7th INTERNATIONAL CONFERENCE

"EXPLORATION, EDUCATION AND PROGRESS IN THE THIRD MILLENNIUM"

Organized by:

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

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

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

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:

- LEGISLATIVE REFORM IN THE DOMAIN OF PENAL LAW
- LEGISLATIVE REFORM IN THE DOMAIN OF CIVIL LAW
- INTERNATIONAL RELATIONS AND CROSS-BORDER COOPERATION
- STATE, ECONOMY, SOCIETY. DIACHRONIC PERSPECTIVES

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Programme

Friday, May 8th

10:00 AM: **Arrival and registration** - Faculty library - AE 103 Room

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

10:45 AM: **Coffee Break**

11:00 AM: **Session**

12:45 PM: **Debate; Conclusions**

13:00 PM: **Lunch**

14:30 PM: **Sessions**

16:15 PM: **Debate; Conclusions**

16:30 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 - LEGISLATIVE REFORM IN THE DOMAIN OF CRIMINAL LAW

President: Professor Ph.D. Gheorghe IVAN

PANEL 2 - LEGISLATIVE REFORM IN THE DOMAIN OF CIVIL LAW

President: Professor Ph.D. Răducan OPREA

PANEL 3 - INTERNATIONAL RELATIONS AND CROSS-BORDER COOPERATION

President: Professor Ph.D. Florin TUDOR

PANEL 4 - STATE, ECONOMY, SOCIETY. DIACHRONIC PERSPECTIVES

President: Professor Ph.D. Violeta PUŞCAŞU

PANEL 1 - LEGISLATIVE REFORM IN THE DOMAIN OF CRIMINAL LAW

President: Professor Ph.D. Gheorghe IVAN

Short considerations regarding the principle of direct administration of evidence

Silviu Gabriel Barbu
Associate Professor Ph.D., Faculty of Law, University of Transilvania Braşov, Judge
Alexandru Silviu Goga
Master of Laws, University of Transilvania Braşov, Faculty of Law, Lawyer

Retragerea căii de atac a apelului în viziunea noului Cod de procedură penală

Monica Buzea
Lecturer Ph.D., Faculty of Juridical, Social and Political Sciences, „Dunarea de Jos" University of Galati
Procuror şef secţie judiciară, Parchetul de pe lângă Curtea de Apel Galaţi

Considerations on the waiver of punishment, individualization way under the Code of Criminal Procedure

Gabriela – Nicoleta Chihaia
Judge, First Instance Of Galati

Îmbunătățirea cadrului legislativ în materia investigării infracțiunilor de malpraxis medical

Costel Maricel Codiță
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Problematica procesual penală a efectuării expertizei medico-legale în investigarea infracțiunilor de malpraxis medical

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The minor's maintenance obligation failure – civil and criminal consequences

Roxana Matefi
Lecturer Ph.D., Transilvania University of Brasov, Law School

Computer Fraud

Prençe Mirgen
Lecturer Ph.D., Universiteti Europian i Tiranes

Illegal Cutting Of Forests

Prençe Mirgen
Lecturer Ph.D., Universiteti Europian i Tiranes

History Of Romanian Law. Plea For Placing Corporal Punishment. (1918 - 1922)

Florin Moldovan
Associate Professor Ph.D., Facultatea de Științe juridice, Universitatea de Vest „Vasile Goldiș" Arad

Cybercrime, risks and vulnerabilities in the electronic environment

Răzvan Popovici-Diaconu
Asisstent Ph.D., Facultatea de Filozofie si Ştiințe Social-Politice, Universitatea A.I. Cuza, Iaşi

Plea bargaining agreement in Romanian legislature

Gianina Anemona Radu
Lecturer Ph.D., Police Academy "Al. I. Cuza"

PANEL 2 - LEGISLATIVE REFORM IN THE DOMAIN OF CIVIL LAW

President: Professor Ph.D. Răducan OPREA

Ombudsman Institution in comparative law

Claudia Andritoi
Professor Ph.D., Eftimie Murgu University Resita
Florentina Lupsa
Asisstent Ph.D. Candidate, Eftimie Murgu University Resita,
Florin Frant
Associate Professor Ph.D., Eftimie Murgu University Resita

Considerations on the rules of private international law immediate application in accordance with Romanian Civil Code and the relevant European regulations

Nadia-Cerasela Aniței
Professor Ph.D., Faculty of Juridical, Social and Political Sciences, „Dunarea de Jos" University of Galati

Care este procedura de înscriere a convenției matrimoniale încheiate între doi soți cu cetățenii difeirte pe teritoriul României în R.N.N.R.M.?

Nadia-Cerasela Aniței
Professor Ph.D., Faculty of Juridical, Social and Political Sciences, „Dunarea de Jos" University of Galati
George Schin
Lecturer Ph.D., Faculty of Juridical, Social and Political Sciences, „Dunarea de Jos" University of Galati

The Conclusion of the Contract in Electronic Form: the Offer

Alexandru Bleoancă
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Legal effects of the natural death. The Albanian case

Hemion Braho
Lecturer Ph.D., European University of Tirana

New areas of banking activity: negative experiences and new rules

Hemion Braho
Lecturer Ph.D., European University of Tirana

The succession procedure with foreign elements - an argument for adopting a European Civil Code

Liviu-Bogdan Ciucă
Associate Professor Ph.D., Faculty of Juridical, Social and Political Sciences, „Dunarea de Jos" University of Galati

The opening of insolvency proceedings

Dragoş Mihail Daghie
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Jointly exercise of parental authority - relative legal presumption established by Article 397 of the Civil Code

Nora Andreea Daghie
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The scope of the assignment of contract

Diana Deaconu-Dascălu
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The effects of the assignment of contract

Diana Deaconu-Dascălu
Asisstent Ph.D., Faculty of Law Targu Jiu, Titu Maiorescu University, Bucharest

The Significance of the European Convention of Human Rights for the Romanian Authorities

Gina Ignat
Asisstent Ph.D., Faculty of Juridical, Social and Political Sciences, „Dunarea de Jos" University of Galati

Considerations regarding the impact of Protocol no 16 of the European Convention of Human Rights on Civil Law

Gina Ignat
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The minor protection through tutor institution

Roxana Matefi
Lecturer Ph.D., Transilvania University of Brasov, Law School

Aspecte privind drepturile mamei şi ale copilului în România. Acordarea indemnizației pentru creşterea copilului şi cauze excepționale în care se pot realiza venituri in această perioadă conform OUG nr. 110/2010 privind concediul şi indemnizația lunară pentru creşterea copiilor

Andreea Elena Mirică (Matic)
Lecturer Ph.D., Faculty of Juridical, Social and Political Sciences, „Dunarea de Jos" University of Galati

Labour Regulation of Youth and Minors

Răducan Oprea
Professor Ph.D., Faculty of Juridical, Social and Political Sciences, „Dunarea de Jos" University of Galati
Ramona Mihaela Oprea
Asisstent Ph.D., Faculty of Juridical, Social and Political Sciences, „Dunarea de Jos" University of Galati

Comparative aspects of Civil Code of Romanian and Republic of Moldova regarding the cases of forced co-ownership

Ala Otgon
Ph.D. Candidate, Moldova State University, Chişinău

Modificarea elementelor contractului individual de muncă "standard" din perspectiva contractelor individuale de muncă speciale – legislație, management, procedură, aspecte practice

Ana Ştefănescu
Lecturer Ph.D., Faculty of Juridical, Social and Political Sciences, „Dunarea de Jos" University of Galati

The Problem Of Indexing The Monthly Compensation For The Loss Of Breadwinner (Sustainer)

Maxim Todorov
Lecturer Ph.D. Candidate, Facultatea Drept și Administrație Publică, Universitatea de Stat „ B.P. Haşdeu'' din or. Cahul

PANEL 3 - INTERNATIONAL RELATIONS AND CROSS-BORDER COOPERATION

President: Professor Ph.D. Florin TUDOR

Cross-border activities in the European Union - concerns regarding reducing the number of potentially cross-border litigations

Alexandra Crişan
Trainee Notary, Chamber of Notaries Public Galati

Selecting The President Of The European Commission: The Spitzenkandidaten Issue

Lucian-Dumitru Dîrdală
Lecturer Ph.D., Mihail Kogălniceanu University Iaşi – Department of Law, Al. I. Cuza university Iaşi – Centre for European Studies

Extradition – Instrument Of Criminal International Cooperation

Mihai Floroiu
Professor Ph.D., Faculty of Juridical, Social and Political Sciences, „Dunarea de Jos" University of Galati
Head of the Legal Studies Department, Member of the Legal and Administrative Research Center of the „Dunarea de Jos" University of Galati

Poverty and exclusion – the effects of the crises

Florin Frant
Associate Professor Ph.D., Eftimie Murgu University Resita
Claudia Andritoi
Professor Ph.D., Eftimie Murgu University Resita,
Florentina Lupsa
Asisstent Ph.D. Candidate, Eftimie Murgu University Resita

Tendințele dreptului național în cadrul Uniunii Europene

Doranda Maracineanu
Judecător, Tribunalul Galati,

Alina Sulicu
Asisstent Ph.D. Candidate, Universitatea "C. Brancoveanu", Pitesti

Security Strategy Against Economic Crime Border

Florin Tudor
Professor Ph.D., Faculty of Juridical, Social and Political Sciences, „Dunarea de Jos" University of Galati

PANEL 4 - STATE, ECONOMY, SOCIETY. DIACHRONIC PERSPECTIVES

President: Professor Ph.D. Violeta PUŞCAŞU

Reflectarea ocrotirii juridice a posesiei în normele dreptului constituțional

Monica Buzea
Lecturer Ph.D., Faculty of Juridical, Social and Political Sciences, „Dunarea de Jos" University of Galati
Procuror şef secție judiciară, Parchetul de pe lângă Curtea de Apel Galați

Impactul sărăciei asupra participării publice la nivel local: cazul Republicii Moldova

Sergiu Cornea
Ph.D, Vice-rector, „Bogdan Petriceicu Hasdeu" State University of Cahul

Fiabilitatea şi legitimitatea strategiilor ca documente de politici

Valentina Cornea
Lecturer Ph.D., Faculty of Juridical, Social and Political Sciences, „Dunarea de Jos" University of Galati

The Right to the Freedom of Religion. From the Edict of Emperor Cyrus II the Great, the first "Charter of Human Rights", to "The Treaty Establishing a Constitution for Europe"

Nicolae Dură
Professor Ph.D., Ovidius University of Constanta
Academy of Romanian Scientists

Grexit Between Speculation and Truth

Romeo-Victor Ionescu
Professor Ph.D., Danubius University, Romania

How Descentralization And Administrative Reform Try To Avoid Marginality?

Madalina – Elena Mihailescu
Lecturer Ph.D., Faculty of Juridical, Social and Political Sciences, „Dunarea de Jos" University of Galati

The byzantine laws, collected in the "Basilika", and their Reception in the Romanian Principalities

Cătălina Mititelu
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Strategia Europeana de Mediu si Sanatate

Liliana Niculescu
Lecturer Ph.D., Faculty of Juridical, Social and Political Sciences, „Dunarea de Jos" University of Galati

Demographic marginality. Pan-regional realities and local solutions

Violeta Puşcaşu
Professor Ph.D., Faculty of Juridical, Social and Political Sciences, „Dunarea de Jos" University of Galati

Constitutional Court of Romania in the context of constitutional revision

Oana Şaramet
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PANEL 1

LEGISLATIVE REFORM IN THE DOMAIN OF CRIMINAL LAW

President: Professor Ph.D. Gheorghe IVAN

Short considerations regarding the principle of direct administration of evidence

Silviu Gabriel BARBU
Associate Professor Ph.D., Faculty of Law, University of Transilvania Braşov
Judge

Alexandru Silviu GOGA
Master of Laws, University of Transilvania Braşov, Faculty of Law,
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Keywords: principles, proof, evidence, reasonable, administration

Abstract
We desire to make short considerations regarding the principle of direct administration of evidence during the criminal trial as it is regulated in the New Criminal procedural code.
Prerequisites for the understanding of the present work are: a minimum knowledge of law, an understanding of criminal law, the system of law of the EU and the ECHR, democracy, rule of law, supremacy of constitution and so on.
The institution of crime, the institution of punishment and the institution of criminal accountability make up the basis of every criminal law system. But the institution of evidence is as important as all of these. In lack of evidence and reasonable proof of guilt, there can be no conviction.
In criminal law, accountabilty is liability for which mens rea (Latin for "guilty mind") does not have to be proven in relation to one or more elements comprising the actus reus (Latin for "guilty act") although intent, recklessness or knowledge may be required in relation to other elements of the offence.
The legislation on criminal accountability has constantly grown due to increase in crime. In this context the laws regarding executionary law have evolved also, and in addition we have an increased intereset on behalf of the state to intensify the process of reeducation and social integration of those punished for criminal acts.
We cannot have a functioning society in the absence of justice. Thus we must give the definition of criminal justice: It is the system of practices and institutions of governments directed at upholding social control, deterring and mitigating crime, or sanctioning those who violate laws with criminal penalties and rehabilitation efforts. Those accused of crime have protections against abuse of investigatory and prosecution powers. Like the administration of evidence in a legal and loial manner.

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***Comments*:**

Retragerea căii de atac a apelului în viziunea noului Cod de procedură penală

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Keywords: apel, cale de atac, retragere

Abstract
Având în vedere consecinţele irevocabile ale exercitării dreptului de dispoziţie în ceea ce priveşte retragerea căii de atac, conform art. 415 Cod procedură penală, se constată că legiuitorul a fost extrem de strict, prevăzând cele două modalităţi posibile pentru un inculpat aflat în stare de libertate: prima variantă este aceea a retragerii care trebuie făcută personal în faţa instanţei a cărei hotărâre a fost atacată, a doua variantă, este aceea a retragerii care trebuie făcută personal în faţa instanţei de control judiciar.
Doctrina şi jurisprudenţa au adus în discuţie probleme legate de atestarea oficială a retragerii, interpretarea conceptului de retragere personală, efectele retragerii căii de atac.

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***Comments*:**

Considerations on the waiver of punishment, individualization way under the Code of Criminal Procedure

Gabriela – Nicoleta CHIHAIA
Judge, First Instance Of Galati

Keywords: waiver of penalty application, cancellation, warning, legal

Abstract
Waiver of penalty is one of the institutions of novelty introduced by the Criminal Procedure Code, which entered into force on 01.02.2015, in the matter of judicial individualization.
This paper aims to highlight issues that bring new solutions within the institution, by means of the power conferred to the court to waive the imposition of a sentence for a person found guilty of an offense. Will analyze in the first part, the legal nature of the institution, in relation to the existing doctrinal definitions. Further, the paper will present the conditions that have to be met in order to waive penalty, both in terms of crime, but also in terms of the offender, whilst stopping on special situations in which it can be ordered, as regulated by special laws, although not all the conditions stipulated by law are met. We will analyze the effects the waiver of penalty produces, the requirement to issue a warning to the defendant and its legal nature.
In the last part of the paper we will present an analysis of the waiver of penalty, on the conditions to be fulfilled and the effects they produce, by reference to some solutions delivered jurisprudence. A special analysis is performed on the solutions that can be imposed by the court in applying the more lenient penal law, in relation to the lack of social danger of the crime, as it was governed by art. 18 index 1 of the Criminal Code of 1969.
The present papers is intended to bring to the attention of practitioners and theorists, some of the problems already identified regarding the institution of waiver of penalty, and in the future, after detailed consideration of this institution to help stabilize a unitary practice of the courts. We are also convinced that the work can open a wide range of debates.

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***Comments*:**

Îmbunătățirea cadrului legislativ în materia investigării infracțiunilor de malpraxis medical

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Keywords: incriminare, infracțiuni de malpraxis medical, act medical, expertiză medico-legală, act medico-farmaceutic, risc inerent, cauză justificativă

Abstract
Analizarea cadrului normativ în materia investigării infracțiunilor de malpraxis medical evidențiază existența unor carențe de ordin constituțional, penal şi procesual penal.
Aceste deficiențe aduc o atingere consistentă drepturilor subiecților procesuali principali şi părților implicate într-un raport procesual penal având ca obiect infracțiunile de malpraxis medical, precum şi activităților desfăşurate de către organele judiciare sesizate cu investigarea acestora.
Remedierea acestor deficiențe nu se rezumă la abilitatea organelor judiciare de a interfera metode tehnice şi procedee tactice specifice pentru investigarea criminalistică a infracțiunilor de malpraxis medical, ci presupune şi o intervenție consistentă a legiuitorului asupra cadrului normativ în materie.
Aceste intervenții trebuie să vizeze atât normele penale cât şi cele procesual penale aplicabile în domeniul investigării infracțiunilor de malpraxis medical.

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***Comments*:**

Problematica procesual penală a efectuării expertizei medico-legale în investigarea infracțiunilor de malpraxis medical

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Keywords: infracțiuni de malpraxis medical, act medical, act medico-farmaceutic, act medico-biologic, expertiză medico-legală, fapt probator, eroare profesională

Abstract
Particularitatea probelor medico-legale, în general, şi a efectuării expertizei medico-legale, în special, în cauzele privind investigarea infracțiunilor de malpraxis medical o constituie faptul că expertul este chemat să se pronunțe cu privire la: efectuarea sau neefectuarea unui act medical sau medico-farmaceutic, la condițiile realizării acestuia sau posibilitatea anticipării efectelor negative care au condus în cele din urmă la vătămarea sau moartea pacientului. De cele mai multe ori, asistența acordată acestuia îmbracă forma unui complex de acte medicale sau medico-farmaceutice, astfel încât, în cazul producerii urmărilor specifice infracțiunilor de malpraxis medical, se pune problema determinării conduitei profesionale care a generat aceste rezultate, şi, pe cale de consecință a persoanei care trebuie să răspundă penal. Investigarea infracțiunilor de malpraxis medical nu reclamă administrarea acestui mijloc de probă doar pentru stabilirea existenței sau inexistenței raportului de cauzalitate sau a urmărilor produse. Un obiectiv deosebit de important al unei asemenea expertize îl constituie analiza conduitei profesionale a personalului medical şi farmaceutic implicat în comiterea faptelor.

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***Comments*:**

The minor's maintenance obligation failure – civil and criminal consequences

Roxana MATEFI
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Keywords: maintenance obligation, minor, consequences

Abstract
The article proposes an analysis of the minor's maintenance obligation, with emphasis on the consequences involved by the violation of this legal obligation. The consequences of non-compliance are viewed from two perspectives, civil and criminal.

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***Comments*:**

Computer Fraud

Prençe MIRGEN
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Keywords: fraud, investigation, crime, internet, computer system

Abstract
This paper presents an analysis of computer fraud offense under the Albanian criminal law. Are presented the reasons that led the Albanian Parliament to provide these offenses in the Criminal Code. We present the criteria that make the difference between computer fraud crime and other crimes of cybernetics, such as unauthorized access to the computer system, and other crimes that do not belong to the cyber field such as fraud. This offense is analyzed and compared to some foreign law to see what is provided in other legislation. An important part of the work is related to computer fraud investigation. We analyzed the statistics compiled by the Ministry of Justice in recent years to see how it has evolved over time offense.

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***Comments*:**

Illegal Cutting Of Forests

Prençe MIRGEN
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Keywords: Forest, crime, protection, tree, wood

Abstract
Albanian criminal law is presented in terms of historical evolution, from Shkodra Status, then the first Criminal Code of the Republic of Albania in 1928, during the period when Albania was a kingdom, continuing with penal codes of 1952 and 1977, which are in force during the communist regime until 1 June 1995, when the current code came into force. Are presented the international agreements on forest protection of the United Nations, the Council of Europe and European Union legislation. We make a comparative analysis of legal provisions on illegal logging of forests in some Member States of the European Union. Are presented the aspects that make the difference between the crime of illegal cutting of forests and illegal forest cutting offense. To see the dynamics of this crime are presented statistics of the Ministry of Justice since 2004 until 2012.

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***Comments*:**

History Of Romanian Law. Plea For Placing Corporal Punishment. (1918 - 1922)

Florin MOLDOVAN
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Universitatea de Vest „Vasile Goldiş" Arad

Keywords: corporal punishment, stick, old code, whip executioner

Abstract
Science criminal law, whose ultimate goal is to ensure public order, undergoing a permanent crisis, due to increased crime. Legislative Opera is always exceeded grave nature. The essential part is that the solutions given, measures taken to combat crime and punishment adopted are consistent with the needs of repression and morals of the people. "
In summary, in this way began about one of the meetings of the Circle of criminal trials and scientific police in Romania. Of the legal personalities of that time, after listening to its communication, expressed their opinion on corporal punishment.
I'll try to sum communication during these views, trying not to alter specific language savory and time, then towards the end I make a personal conclusion, reported in our times.

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***Comments*:**

Cybercrime, risks and vulnerabilities in the electronic environment

Răzvan POPOVICI-DIACONU
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Keywords: cybercrime, online systems, cybersecurity, prevention, intervention

Abstract
The study aims to assess the risks posed by a dynamic phenomenon highlighted in contemporary social life, as defined in the literature: Information Society. The project mentioned, deepen evolution of the phenomenon of cybercrime, one of the most obvious challenges at the beginning of the century and millennium. Interest determined by diffusion planetary systems correlates with an increased risk of cyber bullies products every level. Under a complex research methodology can be identified typologies of cyber bullies, especially methods and strategies for the prevention and combating the phenomenon of cyber crime and related phenomena triggered. The statistics support the request made, the number of increasingly high character cyber aggression is a social plague for the entities concerned, be it: economic, social entities and organizations of various kinds, whether states or international entities in if macrocyber criminality.

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***Comments*:**

Plea bargaining agreement in Romanian legislature

Gianina Anemona RADU
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Keywords: a plea bargain, criminal case, defendant, criminal trial

Abstract
A plea bargain (also plea agreement, plea deal or copping a plea) is any agreement in a criminal case between the prosecutor and defendant whereby the defendant agrees to plead guilty to a particular charge in return for some concession from the prosecutor. This may mean that the defendant will plead guilty to a less serious charge, or to one of several charges, in return for the dismissal of other charges; or it may mean that the defendant will plead guilty to the original criminal charge in return for a more lenient sentence.
A plea bargain allows both parties to avoid a lengthy criminal trial and may allow criminal defendants to avoid the risk of conviction at trial on a more serious charge.

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***Comments*:**

Panel 2

Legislative Reform In The Domain Of Civil Law

President: Professor Ph.D. Răducan OPREA

Ombudsman Institution in comparative law

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Keywords: Ombudsman, comparative law, responsibilities

Abstract
In the literature it is considered that "in ancient times there were officials with similar responsibilities" Ombudsman institution.
Ombudsman institution has its origins in Sweden, being implemented for the first time in 1809. In legal literature the term is interpreted as an "institution vested Rikstag (Swedish Parliament) by a power of attorney to examine complaints that it is addressed to those who pretend that they have violated their rights under the constitution "or" authority appointed by Parliament and accountable to it, which is conferred by the constitution or by a special law right to settle claims that it is addressed to people who claim that executive bodies have violated or disregarded the constitutional rights recognized. "Later this institution was taken over by Finland (1919), Denmark (1953), Norway (1952).

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***Comments*:**

Considerations on the rules of private international law immediate application in accordance with Romanian Civil Code and the relevant European regulations

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Keywords: rules materials: immediate application rules, legal relationship with the element, its own law, lex causae

Abstract
Art. 2566 of the Civil Code titled marginal rules has immediate application in par. (1) "Mandatory provisions under Roman law to regulate the legal relationship with a foreign element is applied in priority. In this case, not the scope of this book on determining the applicable law. "
Art. 9, paragraph 1 of the Rome I Regulation lays down rules for the immediate application of those rules as "The observance of which is regarded as crucial by a country for safeguarding its public interests, such as its political, social or economic, to such an extent that they are applicable to any situation falling within their scope, irrespective of the law applicable to the contract under this Regulation ".
Article aims on reglemtarilor the Civil Code, the European regulations in force, literature and jurisprudence to explain what is meant by "immediate application rules or necessary".

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***Comments*:**

Care este procedura de înscriere a convenției matrimoniale încheiate între doi soți cu cetățenii difeirte pe teritoriul României în R.N.N.R.M.?

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Keywords: regim matrimonial, convenție matrimonială, legea locului de încheiere a convenției matrimoniale, viitor soți sau soți cu cetățenie diferită, Cod civil român, Registrul notarial al regimurilor matrimoniale

Abstract
Având în vedere că art. 2594 C. civ. dispune: Condițiile de formă cerute pentru convenția matrimonială sunt cele prevăzute de legea aplicabilă regimului matrimonial sau cele prevăzute de legea locului unde se încheie și că art. 2 din Ordinul nr.1786/C/2011 -Registrul notarial al regimurilor matrimoniale prevede „Convenția matrimonială, precum şi orice act prin care se modifică, se revocă sau se anulează aceasta se înscriu în R.N.N.R.M. pentru opozabilitate față de terți. (alin1) Convenția matrimonială se înscrie în R.N.N.R.M. numai după încheierea căsătoriei. „ (alin 2)
Articolul își propune să studieze și să prezinte care este procedura de înscriere a unei convenții matrimoniale în R.N.N.R.M. în cazul a doi viitori soți cu cetățenii diferite în cazul în care au ales ca lege de încheiere a convenției matirmoniale legea română.

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***Comments*:**

The Conclusion of the Contract in Electronic Form: the Offer

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Keywords: contract in electronic form, electronic commerce, offer, content of the offer, regulation

Abstract
The contract is the result of the logical succession in time of several phases, of which we analyze the final arranging of the offer, during which the person who has the initiative formalizes the proposal.
In our study we underline the differences induced by the use of electronic means to the classical contract. For example, the offer is made on-line, but it still has to comply with all the legal conditions. Using telematics may create problems as regards the identification of the offeror, but also related to the finding of the oferee. Unfortunately, the electronic means may be used unfairly and this situation imposes an adequate reaction from both private users and public bodies.
We also analyze the content of the offer, here included the supplementary limits imposed by law.

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***Comments*:**

Legal effects of the natural death. The Albanian case

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Keywords: Natural death, Civil Code of Albania, Civil Registry, Absence legal effects

Abstract
Death as a physiological phenomenon is commonly defined as the termination of every vital functions that brings the termination of life. If we consider that phenomenon as a theological or philosophical concept is the separation of the soul from the body, passing into the afterlife. At the same moment death is also a legal fact, which is considered with certain consequences in every civil (and penal) system directly affecting the legal capacity of a person. Natural death of the person brings the termination of some legal consequences and the beginning of some others. Death as a natural event, implies irreversible cessation of brain function great. Determination of the time of death has great practical importance but also doctrinal, as often happens that this moment does not match the data that can be obtained from the office of the registrar, which determine the civil status of heir and materialize in the death certificate, which is an essential test to establish the pilot process, a conflict arising from legal relations heritage. It's interesting to study also other natural facts as the absence of a person for a long time and compare it, under a legal point of view, with the natural death.
This article gives a view of the Albanian civil code that takes inspiration from the Italian-french legal doctrine and school.

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***Comments*:**

New areas of banking activity: negative experiences and new rules

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Keywords: Para-banks, Merchant banks, Venture Capital, Lehman Brother, Parmalat

Abstract
Para-banks sector (or non-bank) covers a wide variety of activities and financial operations, economic, commercial, connected with banking. These kinds of operations represent an evolution and completing of the traditional relations between the bank and customers, and includes all those activities that are not closely linked with the monetary mediation; You can call as "collateral services with financial nature".
Largest banks, have developed para-banks sector to implement a strategy of diversification of activities and create, together with traditional business banking, new areas of their activity, with services like consultancy to entrepreneurs, mediation in business relationships, providing new forms of financing (leasing, factoring), etc. This new sector of work has created new types of banks called "merchant banks" that operates in risky activities connected with venture capital.
Some negative experiences in Europe with the "Parmalat case", and in U.S.A. with the "Lehman Brothers case" has brought to restrictive rules in this sector such as the EU directive 48/2006 and the regulation 575/2013.

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***Comments*:**

The succession procedure with foreign elements - an argument for adopting a European Civil Code

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Keywords: succession, european, code, civil, foreign

Abstract
The right of free movement, a fundamental right in the European Union imposed a significant increase in proceedings with foreign elements that must be met by European Union citizens. In this context we can say that the succession procedure with foreign elements became for a rare case in practice a usual procedure. So to address situations regarding the interpretation of rules aimed at the succession procedure, rules that may belong to national, European or international legislation, on 16 August 2012 entered into force the EU Regulation no. 650/2012 of the European Parliament and of the Council of 4 July 2012 regarding the jurisdiction, applicable law, recognition and enforcement of decisions, acceptance and the implementation of authentic documents in matters of succession and the creation of an European Certificate of Succession.
This paper aims to present and to propose stages that must be passed over by the professional in law in order to solve an international succession, based on international successions regulations and relations between applicable rules with continuing competence in the matter of settlement, with applicable law in succession, with use of foreign documents in succession procedure and ending with International certificate of inheritance.

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***Comments*:**

The opening of insolvency proceedings

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Keywords: company, insolvency, reorganization, bankruptcy

Abstract
The new insolvency regulation no. 85/2014 - Insolvency Code - brought a change in the professionals field compared to Law no. 85/2006 on insolvency proceedings, both through new legislation, new solutions proposed by the legislator but also by incorporating procedures to prevent insolvency in the same regulatory document.
The moment of the opening of insolvency proceedings is one of great significance for professional, moment which may determine the sudden change for the beter of his business or, on the contrary, its commercial death.
This turning point in the professional's life thus develop a distinctive arrangement, full of meanings and effects for the activity carried out by the persons involved in this field.
The new regulation has opened new perspectives in terms of the insolvency procedure by updating of this field with regard to new social realities in the trade domain.
So can identify new effects of the opening of proceedings in regard to the professional, conditions and recent requirements which the law demands, both creditors and the debtor, consequences and innovative features regarding this new raiment which the professional will dress, that of the insolvent.

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***Comments*:**

Jointly exercise of parental authority - relative legal presumption established by Article 397 of the Civil Code

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Keywords: best interests of the minor, parental authority, equality, communication, respect

Abstract
There is no area of human life which can be imagined in the absence of communication. Moreover, for the smooth running of the family relationships, the communication has become essential.
On October 1st, 2011, the Family Code provisions were replaced by those of the new Civil Code, which introduces a new institution, that of parental authority. The new institution explicitly recognizes the fundamental right of the children to be raised and cared for by both parents, regardless of the legal relationship between them, providing the fact that, after divorce, parental authority comes to both parents.
The child can develop harmoniously only on the basis of the two roots of him, paternal and maternal, and that means that each parent is bound to appreciate what the other parent represents necessarily different from himself, for the child.
The new Civil Code has established the principle of joint parental authority to allow the parents to remain, despite their separation, a proactive and effective partners in all important decisions related to health, education, training and recreation of their common children, and which constitutes therefore an ideal to reach.

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***Comments*:**

The scope of the assignment of contract

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Keywords: assignment of contract, scope, intuitu personae

Abstract
This paper seeks to analyze the scope of the assignment of contract, fixed since the beginning of art.1315 Civil Code, according to which the contract substitution can occur in contracts where benefits have not been fully executed.
As a rule, the assignment of contract is applicable to the contracts of successive performance, but the view was expressed that included within the scope of the assignment the contracts with immediate execution, whose effects have not been fully depleted, this opinion being supported by recent reports in the Italian law .
Although the Romanian Civil Code does not contain provisions on the transmission of unilateral and bilateral contracts, the rule is that typical assignment is considering bilateral contracts, without excluding the possibility of atypical transfers unilateral contracts, although this situation is hard to imagine, given mainly because the underlying conclusion of such contracts.
An entire legal dispute was created upon the situation of intuitu personae contracts, the authors who have treated the subject claiming that these types of contracts can be transferred by the mechanism of the assignment of contract when it is an "objective intuitu personae" which translates that the professional qualities can be found in the person given up and the transferee.

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***Comments*:**

The effects of the assignment of contract

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Keywords: assignment of contract, effects, assignor, assignee, assigned

Abstract
Assignment of contract, as autonomous legal figure, finds its first legislative recognition in the texts of the New Civil Code, the legislature thus following the model of the Italian Civil Code and taking into account the influence of European coding projects in contractual area.
The method chosen by the Romanian legislature does not offer a legal definition of the assignment of contract, but rather the main effect of the operation, as being the substitution of one of the parties to the contract with a third party, obviously, in compliance with the two essential conditions, namely that the benefits have not been fully executed and as the counterparty to consent to the assignment.
Assignment of contract is a tripartite transaction, involving three parties: the assignor, the assignee and assigned, giving rise to different legal relationships between them.
This paper aims to analyze the effects of assignment of contract between the assignor, the assignee and assigned, as regulated by the Romanian Civil Code in comparison with other European legal systems.

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***Comments*:**

The Significance of the European Convention of Human Rights for the Romanian Authorities

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Keywords: European Convention of Human Rights, subsidiary incidence, national authorities, international obligations

Abstract
The statute of party at an international civilising treaty like the European Convention of Human Rights demands from the Romanian authorities an attitude and involvement according to the desideratum of effective protection of fundamental rights.
The Romanian judge is, under the subsidiary incidence of the Convention, not only the first judge but also the common law judge of the Convention whereas the law maker must adapt the legislative act according to the conventional exigencies.
However, we appreciate that the sphere of the national authorities in charge with immediately applying the Convention is not exhausted; there is a number of other state entities whose effective involvement is desirable and beneficial for the "fundamentalization" of the Romanian law, as an essential corollary of assuming international obligations.
Synthesizing what is decided by the European Court of Human Rights in an extremely vast and proteic jurisprudence, we propose to identify the action levers their accesing allowing Romanian authorities to contribute to diminishing the litigation of human rights concerning Romania or to augmentation of positive jurisprudence.

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***Comments*:**

Considerations regarding the impact of Protocol no 16 of the European Convention of Human Rights on Civil Law

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Keywords: Protocol no. 16, European Convention of Human Rights, preliminary rulings procedure, interpretation, fundamental rights

Abstract
The belonging of the Romanian law to the two judicial orders created at a European level and the imminent adherence of the European Union to the European Convention of Human Rights are realities that demand the European mobilization to increase coherence. Such an objective justifies, in our opinion, the addition to the Convention of the recent Protocols which include the attitude of the Strasbourg Court regarding the privileging of a dinamic interpretation connected to the immediate reality in continuous transformation.
The adoption of the Protocol no 15, on May 16, 2013, still not entered int force, meant the express consecration of the subsidiary principle with old state functions in C.E.D.O. jurisprudence. This principle in conjunction with "the appreciation margin" acknowledged to states revives the involvement of national authorities in keeping the cultural diversity of Europe, as a constant of its spiritual heritage.
In turn, the Protocol no 16 of the Convention materializes a desideratum formulated by the doctrine, that of enabling the Court to issue consultative notices regarding problems of interpretation or application of fundamental rights defined by the Convention and its protocols.
Because the preliminary rulings procedure is a creation and brand of originality of the European Union judicial system, it can be anticipated that accessing such a procedure in the protection system of human rights built around the Council of Europe should be personalized by the Strasbourg court in relation to its generous purpose.
Taking into account the new competence assigned to the Strasbourg Court calked with the objective of a better clarification of the Convention disposals, an intensification of the dialogue between the national and international judges may be anticipated; a similar procedure is nationally accessed, our supreme court being empowered to interpret the national law at the request of common law courts.

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***Comments*:**

The minor protection through tutor institution

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Keywords: tutor, protection, minor

Abstract
While parental care is the usual way to protect the interests of the minor, both from the personal as well as the patrimonial view, guardianship appears as an exceptional measure in this respect. Guardianship is an institution with deep roots that we find from Roman law, where it was taken up in subsequent legislation. The article proposes an approach guardianship institution as a whole and its implications.

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***Comments*:**

Aspecte privind drepturile mamei şi ale copilului în România. Acordarea indemnizației pentru creşterea copilului şi cauze excepționale în care se pot realiza venituri in această perioadă conform OUG nr. 110/2010 privind concediul şi indemnizația lunară pentru creşterea copiilor

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Abstract
Articolul de față tratează câteva aspecte privind problema drepturilor mamei şi copilului conform legislației actuale din România. In condițiile în care populația țării nu numai că este în scădere dar, şi în plin proces de îmbătrânire, în aşa fel încât se preconizează conform statisticilor că în anul 2050 media de vârstă va fi de 51 de ani, iar actualmente este de 37, să vedem cum este încurajată natalitatea în România.
Principala cauză a scăderii natalității este migrația către Occident a persoanelor cu vârste intre 25 şi 45 de ani, perioadă în care, de regulă, se concep copii. Una dintre puținele măsuri luate de legiuitorul român pentru a veni în ajutorul tinerelor familii constituie din modificarea in octombrie 2014 a art. 16 alin. (3) din OUG nr. 110/2010 privind concediul şi indemnizația lunară pentru creşterea copiilor în sensul de a prevedea situații excepționale în care mămicile sau persoanele aflate în concediu de creştere copil pot realiza venituri impozabile fără a le fi suspendată indemnizația.
Problema carre apare este aceea că nu au fost completate şi normele de aplicare ale OUG nr. 110/2010 privind concediul şi indemnizația lunară pentru creşterea copiilor în aşa fel încât persoanele interesate să poată beneficia efectiv de această măsură introdusă în plină campanie electorală. Lucrarea de față se ocupă de analiza situației şi incercăm să propunem soluții viabile, deoarece până în acest moment, din investigațiile noastre a rezultat că nimeni nu a beneficiat de aceste prevederi iar autoritățile care trebuie să asigure exercitarea acestui drept şi punerea lui în aplicare nu au nici cea mai vagă idee cum să o facă şi nu doresc să îşi asume asemenea responsabilități.
Prin urmare, considerăm că în acest mod sunt încălcate drepturi fundamentale ale mamei şi ale copiilor, dreptul la siguranță şi la un trai decent. Incă o dată, prevederile legislative din România lasă de dorit în ceea ce priveşte aplicarea lor efectivă.

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***Comments*:**

Labour Regulation of Youth and Minors

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Keywords: youth, children, forbidden labors, working and rest time, legal liability

Abstract
The article aims to analyze the labour regulation of youth and minors.
In the first part of the study, we shall consider attention to rules concerning the employment of young people and children, namely: Government Decision no. 600/2007 regarding the protection of youth at work, Government Decision no. 867/2009 concerning the prohibition of hazardous work for children, Government Decision no. 75/2015 regarding the paid employment for children in the cultural, artistic, sports, advertising and modeling domain, and then we will treat in detail the regulation of child and youth labour and their forbidden paid activities, working time and rest and legal liability.
The recent entry into force of the Government Decision no. 75/2015 introduces several significant changes to the institution of child labour.
Thus, the legislature regulates paid activities that can be made by children.

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***Comments*:**

Comparative aspects of Civil Code of Romanian and Republic of Moldova regarding the cases of forced co-ownership

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Keywords: Civil Code, common property, common goods, presumption of ownership

Abstract
The present article deals with the presentation of the most significant comparative aspects of Romanian and Moldavian legislation regarding the cases of forced co-ownership. With the adoption of the new Romanian Civil Code, there were regulated the cases of forced co-ownership, which completed the actual legislation and gives a new view in the judicial practice.The reason behind introduction of this provisions in the Civil Code relies on the need for the national law to offer certain solutions for the problems appeared regarding the forced co-ownership. In comparison with the provisions of the Civil Code of RM, which contains in its regulation only two cases of forced co-ownership. The paper focuses on the highlighting the most important similarities and differences regarding the regulation of the cases of forced co-ownership,in the legislation of the both states. As well, the analysis also determines the legal regime of each case of forced co-ownership and intoduce certain proposals for legislative additions. Also, the aims of the present work is presenting, in a comparativ aspect, the legal effects and consequences of a broader regulation of the institution researched in the romanian legislation.

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***Comments*:**

Modificarea elementelor contractului individual de muncă "standard" din perspectiva contractelor individuale de muncă speciale – legislație, management, procedură, aspecte practice

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Keywords: contract individual de muncă "standard", modificare implicită, management, procedură, intervenția statului

Abstract
Acordul sau decizia de modificare a unui singur element din contractul individual de muncă "standard" poate implica modificarea, completarea, anularea altor elemente asupra căruia părțile au convenit inițial; se modifică, astfel, însăşi tipul contractului, ajungându-se la un contract special.
Dorim să atragem atenția asupra consecințelor nerespectării prevederilor legale determinate de o asemenea modificare "în cascadă" şi implicită, care, deseori, "scapă" în actele juridice.
De asemenea, propunem, în prezentul material, o abordare metodologică a elementelor supuse modificării, dacă nu exhaustivă, măcar cât mai concludentă, dorind a veni, astfel, procedural, în sprijinul angajatorilor şi salariaților.
Din perspectiva unei viitoare reforme legislative, ar fi de dorit chiar ca asemenea aspecte procedurale şi chiar modele să fie incluse în acte normative pentru a se veni în sprijinul angajatorilor (responsabili cu validitatea contractelor). Se ştie că, încă, se confruntă, cu o societate în criză economică şi socială, cu reale ori potențiale conflicte de muncă.

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***Comments*:**

The Problem Of Indexing The Monthly Compensation For The Loss Of Breadwinner (Sustainer)

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Keywords: indexare, despăgubire lunară, pierderea întreținătorului

Abstract
The repair of the damage caused by the death of a person is achieved in the form of monthly installments and for a long period of time, according to the current civil legislation of the Republic of Moldova. This imposes the need of indexing the monthly compensation that should be paid to the legitimate persons. The Calculation of the monthly indexation for the loss of breadwinner raises many questions, since there has been a deficiency of the legislative regulation in this area. Thus, in this article we aim to address the issue of indexing monthly compensation for the loss of the breadwinner in all its complexity and in the context of the current regulations.

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***Comments*:**

PANEL 3

INTERNATIONAL RELATIONS AND CROSS-BORDER COOPERATION

President: Professor Ph.D. Florin Tudor

Cross-border activities in the European Union - concerns regarding reducing the number of potentially cross-border litigations

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Keywords: cross-border, litigation, european, law, norms

Abstract
Policies in the field of justice and fundamental rights are generated by European values and principles such as democracy, freedom of movement, tolerance and the rule of law. The EU currently provides the space where millions of EU citizens are subject to cross-border situations or interpretation of European procedures on which there are regulation norms both national as well as European or international. Using an increasingly freedom of movement of both goods and services, especially of persons led naturally to generate a large number of situations generating the cross-border litigation or disputes concerning the interpretation of national rules in the emergence of European regulations that regulate the subject in cause.
In this context, the European Union has implemented a series of measures aimed at the cross-border dispute resolution in order to enable EU citizens to apply to the courts or authorities of any country in the European area under the same conditions in which they would address the court of the State from which it comes. To create the access of cross-border justice there were established two principles that led to the Implementation of over 20 legislative tools at an European level:
- the mutual recognition principle;
- the principle of direct judicial cooperation between international courts.
This paper intends to present some rules on judicial cooperation in civil matters, rules that once established can be the answer to questions such as "Which EU country has jurisdiction?", "What is the applicable law?", "Which court has jurisdiction?" and how to achieve recognition and application as direct and useful of pronounced sentences in a country in the space of other EU Member States. In this context the paper presents the decision-making procedure applicable in the European Union, current trends at the Union level and priorities of the actual European Commission in matters of private law, the Stockholm Programme – "an open and secure Europe serving and protecting the citizens' and the action plan for implementing the plan of the Stockholm, European Council Conclusions of 26 to 27 June 2014 regarding the freedom area, security and justice, and Romania's concrete experiences by reference to the main instruments of EU judicial cooperation in civil and family law.

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***Comments*:**

Selecting The President Of The European Commission: The Spitzenkandidaten Issue

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Keywords: European Parliament, European Commission, elections, treaty of Lisbon, democracy

Abstract
The latest elections for the European Parliament, held in May 2014, have raised an important challenge to the overall balance of power among the EU institutions: the selection of the President of the European Commission no longer is an exclusive prerogative of the European Council. The top-candidates (spitzenkandidaten) advanced by most of the major political groups point to the growing assertiveness of the European Parliament and of the transnational political parties operating within its framework.
Consequently, the winning party's spitzenkandidat (Jean-Claude Juncker – EPP) enjoyed enough legitimacy in order to overcome the reluctance of several member-states in the European Council and gain the necessary majority to be entrusted with the mandate to form the new Commission.
While these developments may be welcomed as an advancement of the democratic principle, this paper argues that bold drives towards supranational governance can undermine the problematic solidarity between governments and nations, heavily challenged by the financial crisis and its aftermath. The logic of majority and the logic of consensus, thoroughly debated in the contemporary democratic theory, must be carefully combined if the European project is to survive and flourish.

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***Comments*:**

Extradition – Instrument Of Criminal International Cooperation

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Keywords: Extradition, International Criminal Cooperation, International Assistance, Sovereignty

Abstract
Extradition is the act by which a government transfers a foreign individual present on its territory to the government of another country which claims that individual to be tried for crimes commited against citizens or interest of that country or, if the individual was already sentenced, to serve the detention to which was sentenced.
The basis for the extradition is the concept of international judicial cooperation, aiming to prevent a person from mocking the course of justice by taking refuge in a country other than that in relation to which the offense was committed, based on the principle that all States should cooperate towards the fulfillment of justice, international justice recognizing thus the need for alternative support and cooperation between States in the pursuit and punishment of international criminals, as international criminal cooperation is important within the globalized international society.
Extradition is distinct from the international transit of offenders and from expulsion, which are security measures destined to maintain public order and is actually regulated by rules of international public and private law, criminal and criminal procedure law, administrative law, constitutional law and civil law, having both internal and international law sources.
Eventhough there is no a strict definition of extradition, from the analysis of the doctrine is possible to determine a certain agreement on its legal nature, as it is considered an act of international judicial assistance and cooperation, based on national sovereignty, which must respect strict eligibility requirements in terms of competence, of occurred penalty, or the common character of the crime, among others, being determined based on specific principles recognized by the international community and respected by lawfull States.
Thus, although extradition is developed through a mix of judicial and administrative procedures at national level, the extradition request is formulated only through diplomatic channels, based on a well-defined procedure that takes into account the character of sovereignty and needs to be accompanied by certain mandatory documents.
In conclusion, although the fact that extradition is, above all, an act of national sovereignty, States have the obligation that, through their conduct in the international society, to contribute to diminishing the lack of impunity of certain persons that attempt to evade international justice by fleeing abroad after commiting a crime.

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***Comments*:**

Poverty and exclusion – the effects of the crises

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Keywords: poverty, social political, strategy

Abstract
Ensuring inclusive growth is at the heart of the Europe 2020 strategy. It means that social policies should seek to empower people to find work, contribute to the modernisation of labour markets, invest in skills and training, fight poverty and reform social protection systems so as to help people anticipate and manage change and build a cohesive society.The aim is to ensure that the benefits of economic growth spread to all levels of society throughout the Union.
Most notably, the Europe 2020 strategy introduced a stronger focus on poverty and social exclusion. It also introduced a new summary measure of this with three indicators: being severely materially deprived, living in a household with zero or very low work intensity and being at risk of poverty (see box). This section examines, first the three underlying indicators and then the summary measure.

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***Comments*:**

Tendințele dreptului național în cadrul Uniunii Europene

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Judecător,Tribunalul Galati

Abstract
Prezentul articol debuteaza cu argumentarea motivului pentru care Romania a devenit un receptor al acquis-ului comunitar, angajat in procesul de raliere a legislatiei nationale la standardele juridice ale Uniunii Europene, atat in domeniile reglementate in mod exclusiv de Tratatul privind Uniunea Europeana si de Tratatul privind Functionarea Uniunii Europene (art 3 TFUE), cat si in domeniile in care competentele sunt partajate intre Uniune si statele membre (art 4 TFUE). Am incercat o sistematizare a explicarii procedurii intrebarii preliminare reglementata de Tratat,intrebare aflata la indemana instantelor nationale ale statelor membre ale Uniunii, atunci cand intr-o cauza aflata pe rolul acestora se pune problema interpretarii sau validitatii dispozitiilor comunitare. Totodata am incercat , in lumina jurisprudentei Curtii, sa prezint unele situatii in care Curtea de Justitie a Uniunii Europene este sau nu obligata sa raspunda intrebarilor adresate de aceste instante nationale Astfel, au fost supuse atentiei situatiile in care instantele nationale, care judeca o cauza in ultima instanta, sunt obligate sa sesizeze Curtea, dar si cazurile in care instantele care judeca o cauza in prima instanta pot sesiza Curtea cu o intrebare preliminara. Totodata, au fost prezentate cazurile in care, desi sesizata, Curtea de Justitie a Uniunii Europene nu este obligata sa raspunda. A fost subliniata si obligativitatea hotararii pronuntata de Curte, pentru instanta care a sesizat-o, aceasta din urma fiind tinuta de interpretarea dreptului Uniunii data de Curte, chiar daca legislatia nationala este contrara. In finalul articolului, am prezentat cu titlu de exemplu, modul in care instantele din Romania au dat eficienta principiului aplicarii directe a dreptului comunitar, in cauze avand ca obiect cereri de restituire a taxelor pe poluare pentru autovehicule, chiar daca legislatia nationala era contrara dreptului Uniunii.

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***Comments*:**

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Keywords: multimodal, transport,convention, legal regime

Abstract
Choosing multimodal transport for monomodal transport has practical advantages such as saving time - so more than ten days of transport can be recovered for freight from the Far East to New York by ship and multimodal transport transcontinental rail, as opposed to the entire water line. The entire multimodal transport cost less opportunity to incorporate less polluting modes of transport chain and can save time. The multimodal transport, intermodal transport known as the American legal literature, is the key to productivity growth and competitiveness of the freight industry as a whole, while maintaining the ecological balance and. This is because the efficiency of multimodal transport ensures the most efficient use of transport at each stage, thus reducing congestion, energy consumption and pollution.

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Comments:

Security Strategy Against Economic Crime Border

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Keywords: security; crime; cooperation

Abstract
The optimistic results of the Tampere and Hague Programmes, as well as of the Action Plan of the Stockholm Programme have stated the consolidation of the European Justice Area, freedom and security. The new challenges in the field of transnational economic and financial crime, however, requires further efforts to integrated border management, internal security being so closely linked to external security. This study will highlight the community's concern for Member States to approach not only conceptual, the cooperation with third countries.

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Comments:

PANEL 4

STATE, ECONOMY, SOCIETY. DIACHRONIC PERSPECTIVES

President: Professor Ph.D. Violeta PUŞCAŞU

Reflectarea ocrotirii juridice a posesiei în normele dreptului constituțional

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Keywords: drept constituțional, posesie, cod penal

Abstract
Privită ca stare de fapt sau ca stare de drept, posesia este protejată prin normele dreptului constituțional. Jurisprudența Curții Constituționale a adus în discuție constituționalitatea acțiunilor posesorii, a posibilității protecției în raport cu dreptul de proprietate, a diferențierii protecției în funcție de dreptul de proprietate, a aplicării principiului oficialității, atât din perspectiva reglementărilor anterioare, cât şi din aceea a corespondenței noii reglementări.
"Această lucrare a fost finanțată din contractul POSDRU/159/1.5/S/141699, proiect strategic ID 141699, cofinanțat din Fondul Social European, prin Programul Operațional Sectorial Dezvoltarea Resurselor Umane 2007-2013" .

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***Comments*:**

Impactul sărăciei asupra participării publice la nivel local: cazul Republicii Moldova

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Keywords: public participation, poverty, depopulation, aging

Abstract
The implementation of local autonomy in Moldova requires active involvement of the local population in the local decision making process and in solving various problems of the local community.
The involvement of civil society in the local decision making process is very useful in terms of the democracy mechanisms functioning because the effects of the administrative decisions have a major impact on citizens.
Although the democratization process of Moldovan society led to the involvement of citizens in public affairs, there are some factors that limit it, and poverty is one of them.
The assertion of local democracy in Moldova depends mostly on guaranteeing social rights of the people.
The fate of Moldovan democracy is uncertain without the creation of decent conditions that would contribute to social development in rural areas.
Impoverished and hungry people can be easily manipulated and redirected from the difficult way to democracy.
The purpose of this study is to analyze the impact of poverty on civic activism and public participation at the local level.

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***Comments*:**

Fiabilitatea şi legitimitatea strategiilor ca documente de politici

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Keywords: strategie, proces decizional, dezvoltare

Abstract
Strategiile reprezintă documente de politici publice care au rolul de a trasa dezvoltarea pe termen mediu sau lung. Sunt utilizate în calitate de instrumente în procesul decizional. Întrebarea de fond a studiului vizează aspecte de fiabiltate şi legitimitate a acestor tipuri de documente. Dezbaterile publice, implicarea unui număr cât mai mare de factori interesați conferă legitimitate strategiilor. Limitele legitimitțtii strategiilor sunt date de compatibilitatea de interese şi valori, cunoştințe şi competențe între factorii de decizie şi cetateni. Îngustarea compatibilității afectează legitimitatea, reducând fiabilitatea documentului şi efectele pe care ar trebui să le producă.

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***Comments*:**

The Right to the Freedom of Religion. From the Edict of Emperor Cyrus II the Great, the first "Charter of Human Rights", to "The Treaty Establishing a Constitution for Europe"

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Academy of Romanian Scientists

Keywords: documentary evidences, religious liberty, the human rights, the legal instruments

Abstract
The analysis of the main documents and of the international and European legal instruments, starting with Emperor Cyrus's "Edict", in 539 BC, and ending with the "Treaty establishing a Constitution for Europe", i.e. the European Union Constitution, in 2007, revealed that the Right to freedom of Religion – perceived, since ancient times, as one of the main fundamental human rights – should not be asserted only in the constitutional text of the EU States but it should also be proclaimed and protected under international and European law. This also involves ensuring several concrete measures of legal protection, as some emperors of the ancient world had otherwise done, such as Cyrus the Great, Alexander the Great and Constantine the Great.
The assessment – be it brief – of these documentary evidences also revealed the constant concern of the humanity to include the Right to freedom of Religion into the "Charter of Human Rights", whose basis lies both in "Jus divinum" and in "Jus naturale", on the one hand, and in "Jus positivum", on the other hand. This triggers the contemporary jurist's need to greater familiarize himself/herself with the text and principles set out therein.

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***Comments*:**

Grexit Between Speculation and Truth

Romeo-Victor IONESCU
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Keywords: economic disparities; economic regression; forecasting procedures; economic contraction; economic recovery

Abstract
The paper deals to the idea of supporting or not Greece's exit from Euro area. Four economic indicators are used in the analysis: GDP growth rate, inflation rate, unemployment rate and government gross debt, in order to obtain a scientific conclusion.
The comparative analysis between all Euro area countries is followed by regression, which is able to highlight the economic disparities. According to the analysis' results, Greece faced to the same challenges as Cyprus, Spain, Portugal or Italy, for example during 2010-2013. The economic contraction in Greece was followed by a new recovery process started in 2014. The official forecast for 2015 highlights positive trends for all above four indicators, as well.
The main conclusion of the paper, using the economic approach, is that Greece has to not exit from Euro area. Only a political decision can do it.
The whole analysis and all conclusions of the paper are supported by the latest official statistical data and pertinent diagrams. Moreover, dedicated forecasting software is used in the paper.

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***Comments*:**

How Descentralization And Administrative Reform Try To Avoid Marginality?

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Keywords: public administration, public policies, civil society, decentralization, economic disparities, poverty

Abstract
Inequalities have various causes and can result in permanent handicaps imposed by geographic remoteness or by recent social and economic changes or perhaps both. In the new UE member states some of disability is the result legacy of former centralized planned economic systems. The problématique of the decentralization of public services towards the local communities has represented a perennial preoccupation on the agenda and within the programs of the post-communist governments, while its legislative realization and, further, the implementation of such a policy have generated remarkably diverse controversial – outcomes.

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***Comments*:**

The byzantine laws, collected in the "Basilika", and their Reception in the Romanian Principalities

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Keywords: Roman Law, Byzantine Law, History of Romanian Law

Abstract
The Roman law became known in today's Romanian territory along with the Roman conquest of the former province Scythia Minor, in 28 BC, and, then, of Dacia Traiana, in 106 AD.
The byzantine legislation of the Eastern Roman Empire – ecclesiastical (canonical and Nomocanon) and state – was also known and applied in the Danubian-Pontic-Carpathian space since Justinian's times (527-565), the last Roman emperor and the first Byzantine emperor.
The reception of the Byzantine law, to the north of the Danube, experienced a second stage in the IXth - Xth centuries with the publication of the "Basilika", a Collection of Byzantine laws consisting of sixty books, which remained the law of the Byzantine Empire down to its conquest by the Ottomans. The Collection "Basilika" was made up by the order of the emperors Basil I, called the Macedonian (867-886), and then completed by his son, the emperor Leo VI the Wise (866-912).
There are conclusive evidence that this Collection, "Basilika", also circulated – in an abbreviated form (Synopsis) – during the reign of Alexander the Good (1401-1432), the Prince of Moldavia. Its laws were been considered as main documentary reference by all the byzantine Nomocanons (Pravila), both from Romanian territory and from the geographical space of the South-East of Europe.
Since our paper is the result of interdisciplinary research study (Byzantine law, History of Romanian law, Canon law and Nomocanon law etc.), its reader finds out not only documentary informations regarding both the Byzantine Law and the History of Romanian Law, but also about the process of reception of the Byzantine law - which culminated with "Basilika" - in today's Romanian space.

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***Comments*:**

Strategia Europeana de Mediu si Sanatate

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Keywords: politics, environment, sustainable development, health, pollutants

Abstract
Communication Abstract (max.300 words in English): Sustainable development reprezents a need for responsability and education for evironment protection, and this aspect is related to the evolution of the communitare politics in recent years.In some countries have appeared green political partiers, with a real success in the political arena.

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***Comments*:**

Demographic marginality. Pan-regional realities and local solutions

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Keywords: marginality, ageing, regionality

Abstract
Lucrarea prezinta aspectele legate de fenomenul îmbătrânirii demografice. Tema este abordată atat din perspectivă teoretică, explicându-se câteva concepte cheie – marginalitate, vârstă cronologică, vârsta socială – cât şi din punct de vedere practic. Analiza pleacă de la realitățile statistice înregistrate în Romînia la ultimele recensăminte. Se constată, astfel, o diferențiere regională a fenomenului îmbătrânirii, ceea ce permite intrepretarea fenomenului nu doar sub aspect demografic. Articolul aduce în atenție principalele soluții de protecție şi integrare a vârstnicilor. Sunt evidențiate în acest sens "economia de argint", căminele pentru vîrstnici sau universitatea vârstei a treia. Lucarea se încheie cu analiza oportunității adoptarii acestor soluții la nivelul fiecărei regiuni de dezvoltare.

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***Comments*:**

Constitutional Court of Romania in the context of constitutional revision

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Keywords: Constitutional Court, revision, Constitution, supremacy, powers

Abstract
Constitutional Court of Romania is a public authority, political and jurisdictional, independent and autonomous which has proved, over time, the well-thought place in our constitutional framework from 1991. The 2003 revision of the Constitution has strengthened the position of this authority as a guarantor of the supremacy of the Constitution of Romania. Consequently, we consider that a future constitutional revision of our Constitution should only contribute to consolidate stronger the role of Romanian's Constitutional Court in ensuring an optimal functioning of the principle of separation and balance of powers in our state.

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***Comments*:**

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