10th INTERNATIONAL CONFERENCE
"EXPLORATION, EDUCATION AND PROGRESS IN THE THIRD MILLENNIUM"
3th May 2018

Organized by:

"DUNĂREA DE JOS" UNIVERSITY OF GALAŢI, ROMÂNIA
FACULTY OF JURIDICAL, SOCIAL AND POLITICAL SCIENCES
JURIDICAL, ADMINISTRATIVE, SOCIAL AND POLITICAL RESEARCH CENTER

UNIVERSITE PARIS-EST CRÉTEIL, FRANCE
CENTRE D'ÉTUDES DU DÉVELOPPEMENT INTERNATIONAL DES TERRITOIRES (CEDITER)

THE STATE UNIVERSITY "BOGDAN PETRICEICU HAŞDEU"
CAHUL, REPUBLIC OF MOLDAVIA

ROMANIAN CROSS-BORDER INSTITUTE FOR INTERNATIONAL STUDIES AND CRIMINAL JUSTICE SCIENCES

EUROPEAN DOCUMENTATION CENTER
"DUNĂREA DE JOS UNIVERSITY"

GENERAL OVERVIEW

CONFERENCE'S PURPOSE: The conference will have as a purpose an interdisciplinary approach of various themes in the field of social and humanistic sciences: law, administrative sciences, regional studies, economics, psychology, sociology, theology and other interrelated domains.

CONFERENCE'S OBJECTIVES: The conference intends to bring together researchers and professionals in the above mentioned fields. The participants are expected to answer to the various questions related to and deriving from the thematic under debate by means of an innovative and accurate methodology.

The conference's coherence and originality will be ensured by the combination of two fundamental elements: on the one hand, special attention will be given to the classic aspects of the study of the social and humanistic sciences, and, on the other hand, the classical perspective will be complemented by the modern European and international approach of the topics under analysis.

PANELS:

- **LAW: PUBLIC LAW; PRIVATE LAW; CRIMINAL SCIENCES**

- **PUBLIC ADMINISTRATION AND REGIONAL STUDIES**

The Scientific Committee:

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Ph.D. Mirela Paula COSTACHE (Romania)

Programme

Thursday, May 3th 2018

10:00 AM: **Arrival and Registration**
Faculty Library – Venue AE 103

10:30 AM: **Welcoming Participants** (Dean's speech)

11:00 AM: **Session (Parallel Sessions)**

Panel 1 Discussions
Panel 2 Discussions

13:30 PM: **Debate; Conclusions**

14:30 PM: **End of Debate**

Each session, moderated by a president, will take place in three stages:

- rapporteur's presentation of the session terms of thematic, communications and questions arisen;
- presentation in a synthetic form of the ideas proposed and analyzed by each author;
- debate between the audience, rapporteur and authors.

PARALLEL SESSIONS

- **PANEL 1 - LAW: PUBLIC LAW; PRIVATE LAW; CRIMINAL SCIENCES - Venue AE 103**

President: Ph.D. Ştefania MIRICĂ

- **PANEL 2 - PUBLIC ADMINISTRATION AND REGIONAL STUDIES - Venue AE 105**

President: Ph.D. Florin TUDOR

General Principles of International Criminal Law

Mihaela AGHENIȚEI
Lecturer Ph.D., „Dunarea de Jos" University of Galati
Luiza Tatiana PRICOP
Research Institute of Romanian Academy

The Law Applicable to the Form of Adoption in Accordance with art. 2609 Romanian Civil Code

Nadia-Cerasela ANIȚEI
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The Way of Appeal against the Solutions Given in the Preliminary Chamber

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Lecturer Ph.D., Valahia University of Târgoviște

Brief Considerations on the Right to Action for Damages to the Environmental Law

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Oana CHICOȘ
Ph.D., „Dunarea de Jos" University of Galati

Successoral Capacity Peculiarities of the Romanian Eclesiastical Staff – A Case of Anomalous Inheritance

Tiberiu N. CHIRILUȚĂ
Ph.D. in progress, „Al.Ioan Cuza" Police Academy, Bucharest

Administrative Autonomy of Bessarabia in the Reunited Romania (1918-1925)

Sergiu CORNEA
Associate Professor „Bogdan Petriceicu Hasdeu" State University of Cahul, Republic of Moldova

Administrative Capacity of Local Communities: Content and Particularities

Valentina CORNEA
Lecturer Ph.D., „Dunarea de Jos" University of Galati

The Viability of the European Union's Enlargement in Balkans Region

Romeo-Victor IONESCU
Professor Ph.D., „Dunarea de Jos" University of Galati

Considerations Regarding the Principles of the Civil Service Stipulated in the Romanian Legislation

Ștefania MIRICĂ
Lecturer Ph.D., „Dunarea de Jos" University of Galati
Andreea Elena MATIC
Associate Professor Ph.D., „Dunarea de Jos" University of Galati

Urban Governance and Social Innovation

Cristina PĂTRAȘCU
Lecturer Ph.D., „Dunarea de Jos" University of Galati

The Role of the Technical Commission for Spatial Planning and Urban Planning in the Urban Planning Process

Violeta PUȘCAȘU
Professor Ph.D., „Dunarea de Jos" University of Galati

University's Own Standards for Being Employed on Teaching Positions - Analysis and Procedure

Ana ȘTEFĂNESCU
Associate Professor Ph.D., „Dunarea de Jos" University of Galati

The Use of Customs Antifraud Methods to Control Organized Crime

Florin TUDOR
Professor Ph.D., „Dunarea de Jos" University of Galati

PANEL 1

LAW: PUBLIC LAW; PRIVATE LAW; CRIMINAL SCIENCES

President:	Ph.D. Ștefania MIRICĂ
Rapporteur:	Ph.D. Mirela COSTACHE

Panel 1 **-** Venue AE 103

General Principles of International Criminal Law

Mihaela AGHENITEI
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Luiza Tatiana PRICOP
Research Institute of Romanian Academy

Abstract: The significance of the principles and rules of international law is defined in the Article 38 of the Statute of the International Court of Justice. So, the general principles of substantive criminal law can be found in conventions, in customary international law or in general principles of law recognized by all civilized nations. According this, the criminal laws of most states rely on similar concepts and rules: in this sense it can be spoken about universally recognized general concepts that the exact contents of these concepts vary widely from one country to another.

This justified observation increases the role of the general principles of criminal law derived from national laws of legal systems of the world. These general principles of criminal law have been developed since the 19th century primarily by the doctrines and practices of national criminal laws and criminal justice systems.

Keywords: rules, general principles, international law, national law

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The Law Applicable to the Form of Adoption in Accordance with art. 2609 Romanian Civil Code

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Abstract: Article 2609 of the Romanian Civil Code with the marginal title "The law applicable to the form of adoption" reads as follows: "The form of adoption is subject to the law of the State on whose territory it is terminated." If the adoption with an extranet element ends in the territory of Romania, according to the Romanian law we will have to qualify primary the notion of formal conditions necessary for the end of the adoption.

As far as the Romanian private international law is concerned, the primary qualification is according to the Romanian law, the law of the forum for any Romanian public authority. Thus, according to art. 2558 C. civ. "(1) Where the determination of the applicable law depends on the qualification to be given to a law institution or to a legal relationship, the legal qualification established by the Romanian law shall be taken into account. (2) In the case of resignation, the qualification shall be according to the foreign law which has returned to the Romanian law. (3) The movable or immovable nature of the property shall be determined according to the law of the place where it is located or, where appropriate, situated. (4) If the Romanian law does not know a foreign legal institution or knows it under another name or with another content, the legal qualification of the foreign law may be taken into account. (5) However, when the parties have themselves determined the meaning of the notions of a legal act, the qualification of these notions is at the discretion of the parties." So, according to art. 2558 par. (1) the C. civ., The primary qualification is always according to the Romanian law, ie according to the notions used by the Romanian law system. However, two observations should be made: first, the term "law institution" should be interpreted lato sensu, including legal notions, and the second that the exceptions to para. (2), (3), (4) and (5) are of strict interpretation. Also, the qualification of a matter as a procedural or substantive law is done according to the Romanian law.

In this context, taking into account the provisions of art. 2558 par. (1) of the Civil Code we will perform the primary qualification according to Romanian law as a law of the forum for any Romanian public authority of the notion of "formal conditions necessary for the end of adoption".

When drafting the article, we will take into account the provisions of the Romanian Civil Code on Adoption, the revised European Convention on the Adoption of Children adopted in Strasbourg on 27 November 2008, ratified in Romania by Law no. 138 2011 published in the Official Gazette no. 515 of 21 July 2011, the Convention on Child Protection and Cooperation on International Adoption concluded at The Hague on 29 May 1993, ratified in Romania by Law no. 84/1994 published in the Official Gazette no. 298 of 21 October 1994, Law no. 273/2004 on the legal regime of adoption republished in the Official Gazette Part I no. 739 of 23 September 2016 and updated in 2018

Keywords: Romanian Civil Code, the law applicable to the form of adoption, Romanian private international law

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The Way of Appeal against the Solutions Given in the Preliminary Chamber

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Abstract: The analysis carried out by the preliminary chamber judge has the effect of either reintroducing the case into the criminal prosecution phase by ordering the return of the case to the prosecutor's office with or without the resumption of the criminal prosecution, or the passage of the case to the trial stage by the order of commencement of the trial. If the referring court does not verify the merits of the taking of evidence or the trial, its role is as important as the role of the court, since its rulings on the lawfulness of the prosecution can have a significant reflex on the outcome of the criminal action. The provisions of art. 425[1] paragraph 7 point 2, b C.C.P. are criticized in the formulation, as it restricts the hypothesis of the abrogation of the judgment and the referral back only if irregularities are found in the court of reference of the preliminary chamber. We consider that the preliminary chamber judge invested with the judgment of the contestation will not be able to overcome and will not be able to ignore other cases of illegality invoked and found, having the obligation to declare the nullity of the contested conviction in the cases provided by art. 281 C.C.P. and, as a consequence, to declare the admission of the appeal, the annulment of the contested judgment and the referral of the case to the Preliminary Chamber Judge for the retrial.

We appreciate that by regulating the double degree of jurisdiction in this matter, the Romanian legislature provided a superior standard to that stipulated by art. 2 of the Additional Protocol no. 7 to the European Convention and therefore procedural parties and subjects must be effectively granted the right to two degrees of jurisdiction. However, the above-mentioned deficiencies lead, in the absence of a referral case, to resolving requests and exceptions regarding the legality and loyalty of the first and last criminal investigation by the judicial control court, whose hierarchical control function is devoid of substance in the absence of an effective judgment at first instance.

Keywords: preliminary chamber, the guarantee of the right to defense, lawyer, client

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Brief Considerations on the Right to Action for Damages to the Environmental Law

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Abstract: The issue of Tort Criminal Liability must be analyzed in a dynamic, evolutionary context, taking into account everything that is social actuality. Originally viewed from the point of view of its sanctioning function, civil liability has claimed and is claiming new trends in its purpose. For practical reasons, the replanting of civil liability was questioned, not in relation to the offender, but to the person injured by the civil offense. Thus, the center of gravity of the tortuous civil liability is the victim of the illicit deed, the main person interested in the settlement of the civil dispute being this. Also in this respect, the hierarchical restructuring of the functions of the civil tort liability is necessary. Starting from the assumed assumption, that the pillar of tort liability is the person injured by the illicit deed, we appreciate that the reparatory function of accountability acquires in a correlative way the industrialization, which marked the beginning of the 20th century and which was perpetuated even today, gave the emergence of new forms of accountability, based on theories centred on reparation of injury and not on sacrificing guilty conduct.

As a consequence, it was imposed the delimitation of tort law civil liability of its species, such as: liability for environmental damage (in this area going even further and putting the issue of preventive tort liability) at the expense of the sanctioning function of thereof). In this context, the fault can no longer constitute the keystone in analyzing the conditions to be fulfilled in order to incur civil liability, the place being taken over by the damage, as a genuine condition sine qua non for admission to liability. Starting from the injury and continuing with the illicit act, the causal link and ending, where appropriate, with the imputability of the deed, the present analysis aims to reveal the secrets of responsibility, with a special look at the novelties in the matter, as well as those who requires regulatory co-ordination.

Keywords: environmental damage, civil liability, criminal liability

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Inaccuracies in the Legal Regulation of the Electronic Document

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Abstract: The development of information society, in general, and of e-commerce, in particular, are objectives pursued both by the European Union and by Romania as one of its members. To this end, various aspects were regulated, including the legal value of the electronic document. Unfortunately, the Romanian legislator, transposing different legal solutions from the international law, did not always correlate them, and this led to the emergence of various imperfections, which may cause some legal conflicts. Our study examines two such inaccuracies, one referring to the legal value of the document in electronic form, according to the special law of the electronic signature, and the other to the evidential regime of this document, according to the Code of Civil Procedure.

Keywords: electronic commerce, electronic document, legal value, legal proof

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Obligation of Denunciation as means of Reporting to the Criminal Investigation Authorities

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Abstract: Included in the primary means of referral of criminal investigation bodies, the denunciation, as a notification by a natural or legal person about the commission of a criminal offence, is usually optional. By way of exception, in certain situations, the legislator foresaw that this has a binding nature. In a first category were included some criminal offenses, considered with a high degree of social danger, respectively those against state security and those against life or those that resulted in the death of a person, for which it was considered that the omission to denounce constitutes a criminal offence. In the second category, sanctioning the omission of the denunciation was related to the duties of the civil servant who became aware of the commission of an act of a criminal law in connection with the service where he performs his duties.

The study analyzes the characteristics of this type of denunciation and the conditions under which failure to comply with this obligation may entail the application of criminal sanctions.

Keywords: means of notification, denunciation, negligence, civil servant, criminal offense

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Distinction between „Hearing the Witness" and „Hearing the Suspect/the Defendant" Phrases

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Abstract: Changing the structure of the criminal trial by redefining the parties and the procedural subjects with the entry into force of the new Code has produced a reestablishment of these institutions. The waiving of the quality of accused, the impossibility for the injured person to acquire the status of party by constitution as injured party of the process, are only some of the radical change s in this respect. Unlike the 1968 regulation, the New Code of Criminal Procedure contains detailed rules for hearing the suspect, the defendant, the injured party, the civil party, the civilly responsible party, the witnesses and experts. As regards the provision of information necessary to solve the criminal case, the evidences should be administered in order to bring them to the attention of the judicial bodies. Therefore, the tool provided by the criminal procedural law through which the evidence is administered in the criminal trial is the means of proof. Thus, the provisions of art. 97 Criminal Procedure Code provides that in criminal trial, the evidence is obtained by some means, by which there are found the facts that can serve as evidence. Regarding the theoretical differentiation between the evidence standard required to perform the criminal proceedings against the suspect and the one necessary to accuse him, I think it is mostly artificial. Thus, in practice, it becomes just formalism required by law, along with the making of a procedural moment by the criminal investigation bodies. With regard to cases where court preventive measures are required, the formalistic character of the second stage becomes even more evident, the acquisition of suspect and then defendant quality succeeding with a discouraging rapidity. From the analysis of provisions of art. 103 par. (1) of the Criminal Procedure Code, we note that in the legal system, there has been adopted the principle of the free assessment of evidences, for which the evidences have no legal value, but they are subjects to the discretion of the judicial bodies, following the evaluation of all the evidence administered in the case.

Keywords: criminal trial, witness, defendant, means of proof, criminal investigation

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Successoral Capacity Peculiarities of the Romanian Eclesiastical Staff – a Case of Anomalous Inheritance

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Abstract: The present study aims at radiographing the condition of the legal capacity to inherit, situated at the confluence of two domains, the legal and the theological one, with convergence points, but also with some distinct consequences. Thus, the basic benchmark of the study focuses on one of the fundamental conditions of the individual to be able to exploit mortis causa of their cujus patrimony, the ability to inherit. From this perspective, the authors have proposed to analyze the particular situation in which the person called to inherit under the law is a person of a special status, belonging to the ecclesiastical staff. Thus, special situations are identified, which derogate from the common law, with derogatory consequences from the normative character of the successor transfer. This is the case of monk succession, which is subjected, as we shall see, to special rules that generate, in the case of legal devolution, an anomalous succession in favor of the Diocese or the monastery, with the total exclusion of legal heirs.

Keywords: legal inheritance, successoral capacity, church, monk, special law

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Certain Aspects Regarding the General Data Protection Regulation

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Abstract: Data protection within the European Union is regulated by the (EU) Regulation 2016/679 regarding the protection of natural persons as to the personal data processing and free circulation of this data, which abrogates Directive 95/46/EC (reference to the General data protection regulation) but also by Directive (EU) 2016/680 regarding the protection of personal data within the specific activities unfolded by the law enforcement authorities. In this context, we also remind the Directive 94/46/EC, which is no longer enforceable along with the entry into force of Regulation (EU) 2016/679. The regulation that may institutions and entities called out to enforce its provisions look upon somehow superficially, at a simple reading reveals the seriousness and importance with which the European lawmaker approached the subject of the personal data processing, the free circulation of this data and the protection of natural persons as to the processing of personal data. The regulation has a wide, detailed and somewhat interpretable approach in certain cases, of the personal data protection subject, both from the perspective of the entities called out to enforce its provisions as well as from the viewpoint of the rights holders in the matter of persons' protection in what concerns the procedure of the personal data processing.

This paper attempts to highlight certain aspects, to point out certain procedural obligations and even to question certain aspects that might generate different interpretations or cause confusions.

Keywords: data, protection, regulation, european, obligations

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Brief Considerations Regarding Parental Authority. An Im(posible) Interpretation of the article no. 398 of Romanian Civil Code Provisions

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Abstract: Parental authority consists of the parents' total amount of rights and obligations regarding the raising and education of their children from, the moment of birth until they legally become adults. Due to the importance of the mission implied in raising, educating and taking care of children, the Romanian legislator imposes that the exercise of parental authority must be joint between both parents regardless if they form a couple (are married or in a consensual union), if they are separated or never formed a couple. This provision also apply to the parents of adopted children, children born out of medical procedures such as in vitro or the legal reprezentant (tutor). The meaning of this provision implies that both parents must be equally involved in their children` lives, the decisions regarding their education, medical treatement or any other important aspect. This general ruling has an exception provided by the dispositions of article 398 of the Romanian Civil Code which states that in certain situations (uch as severe neglect or abuse) the court of law may dispose that the parental authority is to be exercised by only one parent. This measure is an authentic sanction for the parent whom is left out of his/her children life decisions. However, the parent who lost his parental authority may continue to have personal relations with the children. Given the exceptional nature of this measure, we consider that this is not an aspect regarding which the interested parties (the parents) are allowed to agree or trade, especially since, even in the case of divorce through the notarial procedure, parents can only choose the solution of the joint exercise of parental authority. However, in the practice of the Romanian courts we found litigations in which, taking note of the consent of the parents through an expedient decision, the court maintained the clause regarding the exercise of the parental authority exclusively by one of the parents, as a result of their understanding, and the motivation of such a decision is based on the prevalence of the principle of the child's superior interest.

Keywords: minor, parent, joint parental authority, principle of the minor/child`s superior interest of the minor, mediation, court decision, interpretation of law

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Considerations regarding the Notice of Default

Dragoş Mihail DAGHIE
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Abstract: The entry into force of the new Civil Code on 1 October 2011 has brought, in addition to many new elements, a reform in the matter of obligations. According to the provisions of this new regulatory document, there are two types of notice of default: for the debtor, a situation also known by the previous legislation, Art. 1521 and seq. of the Civil Code, and the notice of default to the creditor, according to Art. 1510 and seq. of the Civil Code. As stipulated by the Civil Code, the notice of default to the debtor may be sent by the creditor or by law, in which case no formality is required anymore. The manner in which the creditor sends a notice of default to the debtor is either by a written notice by which the creditor requests performance of the obligation, or by a writ of summons.

As regards the notice of default sent to the creditor, this could be done when they refuse unjustifiably the payment properly provided or when they refuse to perform the preparatory acts without which the debtor cannot perform their obligation. Although the Code does not stipulate this, I consider that the debtor can send the notice of default to the creditor also by a written notice stating the reasons and the date as of which the creditor takes over the risk of the impossibility to perform the obligation, is bound to repair the damage caused by delay and to cover the costs of conserving the owed asset.

Keywords: notice of default, creditor, debtor

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Contractual Liability for the Deed of Another Person – a New Consolidation Instrument for the Old "Pacta Sunt Servanda"

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Abstract: Law no. 287/2009 on the Civil Code regulates for the first time, in addition to the debtor's personal liability for non-performance of own obligations, the liability for the deed of third parties, which the debtor has involved in the performance of obligations. Thus, according to Art. 1519 of the Civil Code, unless the parties agree otherwise, the debtor is liable for any damage caused as a result of the fault of the person they use for the performance of contractual obligations. The basis for this liability with principle value in contractual matters lies, first of all, in the binding nature of the contract. It involves a concerted approach of several contracts, which cannot derogate from the "pacta sunt servanda" principle and which also disregard the limits imposed by the principle of relativity of contract effects, without being an exception to this principle, given that, by the conclusion of subsequent contracts, the old "pacta sunt servanda" is reiterated. Since debtors are liable for their substitutes, namely for all those they introduced in the performance of the contract, it results that the basis for this liability must be sought and found not only in the "pacta sunt servanda" principle, but also in the security that is normally due to the contractual creditor by the debtor who makes a third party act in their place. The legal independence of the main debtor as regards the manner of performance of contractual obligations, personally or by entrusting their performance to third parties, at the debtor's own risk, may not derogate from the "pacta sunt servanda" principle, since this would recognize to the debtor even the possibility to evade the contractual liability when resorting to the performance of the contract through the so-called auxiliaries.

Keywords: contract, "pacta sunt servanda" principle, entrusting the performance of obligations, damage, liability for the deed of another

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Corruption, Main Risk Factor for the National Security

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Abstract: The phenomenon of corruption characterizes mainly the societies in transition, which are more vulnerable and go through a state of disorganization, therefore not being representative for the Romanian society only. Corruption has a direct impact on the economic and social development and destroys the benefits of the free market economy. The rules of the market economy are distorted, and the companies "bid based on commission" in order to obtain a profitable economic contract. Corruption involves an illegal agreement, based on a criminal negotiation process, in order to fulfill certain interests of economic nature in the benefit of the involved parties, among which one is a public clerk. The criminal activity usually takes place under conditions of unlawfulness and confidentiality. The capacity of the state bodies which have attributions in preventing and fighting against this phenomenon is diminished, under the aspect of the possibility to acquire certain information with an operative value, by the hidden, insidious character of the criminal negotiation. In order to ensure an effective frame of operative monitoring of the areas and sectors with criminal potential from the corruption point of view, we must start from identifying the sources of information and checking attentively their truthfulness, in order to trigger the criminal investigation.

Keywords: corruption, criminal activities, Romanian society, vulnerable points

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Freedom of Communication in the European Space

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Abstract: Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Keywords: human rights, discrimination, European Union, the freedom to expression

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The Limitations of the Court's Role in Matters of Compulsory Enforcement Opinion

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Abstract: The first instance court rejected the application of the complainant regarding the declaration of the compulsory enforcement. Through the enforceable title the court competed the defendant, society in bankruptcy, to give the machineries to the complainant, as the sentence provided, or, in case this is not possible, the defendant shall pay to the complainant the value of these goods and the interest rate also, and the compensation of the debts between the parties, all of these just after the sentence is definitive. The first instance considered that the declaration of the compulsory enforcement is not possible because the defendant did not prove that it had given the goods to the complainant, all written papers from the parties leading to the same conclusion. The court of appeal admitted the appeal and decided this application cannot be rejected for these reasons, considering the law provides only few limited such cases of rejection the enforcement; more over, the court of appeal considered that the instance is not allowed to analyze the situation of the debts between parties in this procedure, the role of the court being limited at this verification.

Keywords: the declaration of the compulsory enforcement, the complusory enforcement, the role of the court, appeal

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The Extradition and the Possibility to „Suspend" to Be Granted to Romania

Oana Elena GĂLĂȚEANU
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Abstract: The possibility to accept the proposal forwarded to the European Parliament on January 22nd, 2018, for sanctioning the Romanian state by suspending granting the extradition to suspects to Romania is analysed in this study and the author's opinion related to this proposal is also presented.

Keywords: extradition, suspension, request, proposal, suspect

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Aspects Related to the Delayed Surrender and to the Temporary Surrender of the Person based on the Admission of the Execution of a European Arrest Warrant

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Abstract: Starting from January 1st, 2004, the provisions of the international agreements with bilateral or multilateral character regarding extradition have been replaced by the provisions regarding the European arrest warrant in the reports between the member states of the European Union, a simpler way to surrender those persons which try to evade from the justice act and to cooperate in the fight against the severe manifestations of transnational criminality.

Within the surrender procedure, following to the admission of the request and to putting to execution the warrant, to the judicial authority of execution is acknowledged the right to delay the surrender of the wanted person, as well as the right to temporarily surrender that person to the issuing member state, in conditions which are going to be established by mutual agreement between the judicial authority of execution and the issuing authority. Regarding the latter possibility of temporary surrender, we consider that the Framework Decision 2002/584/JHA on the European arrest warrant and the surrender procedures between Member States does not comprise a clear text, but one which leaves room for interpretation, aspect which I have presented in this study.

Keywords: European arrest warrant, delayed surrender, temporary surrender, wanted person

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Foreign Experience of Normative and Legal Supply for the Environmental Impact Assessment

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Abstract: The formation and development of normative and legal supply for the environmental impact assessment (environmental expertise, as traditionally called), should be considered in the context of the legal provision of state environmental policy. Understanding the content of the institute of environmental impact assessment and its successful implementation in national law is possible in the light of the analysis of foreign experience of its legal and regulatory framework. The normative and legal acts of the general international and regional international levels that laid the foundation for national environmental impact assessment procedures in accordance with the principles of market economy and the rule of law are described. The theoretical and practical aspects of the functioning of the institute of environmental impact assessment are released on the example of economically developed countries – USA, Canada, Japan, Germany. The stages of development and formation of the environmental impact assessment in these countries are considered, the criteria of which are the development and adoption of the basic legal acts regulating this sphere. National environmental policy is based on a unified approach to the organization of environmental measures, but in different countries, their features are saved. By way of organization of environmental policy, two groups of countries are distinguished: the first - West European countries and Japan; the second - United States and Canada. In the countries of the first group, the main emphasis in the implementation of environmental policy is on the system of laws. In countries of the second group, for the justification of political measures, the focus is on different programs, plans and recommendations.

Keywords: environmental law of foreign countries, environmental assessment, environmental impact assessment

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Universities' Intellectual Property Policies: Ukrainian Realia

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Abstract: There is an active process of transformation of organizational and legal principles of protection of intellectual property aimed at adaptation to modern economic, political conditions, international practice. In February 2018, a new advisory body - Intellectual Property Council - was established by Cabinet of Ministers of Ukraine to become a platform for the formation and coordination of intellectual property policies, taking into account the expert opinion of representatives of state authorities, business and public sector. An important step towards modernization of regulation of intellectual property is the development of an effective policy on property rights, protection and commercial use of intellectual property created by researchers during the performance of their activities in academic environment. Such a policy should define guidelines and legal basis for intellectual property protection, the circulation of intellectual property, providing a clear algorithm of approaches and decision-making processes. In higher education, an intellectual property policy can be represented by a multi-level system, which includes state and local (university, structural units) levels. Ukraine as a WIPO member benefits from WIPO's support in implementing Intellectual Property Policy at universities and research institutions at the national level. In particular, WIPO's standard model of intellectual property policy in universities and research institutions has already been translated into Ukrainian.Today, local documents governing relations on the issues of creating and using the results of intellectual activity exist at many foreign universities. However, Ukraine, like Romania, is just beginning to introduce the practice of creating such documents, which will further enable academic institutions to develop mechanisms for managing the results of intellectual activity and lay the foundation for a knowledge-based economy. A positive step for Ukraine was the WIPO's international workshops in 2016-2017 on the introduction of intellectual property policy at universities and research institutions, attended by representatives of the Odessa Law School.

Keywords: intellectual property policy, intellectual property, universities' intellectual property policy

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Practical Steps in Renewal of Legal Status of Victims of Terrorist Acts

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Abstract: The restoration of the legal status of victims of terrorist acts is one of the main tasks facing the world community. The timeliness of this position is obvious, as soon as global threats increased, the destroyed residential areas and the infrastructure of cities and individual regions require states to take urgent action to develop effective means of restoring the violated rights of civilians, and in the event of impossibility of such restoration guarantee the opportunity to receive appropriate compensation. Specificity of the commission of terrorist act often makes the criminal justice system be deprived of the opportunity to punish offenders who commit terrorist acts or are involved in their commission. This is underscores the need for the development of exactly restorative mechanisms again. It is expedient to systematize all the processes that accompany this activity to ensure optimal work on restoring the legal status of victims of terrorism.

International organizations and individual states have developed legal and institutional mechanisms to prevent or respond quickly to emerging criminal situations, however, there is no systematic approach to dealing with the treatment of victims of terrorism and the planning of relevant activities. It should be noted that frequently there is no effective law enforcement mechanism in the sphere of ensuring the rights of victims of terrorism, at the same time significant drawback of existing ones is the generalization and insufficient detailing of the provisions of regulatory legal acts. In addition, one of the most urgent problems in providing social services to victims of terrorist acts is the lack of a single normative act that would regulate in detail the range of services, the procedure for their providing, terms, and the procedure for financing these activities.

Keywords: victims of terorism, rights of victims, restoration of the legal status of victims of terrorist acts

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Judicial Control and Judicial Control on Bail. Proposals by Law Ferenda

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Abstract: In the judicial oversight activity, police often felt the need for legislative changes motivated by the impossibility of affecting a real control over those against which preventive measures are active. In the context of judicial control and bail-out measures, specific supervisory activities have called for the promotion of legislative changes to be legislated.

Keywords: judicial review, search warrant, defendant

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The Action of a Criminal Law within the Limits of Sea Spaces

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Abstract: Criminal jurisdiction extends to persons who have committed crimes in sea and river courts, in naval vessels, aircrafts under certain conditions, regulated by the Criminal Code of Ukraine and international agreements. For example, based on the provisions of the Criminal Code of Ukraine on spatial jurisdiction, a criminal law establishes that a person who committed a crime on a ship designated to the port of Ukraine and located in an open water area outside Ukraine is liable to criminal liability under the Ukrainian criminal law, if any not stipulated by an international treaty.

In accordance with the current CC of Ukraine, the general rule of the question of the action of criminal law in space should be decided taking into account the general principle of territorial action of the criminal law, personal, real principle (protection), and universal principle. A serious collision is the cases of the simultaneous implementation of the territorial and personal principles of the law in space. Avoiding double responsibility allows to restrict personal jurisdiction through territorial priority based on the general principles of international law, including rules *non bis in idem* and *aut dedere, aut punire*. In resolving issues of the criminal law within the limits of sea spaces, the policy and ideology of the state have a decisive influence. The principles of the criminal law in the space reflect the peculiarities of the foreign and domestic policy and legal ideology of Ukraine. They are in line with the current Constitution of Ukraine, international agreements and the principles of international cooperation enshrined in them. Thus, one of the topical issues of the criminal law is the study of the bases of the criminal law in the space and understanding the possibilities of applying the relevant criminal law in establishing the jurisdiction of the state within the maritime spaces of the national and international.

Keywords: criminal law action, sea spaces, jurisdiction of state

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Some Reflections on the Application of art. 13, par. 1 letter b) of the Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction

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Abstract: The increase of cases of international child abduction in the two variants - either the child has been illegally displaced from the territory of Romania in the territory of another Member State, or the child is detained on the territory of Romania, although his usual residence is in another Member State – determined us to analyze one of the situations where the authority seized with an international abduction request does not decide the immediate return of the child, although it finds, after the analysis of the evidence, that the claim is well founded.

Out of the two legal possibilities offered by art. 13 of the Hague Convention of 25 October 1980, which gives the authority not to order the return of the child, we intend to analyze in our article from a theoretical and jurisprudential point of view (on the basis of some examples from the practice of the Romanian courts and some instances of France and the United Kingdom), the situation where the Authority finds that there is a serious risk that the child's return may expose him to a physical or psychological danger or in any way place him in an understandable situation.

Keywords: illegal movement or detention of the child, immediate return of the child, refusal to return the child, serious risk of returning the child to a physical or mental danger

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Foreign Experience in Classifying Convicts in Penitentiary Institutions

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Abstract: The expediency of classifying convicts in penitentiary institutions, the lack of which serves as one of the factors leading to such a high level of registered violations and penitentiary recidivism. Most of the problematic aspects of the activity related to the execution of criminal penalties are considered by scholars in the context of an imperfect mechanism for the implementation of certain institutions in penitentiary practice. Insufficient theoretical understanding and scientific substantiation of the classification of convicts for deprivation of liberty are traditionally associated with overcrowded penitentiary institutions, the growth of recidivism, etc. The development of alternative classification schemes requires a considerable amount of time and financial resources, since the classification of convicts reflects the design, construction and reconstruction of new and existing penal institutions. In the context of this, the most acceptable variant of the improvement of the institution of classification of convicts concerns the effective system of reclassification of this category of persons. The classification of convicts in penal institutions is a multi-vector and dynamic process.

The term "reclassification" of convicts is not found in the law of Ukraine and Romania. In the penitentiary systems of many countries, the process of reclassification of convicts is fixed at the legislative level. In the USA the notion of "reclassification" means a certain process of correction of a rehab program due to achievement of the planned goal (goals), or changes in the conduct of the convicted person and other dynamic classification criteria (so-called dynamic risk factors), as a result of which the volume of the right restrictions to convict. Reclassification of convicts is related to dynamic risk factors, with those personal changes that occur in the convicted person as a result of his adaptation in penitentiary institution. Canadian studies have proved the economic efficiency of the process of re-classification of convicts, and also that it can serve as an effective means of preventing recidivism. Due to the reclassification process, the convicts will have an incentive to obtain the most favorable conditions for serving the sentence. And this means that they will change their habits, behavior and character, which will contribute to their effective correction in places of deprivation of liberty.

Keywords: penitentiary institutions, execution of criminal penalties, classification of convicts, reclassification of convicts

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Effectiveness of the Union's Judicial System and Preservation of the Autonomy of the Union's Legal Order - a Relationship with Increasing Implications for the Member States

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Abstract: The European Union is consistently described by its institutions as a "union based on the rule of law" (referring to the value of the rule of law enshrined in Article 2 of the Treaty on European Union), where every person is guaranteed the right to to challenge the lawfulness of any decision or national measure concerning the application of a Union act in respect of them. The functioning of the EU's judicial system is based on complementarity between the national courts and the Luxembourg Court. Thus, the review of the application of Union law by the authorities of the Member States lies first with the national courts, which are the ordinary courts in that regard, the European Court of Justice (ECJ) exercising only a power of attorney which is reduced to the minimum necessary to ensure autonomy of Union law. The preliminary ruling mechanism under Article 267 of the Treaty of the Functioning of the European Union ensures that only the ECJ gives a final legally binding interpretation on EU law issues.

Recent judgments of the ECJ of 27 February 2018 (Associação Sindical dos Juízes Portugueses, C-46/16) and 6 March 2018 (Achmea, C-284/16) show a strong determination by the Court to ensure the effectiveness of the Union's judicial system as a guarantee the application of supranational rules and, ultimately, the preservation of the specific characteristics and autonomy of the Union's legal order. The Court states, first, that, even if they do not effectively enforce EU law, Member States must ensure that courts which may decide on a matter covered by the EU law (however rare the occasion may be that they actually have to have anything to do with EU law) have a certain quality (independence) as a guarantee of the functioning of the EU's jurisdictional system and, on the other hand, they must confine disputes which may concern the application or interpretation of EU law to the courts making up this judicial system. Although this case-law can be seen as a vigorous form of defending the Court's own institutional interest (to be the last arbitrator of the interpretation of Union law through the preliminary ruling mechanism), we argue that this decision may be read in the political context in which it is rendered, representing a rather political response by the Court to the difficulties of integration through law.

Keywords: judicial system of the European Union; autonomy of EU Law; effectiveness; preliminary ruling mechanism

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Claims For Damages Resulting From Torts. Decision Of The State Attorney To Drop The Criminal Case Against The Offender And The Way This Decision Influences The Civil Claim For Damages

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Abstract: The decision of the State Attorney to drop the criminal case against the offender, regardless of the reason, has no authority of *res iudicata* on the claim for damages in front of a civil court resulting from that offence. According to the New Civil Code, the criminal court's decision of acquittal has no authority of *res iudicata* on the existence of the damages and the type of guilt of the offender; much less, a decision of the State Attorney cannot have such an authority on the civil claim.

Keywords: tort law, damages, acquittal, dropping the case, decision of the State Attorney

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Property Law. Nationalization of a Piece of Land during the Communist Regime. Damages Awarded Under Law no. 10/2001. Calculating the Damages by Taking into Account the Area of the Piece of Land

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Abstract: When calculating the damages awarded to the owner of a piece of land nationalized by the communist regime, the court must take into account only the property the owner possessed at the date of the nationalization. Other property that was obtained during the communist regime, but was no subjected to nationalization cannot be taken into account when calculating the damages awarded under Law no. 10/2001.

Keywords: nationalized property, expropriation, communist regime, Law no. 10/2001, damages.

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Can We Talk About a Global Administrative Law?

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Abstract: Administrative law is certainly related to the governmental power. The existence or non-existence of a European administrative law has generated many controversies and has opened a series of questions that specialists around the world are trying to answer. That is why, in a world dominated by the idea of globalization, we wondered whether there is an international administrative law and not just an European one. It is certain that the democratic system implies a certain institutional architecture, no matter where it operates in the world, and that is why we will try to outline a few aspects of the connections created between globalisation, governance, democracy and the power of the administrative authorities.

Keywords: administrative law, global, principles, governance

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Procedural Aspects regarding the Simplified Eviction Action Based On The Provisions art.1034-1049 C.Proc.Civ.

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Abstract: Summary evacuation is a procedure that has proven indisputable usefulness given the frequency of its use compared to the common law procedure. The importance of the summary evacuation in all procedural means requires the exact knowledge and correct application of the procedural rules that govern it. This in the context of the legislator establishes a series of procedural rules derogating from the provisions of common law, provisions which will be analyzed in the content presented by the author.

Keywords: summary evacuation, procedural rules, evidence, citation

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Legal Liability for Environmental Damage in Romanian Law

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Abstract: The institution of legal liability for environmental damage in Romanian law is increasingly more present due to the impact of environmental damage both nationally and globally. Industrial development, application of high technologies and irational exploitation of resources have caused environmental damage often difficult to quantify. In Romanian law environmental liability is based in Government Emergency Ordinance no. 195/2005 on environmental protection and in Government Emergency Ordinance no. 68/2007 which transposed Directive 2004/35/EC and Directive 2008/99/CE transposed in Romanian Law by Law no. 101/2001. Legal liability for environmental damage takes the form of civil liability, contravention liability and criminal liability.

Keywords: environmental damage, civil liability, contravention liability, criminal liability, Directive 2004/35/EC, Directive 2008/99/CE

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Observations Regarding the Legal Deduction of Some Obligatory Content Elements for the Internal Regulation

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Abstract: As it is well known, the obligatory content of the internal regulation is stipulated by the provisions of art.242 from Law no. 53/2003 – Labour code, these also referring to the possibility of including other elements (therefore optional). Nevertheless, there is a series of other dissimilar provisions in the same code or in other normative acts regarding these obligatory elements for the internal regulation, if it is not opted for including them in the collective contract of employment or in the individual contract of employment.

The central idea regarding the procedure technique in connection with this aspect is simple: one must not conclude that it is about the permission of choosing the domain at hand, but only the possibility of choosing the legal act with normative character or individually applicable in the work relations of a certain employer. In other words, when it is stipulated in the Labour Code the possibility of establishing some obligatory aspects of work relations either through the individual labour contract, we shall understand that this must be established at least in one of these acts or even gradually in the two or three acts enlisted bearing in mind their legal force inside the system. The faculty of reasoning is that any essential aspect of the work relation must be brought to the attention of the employee, thus making the object of the obligation of informing through unilateral or negotiated acts.

We shall present in this material the essential aspects for the employer both from the perspective of preventing work conflicts as well as from the outlook of the work inspection control.

Keywords: internal regulation, obligatory content elements, the system of labour acts of law

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The Principle of the Rule of Law - Guarantor of the Correlation of Legal Norms

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Abstract: The principle of the rule of law serves as a guarantor of the correlation between the legal rules and the unitary character of the rule of law system in a state. Legality implies an unconditional subordination of the subject of legal relations to the normative headquarters. In order for this compliance to become a reality in everyday social practice, it is necessary for the subjects to know their rights and obligations in a clear and unconditional manner. The written form of the normative act, the specific state means of publishing its content are guarantees of certainty of the normative act, compared to other sources of law.

Keywords: principle of the rule of law, legal norm, legality

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Divorce Proceeding by the Notary

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Abstract: The reality of our days is increasingly facing the institution of divorce. Whether we contact this institution through media around us or we are faced directly with it, divorce is more and more part of the reality of our days, therefore, thinking about its current character and importance, we choose to treat the divorce proceedings by the notary in this paper, focusing in particular on the divorce proceedings with minors by the notary.

Divorce, besides the psychological and emotional implications, involves multiple implications of legal nature. We must specify that this institution emerged as a result of introducing, through Law No. 202/2010 – regarding certain measures of accelerating the solving of proceedings, and through Law No. 287/2009 – of the Civil Code, applied through the norms of Law 71/2011, the possibility of the spouses to divorce in a non-contentious environment. In order to implement this institution, Law No. 36/1995 of the public notaries and notary activities, later modified and supplemented, provides norms related to the competence of the public notary, the proceedings and the solving manner, in a non-contentious manner, of the divorce, which will be analyzed here in detail.

Keywords: divorce, agreement, notary, minor

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Social Control Theory

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Abstract: In William Golding's novel Lord of the Flies, a group of boys is stranded on an island far from civilization. Deprived of any superior authority – all the grown-ups, their parents, their teachers, the government, that have until now determined their lives – they begin to decide on a structure of government for themselves and having rules. Do rules alone guarantee the peaceful existence of the group? Who and what ensure compliance with the rules? Social control theorists study these questions.

Strain theories study the question of why some people violate norms, for example, by committing crimes. Social control theorists are interested in learning why people conform to norms. Control theorists take it for granted that drugs can tempt even the youngest schoolchildren^ that truancy can lure otherwise good *children onto* a *path of* academic failure and *lifetime* unemployment; that petty fighting, petty theft, and recreational drinking are attractive features of adolescence and young adulthood. They ask why people conform in the face of so much temptation and peer pressure. The answer is that juveniles and adults conform to the law in response to certain controlling forces in their lives. They become criminals when the controlling forces are weak or absent.

Keywords: criminal justice system, social control theory, responsability

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Issues and Trends in the Development of Doctrine of Non-verbal Information

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Abstract: Increased interest in the doctrine of non-verbal information is due to several reasons. First, theoretical foundations and categorical apparatus of the doctrine of non-verbal information are in the plane of several fields of scientific knowledge. Secondly, the positive experience of using non-verbal information in public life is striking in its capabilities and outcomes. Thirdly, the rapid and dynamic development of certain provisions on non-verbal information has led to the need to unify and systematize existing material and further development of research on this phenomenon.

Many important problems of the formation of the doctrine of non-verbal information in criminal proceedings can be solved within the framework of a comprehensive scientific approach. Among these problems we distinguish: - comprehension of general programs and methods of behavior of the participant in criminal proceedings; - theoretical and practical descriptions of the various features of specific behavior patterns, the identification of verbal and non-verbal correlations transmitted in the communication process of values and the establishment of rules for the interaction of participants in criminal proceedings in the dialogue; - formal and forensic analysis of non-verbal signs in their comparison with verbal signs, in particular exploration of the explicit and definition of the hidden content of nonverbal means of different nature, which replace or accompany verbal means in communication; linguistic, social and psycho-physiological analytical developments in adaptation to the provisions of criminalistic science, aimed at recognizing non-verbal and verbal keys of psychological states and emotions of participants in criminal proceedings, attitude to each other and to the circumstances; - analysis of ways of displaying non-verbal behavior of participant in criminal proceedings and elements of non-verbal speech in documents and materials. Of course, in the doctrine of non-verbal information, it is possible to identify other significant problems that require urgent solutions. Therefore, their further research will serve as the development of both the doctrine of nonverbal information in general, and the theory of criminalistics and the practice of applying its achievements.

Keywords: non-verbal information, criminal proceedings, criminalistics, doctrine of non-verbal informaton

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Study on Anticompetitive Actions in Public Procurements

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Abstract: The current reform of public procurement is constantly creating new challenges both for practitioners in this field and for theorists. It is important that these two areas intersect, and therefore it is necessary, in particular, to identify those factors, "markers", which indicate that there is a conspiracy or other anticompetitive illegal actions in the tender. The name of the tender gives fuzzy or false information about the actual purchase item. In the technical requirements the minimum information is specified or the important characteristics of the subject of purchase are not specified. Unclear conditions for the performance of the contract after the tender customer is too demanding to the correct package of documents of the winner of the tender for the conclusion of the contract deliberate delay in signing the contract with the winner.

Of course, the list of these features is not exhaustive; it is constantly replenished with all the new variations of "circumvention" of the requirements of the law. At the same time, financial sanctions and the threat of criminal liability do not stop the offenders. It should be noted that cooperation between public procurement practitioners and public authorities aimed at protecting competition and integrity in public procurement is currently important.

Keywords: public procurement, unfair actions, anticompetitive actions

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Animal Welfare: under International Law or Beyond?

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Abstract: National and then international law reflected the concept of animal welfare and animal rights through international legal cooperation of states' carried out both at the universal and at the regional level in the framework of international organizations. Instruments of legal regulation of animal welfare, can be divided into levels: international, regional, supra-national, and national. The necessity of singling out an independent institute of international legal regulation of animal welfare should be emphasized. This means the necessity to adopt a universal act in the sphere of animal welfare. The structure of international legal cooperation in the area of animal welfare is complex, and the European system of regional cooperation is one of highly developed its branch. There are a number of conventions in the sphere of treatment of animals and there are some problems of their implementation to the national law of European states. An EU system of animal welfare legislation includes farm management and animal husbandry directives (separately for different types of animals); directives on the order of transportation of animals; wild animals; on the organization of zoos; about experiments on animals. The mentioned acts do not fully cover all acute issues, this deficiency partly eliminated by Animal Welfare Strategies. It should be mentioned that the EU's law of animal welfare is an integral system of legal rules, consisting of the rules of the national law of the member states, the norms of international treaties and unified rules of law of the EU.

It should be noted that the transition of EU law from anthropocentrism to nature-orientation in the field of animal welfare represents an establishment of coherent system of legal rules, consisting of the national law of the Member States, the rules of international treaties and unified EU law.

Keywords: animal welfare, international law, EU law, Council of Europe, conventions

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PANEL 2

LAW: PUBLIC ADMINISTRATION AND REGIONAL STUDIES

President:	Ph.D. Florin TUDOR
Rapporteur:	Ph.D. Romeo-Victor IONESCU

Panel 1 **-** Venue AE 103

PANEL 2 - PUBLIC ADMINISTRATION AND REGIONAL STUDIES

Administrative Autonomy of Bessarabia in the Reunited Romania (1918-1925)

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Abstract: After the Union, each of the Romanian provinces had an administrative organization specific to its historical development. Because they had developed within the different political entities, the laws and administrative institutions specific to the provinces that had united were foreign to the Romanian spirit and aspirations. In the first years after the Union this diversity of practices, institutions and administrative systems was maintained, in province being made corrections imposed by the adaptation to the Romanian legislation. The administrative unification of the provinces adjoined to the Romania was one of the most important problems of that period.

There are analyzed the stages of the gradual administrative unification process of the Bessarabia with Romania during the years 1918 - 1925, a period that is known in history as the period of the autonomy of Bessarabia in the reunited Romania.

Keywords: Romania, Bessarabia, administrative unification, administrative system

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Administrative Capacity of Local Communities: Content and Particularities

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Abstract: The differences in the social and economic development of local territorial communities are explained by the influence of several factors. The study analyzes the content and particularities of administrative capacity in the development process. Typical aspects of administrative capacity are considered to be the quality of civil servants, the use of new technologies in the public sector, interaction styles, etc. Taking as reference the decisional process at the local level, including strategic planning and evaluation, resource for mobilization and management, communication and coordination, local communities can be conventionally divided into integrated and non-integrated systems. The study emphasizes the importance of the psychosocial resorts of the local territorial community. Cultural values and material resources of members of local communities are positively correlated with their ability to engage in collective action. Simple, transparent, persistent and non-contradictory legislation ensures normative coherence and, implicitly, the strengthening of administrative capacity.

Keywords: interaction, cultural values, resources, mobilization, administrative capacity

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The Viability of the European Union's Enlargement in Balkans Region

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Abstract: The paper is focused on analysing the opportunity and the possibility of Serbia and Montenegro's adhering to the EU in 2025 according to the newest official declarations. The initial comparative analysis, followed by regression analysis point out the great disparities between these two countries and EU27 during 2014-2020. The forecasting procedures used in the paper support the same idea during 2020-2025. As a result, the economic performances of these countries are not able to support their adhering to the EU in 2025. On the other hand, the political interest will be again more powerful than the economic criteria and the new enlargement will be realised

Keywords: economic disparities, regression analysis, forecasting procedures, economic correlations

JEL Classification: R11; R12; R13

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Considerations Regarding the Principles of the Civil Service Stipulated in the Romanian Legislation

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Abstract: The efficiency of the public administration depends on the way that civil servants comply with their duties and for this reason the legal framework must lay down fundamental rules that apply to the exercise of civil service. This article contains an analysis of the principles laid down in the Romanian legislation that must govern all the aspects regarding the exercise of the specific duties of civil servants. In Romanian law system, the principles that apply to the activity of the civil service are stipulated through the provisions of the Law no.188/1999. According to the statute of civil servants, the fundamental rules for the civil service are: legality, impartiality and objectivity, transparency, efficiency, responsibility, orientation towards the citizens, stability and hierarchical subordination. Also, in this paper we aim to analyze the fundamental rules laid down by the Law no.7/2004 regarding the code of conduct of civil servants.

Keywords: civil service, public administration, legality, efficiency, principles

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Urban Governance and Social Innovation

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Abstract: During the last decades, we can remark that one of the main trends in the evolution of public administration and the various organizations in the public sector have been a profound transformation process, whose main objective has been to ensure an increase of efficiency and efficacy. Specialists in the field have concentrated in the last years on the analysis of the factors that have the greatest impact on public administration. These factors have been grouped in several different categories, on the basis of various trends of evolution, such as: changes of the socio-economic context, changes of the modes of governance in the public sector and changes of the theories and approaches of public administration as a scientific domain. Focusing on the analysis of various modes of governance and social innovation, scholars highlighted the ways in which phenomena related to social innovation in urban governance can steer extensive changes at the level of public administration in the cities.

Keywords: public service, reform, guvernance

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The Role of the Technical Commission for Spatial Planning and Urban Planning in the Urban Planning Process

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Abstract: The present paper aims to highlight the role of the technical commission for spatial planning and urban planning. The Territorial and Urban Planning Commission is made up of specialists in spatial planning and urban planning and representatives of technical, economic, social and environmental institutions with which local public administration collaborates to carry out land-use and land-use activities urbanism. The creation of these structures aims at improving the quality of the decision on local sustainable development. The Commission shall technically endorse the land and urban planning documentation, grounding studies or prior research.

Keywords: RUR, development, city, commission

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University's Own Standards for being Employed on Teaching Positions - Analysis and Procedure

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Abstract: According to the provisions of art. 1 par. (4) of the Framework Methodology for the occupation of vacant teaching and research positions in higher education, approved by the Government Decision no. 457/2011, as amended, the standards set by the university must meet cumulatively two conditions: on the one hand, "can not derogate from national minimum standards" and on the other hand, "are superior to or equal to national minimum standards"(established by minister's order). In other words, the standards set by the university can not have "content" other than national minimum standards, but their level of number or score may be higher; otherwise it would deviate from national standards. Also, for the correct setting of these (own) standards by universities, a distinction has to be made between the notions of "standard", "indicator", "criteria" and, at the same time, the intrinsic concordance between all these and the specificity of the disciplines of the teaching or seminars activities to which the standards in question refer and which are included in the state of functions. All this makes the content of the official information obligation of the candidates.

There are useful aspects regarding the lawfulness of making vacant teaching positions at universities, not exactly understood and known, as we consider useful for this procedural analysis material; in this sense, we will also analyze some examples of practices that we consider far from the letter and spirit of applicable legislation in the field.

Keywords: university teaching positions, occupation, own standards, national standards, procedure

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The Use of Customs Antifraud Methods to Control Organized Crime

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Abstract: Ensuring freedom of movement has allowed organized crime to engage in illegal activities with a particular impact on the freedom and life of citizens in the European Union who are trying to identify solutions to an obvious crisis. Despite a seemingly sufficient set of rules, the European Union has obvious dysfunctions at operational level. The existence of illegal activities on a large scale creates certainty of the weakness of the international effort to cooperate and enforce the law at border points by the institutions called to fight organized crime. It is becoming more and more common in the last period to affect international trade activities, with competitiveness being seriously affected by obvious tax and customs fraud. In more and more cases, the need for anti-fraud methods specific to customs policy must be taken. The present study, which is not intended to be exhaustive, requires a brief analysis of the cooperation of customs structures for the identification of frauds in the transfer pricing file and the verification of customs value.

Keywords: dysfunctions, cooperation, methods, antifraud

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