



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

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

8th Annual International Conference

Law and Administrative Justice from an Interdisciplinary Perspective

November 25th – 27th, 2021, Bucharest, Romania

**Organised in partnership with
International Association on Public and Non-Profit Marketing, Spain**

and with the support of:

**International and Comparative Law Department
of The Academy of Juridical Sciences of Romania;**

The Union of Jurists of Romania, Bucharest, Romania;

The Romanian Association for the United Nations

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Association Centre of Academic Excellence, Bucharest, Romania.



PROGRAMME

Conference WEBEX:

<https://snsapa.webex.com/meet/conferinta>

Conference Schedule

THURSDAY, NOVEMBER 25th, 2021

16:00 - 19:00 **Students' Workshop**
<https://snspa.webex.com/meet/conferinta>

FRIDAY, NOVEMBER 26th, 2021

08:30 - 9:00 **Access WEBEX Platform**
[\(https://snspa.webex.com/meet/conferinta\)](https://snspa.webex.com/meet/conferinta)

9:00 - 9:15 **Opening Plenary Session**
Open speech: *Diana-Camelia Iancu*, Associate Professor, PhD, Dean, Faculty of Public Administration, National University of Political Studies and Public Administration

9:15 - 10:20 **Working Groups Sessions**
WG1. The Administrative Capacity of the Judicial System
WG7. Public Marketing

10:20 - 10:30 **Coffee break**

10:30 - 12:45 **Working Groups Sessions**
WG3. Diversity, Citizenship and Solidarity under Migration Pressure

12:45 - 13:30 **Lunch break**

13:30 - 15:00 **Working Groups Sessions**
WG2. Human Rights in the New Era
WG6. Peaceful Settlement of Conflicts and Management

15:00 - 15:20 **Coffee break**

15:20 - 17:00 **Working Groups Sessions**
WG4. New Tendencies in Public Administration Development
WG5. Climate Change: Global Challenges, Local Actions

17:00 - 17:30 **Closing Plenary Session**
Closing Ceremony

SATURDAY, NOVEMBER 27th, 2021

09:30 - 11:00 **Meeting of conference's coordinators (Closed meeting)**

11:00 - 11:30 **Coffee break**

11:30 - 12:30 **Working Groups and Workshop Evaluation Reports**

Book of Abstracts

Working Groups Sessions

Friday, November 26th, 2021

WG1. The Administrative Capacity of the Judicial System

Chair: Victor T. Alistar, Associate Professor, PhD, Faculty of Public Administration, National University of Political Studies and Public Administration (NUPSPA), Member of Superior Council of Magistracy, Bucharest, Romania

Co-Chair: Andreea Ciucă, PhD, President of Romanian Magistrates Association

Papers:

Paper: Appointment and dismissal of prosecutors to/from senior management positions in the Prosecutor's Office of the High Court of Justice, guarantee of legitimate and constitutional proceedings

Author(s): Gheorghe Stan, judge, Constitutional Court of Romania

Appointments to senior positions in the major prosecutors' offices have given rise to extensive problems of constitutional law, but also with an increased impact on the quality and legitimacy of leadership processes in the Public Prosecutor's Office. Impartiality as a prerequisite for the independence of justice and accountability for the quality of implementation of the state's criminal policy, which places prosecutors under the authority of the Minister of Justice, can only be achieved through a diligent, balanced and legitimate process of appointment and control over the leadership of the Public Prosecutor's Office.

Keywords: Public Prosecutor's Office, leadership, impartiality

Paper: Functional perspective on the criminal liability of magistrates: guarantees of independence and accountability, with special reference to the regulation of the Section for the Investigation of Offences in the Judiciary

Author(s): Andreea Ciucă, PhD, President of Romanian Magistrates Association

The relationship between independence and responsibility will be analysed, in particular, in relation to the obligation to respect the independence of justice, assumed by Romania through international documents to which it is a party, enshrined and guaranteed by the Constitution, respectively developed by the jurisprudence of the Constitutional Court. Any prejudice to the independence of justice, regardless of the aspects under which it may be addressed, has negative consequences on the fundamental rights and freedoms of citizens, given that independence is a prerequisite for the defense of the rule of law and the fundamental guarantee of a fair trial, and may be compromised by various factors (extrinsic and intrinsic). In a state governed by the rule of law, the mechanisms for holding judges and prosecutors criminally liable cannot be designed without adequate protection against pressure on them, against abuses through arbitrary referrals/indictments, and without premises ensuring uniform practice. Concrete elements will be highlighted concerning the factual and legal context of the creation of the Special Section Investigating Offences Committed within the Judiciary, the transparency of the work of justice as a public service, the false problem of the "super-immunity" of magistrates through the creation of the Special Section Investigating Offences Committed within the Judiciary.

Keywords: independence of justice, accountability guarantees, rule of law, fair trial, abuses of independence.

Paper: Theses of a profound reform of the organisation and functioning of the judicial authority in the context of current social changes

Author(s): Victor T. Alistar, Associate Professor, PhD, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania

The overcoming of two major cycles of justice reform, the first being the one regarding the transition to constitutional democracy and the second one necessary for European integration, as well as the effects of the technological revolution and socio-economic transformations, require a cycle of reform of the organisation and functioning of justice. The approach to judicial organisation policies must be a holistic one that addresses both the distribution of material competences in the judiciary, the status of magistrates, functional and operational structures and last but not

least procedural codes. The criterion of efficiency becomes illegitimate for due process standards in the absence of nationally applied criteria of effectiveness and impartiality of justice.

Keywords: public law, judicial organisation, administrative reform, social changes

Paper: Complementarity, specificity, concurrence and jurisdictional limits of the CJEU and of the Constitutional Courts in the European Union

Author(s): Simona Camelia Marcu, judge, High Court of Cassation and Justice of Romania

The future of the European Union must be strengthened through cooperation, communication and negotiation between the Member States and by respecting the principles underlying the functioning of the E.U., but also by taking into account the national particularities of each Member State. By increasing the number of cases before the CJEU will not solve the acute problems faced by many European states without an objective and in-depth analysis of the reasons why national constitutional courts take different approaches. The EU must not and will never be able to fully ensure the uniformity of the legal framework but must harmonise and integrate it on the basis of dialogue.

Keywords: jurisdictional limits of the CJEU, Complementarity, specificity, concurrence European Union

Paper: The Special Section Investigating Offences Committed within the Judiciary - between desire and necessity. European perspectives

Author(s): Elena Iordache, prosecutor, Prosecutor's Office attached to the High Court of Cassation and Justice of Romania

The analysis of the context of the establishment and the successive regulations on the Special Section Investigating Offences Committed within the Judiciary by distinguishing Romania's Constitutional Court's vision, as well as the perspectives of the European institutions reveals the main regulatory coordinates. Thus, it highlights the need for self-regulatory mechanisms within the system in the event of offences committed in connection with one's job as well as other offences committed by magistrates, under conditions that preserve the functional and personal independence of judges and prosecutors.

Keywords: Special Section Investigating Offences Committed, magistrates, independence

Paper: The relationship between the secret intelligence agencies and the judicial system after the fall of communism in 1989 in Romania

Author(s): Dana-Cristina Gîrbovan, Judge, president of the Court of Appeal Cluj Napoca, president of the National Union of Romanian Judges, Romania

In December 1989, immediately after the fall of communism, the Securitate has been abolished and its departments were dismantled in different security/intelligence structures that over time became standalone agencies. The article will follow the interference of the intelligence in the judicial, starting with the (in)famous SIPA, pointing out the involvement of the Romanian Intelligence Service in the judicial power by establishing secret protocols with the General Prosecutor's Office, the Superior Council of Magistracy, High Court of Cassation and Judicial Inspection. The paper is based on critical and constructive examination of facts, on the analyse of the legislation, protocols, and the decision of the Constitutional Court. Attention is paid to the process, outcomes, and responses by judicial system, civil society, policymakers, and the european institutions. It then considers the lesson learn and underlines why the involvement of the intelligens in the judiciary is one of the most serious threat to the independence of the judiciary, rule of law and human rights in a democratic society.

Keywords: Intelgience agency, independence of the judiciary, secret protocols, rule of law

Paper: Prophylaxis in the judicial system - Self-regulation mechanisms within the judicial system, good practices in the organisation of the Judicial Inspection. Regulatory needs

Author(s): Lucian Netejoru, judge, Inspector chief of the Judicial Inspection, Romania

The principle of the balance of powers in the state is not in itself sufficient to ensure the legal and efficient functioning of the judiciary. It is necessary for the system itself to use its own resources to regulate its activity. The judicial system has several self-regulatory tools at its disposal to ensure that it functions within the law. The Judicial Inspection has a significant role to play in ensuring the functionality of these self-regulatory mechanisms through two essential dimensions of activity, namely disciplinary activity and control activity. An effective and accountable justice system cannot be conceived in the absence of effective capacity to identify and correct misconduct; in this respect the work of the Judicial Inspectorate is essential to give effective substance to the legal provisions governing the disciplinary liability of judges and prosecutors. The work of the Judicial Inspection is organised in such a way as

to ensure prompt and consistent reactions to disciplinary behavior. The justice system can only be effectively regulated if the Judicial Inspection works effectively and efficiently.

Keywords: balance of powers, effective and accountable justice system, Judicial Inspection

Paper: Romania's administrative capacity to implement normality in prisons

Author(s): Crina-Bianca Vereş, PhD student in Criminology at the "Acad. Andrei Rădulescu" Legal Research Institute of Romanian Academy; Office Manager within the Superior Council of Magistracy

In the context of Romania's convictions at the European Court of Human Rights, it was necessary to reform the penitentiary system. Thus, projects at the level of the National Administration of Penitentiaries aimed at developing and implementing a programme of accountability of prisoners in order to reduce the risk of exclusion, training of prison officers in its application in order to improve the educational process as well as the construction of new accommodation in order to improve prison conditions in accordance with Council of Europe's standards. The study aims to highlight the capacity of the Romanian prison system to implement the principle of normality developed by the Nordic countries.

Keywords: Public Law, penitentiary system, ECHR, normality

Paper: Some considerations regarding the status and legal effects of non-binding EU-law acts - special look at the Commission's recommendations under the Cooperation and Verification Mechanism

Author(s): Constanța Mătușescu, Associate Professor, Ph.D., Dean, "Valahia" University of Targoviste, Faculty of Law and Administrative Sciences, Romania

The paper addresses an issue that has attracted the attention of the doctrine for a long time but which today raises new intellectual challenges for lawyers - that of the effects of European Union acts without binding legal force, a category of acts whose number and diversity have expanded significantly in the practice of the Union institutions.

The context is provided by the recent evolution of the jurisprudence of the Court of Justice of the European Union, including the Judgment handed down by the CJEU on 18 May 2021 in a series of preliminary references from the Romanian courts, a jurisprudence that retains a certain legal effect of certain categories of acts (such as recommendations or other soft law acts), including the possibility for them to be subject to judicial review by the CJEU.

Without intending to exhaust this otherwise complex issue, which raises a number of legal aspects, the present case seeks, on the one hand, to assess the extent to which that line of case-law brings new elements to the Court's previous practice and, on the other hand, to identify some of the wider national implications of this new approach. Emphasis will be placed on the analysis of the status of the Commission's recommendations made under the Cooperation and Verification Mechanism (Decision 2006/928) in the light of the case law of the Luxembourg Court previously invoked and subsequent decisions of national courts.

Keywords: European Union, non-binding acts, recommendations, Cooperation and Verification Mechanism

Paper: The administrative capacity to manage the effects of the COVID-19 pandemic in schools: legality of personal data processing concerning the staff vaccination status

Author(s): Silviu-Dorin Șchiopu, PhD Candidate, Nicolae Titulescu University, Bucharest, Romania

The administrative capacity of public authorities and bodies, as well as of the institutions under their subordination / in their coordination, includes, not only all material, institutional and human resources, but also the actions they carry out for the exercise of the competencies established by law. In the context of the COVID-19 pandemic, the Minister of Education together with the Minister of Health issued Joint Order no. 5558/2389/2021 which provided that, starting with 8 November 2021, the resumption of courses with physical presence is to take place in all pre-university education units in which a minimum percentage of 60% of the staff is vaccinated, otherwise the resumption of courses will be done online, and the Boards of Directors of the pre-university education units issue the decision on how to resume the courses. Therefore, this study will analyse, in the light of the data protection legislation, if, in view of the competencies established by law, the pre-university education units have the necessary administrative capacity to issue an informed decision on how to resume the courses. The main conclusion after analysing the current legal framework is that the legitimate basis for personal data processing concerning the staff vaccination status can only be point (c) of Article 6 (1) and point (g) of Article 9 (2) of Regulation (EU) 2016/679, but the Joint Order no. 5558/2389/2021 does not fall into either of these two legal basis for the processing, with the consequence that the Boards of Directors are in fact deprived of the necessary administrative capacity to issue the decision on how to resume the courses.

Keywords: Public Law, fight against the COVID-19 pandemic, schools, personal data, staff vaccination status, legality of processing

WG2. Human Rights in the New Era

- Chair: Irina Zlătescu, Professor, PhD, Faculty of Public Administration -NUPSPA, Director of the Transdisciplinary Centre of Human Rights; Titular Member of IACL and ASJR
- Co-Chair: Constanța Mătușescu, Associate Professor, Ph.D., Dean, “Valahia” University of Targoviste, Faculty of Law and Administrative Sciences, Romania

Papers:

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- Paper: Climate change – interferes with the enjoyment of all human rights
- Author(s): Irina Zlătescu, Professor, PhD, Faculty of Public Administration -NUPSPA, Member of the Steering Committee of the Institut International de Droit d’Expression et d’Inspiration Françaises (IDEF), Council Member - European Law Institute (ELI), President of the Association for the United Nations in Romania (ANUROM-WFUNA)

Climate change interferes with the enjoyment of all human rights, including, among others, the rights to life, health, development, an adequate standard of living, furthermore affecting already vulnerable peoples (including migrants, persons with disabilities, and so on). It becomes obvious that reviewing the standards or creating new standards and principles, such as solidarity, cooperation, transparency, access to information by using AI, equality, and so on, proved to be a necessity.

Keywords: climate change, human rights principles, international standards (universal and European standards), business and human rights

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- Paper: Administrative Actions and Services of Public Interest in the Context of Respect for Human Rights
- Author(s): Elena Roxana Vișan, Member of the ELI, Ambassador of Romania in the field of teaching Intellectual Property

The dynamics of the European social system have led to visible changes in the field of administrative actions and services of public interest, developing new perspectives for their governance. A profound transformation is reflected in the acceleration of the digitalization of the entire social system, through a redefinition of its governing directions. Against this background, the present research highlights and notes the mechanism of digital governance, how it is managed and operated, where administrative actions and services of public interest must play a central role in respecting national and European law, marks of principles and the values of democracy.

Keywords: administrative actions, service of public interest, human rights, digital transformation

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- Paper: Human rights, the challenges of the last decade and new regulations
- Author(s): Andreea Georgiana Nicolae, PhD candidate, Faculty of Public Administration-NUPSPA, Environment policies consultant - Waste Disposal Intercommunity County Agency, European Law Institute Member, Victor Dan Zlătescu Cheia Club Association Member

When considering the future of human rights and whether they will be viewed as more, or less important in the years to come, many potential challenges come to mind: climate change, nationalism, inequality, growing authoritarianism. Ultimately, many of these different threats are linked to one another in complex ways – for example, inequality has fomented nationalism, and climate change can increase inequality. But they also depend on the answer to a deeper question: “How important are the human rights of others to us generally?”

Keywords: human rights, human rights challenges, importance of the human rights

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- Paper: The recognition of natural immunity by the Romanian authorities in applying the principles laid down by Regulation (EU) 2021/953 of the European Parliament and of the Council of 14 June 2021 on the release, verification and acceptance of certificates of vaccination interoperable, testing and healing of COVID 19
- Author(s): Denis-Roxana Gavrilă, PhD candidate, Faculty of Public Administration-NUPSPA, counsellor to People’s Advocate

Recently, more and more national and international studies show that cellular immunity is not to be neglected, being particularly important in combating, or transmitting Covid 19 disease, than in the case of artificial immunisation. However, the Romanian authorities are still reluctant to these studies, through the measures instituted at national level, building a gap, quite deep in society, between vaccinated and unvaccinated people against the Sars-CoV 2 virus.

The article aims to show both national and international efforts, which are being made through studies on antibody immunity and cellular immunity, and the role that human rights institutions can play in advocating for the recognition of the rights of all citizens, without exclusions or privileges, in relation to the authorities, and in respect of persons who have undergone Covid-19 disease or present certain conditions, incompatible with vaccination, through the legal levers at their disposal.

Keywords: Right to health, Sars-CoV-2, restrictive measures, Ombudsman, authorities, human rights

Paper: Directions of the current efforts to foster business respect for human rights

Author(s): Christian Töpfer, PhD candidate, Faculty of Public Administration-NUPSPA, Lawyer member of Bucharest Bar, Chairman of the Board of the German Youth Forum of the Extracarpathian Region, Board Member at the Democratic Forum of Germans in Bucharest, Board Member of the "Transcarpatica" Foundation of the Democratic Forum of Germans from the Extracarpathian Region

In this paper I will present the main directions of the current efforts to foster business respect for human rights, by moving the United Nations Guiding Principles on Business and Human Rights from paper to practice. An overview on the most recent developments to foster business respect for human rights, which are focused on laying down National Action Plans to guide the efforts to protect human rights from business related adverse impacts, on imposing legislation on mandatory human rights due diligence and on lowering barriers for access to effective remedy to victims of human rights abuses, will be provided by deriving the findings from the reports, papers and regulations published by the relevant actors in this field.

Keywords: business, human rights, efforts, international, national

Paper: Cultural rights: new era, old principles, same challenges?

Author(s): Andrei Nicoale, PhD candidate, Faculty of Public Administration-NUPSPA, Legal Advisor, Transports and Infrastructure Commission, Romanian Chamber of Deputies, European Law Institute Member, Secretary General of Victor Dan Zlătescu Cheia Club Association

The way events that take place today on the international political stage are brought to our attention through various media sources could lead us Europeans and especially us Romanians to believe that after centuries of trials, transformations and searches assiduous people had at one point finally discovered the ideal form of government that would lead to stability and the harmonious development of society. But this dream seems to have crumbled with the transition to the information society. However, rapid digitalisation, economic crises, migrant waves, hybrid wars, climate problems, the precariousness of classical resources and health hazards have once again raised the issue of building proper statal structures capable of guaranteeing fundamental civil rights and freedoms. In this article, we will address the issue of the principles of cultural rights that are at the forefront of the nowadays debate on the changes and reforms that public administrations are called upon to implement in order to meet the needs of future generations.

Keywords: Human Rights, Cultural Rights, Public Education, Policy Making

Paper: The right to a healthy environment

Author(s): Loredana Dumitriu, PhD candidate, Faculty of Public Administration-NUPSPA

The aim is to consider the special position the right to a healthy environment enjoys in the system of human rights. The main results focus on emphasising the recognition of the right to a healthy environment as a fundamental human right. The methodology consists of documenting and analysing the papers, the case-law and the relevant legislative framework in the field of environmental protection and sustainable development. The conclusions expand the fact that the right to a healthy environment is the "fundamental right" encompassing the following rights: the right to live in an unpolluted and not degraded environment; the right to good health, not impacted by environmental degradation; the right to access to appropriate water and food resources; the right to a healthy work environment; the right to housing, land use and living in a healthy environment; the right not to be expropriated as a result of carrying out activities in the environment, except in justified circumstances, and the right of those expropriated, as provided by law, to obtain appropriate repairs; the right to assistance in the event of natural and man-made disasters; the right to benefit from the sustainable use of nature and its resources; the right to preserve the representative elements of nature.

Keywords: human rights, healthy environment, treaties, principles

Paper: The consolidation of the System of the European Convention for Human Rights at national level

Author(s): Alina Mihaela Grigorescu, PhD candidate, Faculty of Public Administration-NUPSPA

The rule of law is the central piece of the puzzle of a state's democracy. From the point of view of institutions, the three powers of the State are called, together, to create and strengthen the mechanisms for the functioning of democracy. In this equation, the respect for human rights is the motive of the approach, and parliaments, through their mission and strategic position in relation to governments, can be guarantors of this approach.

Based on the principles underlying the European edifice and on the relevant documents of the Parliamentary Assembly of the Council of Europe on the restoration of violated rights and by supervising and monitoring the enforcement of judgments delivered by the European Court of Human Rights, we argue that national parliaments, through internal control structures, can be the foundation of state democracy.

Keywords: enforcement of ECHR judgments, national parliaments, shared responsibility, control mechanisms

Paper: Access to the archival heritage as a reflection of the human right to culture. UNESCO's perspective

Author(s): Codruța-Elena Mihailovici, PhD candidate, Faculty of Public Administration-NUPSPA, archivist-palaeographer to The National Archives of Romania

The study intends to raise the profile of the archival (documentary) heritage importance in any nation building through the fact that it comprises the entire amount of the written proofs related to the mankind development. The focus of the research follows, using the historical method, the line of the initiatives and projects promoted by UNESCO, in terms of preservation of and access to the archives, as the first intergovernmental organisation which have received the responsibility for promoting and development of this kind of heritage. Based on a qualitative research method, the present work analyses how the UNESCO approaches in this field, either individual or collaborative – especially with International Council on Archives (ICA), are strongly connected to the specific events/phenomena that happened around that time worldwide: political events, technological revolution, Covid-19 pandemic etc. The study provides a synthesis of the activities developed by UNESCO which aim to protect archival heritage and to enlarge the access, to protect the right to the cultural heritage. The study can be used as a tool in creating or improving national and institutional policies in the field of protection and accessibility of the archives.

Keywords: UNESCO, human rights, access to archives, cultural heritage, International Council on Archives (ICA)

Paper: Parental alienation, a form of domestic violence?

Author(s): Alina-Raluca Cucu, PhD candidate, Faculty of Public Administration-NUPSPA, Lawyer Bar Bucharest, ELI member, UJR member, "Clubul de la Cheia - Victor Dan Zlătescu Association" member

Nowadays, more and more is used the statement “parental alienation” in the war of the former partners. The present research's objective is to find what exactly means, from a juridical point of view this “parental alienation”, what is its nature and its characteristics and mostly, in witch specific cases it applies. And also, the research aims to identify the existence of a link between domestic violence and parental alienation.

In order to achive the proposed goal, I will try to find in the available literature and also in the legal provisions in force all the data necessary to proper define and characterise parental alienation and its connection to domestic violence.

At the end of the study I hope to be able to summarise and conclude the results of my research and, if necessary, to present some de lege ferenda proposals.

Keywords: domestic violence, parental alienation, the best interests of the minor, parents, fundamental rights and freedoms

Paper: Restrictions under article 23 GDPR

Author(s): Alexandru Aurelian Chiriță, PhD candidate, Faculty of Public Administration-NUPSPA, Manager of Law Department, Hidroelectrica, Romania, Member of the ELI

The GDPR regulation aims to protect the rights and freedoms of natural persons as it is considered a fundamental right of a natural person in relation with the right to data protection.

The provisions of art.23 GDPR outlines the "restrictions" imposed and Opinion 10/2020 that was issued in october 2021 provides essencial guidance on the matter.

Keywords: restriction, rights, freedom, GDPR

WG3. Diversity, Citizenship and Solidarity under Migration Pressure

**THIS WORKGROUP IS ORGANISED BY NUPSPA, PARTNER NET UNIVERSITY IN CIVICA
– THE EUROPEAN UNIVERSITY OF SOCIAL SCIENCES**

Chair: Mădălina Cocoșatu, Associate Professor, PhD, Director of the Department of Law "V.D. Zlătescu", Faculty of Public Administration-NUPSPA
Co-Chair: Diana-Camelia Iancu, Associate Professor, PhD, Senior Manager, CIVICA - the European University of Social Sciences, NUPSPA

Papers:

Paper: The Migration Pressure under the Climate Crisis
Author(s): Irina Zlătescu, Professor, PhD, Faculty of Public Administration -NUPSPA, Member of the Steering Committee of the Institut International de Droit d'Expression et d'Inspiration Françaises (IDEF), Council Member - European Law Institute (ELI), President of the Association for the United Nations in Romania (ANUROM-WFUNA)

The United Nations Human Rights Council (UNHRC) noted: "The urgency of protecting and promoting human rights of migrants and persons displaced across international borders, in the context of the adverse impact of the climate change" (HRC Resolution 35/20). Furthermore, the Global Compact for Safe, Orderly and Regular Migration recommends states to develop instruments and mechanisms for disaster risk reduction and climate change mitigation and adaptation. At the European regional level, the Council of Europe, the European Union adopted some instruments and mechanisms. For example, the European Union released the draft of the "New Pact on Migration and Asylum", on 23 September 2020, which offers a fresh start and aims to build a system that manages and normalises migration for the long term.

Keywords: Human Rights, UNHRC, European Commission, European Union Pact on Migration and Asylum

Paper: Immigration to European Union: challenges and priorities
Author(s): Alexandra Bucur-Ioan, PhD, Faculty of Public Administration-NUPSPA, Member of the ELI

This paper examines current aspects of immigration in the European Union, focusing on current challenges and priorities in this area. The sudden influx of immigrants who have entered the territory of the Member States in recent years has triggered a crisis - both humanitarian and political. The existing pressure on immigration has forced political and administrative actors to make new decisions, find solutions and act as quickly as possible. Migration policies cover several angles, such as international protection, the labor market, family reunification, immigrant integration, illegal migration, etc., all of which are the responsibility of the public administration. The challenge was even greater when the Covid-19 pandemic broke out and Member States were forced to impose restrictions on the admission of aliens as well as find new solutions to effectively manage the situation.

Keywords: migration, asylum seekers, public administration, pandemic

Paper: The principle of solidarity - an instrument for managing migration and asylum at European Union level
Author(s): Ciprian – Constantin Mihai, PhD candidate, Faculty of Public Administration-NUPSPA

The management of migration and asylum at European Union level represents a goal of the entire Community and the application of the principle of solidarity could be an appropriate instrument for managing these areas. The document presented is a comprehensive presentation of the role of applying the principle of solidarity in managing migration and asylum areas in the European Union, but also an analysis of the effectiveness of the mechanisms used in applying the principle at Member States level, by public administration. Identifying the similarities and differences in the applicability of the principle of solidarity is a clear way of establishing the effectiveness of this principle, but also of establishing the possibility for its development. The document aims to complete existing theory and practice

in the fields, as well as to provide a set of alternatives to the current problems in society with regard to migration and asylum.

As a general conclusion, it should be noted that the application of the principle of solidarity in the Member States in the field of migration and asylum could be an eloquent proof of the functioning of the European Union and an instrument for the development of the European community.

Keywords: migration; solidarity; asylum seekers; secondary movements; human rights

Paper: Detention of Asylum Seekers

Author(s): Eleodor Pîrvu, PhD candidate, Faculty of Public Administration-NUPSPA

In accordance with the provisions of the Law on Asylum in Romania, with subsequent amendments and completions, the competent authorities ensure access to the asylum procedure to any foreign or stateless citizen, located in Romania or at the border, from the moment of manifestation of will, expressed in writing or orally, from which it should result that he requests the protection of the Romanian state. In order to fulfill the necessary formalities, restrictive measures may be ordered to limit the abuses of the asylum procedure, as well as in case of danger to national security, based on an individual analysis, against the asylum seekers, in accordance with the legal provisions. I mention that the placement measure, as well as the alternative measures cannot be ordered as sanctions for the conduct of asylum seekers or for non-compliance with one or more existing obligations on them, and the disposition of these measures presupposes an individual analysis. In the context of the limitations imposed by the provisions of Directive 2013/33, I am of the opinion that restrictive measures will not lead to the elimination of secondary movement of asylum seekers to other Member States, as long as the first country for which international protection is sought still has the status of transit.

Keywords: asylum seeker, detention, protection

Paper: Changes in migration under COVID pressure

Author(s): Elena-Claudia Marinică, PhD, Assistant Professor, Faculty of Public Administration-NUPSPA

This article refers to trends and policies on international and Romanian migration in particular, pertaining to the international and regional areas in the context of increasing migrant flows, and also tackles the need to protect migrants, a category of vulnerable population, in the context generated by COVID. The article aims to analyse the effects of the COVID pandemic on the phenomenon of migration, rethinking national migration policies for both migrants and immigrants, and ensuring the migration governance of states, in accordance with institutional policies and human rights. Identifying the needs and the respective ways to meet them with emphasis on the circular migration and the return of Romanian migrants, influenced more or less by the effects of the current pandemic, followed by their inclusion in national policies are key issues addressed in this research, starting from the worldwide impact that migration currently makes, continuing with the analysis of the Romanian migration phenomenon which experienced a real explosion after 2007, simultaneously with Romania's integration into the European Union, finally made clear following the generalised context caused by the COVID pandemic. Our research tries to bring into discussion the new profile of the Romanian migrant, very different from the original one, the tendency of some Romanian migrants to return, the need for national policies that offer solutions to this phenomenon, by elaborating social, educational, financial, health policies etc. to support the global commitment of all actors involved (organisations, state, citizens) regarding this issue. Based on the proposed objective and the research carried out, one can conclude that there are multiple challenges regarding the phenomenon of global migration, and there is a series of current trends in international and Romanian migration, including the need to review national migration policies while affirming human rights and freedoms.

Keywords: circular migration, better policies, European Union, human rights

Paper: The challenges of the migration phenomenon in the context of the COVID-19 crisis

Author(s): Mădălina Cocoşatu, PhD, Associate Professor, PhD, Faculty of Public Administration-NUPSPA

COVID-19 pandemic disrupted all forms of human mobility by closing national borders and stopping global travel. The current context requires states the adoption of important integral decisions, both related to the humanitarian crisis of refugees, correlated with the provision of public health measures, as well as the economic and social impact on the security of states. One of the factors that favoured the increase in the number of people tested positive to COVID-19 was also represented by spontaneous circular migration, in the conditions in which many of the people who came

from areas with a large number of cases there were symptoms and there was a major risk of transmission in the family and in the communities of destination. COVID-19-related measures influence asylum applications and how they are processed.

Keywords: migration, COVID-19 crisis, measures

WG4. New Tendencies in Public Administration Development

- Chair: Mihaela V. Cărauşan, Associate Professor, PhD,
Deputy Dean, Faculty of Public Administration-NUPSPA; Executive Director, Association
Centre of Academic Excellence, Bucharest, Romania, Member of the ELI
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Papers:

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- Paper: The rule of law in EU member states. Brief considerations on the rule of law from the
perspective of EU member states
- Author(s): Iulian Nedelcu, PhD, Professor Doctor Habilitat, Spiru Haret University, Lawyer Bar Dolj

The state is a reality, it is present in the daily life of all citizens and is framed in many areas of social activity. However, it is an abstract concept, it is a support of power and allows the distinction between rulers and ruled to be established.

Europe is in the midst of rebuilding. Here is a great hope, which will only come true if history is taken into account: a Europe without history would be orphaned and unhappy. Time flows forward, and today is derived from yesterday, and tomorrow is the fruit of the past. A past that should not paralyse the present, but help it be different. The functioning and nature of the state cannot be understood without prior research of its origin and historical formation. A picture according to a nuanced historical-political analysis is often spectral, but the amplitude can change or extend, as for example during a revolution. The transformation of great cultures, centers and voids of power, of universal empires and religions, of slavery, apocalyptic thinking and the hilarious solution are found throughout the historical process as elements.

Keywords: rule of law, rulers and governed, persistence and change, sovereign fiscal authority of a frequently interrupted continuity

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- Paper: The impact of the COVID-19 pandemic on democracy and local government. A comparative
study on France, UK and Italy
- Author(s): Claudia Gilia, Associate Professor, Valahia University of Targoviste, Faculty of Law and
Administrative Sciences

In the past two years, the Covid-19 pandemic has influenced the way how the democratic life has developed. The public authorities and the citizens have had to adapt to the new reality that the health crisis has imposed. The installation of the states of emergency or alert, and the imposition of total or partial lockdowns have changed the way in which the democratic principles and values have been put into practice.

Our study is highlighting the way in which the voting processes took place within the local communities, in 2020 and 2021, in France, UK and Italy -- three states with consolidated democracies. We are carrying out a research both comparative and analytical in relation to the voting systems, the procedures that the voting processes use, the outcomes, and the impact of the health crisis on the voting systems.

There were numerous challenges both for the authorities in charge with the voting systems, and for the electoral competitors as well, and last but not least, for the electorate. The pandemic had triggered the postponement of the election timetables, the fall of the turnout for electing the local representatives, the rise of extremist political forces, and a local government that had to adapt to the new realities.

In our study we will attempt to answer a series of questions:

1. To what extent has the pandemic affected the relations between the voters and the elected?
2. Was democracy put in "parentheses" during the pandemic crisis?
3. To what extent were the elected bodies legitimate considering the low turnout?
4. What measures have the public authorities to implement in order to deal with the pandemic and, at the same time, to meet the demands of the democracy?

Keywords: elections, pandemic, local government, local authorities, democracy

Paper: The debate in 21st century in Romania. Case study – Bihor County
Author(s): Claudia Simona Timofte, Ph.D., Associate Professor, Faculty of Law, University of Oradea, Oradea, Romania
Constantin Țoca, Ph.D., Lecturer, University of Oradea, Oradea, Romania

This paper is part of a series of studies that we have done, respectively that we intend to do in the next period. We started this study with the clarifications of legal, administrative and sociological aspects regarding this term. We aim to answer questions such as: How does the Bihor County Council manage to make its public agenda known through the "debate"? Is the citizen from Bihor County interested in the proposed public agenda? By participating in a debate organised at local / county level, the citizen participates directly in formulating a decision. From a methodological point of view, the ex-post evaluation of the phenomenon of debate in the 21st century Romania will be used, doubled by the method of content analysis, analysis of official, public, digital and non-digital documents.

Keywords: administration, debate, efficiency, citizen, public

Paper: Some considerations regarding the models of state organisation in the European Union
Author(s): Paul-Iulian Nedelcu, Lecturer Doctor, Spiru Haret University, Faculty of Legal Sciences and Administrative Sciences, Lawyer Bar Dolj

The unitary state is organised on the basis of the principle of unity and centralisation. This form is the most widespread in the European Union (France, Portugal, Poland, Hungary, Czech Republic, Lithuania, Romania, etc.). The rule of law has the following main characteristics:

- it consists of a single set of bodies through which political power is exercised at central and local level;
- the governing activity is broadcast from the center in a hierarchical way;
- there is only one legal order, based on a single constitution;
- the population has only one citizenship.

Although the state is unitary, its territory can be divided into administrative-territorial units or into local communities. The subdivisions of the unitary state have an eminently administrative character and do not constitute states within the state.

In the modern unitary state, based on the principles of the rule of law, centralisation plays a role similar to that of absolute monarchies, but obviously with different means and objectives. We consider, in this sense, the fact that the centralised state apparatus (the single or main center of decision) represents, in reality, the whole nation and serves its general interests. In modern states, the centralisation of power and its distribution by a single center of decision is no longer for the benefit of a single person, but of the whole people. Keywords: administration, debate, efficiency, citizen, public

Keywords: unitary state, centralisation of power, unique decision center, complex unitary state, the incorporated union, regional states

Paper: The role of the Government as authority of control in the public administration system
Author(s): Bogdan Berceanu, Lecturer PhD, Faculty of Public Administration-NUPSPA

Control is a term that suggests an important dimension in the complex activity of achieving the prerogatives of the component structures of the public administration system.

Thus, this paper tries to highlight some aspects related to the powers of the Government, as a form of control over the administrative system, based on the fundamental values that must be found at the organisational level of public administration, values with principle: legality, impartiality, ethics and transparency, efficiency and effectiveness, aimed at the public interest, responsibility, in accordance with legal provisions.

The control is a guarantee of the observance of the principle of legality in all the manifestations of the public administration, through it being able to discover the possible deviations from the legal norms and to establish concrete measures to correct the law enforcement action.

Keywords: administrative control, external control, legality, administrative disputes

Paper: Exercising the right to good governance and the right to good administration by the citizens of the Romanian state during the pandemic period
Author(s): Gabriel Marin, PhD candidate, Faculty of Public Administration-NUPSPA

The right to good governance and the right to good administration are collective rights of citizens recognised in the Universal Declaration of Human Rights and the Charter of Fundamental Rights of the European Union. The right to good governance as well as the right to good administration are exercised by the citizens of a state according to the mentioned normative acts, according to the constitutional norms and primary legal norms that internally regulate

these rights, the citizens exercise their right to good governance periodically and the right to good administration. whenever they consider that this right has been violated.

In the following study, through a quantitative research, a documentary analysis and an analysis of statistical data collected relating to the number of appeals filed in Romanian courts against sanctions imposed a result of non-compliance concerning the obligation of citizens to travel within a certain time and under certain medical protection conditions, I highlight the way in which central and local public bodies understood to respect citizens' right to good administration but also the way in which they understood that citizens should exercise their right to good administration, highlighting the violations committed by central and local public authorities during the pandemic, in order to protect the population from getting infected with the SARS COV - 2 virus.

Structured in three parts, the study aims to answer the question: have the citizens' collective rights to good governance and good administration been violated under the pretext of protecting them from getting infected with the SARS COV - 2 virus?

Keywords: good governance, good administration, collective rights of citizens, pandemic period, abuse of rights

Paper: Challenges from an ethical and legislative perspective for the public administration in Romania in 2022

Author(s): Mihaela Pop, PhD Candidate, National School of Political and Administrative Studies, Bucharest, Romania

The obligation to transpose the EU Directive no. 1937/2019 on the protection of whistleblowers by the end of 2021 comes with a series of challenges for the Romanian public administration. Our qualitative and quantitative research has as main purpose to highlight the situation of whistleblowing in the Romanian public institutions and to draw the national context (in fact and in law) this topic, before the transposition of the Directive, context on which both good transposition and implementation of the new European legislation depend. We will try to identify the main problems due to which whistleblowing in Romania is not an effective tool and does not meet the purpose for which it was recognised and established by law, we will highlight the main challenges with which the Directive comes from a legislative and ethical point of view for the public administration and we will dare a series of recommendations for the good transposition and implementation of the mentioned EU Directive. In the quantitative research we will use a sample of 100 local and central public institutions in Romania and we will analyse the available public information about whistleblowing channels and procedures. We will monitor whether any types of protection for whistleblowers are mentioned. The qualitative research includes 10 interviews with whistleblowers, aiming to find out the channels used, the degree of protection they benefited from, compliance with the legislation for each case and the problems they faced.

Paper: The legal implications of medical decisions in the context of COVID - 19 pandemic

Author(s): Crina Ramona Rădulescu, Associate Professor, PhD, Faculty of Public Administration-NUPSPA

The Covid-19 pandemic is a public health emergency, a defining global health crisis of our time, which can affect not only the health services, but also the medical personnel. As Arimany-Manso J, Martin-Fumadó C. (2020) have stated: "during the COVID-19 pandemic, health care faces a different practice scenario than usual and professionals act within the framework of a health system conditioned by the crisis, with great pressure on care, in the face of a new pathology and new regulations enacted." The decisions that doctors make in this pandemic context have consequences, including in terms of the possibility of attracting their legal liability. Issues such as: the obligation to provide healthcare, the selection of patients for healthcare - discrimination, limitation of medical practice to one's own specialty, medical error and its consequences in the context of COVID-19 or informed patient consent are just some of the problems faced by the medical practice these days which can have complex legal implications. Medical practice is regulated by legal norms. Failure to do so will result in failure consequences for attracting the legal liability of medical staff. Establishment of the state of emergency, by adopting the Decree of the President of Romania no. 195/2020, brought and can bring changes to the current legal norms, by adoption of new ones.

The paper's structure is two-folded: on one hand, the theoretical framework provides us with a better understanding of the way the medical practice is regulated and what are the implications of the new norms generated by the pandemic and on the other hand, the paper presents an analysis of the practical implications of the medical practice. In terms of methodology, the paper uses both a qualitative research for the theoretical background needed to substantiate the argument of the entire research.

Keywords: pandemic, health services, liability

Paper: European Rules and Principles Governing Data Contracts
Author(s): Mihaela Victorița Căraușan, Associate Professor, PhD, Faculty of Public Administration-
NUPSPA

Freedom of contract is a fundamental principle of European Law, which is only restricted by mandatory law. Data contracts are headed by the general rules and principles of contract law. These general rules and principles exist at national level. However, several attempts have also been made to formulate them at the European level, such as by the Principles of European Contract Law (PECL), the Draft Common Frame of Reference (DCFR), the ‘Principles of the Existing EC Contract Law’ (Acquis Principles), the *Principes du droit européen du contrat* or the ‘The Common Core of European Private Law Project’ of the Trento Group. All the projects have levelled up the path of the adoption by the European Law Institute, in collaboration with the American Law Institute, of the common principles for a data economy. The paper will present the path to reach these common ideas and the content based on the comparative overview of the abovementioned rules.

Keywords: data transactions, data rights, data services, co-generated data.

WG5. Climate Change: Global Challenges, Local Actions

Chair: Andrei Duțu-Buzura, Associate Professor, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania
Co-Chair: Gabriel Manu, Associate Professor, Faculty of Law, Ecological University, Bucharest, Romania

Papers:

Paper: Climate Change, Environment, and Development: The Scope and Ambitions of the European Green Deal

Author(s): Andrei Duțu-Buzura, Associate Professor, Faculty of Public Administration, NUPSPA

Initially promoted in December 2019 as a governing program of the newly installed European Commission, the European Green Deal now stands as a general environmental revival strategy that is set to dominate EU regulations for the following decades. The adoption of the Green Deal supposes a “climate reform” of EU law, which implies adopting the law (regulation) for climate and the reviewing of over 50 directives, in a sense of receiving the impulse of decarbonation in all the fields of EU interest. Moreover, the impact of the Covid-19 pandemic has determined a more focused approach at least on the economical aspects of the environmental issue, as any resilience and relaunch strategy must take into consideration the aims of reducing greenhouse gas (GHG) emissions and climate neutrality. The entire legal order of the EU becomes more open towards the eco-climatic problematic, favours the creation of the EU climate law and, on the one hand, generates adequate developments in the internal legal systems of the member states, while on the other hand, by the power of example and the interaction of legal systems, it influences the world climate law. The coupling in the same equation of the objective to limit the increase of global temperature under 20C and the one regarding carbon neutrality imposes an adequate enforcement also regarding the pertinent macroeconomic research and evaluation.

Keywords: climate change; sustainable development; Paris Agreement; European Green Deal; climate law; carbon neutrality.

Paper: Artificial intelligence - a possible key for better results on tackling climate change

Author(s): Claudia Elena Marinică, Ph. D., Assistant Professor, Faculty of Public Administration, NUPSPA

The article aims to analyse the effects/influence of artificial intelligence in combating climate change, for the protection of the environment and humanity as a whole. Climate change, artificial intelligence, sustainable development are some of the concepts addressed in this research, starting from the worldwide impact that artificial intelligence demonstrates today, continuing with the two sides it can present - one of combating the effects of climate change or, and the second one being contrary, i.e. aggravating or at most neutralising them. For this reason, the article analyses artificial intelligence as it is currently perceived, how it is implemented in the fight against climate change, the results of its application, emphasising the positive effects, but also highlighting possible negative effects. The article also seeks to discuss the need for good practice and policies that support the global commitment of all actors involved (organisations, states, citizens) in this matter. To achieve its proposed objective, the research mainly followed the relevant doctrine, legislative measures adopted at international, regional and national level to highlight what are the immediate and future effects of climate change and how they can be influenced, especially in a positive way by artificial intelligence. Based on these aspects, we see both the proactive reaction and the moral and legal obligation of all of us to contribute by tackling the climate change crisis facing humanity, having social repercussions and a significant negative economic impact while taking into account the respect for human rights and freedoms. The phenomenon of climate change, appreciated as a global, persistent problem, and also an exponential one stresses the need for a global climate policy which requires continued global cooperation in regards to tackling climate change so as to achieve visible results. If these factors are not met, we will witness an increasingly obvious deterioration of the environment resulting in endangering the well-being, safety and non-observance of people’s rights.

Keywords: artificial intelligence, sustainable development, climate policies, mixed impact, human rights.

Paper: Elements of public power within the regime on the prevention and repair of environmental damage
Author(s): Gabriel Manu, Associate Professor, Faculty of Law, Ecological University, Bucharest, Romania

The prevention-repair paradigm developed in the field of environmental damage has found its solution in an effective conceptual and normative compromise, consisting in a special system of tortious civil liability, configured in accordance with the specifics of environmental damage and the meanings the polluter pays.

In the context of European Community concerns dating back to the mid-1980s concerning the adoption of a specific liability for environmental damage, Directive 2004/35/EC of the European Parliament and of the Council of 21 April 2004 on environmental liability was adopted in connection with the prevention and reparation of damages to the environment, transposed into national law by the GEO no. 68/2007 on environmental liability with reference to the prevention and reparation of environmental damage, which enshrines a special regime of environmental liability with a strong preventive character, but also a public one, by conferring major powers on public authorities to identify the perpetrator ecological damage and ensuring the legal means of prevention or repair.

Keywords: environmental damage, the polluter-pays principle, preventive character, tortious civil liability, administrative police regime, civil liability.

Paper: The right to a healthy environment fundamental right or second-rate?

Author(s): Mircea Duțu-Buzura, Ph. D. Candidate, University of Craiova, Romania

Officially recognising climate emergency and assuming the objectives of limiting average global temperature growth to 1,50C and thus reaching climate neutrality assume and stimulate the process of consolidation of the constitutional grounds of the legal response to the challenges of climate change. Therefore, an important part is played by recognising the right to a stable climate as a new dimension of the fundamental right to environment, and the consecration of the State and public authorities of the obligation to act against climatic disorder. The existing provisions regarding the environment need to be adequately particularised and completed in the field of climate, as a constitutionally protected value. The presence of the express mentions of the climate issue in approx. ten fundamental regulations and the ongoing initiatives, also the pertinent case law of certain constitutional courts, prove a general trend of the „climatisation” of law and a process of constitutionalising environmental and climatic issues.

Keywords: climate law; right to a stable climate; right to environment; constitutionalising climate; climate change; environmental constitutional law.

WG6. Peaceful Settlement of Conflicts and Management

- Chair: Mircea Aurel Niță, Associate Professor, Faculty of Public Administration, National University of Political Studies and Public Administration, Bucharest, Romania
- Co-Chair: Claudiu Florinel Augustin Ignat, PhD, Associate Professor, Craiova Law Faculty, Bucharest "Spiru Haret" University, Romania

Papers:

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- Paper: Transdisciplinarity and new Neuropsihoimmunobiologia border science in order to manage occupational stress for keeping inner happiness
- Author(s): Mircea Aurel Niță, Associate Professor, PhD, Faculty of Public Administration-NUSPA
Mihaela Teodoru, MD, Senior Neurosurgeon, University Hospital ELIAS, Bucharest, Romania

It is wellknown the dualistic approach about evolution process for an individual and for the whole humanity, too. Using The Third Included Part-after Romanian Academician Basarab Nicolescu, we can force our mind to jump or to change the paradigm with another one, which can prove that what is True for a paradigm can be False for another one. Communication process is such an example, where the dual types verbal-nonverbal, can be improved with The Third Included Part. So, the paraverbal approach completes the classical old verbal-nonverbal in a holistical way. Here, using the transdisciplinary principle and levels of reality, the energetically, vibrational and informational approach will help the holistical approach of a person to find the sense of life and improve state of happiness, against occupational stress. So, the physical body, mind body based on rational thinking (IQ), emotional body based on emotional intelligence (EQ), spiritual body based on spiritual intelligence (SQ). But all these bodies are energetically bodies or fields of energy, vibrations and informations which can be measured with bioresonance technology- American SCIO, German CoRe and Russian Oberon or Metatron Archangel. The new border sciencies, such as neuro-psiho-immuno-byology etc., studies the relation between thinking – words used in thinking and speacking – attitudes and physiology of humans. Stress produces changes inside both brains - cranian brain and gut brain, and for the whole glandular system. The body can influence the cranian brain either in a pozitiv or negative way, but the brain can influence the body, too. So, an individual can influence the level of reality where he can daily action, can assure the coherence of body, mind and spirit. Some practical solutions and self management can force and lead the process of reducing stress and increasing state of happiness. In this way, the spiritual intelligence (see Daniel Zohar), together with transdisciplinarity approach based on the third included part (see academician Basarab Nicolescu) it is a MUST for any person or employee, even in public administration field. That is why, it is easier to look for our inner happines and harmony, against occupational stress. Some solutions are highly recomended in this paper and transdisciplinary must assure inner equilibrium of any person.

Keywords: transdisciplinarity, energetically communication and management, border sciencies, stress and happiness, welfare and neuroscience, health, inner equilibrium

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- Paper: The role of conflict management in combating the social effects of the pandemic.
Identification, neutralisation, solution
- Author(s): Claudiu Florinel Augustin Ignat, PhD, Associate Professor, Craiova Law Faculty, Bucharest "Spiru Haret" University, Romania

In exceptional situations, especially in the context of the health crisis generated by the COVID -19 pandemic, conflict management comes to identify, neutralise, smooth and resolve the medium and long term effects generated by social disputes between both the state and the community, as well as within the community, more precisely between its members. We must not neglect the social effects, but also those of a psychological nature, which are born or were born during and after the pandemic crisis. The obvious consequences of this crisis and its impact on society are missing the top of the iceberg, leaving time to reveal the full effects on civil society, but also on the citizen. Major changes in society, at structural or systemic level are already obvious and irreparable. The normal is redefined and the possible return to this normal is already a desideratum, a real Morgana girl.

Keywords: COVID-19 pandemic, conflict management, identification, neutralisation, settlement, citizen, social effects

Paper: Alternative dispute resolution methods in the context of Intellectual Property Disputes
Author(s): Ionela Cuciureanu, PhD candidate, Bucharest Academy of Economical Studies

Intellectual property disputes have as a main specificity the fact that they are characterised by a particular need of urgency as well as by a general climate of openness to cooperation manifested in the form of an eagerness to conclude trademark coexistence agreements. Moreover, given the general tendency of Romanian courts to delay the judgements and to deliver a first degree solution after a long period of time, it results that both in terms of efficiency and opportunity, alternative dispute resolution methods are the most appropriate solution.

Keywords: trademarks, alternative dispute resolution methods, arbitration, mediation, intellectual property

Paper: Considerations regarding the resolution of individual labor disputes
Author(s): Roxana-Maria Roba, Lecturer, PhD, University of Medicine, Pharmacy, Sciences and Technologies, Tg. Mures, Romania, lawyer- Mures Bar

The resolution of individual labor disputes is subject to special rules, which derogate from the the common law, with the main purpose of the protection of the rights of the employee. The purpose of this study is to examine these rules, the jurisdiction, the procedure and the decisions given in those disputes. Controversial solutions from judicial practice will be presented, but also concrete proposals for for amending legislation.

Keywords: individual labor dispute, procedure, rules, employee, employer

Paper: Transdisciplinarity applied to Public Administration: Physics, Philosophy, Economics, Law, Psychology and Politics

Author(s): Leonardo da Silva Guimarães Martins da Costa, Public servant from Brazilian Treasury – federal auditor of finance and control

This paper aims at showing concepts and examples of applied transdisciplinarity starting from the point of view of following disciplines: 1) Physics with Philosophy; 2) Economics; 3) Psychology; 4) Law; 5) Politics; and 6) Public Administration. The referred authors are from various nationalities: Brazil, Romania, Chile, South Africa and Italy. Two schematic models reflect the idea of transdisciplinarity in public management: 1) Duality and four elements as troubleshooting requirements and 2) Knowing and understanding – dualities and four elements. In this emerging paradigm the idea is interaction and integration of opposites, between specialists and generalists, between the analytical and synthetic method, to create a unit of applied knowledge, the understanding of the reality to solve problems effectively, not only in an intellectual view. The core idea is to promote transformation of the culture and behavior of public servers, so that they can develop soft skills, connected to reasonableness and meaning, emotional and intuitive intelligences, not only hard skills (technical, scientific and bureaucratic), something relevant in Brazilian public management nowadays. Hopefully these transdisciplinary concepts and applications may be useful also for other countries.

Keywords: Transdisciplinarity. Public Administration. Economics. Law. Politics

Paper: The Future of the Mediation Activity and the Mediation Profession in Romania
Author(s): Cristina Teodora Pop, Ph.D., Magistrate-assistant at the Constitutional Court of Romania
Associate Professor at Faculty of Philosophy of the University of Bucharest

Arbitration and mediation are two important methods of resolving legal disputes and, at the same time, exceptions to the principle of legality of dispute resolution, which involves going through judicial proceedings before national courts. The Convention on International Agreements Resulting from Mediation, adopted by the United Nations General Assembly in December 2018, also known as the "Singapore Convention", aims to change the paradigm of the legal effects of mediation by placing the agreement resulting from mediation, from the point of view of the procedure of its execution, together with the arbitral award, in the immediate vicinity of the court decisions. This change in the view of the institution of mediation in judicial proceedings implies, inter alia, a re-evaluation, at internal level, of the role of the mediator profession and, implicitly, of the conditions that must be met to acquire this quality, but also a "review". of civil and criminal procedural rules in order to integrate the legislative amendments proposed by the Singapore Convention.

Keywords: alternative methods of dispute settlement, Singapore Convention, mediation, enforcement of agreements resulting from mediation, capacity as mediator, legislative changes.

Paper: International Organizations, Multilateral Diplomacy - Framework for Conflict Mediation
Author(s): Iuliana Gorea Costin - Ambassador Extraordinary and Plenipotentiary, University of European Studies of Moldova, Chişinău

Based on the legal status, international organisations are a proper framework for the study, mediation and conflict management among states. In this respect, each member state can use the tools specific to multilateral diplomacy in order to internationalise and include on the agenda of different reunions certain issues requiring to be settled through international mediation and support.

Such an example could relate to the former Soviet Union countries, which following the collapse of the Soviet Union and the orientation of their foreign policy towards European values, are currently facing multiple challenges caused from the outside, which have been defined as "frozen conflicts".

One of such conflicts - the Transnistrian issue of the Republic of Moldova, a situation provoked and supported by the 14th Russian Army after an armed conflict in 1992, continues to remain a secessionist territory.

The analysis of this example could serve as a case study on the effectiveness of methods for resolving this conflict, as well as for understanding the reasons lying behind the "freezing" or perpetuation of such conflicts.

Keywords: International Organizations, Multilateral Diplomacy, Mediation, Frozen Conflicts, Issues of the Transnistrian Eastern Region of the Republic of Moldova

Paper: Principles of ethics management in the context of higher education globalisation
Author(s): Angela Stela Ivan, Eng. Ph D, Associate Professor, University Dunărea de Jos Galaţi, Transborder Faculty in Human Sciences, Economics and Engineering, Galaţi, Romania

The subject of ethics management in higher education institutions is one of great interest, especially in recent years, with Romania's integration into the EU and the requirement to align with the standards of principles of educational institutions with a tradition in the culture of university ethics. Thus, there is a need to develop the organisational university ethics culture, with its fair imposition in education, by bringing to the fore the values of ethics management at the level of higher education institution and standards in promoting good professional conduct and academic morality. The professor is and must always be reported as a model of ethics in the attitude towards students, other members of the academic community, totally in respect for the value of the scientific contribution and its promotion.

Keywords: university ethics, organisational ethics management, values, principles of university ethics, organisational morality

Paper: The Mediation of Individual Workplace Conflicts
Author(s): Vlad Dan Oanea, Lawyer with the Bar of Bucharest, Romania

Legal individual employment relationships stemming from concluding an individual employment contract lead to reciprocal synallagmatic liabilities, the discharge of which may not always occur, or due reciprocal services may be defined as damaged, hence giving rise to workplace litigations between the employee and the employer, which in turn, create a tense work environment. The mediation of such conflicts represents a secure manner of discharging any litigious workplace relationships by specific means, the mediators' efforts and reciprocal concessions of the parties involved. At a first glance, the mediation of a workplace conflict is possible and hypothetically speaking, any litigation between the parties may be mediated, but only when considering the typical judicial relationships exclusively. Typical workplace relationships refer to those workplace relationships stemming from the conclusion of an individual work agreement and they appertain to civil servants, the military or cooperating members. The matter that poses difficulties is the mediation of workplace conflicts stemming from atypical or imperfect employment relationships such as apprenticeship relationships and which appertain to paid lawyers within the scope of the lawyer occupation or workplace relationships which regard magistrates or diplomats.

Keywords: mediation, conflict, typical individual employment relationship, atypical individual employment relationship, employees, civil servants, magistrates, diplomats

WG7. Public Marketing

Chair: José Luis Vázquez Burguete, Professor, Ph.D, Faculty of Economics and Business Sciences, University of León, Spain
Co-Chair: Cristina-Elena Nicolescu, Lecturer, PhD, Faculty of Public Administration-NUPSPA

Papers:

Paper: Legal issues of educational marketing in the post-COVID-19 era
Author(s): Cristina Elena Nicolescu, Lecturer, PhD, Faculty of Public Administration-NUPSPA
Dragoș Dincă, Associate Professor, PhD, Faculty of Public Administration-NUPSPA

The COVID-19 pandemic has led higher education institutions around the world to transfer their educational activities to the virtual environment.

In order to satisfy the needs of an audience very different from the traditional one (with physical presence), universities have been and are forced to adapt their capacities and educational programs to the new predominantly digital educational scenario, educational marketing proving to be an indispensable tool.

Maximising the benefits of a borderless space is one of the current trends shaping the future of universities.

Connecting to an open space, with a diverse audience and interested in acquiring increasingly complex skills, however, involves a number of legal challenges in the organisational and operational plan of these organisations.

From this perspective, the paper presents a set of good practices regarding the use of the marketing mix by universities, as well as the implications in terms of the functionality of these organisations, determined by the need to streamline the educational services offered.

The methodology used is preponderantly qualitative and it is based on the analysis of official documents, key information and case study.

Keyword: Public Law, COVID-19, university, educational service, marketing mix

Paper: Quality of public expenditure and transdisciplinarity: law, economics, psychology, politics and public management
Author(s): Leonardo da Silva Guimarães Martins da Costa, Public servant from Brazilian Treasury – federal auditor of finance and control

Transdisciplinary is based on the integration and balance of opposites (dualities). "Quality" in business management is an old comprehensive subject. In public administration "quality" should be used in a broader sense. In Brazil there is a lack of dialogue between managers and controllers - a dialectical contradiction. A scientifically oriented mental and technobureaucrat model leave managers voiceless, insecure to make decisions, defensive, with no proactivity. This paper highlights the implications for the quality of public expenditure. On this purpose, four schematic models are presented: 1) Duality and four elements as troubleshooting requirements – sense, reasonableness, feasibility and rationality; 2) Scheme for Nicolescu's Third Included with a practical example; 3) Disciplinarity, interdisciplinarity and transdisciplinarity in public administration – basically the interaction of Law, Economics, Psychology and Politics; and 4) Quality of expenditure as function of control level – study in Italy shows that only 17% of expenditure waste is due to corruption, most of it (83%) refers to mismanagement. Furthermore, our 2021 research corroborates that quality of expenditure is connected to balance of opposites, as transdisciplinarity itself. Finally, The first 3 models promote discussions for transformation of culture in international public administration, from a rational and scientific bias to a transdisciplinary vision.

Keywords: quality, public expenditure, transdisciplinarity

Paper: The Costs of Digitalization. Social Media adaptation challenges within Public Administration Development
Author(s): Andrei Galan, National School of Political Studies and Public Administration
Anca Elena Bălășoiu, Romanian American University

This research aims to analyse the extent and the ways in which Romanian public administration institutions are currently using social media, involving citizens in active collaboration within society. It also explores the main issues that need to be considered when implementing an e-Government strategy. Our paper aims to shed a light not only on the scarce literature on the field, but also the particularities of this research provides empirical references, analyses opportunities and challenges for more effective e-Government processes and to provide better public services. In the same time, there are highlighted the main issues that local public institutions need to take into account when managing the transition to operations in a social media environment. In doing so, we explore how experts and public servants

in Romania acknowledge the importance of social media and new tendencies, how they refer to the tools they use and the way they approach stakeholders and citizens. With the help of semi-structured interviews with practitioners in Romania, we aim to structure a frame of looking at the new tendencies in Public Administration Development, with a particular focus on new technology and social media in e-Government.

Keywords: Public Law, Commercial Law, Digitalization, Technology, Social Media, e-Government

Paper: Corruption marketing - a new approach of increasing share markets

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The paper shows a new perception about corruption, using marketing, image and reputation knowledge. As it is known, mass media and not only - journals, studies, study cases, interviews, specialized programmes at TV and Radio, etc., are focusing all over the world on corruption. The main attribute is that corruption is bad. But, as the corruption is a process which is developing daily and night in a human society, and the society is a dualistical one, the paper shows that corruption is first of all, a perception approach. This means a positive or a negative dual mind analyzer. Can we find even positive aspects about corruption? Why the richest countries and multinationals are on the tops of corruption and the poorest, too? A SWOT analyze and SWOTS improved analyze are used just to underline that a common perception can and must be used for attacking new markets in order to increase the profit and share markets. Using mass media and different formula for calculating the index of corruption, it is easier to use corruption as a sticker and to design a negative image or perception. So, corruption can become a tool, just to attack different markets - a blamed negative tool, but a very positive one for other interests – political, social, cultural, economical, institutional, etc., oriented to make profit. Using and mixing marketing oriented to profit with marketing oriented to customer satisfaction and, managing the image of the product or/and company, it is possible to develop trust and good reputation – the corruption is once again a very soft tool.

Keywords: management and marketing, public administration, social values, image and reputation, human intelligencies

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