types of education. They are found in many educational programs but well-regarded as different fields and autonomous subjects. In a culture of peace education, a holistic and global approach is needed.

Keywords: values, respect for the law, education, holistic approach. JEL Classification: J52.

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Paper: Revisiting the Ancients - a Modern Perspective on Administrative Dispute Resolution  
Methods in Roman Classical Law

Author(s): Ionela Cuciureanu, Bucharest Bar, PhD candidate, University „Babes Bolyai” Cluj  
Napoca, Faculty of Law, Cluj, Romania

The paper analyses an essential question: How would have looked the roman juridical belief and how would have evolved the modern law systems without the institution of the praetor and his innovations, particularly the administrative dispute resolution procedures? The evolution of social relations, the development of trade, of contracts, of the juridical status of the person, would have been stopped in their embryonic phases, because the patterns inside which they should have fit were far too tight, if the praetor would not have found appropriate means to manage dispute resolution in a non-contentious manner, without arriving in front of the judge. The praetor's activity represented the continuous adaptation of the law at the needs of the society – *adaequatio intellectus et rei-managing*, in the same time, to anticipate some steps forward that society was due to make in the future. The paper will also have in view a practical case study on how the judicial system could be significantly relieved in the event of a modern application of the praetorian dispute resolution methods.

Keywords: praetor, edict, *ius civile*, dispute resolution, classical roman law, modern law. JEL Classification: J52.

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Paper: Communication Techniques in Mediation

Author(s): Claudiu Florinel Augustin Ignat, PhD, Lecturer, Craiova Law Faculty, Bucharest “Spiru  
Haret” University, Romania

This paper aims to develop the importance of communication in the mediation procedure as well as to focus on several communication techniques that proved their utility in time. We shall analyze for the beginning the tremendous impact that communication has in a non-contentious dispute resolution procedure, as mediation, continue with the exposure of various communication techniques, underlining those that are appropriate for this procedure, and present also, in the end, several practical cases, justifying the choice for one or more particular communication techniques.

Keywords: mediation, communication techniques, dispute resolution. JEL Classification: J52.

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**Paper:** The Peculiarities of the Consumer Decision on the Services Market  
**Author(s):** Mihaela Andreea Stroe, Lecturer, PhD, “Nicolae Titulescu” University, Bucharest, Romania

The service market has some peculiarities given that the consumer decision is made upon the consumer's information about the service. People are reasonably rational because of the interpretation of things in relation to others without the autonomy of thinking. The service market is a very important model from the perspective of specific abstraction, intangibility, and psychological phenomena such as perception, motivation, consumer attitudes, framing effects emphasize the game of individual rationality. Consumers can react uncontrollably to certain stimuli and are sometimes unable, taking into account the options available, to choose the optimal solution despite being aware of what is favourable to them. Cognitive and psychological processes play an important role in the consumer decision given cognitive dissonance, the fact that people filter information according to attitudes and beliefs, attitude to risk, informational asymmetry, emotional factors leading to consumer decision, risk aversion and, also, phenomena related to consumer behaviour on the market. The rational behaviour of the consumer is considered to be the one that offers maximum satisfaction with minimal cost at a maximum efficiency. The fact that there are many existing needs in the context of a limited resource nature makes the consumer choose to be based on the priority criterion. The opportunity cost is seen in this context as the value of the consumer's abandonment. All decisions related to spending a sum of money will be made taking into account the opportunity cost that is measured on the services market and in terms of aversion to regret in making the decision in incomplete information. The additional costs and benefits of an election should not only be measured in money, but also in terms of risk and comfort. We can refer to a psychological cost defined as the buyer's sacrifice when choosing a product variant. Every decision taken presents opportunity costs. So, we can state a relation between consumption and happiness and, although, at a first glance, it can be said that consumption is related to materialism and wealth, studies show that the relation between happiness and consumption is inversely proportional are not aware of what brings them happiness or not. (Waiss and Brown 1977). This presumption can be exemplified on the insurance market, that is a service market and all the characteristics of this peculiar market are encountered enhanced by the uncertainty offered by the insured risk. So risk behaviour, attitude to risk, culture, education, cognitive dissonance can be analysed as filters or barriers in making the consumer decision influenced, on the other hand, by the processes regarding the consumer behaviour on the insurance market such as moral hazard, informational asymmetry, adverse selection.

**Keywords:** market of services, decision, consumer, cognitive dissonance, happiness, insurance. **JEL Classification:** D18.

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**Paper:** Settlement of Legal Disputes of Constitutional Nature between Public Authorities  
**Author(s):** Cristina Teodora Pop, PhD, Assistant-Magistrate at the Constitutional Court of Romania, Associate professor at the Faculty of Philosophy, University of Bucharest, Romania

Introduced by the revision of the Constitution, in 2003, at article 146 e), the power of the Constitutional Court of Romania to settle legal disputes of constitutional nature became one of the most effective constitutional mechanisms that lead to the restoring of the legal balance between the functioning of the implied public authorities, and thus to the state of constitutionality, as a result of exercising by the Constitutional Court of its role of constitutional arbitrator and of guarantor of the supremacy of Constitution. The legal effects of the decisions issued by the Constitutional Court are stipulated in a general manner at article 147 (4) of the Constitution, that provides that they shall be generally binding and take effect only for the future, after they are published in the Official Gazette of Romania, the reason why they shall be established according to the role of this power of the Constitutional Court and to the reason wherefore it was regulated. The case-law of the Constitutional Court regarding the settlement of legal disputes of constitutional nature reveals the active role of the Court in exercising this power, as more than in the past, the solutions of the Constitutional Court finding the existence a legal conflict of constitutional nature are accompanied by legal patterns that shall be followed by the parties, in order to achieve the standards of constitutionally, which is an aspect that gave rise to substantial controversies among doctrinaires in the field of constitutional law.

**Keywords:** the powers of the Constitutional Court of Romania, the legal effects of the decisions of the Constitutional Court of Romania, public authorities of constitutional level, standards of constitutionality. **JEL Classification:** K10.

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**Paper:** The Causes of Nonverbal Communication Errors. Applications in Mediation  
**Author(s):** Mircea Aurel Niță, Associate Professor, PhD, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

The paper shows the influence of human mind due to the mental representations upon nonverbal communication. The functional preferences of mind hemispheres can influence the coding and decoding process for the emitter and receiver while the nonverbal message is moving from emitter to receiver and vice versa. Errors in communication can appear inside both minds of emitter and receiver, for example for the mind of mediator and the client. That is why a mediator must know and must be full of awareness about his peaceful mind state and the client, too. Some solutions are underline and proposed to be used before the mediation meeting starts.

**Keywords:** human mind, mental representations, coding and decoding process. **JEL Classification:** J52.

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**Paper:** Conflict Management Strategies in Mediation  
**Author(s):** Claudiu Florinel Augustin Ignat, PhD, Lecturer, Craiova Law Faculty, Bucharest “Spiru Haret” University, Romania

Conflict has been regarded for long as the core element of law, its mere *raison d’etre*, and this contentious approach of disputes being unfortunately still popular upon both laymen and law professionals. However, in alternative dispute resolution procedures in general, and in mediation in particular, conflict is regarded from a different perspective. This paper is aimed to develop the approach of mediation towards conflict, an approach focused on the fact that in front of the mediator, often the sole common ground of parties is the conflict itself. In other words, having a conflict is the sole element upon which the parties agree. From this point further, it comes to the mediator to apply the appropriate mediation techniques in order to strike a balance between the conflicting interests and to transform the initial conflict into a starting point for discussions.

**Keywords:** mediation, procedure, dispute resolution. **JEL Classification:** J52.

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**Paper:** Infringement of International Law in Ukraine since 2014  
**Author(s):** Martina Novotná, University of Alexander Dubček in Trenčín, Slovakia, Department of Political Science

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**Paper:** Operational Truth, Mind State and Crises in Management of Mediation  
**Author(s):** Angela Stela Ivan, Chief Lecturer, Dunarea de Jos University of Galati, Romania  
Mircea Aurel Niță, Associate Professor, PhD, Faculty of Public Administration,  
National University of Political Studies and Public Administration, Bucharest, Romania

The human minds of both parts, either emitter and receiver, either mediator and client operate with the Triangle of Knowledge-General, Concrete and Specific, so that one part can operate with a type of truth while the other part operate with the truth specific to the experience of this part. Starting from logical truth, going to the emotional truth and taking into account different influencing factors such as, culture, experience and age, sex, level of education, belonging to an organization, spiritual or a nonspiritual vision, etc., it is very important the relaxing state of the mind for the mediator. The paper shows how important is the holistic approach for the mediator mind especially during the process of mediation.

**Keywords:** logical truth, emotional truth, holistic approach of mediation. **JEL Classification:** J52.

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**Paper:** Transdisciplinarity and the Logic of Third Part. What Is Different in Put Us Together  
**Author(s):** Adrian Singurov, Priest

The paper deals with separation as a thinking problem and as a behavior one, too. Separation is against unity, so that using the law of Third Part it is easy to avoid separation between individuals and people. Solving conflict by peaceful means is the future of Humanity. **JEL Classification:** J52.

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# Students' Workshop

Chair: Ioana Cristina Vida, PhD, Parliamentary Adviser, The Chamber of Deputies of the Romanian Parliament, Bucharest, Romania

Co-Chair: Elena Marinică, PhD, Assistant Professor, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

## *Papers:*

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Paper: The Power of People in a Democratic State

Author(s): Georgeta Claudia Pleșa, Student, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

The popular legislative initiative is a constitutional right recognized by the extra-parliamentary opposition. In a democratic state the power of the People represents a key point in the direction of a state. Democracy is the form of organization and political leadership of a society based on the principle of the exercise of power by the people. In this paper we will present under what conditions a law can enter into force and why it is important to consult the people in matters directly affecting it. Identifying citizen's needs as well as consulting them on certain issues is an excellent mechanism for peacekeeping and operation in the best possible conditions of the entire administrative apparatus.

Keywords: people's initiative, democracy, rights and duties. JEL Classification: K10.

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Paper: Legal Documentation - Normative Acts Drafts

Author(s): George Ilie, Student, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

My article deals with a special theme in Legislative Technique or Formal Legislation. It is one of the stages preceding the drafting of the normative act, in legal documentation. I have chosen this subject as the creation of law requires a research activity based, among other things, on studying and analyzing normative and jurisprudential acts of the forums considered to be milestones in this respect. The documentation in the drafting of normative acts is imperative because it makes the correlation between the elements to be in legal norms with the European law, the Fundamental Law and the other laws, on the one hand, and on the other hand, it agrees with the needs and the social reality with the provisions of the act, thus leading to the efficiency and the stability of the act of legislation, as well as the decrease of the risk that the act will become obsolete. The structure of the article will have two main parts. The first part will include an introduction to the study of formal legislation and will address aspects of scientific documentation in general and legal documentation in particular. The second part will practically, in a comparative way, deal with the legal documentation at the level of law-making bodies and of supreme courts in Romania and the European Union.

Keywords: rule of law, elaboration procedure, documentation. JEL Classification: K10, K40.

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Paper: Approval and Endorsement of Normative Act Draft  
Author(s): Razvan Adrian Grigore, Student, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

In this article I will speak about the problem of approval and endorsements of normative acts drafts, looking forward to try answer a number of key questions, such as: Why did I choose this issue? I will try to define what is the main reason of this paper/research in what concerns the subject of approval of normative acts drafts; What issues I have reached? Issues in what concerns the study of formal legislation, instruments for approval and endorsements; What difficulties I have reached, what is the importance of the study and what I have brought new with my research. The paper will be divided in two main parts. Part one will contain two sections which will approach to introductive aspects in what concerns the study of formal legislation and the problem of normative acts approval. The second part will contain an analyze of how European normative acts are approved.

Keywords: rule of law, endorsement procedure, adoption procedure. JEL Classification: K10, K40.

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Paper: The Legal Conceptualization of European Union Law and the Role of the Council of the European Union in the Adoption of EU Law  
Author(s): Cristi-Gabriel Stoian, Bachelor Degree Student, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

In this scientific approach, we aim to identify the premises underlying the creation of European Union law, to determine the legal nature of this new right, to observe the objectives it has set itself to achieve and the future consequences for the Member States. We will firstly point out that what the concept of European Union law means is where the EU has exclusive competence and shared competence with the Member States and that the ultimate interest of these actions is to ensure economic growth and competitiveness for all states and regions of the EU. We will also stop on the role of the Council of the European Union in the context of Romania's presidency in the first six months of 2019.

Keywords: Council of the European Union, legal conceptualization, attributions, presidency of the European Union. JEL Classification: K1.

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Paper: Elements of Legislative Technique - Comparative View  
Author(s): Izabela Lupu, Master Degree Student, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

Our scientific approach is based on the pre-requisites of Formal Legistics, according to which the law is made up of the sum of the normative acts in force in a certain predetermined geographic area, influenced by its own historical, cultural, political evolutions etc. Thus, we propose to find the answer to the following questions: "What is the lawmaker's creation?", "Is there a typology of a universal lawmaker?". In order to answer the questions raised, we propose to refer to Law No. 24/2000 and to its legal counterparts in Belgium, France, Spain, Austria and Finland.

Key words: legislative system, formal legislation, normative act, Constitution. JEL Classification: K10, K19.

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Paper: Education is Guarantor of Respecting the Realization of Rights  
Author(s): Mariana Dumitru, Student, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

The full guarantee of the exercise of the right to education, in all its dimensions, occupies an important place in the legal system, from which all the other fundamental rights and freedoms through which life standards are ensured, acces to the information necessary for the development of skills and abilities to improve quality of life, the environment, and respect human dignity. Keywords: education, guarantee, fundamental rights, human dignity. JEL Classification: K10, K19.

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