6th 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

UNIVERSITÉ PARIS-EST CRÉTEIL, FRANCE
CENTRE D'ÉTUDES DU DÉVELOPPEMENT 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
- FAMILY RELATIONS WITHIN THE EUROPEAN SPACE
- SCIENCES OF STATE AND GOVERNMENT
- INTERNATIONAL RELATIONS AND CROSS-BORDER COOPERATION
- THE REGION – LIMITS AND OPPORTUNITIES

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Ph.D. Nora DAGHIE (Romania)
Ph.D. Cristina PĂTRAŞCU (Romania)

Programme

Friday, May 9th

09:00 AM: Arrival and registration - Aula Magna Hall (Str.Domnească, nr.111)

09:30 AM: Welcoming participants (Dean's speech)

09:40 AM: Plenarry Session - Professor Ph.D. Nicolae V. DURĂ - Ovidius University of Constantza, Member in the EURASHE Council Bruxelles; European Association of Institutions in Higher Education

10:00 AM: Plenarry Session - Professor Ph.D. Tudorel TOADER - Dean of Law Faculty, „Alexandru Ioan Cuza" University of Iasi, Judge at the Constitutional Court

10:20 AM: Coffee Break

11:00 AM: Sessions

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 PENAL LAW

President: Professor Ph.D Tudorel TOADER
Rapporteur: Associate Professor Ph.D. Gheorghe IVAN

PANEL 2 - LEGISLATIVE REFORM IN THE DOMAIN OF CIVIL LAW

President: Professor Ph.D. Silvia Lucia CRISTEA
Rapporteur: Lecturer Ph.D. Nora Andreea DAGHIE

PANEL 3 - FAMILY RELATIONS WITHIN THE EUROPEAN SPACE

President: Professor Ph.D. Nicoleta DIACONU
Rapporteur: Associate Professor Ph.D. Nadia-Cerasela ANIŢEI

PANEL 4 - INTERNATIONAL RELATIONS AND TRANSFRONTIER COOPERATION

President: Professor Ph.D. Florin TUDOR
Rapporteur: Professor Ph.D. Mihai FLOROIU

Panel 5 - SCIENCES OF STATE AND GOVERNMENT

President: Associate Professor Ph.D. Rada POSTOLACHE
Rapporteur Lecturer Ph.D. Andreea MIRICĂ

PANEL 6 - THE REGION – LIMITS AND OPPORTUNITIES

President: Professor Ph.D. Violeta PUŞCAŞU
Rapporteur: Professor Ph.D. Romeo-Victor IONESCU

PANEL 1 - LEGISLATIVE REFORM IN THE DOMAIN OF PENAL LAW

President: Professor Ph.D. Tudorel TOADER
Rapporteur: Associate Professor Ph.D. Gheorghe IVAN

The autonomy of legal institution and the retroactivity of the most favourable criminal law

Camelia IGNĂTESCU
Associate Professor Ph.D., Faculty of Economic and Public Administrative Sicences, "Ştefan cel Mare" University of Suceava
Lawyer at Suceava Bar Association

Some Consideration on the New Regulation of the Criminal Prosecution

Mihaela-Laura PAMFIL
Associate Professor Ph.D., Faculty of Law, ”Petre Andrei” University Iasi
Prosecuting Attorney of the Prosecuting Departament by Iasi Court of Justice

Filing an appeal with the Court of Cassation as regarded by the New Criminal Procedure Act

Monica BUZEA
Lecturer Ph.D., Faculty of Juridical, Social and Political Sicences, „Dunarea de Jos” University of Galati
Chief Prosecutor of the Judicial Department- Prosecutorial Office attached to the Court of Appeals- Galati

Evolution of Institution appeal in the Romanian criminal proceedings

Oana Elena GĂLĂȚEANU
Lecturer Ph.D., Faculty of Juridical, Social and Political Sicences, „Dunarea de Jos” University of Galati

The changes brought to the prosecution process by the New Criminal Procedure Act

Monica BUZEA
Lecturer Ph.D., Faculty of Juridical, Social and Political Sicences, „Dunarea de Jos” University of Galati
Chief Prosecutor of the Judicial Department- Prosecutorial Office attached to the Court of Appeals- Galati

House arrest

Gheorghe IVAN
Associate Professor Ph.D., Faculty of Juridical, Social and Political Sicences, „Dunarea de Jos” University of Galati
Mari-Claudia IVAN
Legal adviser

Obstruction of justice

Gheorghe IVAN

Associate Professor Ph.D., Faculty of Juridical, Social and Political Sicences, „Dunarea de Jos" University of Galati
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Legal adviser

Pressure on justice

Gheorghe IVAN
Associate Professor Ph.D., Faculty of Juridical, Social and Political Sicences, „Dunarea de Jos" University of Galati
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Considerations regarding the new criminal executionary laws

Silviu Gabriel BARBU
Associate Professor Ph.D., Faculty of Law, „Transilvania" University Brasov
Alexandru Silviu GOGA
Master, Faculty of Law, „Transilvania" University Brasov
Lawyer at Brasov Bar Association

Considerations on the postponement and interruption of execution of punishments In the light of the New Criminal procedural code

Gabriela - Nicoleta CHIHAIA
Ph.D. Candidate
Judge at the Galati County Court

Comparative law references concerning the legal regulation`s headquarters of the criminal unit

Anca - Iulia STOIAN
Lecturer Ph.D., Faculty of Law and Public Administration, „Spiru Haret" University, Constanta

Liability of legal persons in regulation new Penal Code

Mircea TUTUNARU
Associate Professor Ph.D., Faculty of Law Tg-Jiu, „Titu Maiorescu" University, Bucharest

A Plaintiff's Prior Complaint

Prence MIRGEN
Ph.D., European University of Tiranë, Albania

Efects of important changes on road to the Criminal Code and Code of Criminal Procedure

Iosif Florin MOLDOVAN
Lecturer Ph.D., Faculty of Law, „Vasile Goldiș" Western University of Arad

Human dignity protection in romanian and french criminal law

Andra IFTIMIEI
Ph.D. Candidate, Faculty of Law, „Alexandru Ioan Cuza" University of Iasi

Resocialization of women subjected to punishment by imprisonment

Cristina BOROIU DRAGOMIR
Lecturer Ph.D. Candidate, Faculty of Law and Public Administration, „Spiru Haret" Universty, Constanta

Considerations on predicate offenses of money laundering in Romania

Roxana Elena LAZAR
Associate Lecturer Ph.D., Faculty of Economics and Business Administration, Al. I. Cuza" University of Iasi
Lawyer at Iasi Bar Association
Vlad Nicolae NEDELCU
Asisstent Ph.D. Candidate, Faculty of Law, „Petre Andrei" University of Iasi

Tax evasion in the form of tax liability

Costin MĂNESCU
Asisstent Ph.D., Faculty of Law Tg-Jiu, „Titu Maiorescu" University, Bucharest

Protection of citizens' electoral rights. Practices and Perspectives in Criminal Law of the Republic of Moldova and other countries

Ion GUCEAC
Professor Ph.D., Vice-President - Academy of Sciences of Moldova

The need to separately incriminate the criminal malpractice

Marcel CODIȚĂ
Asisstent Ph.D., Faculty of Juridical, Social and Political Sicences „Dunarea de Jos" University of Galati

PANEL 2 - LEGISLATIVE REFORM IN THE DOMAIN OF CIVIL LAW

President: Professor Ph.D. Silvia Lucia CRISTEA
Rapporteur: Lecturer Ph.D. Nora Andreea DAGHIE

Comparison between the Brokerage Contract and Agency Agreement according to the New Romanian Civil Code

Silvia Lucia CRISTEA
Professor Ph.D., Academy of Economic Studies, Bucharest

Aspects concernant le dommage dans le domain médical

Călina Felicia JUGASTRU
Professor Ph.D., Dean, Faculty of Law „Simion Barnutiu", „Lucian Blaga" University Sibiu

The property right and the requirements of environmental protection

Vasilica NEGRUȚ
Professor Ph.D., Dean, Faculty of Law, „Danubius" University, Galati

The Exclusion Unconstitutionally Obtained Evidence in Civil Proceendings: A Comparative Analysis Between the USA and Spain

Christa M. MADRID BOQUIN
Ph.D. Student and Research Fellow, Area of Procedural Law, Universitat Jaume I, Castellón Spain

Receptivity of the effects of foreign judgments in Romanian judicial system

Adrian CIRCA
Associate Professor Ph.D., Faculty of Law „Simion Barnutiu", „Lucian Blaga" University Sibiu

Fiducia Trust by the Civil Code

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

Legal Implications of the Fiducia in Banking Law

Adriana Ioana PÎRVU
Assistent Ph.D., Faculty of Law and Administrative Sciences, University of Pitesti

A hermeneutic approach through anthropological lenses on the legal regulations of the gift

Codrin CODREA
Ph.D. Candidate, Faculty of Law, "Alexandru Ioan Cuza" University, Iași

Considerations regarding the Specific Elements of the Forward Contract

Florea BUJOREL
Associate Professor Ph.D., Faculty of Law and Public Administration, „Spiru Haret" Universty, Bucharest

Memorandum of Company in the Civil Code regulation

Dragoş DAGHIE
Lecturer Ph.D., Faculty of Juridical, Social and Political Sicences, „Dunarea de Jos" University of Galati
Lawyer at Galati Bar Association

The Specific Elements of the Pre-Contractual Stage in Respect of the Electronic Contract

Alexandru BLEOANCĂ
Lecturer Ph.D., Faculty of Juridical, Social and Political Sicences, „Dunarea de Jos" University of Galati
Judge at the Galați Court of Appeals and President of the Second Division of Civil Law

Considerations regarding the terminaton (*resolutio*) of the contract to supply board and lodging (*inter vivos trust*) regulated by the Civil Code

Mirela Carmen DOBRILĂ
Assistent Ph.D., Faculty of Law, „Alexandru Ioan Cuza" University of Iasi

Equity – distinctive mark in the Civil Code regulations from contract substance

Nora DAGHIE
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Lawyer at Galati Bar Association

The civil liability in the conception of the Civil Code

Emilian CIONGARU
Ph.D. Associate scientific research, „Andrei Rădulescu" Institute of Legal Research, Romanian Academy, Scientific research Faculty Law, „Hyperion" University, Bucharest

Some visions for determination of injury caused by the death of person

Maxim TODOROV
Assistant, Faculty of Law, "B.P.Hasdeu" University Cahul

Considerations on the Complaint regarding Delays in Solving Civil Cases

Ştefania MIRICĂ
Lecturer Ph.D., Faculty of Juridical, Social and Political Sicences, „Dunarea de Jos" University of Galati
Lawyer at Galati Bar Association

The guardianship in the light of the Civil Code

Roxana TOPOR
Associate Professor Ph.D., Faculty of Law and Public Administration, „Spiru Haret" Universty, Constanta

Joint and several liability through the provisions of the Civil Code and Fiscal Procedure Code

Cristian DRAGHICI
Asisstent Ph.D. Candidate, Faculty of Law Tg-Jiu, „Titu Maiorescu" University, Bucharest
Lawyer at Gorj Bar Association

The role of the public prosecution service in civil trial

Ana MOCANU-SUCIU
Asisstant Ph.D., Faculty of Law „Simion Barnutiu", „Lucian Blaga" University Sibiu

Limited Liability Company with sole associate- Internal and Comparative Law

Răducan OPREA
Professor Ph.D., Faculty of Juridical, Social and Political Sicences, „Dunarea de Jos" University of Galati

Statutory Bodies of Companies- Internal and Comparative Law

Ramona Mihaela OPREA
Asisstent Ph.D., Faculty of Juridical, Social and Political Sicences, „Dunarea de Jos" University of Galati

Professional training, objectives and forms of its process

Răducan OPREA
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Some aspects of the termination of the legal personality of companies

Magda ȘAVGA
Faculty of Law and Public Administration, Department of Law, "B.P.Hasdeu" State University of Cahul

Towards achieving efficiency in international arbitration

Cristina Ioana FLORESCU
Lecturer Ph.D., Faculty of Law and Public Administration, „Spiru Haret" Universty, Bucharest

Individual labor contract of university teachers - "standard" labor contract or individual labor contract at home/ teleworking ?

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

Qualifications specific to university learning or qualifications specific to occupational standards?

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

A comparative approach to the evolution of the law regarding organs, tissue and human origin cells prelevation and transplant in European Union member states

Claudiu Ramon D. BUTCULESCU
Lecturer Ph.D., "Spiru Haret" University, Associate Researcher, "Andrei Rădulescu" Legal Reasearch Institute of Romanian Academy
Alina Elena DUMBRAVA
LL.B. "Prietenii Culturii" Association

PANEL 3 - FAMILY RELATIONS WITHIN THE EUROPEAN SPACE

President: Professor Ph.D. Nicoleta DIACONU
Rapporteur: Associate Professor Ph.D. Nadia-Cerasela ANIȚEI

Determination of the Law Governing Family Relationships with an Element of Extraneity. Parental authority and protection of children

Nicoleta DIACONU
Professor Ph.D., Chairman of Public Law Department, „Al. I. Cuza", Police Academy, Bucharest

Considerations on mediation in case of disagreements relating to divorce

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

Donations to the Future Spouses for Marriage and Donations Between Spouses

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

Convenant marriage in the New Civil Code

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

Betrothal (Formal Engagement) in the Romanian Civil Code

Emanuel TĂVALĂ
Lecturer Ph.D., Faculty of Law „Simion Barnutiu", „Lucian Blaga" University Sibiu

Historical Landmarks Regarding the Incapacity of the Married Women According to the Romanian Law

Irina APETREI
Lecturer Ph.D., Faculty of Law, University of "Mihail Kogalniceanu" of Iasi

Some considerations on the relevant case law related to the dissolution of marriage after the entry into force of the Romanian Civil Code

Cristian MAREȘ
Lecturer Ph.D., Faculty of Law and Administrative Sciences, „Valahia" University of Târgoviște

CEDO jurisprudence, the guarantee instrument of Human rights in the family law

Oana GHIȚĂ
Associate Professor Ph.D., Faculty of Law and Social Sicences, University of Craiova

Preventing and combating domestic violence

Adriana STANCU

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

Protective order – special procedure to combat domestic violence

Roxana Gabriela ALBĂSTROIU
Asisstent Ph.D., Faculty of Law and Social Sicences, University of Craiova

Legal and moral Considerations on family reintegration of the victim and the perpetrator of domestic violence

Andreea Elena MIRICĂ
Lecturer Ph.D., Faculty of Juridical, Social and Political Sicences, „Dunarea de Jos" University of Galati
Lawyer at Galati Bar Association

Family violence - current theoretical and practical aspects

Elisabeta SLABU
Ph.D., Faculty of Law, University from Bucharest

PANEL 4 - INTERNATIONAL RELATIONS AND TRANSFRONTIER COOPERATION

President: Professor Ph.D. Florin TUDOR
Rapporteur: Professor Ph.D. Mihai FLOROIU

Metamorphosis of the Individual in International Law

Aurora CIUCĂ
Professor Ph.D., Faculty of Economic Sciences and Public Administration, Department of Law, "Stefan cel Mare" University, Suceava

Some meanings of legal norms in European law

Valeriu CIUCĂ
Professor Ph.D., Faculty of Law, „Alexandru Ioan Cuza” University of Iasi
Ph.D. Professor associate, Lab. RII, Université du Littoral, Côte d'Opal, Franta

MERCOSUL - Latin-America Union

Mihai FLOROIU
Professor Ph.D., Faculty of Juridical, Social and Political Sicences, Head of the Legal Sciences Department, „Dunarea de Jos” University of Galati

Combating the new threats linked to goods crossing Community borders

Florin TUDOR
Professor Ph.D., Dean Faculty of Juridical, Social and Political Sicences, „Dunarea de Jos” University of Galati
Lawyer at Galati Bar Association

The aspects regarding Romania’s participation in the cross border cooperation programe

Niculina CHEBAC
Associate Professor Ph.D., Faculty of Juridical, Social and Political Sicences, „Dunarea de Jos” University of Galati

The new influence models in international contemporany order

Răzvan POPOVICI-DIACONU
Asisstent Ph.D., Faculty of Philosophy and Social-Political Sciences, "Al. I. Cuza" University of Iasi

NATO'S Peacekeeping Operations in Ethnopolitical Conflicts

Ana-Maria BEJAN
Lecturer Ph.D. Candidate, Faculty of Law and Public Administration, „Spiru Haret” Universty, Constanta

The Role of the Court of Justice for the Protection of Fundamental Rights in European Union

Alina – Mirabela GENTIMIR
Lecturer Ph.D., Faculty of Law, „Alexandru Ioan Cuza” University of Iasi
Lawyer at Iasi Bar Association

Considerations on Protocol No. 15 amending the Convention for the Protection of Human Rights and Fundamental Freedoms

Roxana Alina PETRARU
Lecturer Ph.D., Faculty of Law, "Petre Andrei" University Iasi

Panel 5 - SCIENCES OF STATE AND GOVERNMENT

President: Associate Professor Ph.D. Rada POSTOLACHE
Rapporteur Lecturer Ph.D. Andreea MIRICĂ

Quality Research at Higher Education Institutions

Nicolae V. DURĂ
Professor Ph.D., Ovidius University of Constantza, Member in the EURASHE Council (Bruxelles)

Role of interpretative decisions in the constitutionalisation of law

Tudorel TOADER
Professor Ph.D., Dean Faculty of Law, „Alexandru Ioan Cuza" University of Iasi
Judge at the Constitutional Court of Romania
Marieta SAFTA
Lecturer Ph.D., Faculty of Law, University „Titu Maiorescu" of Bucharest
First assistant-magistrate at the Constitutional Court of Romania

The adoption of emergency ordinances - opportunity and Constitutionality

Ionița COCHINȚU
Ph.D., Asisstant Magistrate Constitutional Court of Romania

The referendum in GAGAUZIAN ATU between constitutionality and unconstitutionality

Oleg BERCU
Lecturer Ph.D., Faculty of Law and Public Administration, Cahul State University "B. P. Hasdeu"

The Ph.D. and the Professional Doctorate. An assessment of some of the comments

Cătălina MITITELU
Lecturer Ph.D., Ovidius University of Constantza

Debt Security according to the Fiscal Procedure Code. The notice of assessment

Rada POSTOLACHE
Associate Professor Ph.D., Faculty of Law and Administrative Sciences, „Valahia" University of Târgovişte

Influence peddling or lobbying ?

Genica TOTOLICI
Ph.D., Faculty of Juridical, Social and Political Sicences, „Dunarea de Jos" University of Galati

Comparative study over the participative democracy in Romania, France, Switzerland and United States of America

Irina LAZĂR
Asisstent Ph.D., Faculty of Law and Social Sicences, University of Craiova

The Role of the Innovative Trends in the Roman-Germanic Law System

Doranda MĂRĂCINEANU
Ph.D. Candidate, ULIM University of Chisinau, Moldova Republic
Judge - Tribunal of Galati

European and national regulations in the field of racism and xenophobia

Olga Andreea URDA
Ph.D. Candidate, Faculty of Law, „Alexandru Ioan Cuza" University of Iasi

Limiting freedom of expression by protecting human dignity

Carmen MOLDOVAN
Asisstant Ph.D., Faculty of Law, „Alexandru Ioan Cuza" University of Iasi

Considerations on environmental policy in the European Union

Mihaela AGHENIȚEI
Lecturer Ph.D., Faculty of Juridical, Social and Political Sicences, „Dunarea de Jos" University of Galati

The juridical responsibility an aspect of the social responsibility

Getty Gabriela POPESCU
Lecturer Ph.D., Faculty of Juridical, Social and Political Sicences, „Dunarea de Jos" University of Galati

Development strategy of the justice as public service

George SCHIN
Lecturer Ph.D., Faculty of Juridical, Social and Political Sicences, „Dunarea de Jos" University of Galati

Appreciative ethics in counselling of ethics of the public servant

Antonio SANDU
Professor Ph.D., Faculty of Economic and Public Administrativ Sicences, "Ştefan cel Mare" University Suceava
Director of the Lumen Association

Mediation - pleading for a wider knowledge and use

Cristina Ioana FLORESCU
Lecturer Ph.D., Faculty of Law and Public Administration, „Spiru Haret" Universty, Bucharest

Violence as a Spectacle in Contemporary Media and its Impact on Youth

Cristina PĂTRAŞCU
Asisstant Ph.D., Faculty of Juridical, Social and Political Sicences, „Dunarea de Jos" University of Galati

Psychological mechanisms involved in the dynamics of negotiation process

Cristina-Corina BENȚEA
Associate Professor Ph.D., Faculty of Physical Education and Sport - Teacher Training Departament, „Dunărea de Jos" University of Galați

The number of inhabitants - criterion for determing the size of local territorial collectivity in the post-Soviet states

Sergiu CORNEA
Associate Professor Ph.D., Vice- Rector on Scientific Research and International Relations
Cahul State University "B. P. Hasdeu"

PANEL 6 - THE REGION – LIMITS AND OPPORTUNITIES

President: Professor Ph.D. Violeta PUŞCAŞU
Rapporteur: Professor Ph.D. Romeo-Victor IONESCU

Regional environment disparities across the member states under Europe 2020 strategy

Romeo-Victor IONESCU
Professor Ph.D., „Danubius" University Galați

From time planning to spatial planning or about redesigning peri-urban area in the Lower Danube region

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

National identity and the media: the GEMIC project perspective

Michaela PRAISLER
Professor Ph.D., Head of the Department of English Language and Literature, Faculty of Letters, „Dunarea de Jos" University of Galati
Ioana MOHOR-IVAN
Associate Professor Ph.D., Faculty of Letters, „Dunarea de Jos" University of Galati

Problems encountered by the beneficiaries of structural funds in the relationship with the intermediary organisms of the POSCCE and POSDRU programs

Raluca-Oana ANDONE
Lecturer Ph.D., Faculty of Law, "Petre Andrei" University Iasi

Professional skills: from declaration to development

Valentina CORNEA
Associate Professor Ph.D., Cahul State University" B.P.Hasdeu", Faculty of Juridical, Social and Political Sicences, „Dunarea de Jos" University of Galati

The Dynamics of Decentralization in East-Central Europe. Application on four Municipal Councils

Roxana MARIN
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Comparative study of regionaliztion in Europe. Romanian perspective

Flavia GHENCEA
Lecturer Ph.D., Faculty of Law and Public Administration, Constanta, „Spiru Haret" University

The Reasons that lead to the Achievement of a Public-Private Partnership in various Fileds

Ana-Maria ȚIGĂNESCU
Lecturer Ph.D. Candidate, Faculty of Law and Public Administration, Constanta, „Spiru Haret" University

Regional development in the context of the agreement of EU-RM

Natalia SAITARLÎ
Lecturer Ph.D. Candidate, Faculty of Law and Public Administration, Cahul State University "B. P. Hasdeu"

Regionalization versus sovereignty, territorial integrity and national identity

Andrei GUCEAC
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PANEL 1

LEGISLATIVE REFORM IN THE DOMAIN OF PENAL LAW

President:	Professor Ph.D Tudorel TOADER
Rapporteur:	Associate Professor Ph. D. Gheorghe IVAN

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The autonomy of legal institution and the retroactivity of the most favourable criminal law

Camelia IGNĂTESCU
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Keywords: legal institution, autonomy, limits, more favorable penal law, interpretation

Abstract
Applying more favorable penal law has become a controversial topic in the context of entry into force of the new specific legislation. In parallel to this was raised the issue of defining the limits of the autonomy of criminal law institutions.
The concept of an autonomous institution does not have a legal definition, gap that has opened up broad prospects for its interpretation.
In the doctrine emerged views that were fundamentally different in the determination of the legal classification of a criminal deed. If some authors intend to apply criminal legal autonomy until to separate legal norm elements analyzed and their subsequent aggregation from different codes, other authors, proponents of the concept of the inadmissibility of creating a lex tertia, felt that the act must be assigned in new criminal code regulations or in the penal code of 1968.
Beyond the technical approaches of specialists in criminal law, we ask ourselves if it wouldn't have been better that all these positions have had the principle of equity into account, under the government of which we could not imagine the circumstance in which two people, who have committed the same criminal offense in different time periods, namely before and after the entry into force of the new penal Code, receive different penalties even if the judgment was carried out at the same time.
Interpretation of any text of law is undoubtedly subordinated to Romanian Constitution and the ECHR regulations. What is the limit of the application of more favorable penal law able to transform the autonomous institution so that to guarantee the right of any prosecuted person to a fair trial, is a dilemma that we intend to find a solution.

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***Comments*:**

Some Consideration on the New Regulation of the Criminal Prosecution

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Keywords: criminal prosecution, initiation of criminal prosecution, suspect, dismissing the case, prosecutorial waiver, 16th article of the Code of criminal procedure

Abstract
The main aim of this paper is to highlight the main changes made by the new code of criminal procedure regarding the prosecution stage and to offer an interpretation for those legal provisions which rise to controversy in the legal practice. This paper will analyze the issue of initiation the criminal prosecution which is experiencing a new sense. The new code of criminal procedure limited to the minimum the procedural acts that can be performed prior to the initiation of the prosecution; the examination on the validity of the facts claimed by the intimation will be made after the initiation of criminal prosecution. The initiation of the criminal prosecution therefore appears as a formality required for performing any act of criminal investigation. The criminal prosecution will be initiated only on the offense which was the subject of the referral. The prosecution will continue against the person indicated in the referral or discovered during criminal prosecution only if there are evidence showing that this person is the one who committed the offence for which indicted. The paper will also examine the influence of the 16th article of the Code of criminal procedure upon the initiation and the continuation of the criminal prosecution. The paper will also analyze the solutions which may be adopted at the end of criminal prosecution.

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Comments:

Filing an appeal with the Court of Cassation as regarded by the New Criminal Procedure Act

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Keywords: criminal procedure, cassation appeal, remedies at law, cases, procedure

Abstract
The perspective granted by the new Criminal Procedure Act, compared to the 1969 Criminal Procedure Act is based on the extension of extraordinary remedies at law, by including the appeal with the Court of Cassation and thus bringing about a retrial should the judgement had been carried out by default.
The present work has the scope to present the specificity of this kind of appeal given by its aim, that of validating the conformity of the verdict by using the applicable rule of the law, which is reflected in the limitative cases promoting the resolution procedure.

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***Comments*:**

Evolution of Institution appeal in the Romanian criminal proceedings

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Keywords: Judgments of courts, ordinary and appeal, extraordinary appeal, appeal in cassation, Code of criminal procedure

Abstract
Judgments of courts of first instance and the data in the review may be subject to ordinary and extraordinary appeal on grounds of legality or unfounded, as appropriate.
Until February 2014, our laws provide remedies through the ordinary and appeal. Currently legislature gave it, including but, as a new extraordinary appeal, that of the appeal in cassation.
In this study it is submitted the evolution of the institution of the appeal and the role it had over time in the Romanian criminal proceedings.

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Comments:

The changes brought to the prosecution process by the New Criminal Procedure Act

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Keywords: procedure, criminal prosecution, apprehension, closing cases, guilty plea

Abstract
This article aims to highlight the issues of novelty regarding the prosecution process in the The New Criminal Procedure Act.
Thus, The New Criminal Procedure Act carries forward the general principles of the prosecution process, the apprehension, the leading and oversight of the criminal prosecution bodies, as stated by the 1969 Criminal Procedure Act, but it varies greatly from the latter with regard to the way the criminal prosecution takes place, the closing of cases and introduces new institutions, such as the dropping charges procedure and the guilty plea.
The article includes an analysis of institutions have changed with reference to issues of judicial practice.

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***Comments*:**

House arrest

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Keywords: house arrest, the new romanian penal procesual Code, preventive measure

Abstract
Romanian legiuitor has introduced in penal procesual matter an inovation: house arrest institution which it is questionable regarding its efficiency related to our social realities.
According to the dispositions from the new romanian penal procesual Code, house arrest is a freedom restrictive and a preventive measure which can be taken for assuring a good development of the penal process, for preventing the avoidance of the defendant from penal following or from trial or for preventing him to commit another crime.
House arrest measure is the obligation imposed to the defendant, during a determined period, to not leave his house without the permission of the legal organ who has ruled the measure or in front of whom is the cause and to obbey to some restrictions established by this

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***Comments*:**

Obstruction of justice

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Keywords: new romanian penal Code, incrimination, crime, obstruction of justice

Abstract
Romanian legiuitor has introduced in penal matter new incriminations, among them being the obstruction of justice too.
According to the dispositions from the new romanian penal Code, the crime obstruction of justice consist in the persons's action who, beeing warned of the consequences of his action:
a) interferes with, without right, the following organ or court to accomplish, following the law, a procedural act.
b) denies to provide the penal following organ, the court or sindic judge, with all or a part of owned dates, informations, inscriptions or goods that have been requested in an explicit way, following the law, for solving a cause.
The authors have made in the study an analysis of the new incrimination, presenting the points of view expressed in doctrine until this moment too.

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***Comments*:**

Pressure on justice

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Keywords: new romanian penal Code, incrimination, crime, pressure on justice

Abstract
Romanian legiuitor has introduced in penal matter new incriminations, among them being the pressure on justice too.
According to the dispositions from the new romanian penal Code, the crime of the pressure on justice consist in the persons's action who, during a current legal procedure, makes unreal public declarations regarding the commission, by the judge or by the penal following organs, of a crime or a severe disciplinary offense related to instrumentation the respective cause for influencing or intimidating them. The punishment consist in prison from 3 months to one year or fine.
The authors have made in the study an analysis of the new incrimination, presenting the points of view expressed in doctrine until this moment too.

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***Comments*:**

Considerations regarding the new criminal executionary laws

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Keywords: criminal executionary law, punishments, delegate judge, convict, probation

Abstract
The present work has the scope to present the fundamentals of the new criminaly executionary law in Romania, and the relation with other juridical institutions and branches of law existing in our country.
Peniteciary Law, also know as penal executionary law was first coined by french and german legal doctrine. Penitenciary Law is usually more restrictive, but in our case we will use both terms trying to explain everything regarding the execution of criminal punishments, penitenciary law and so forth, acknowledging that criminal executionary law is the more encompassing term.
The convict is subordinated to the state, and the State through its legal system, with the power of Public Ministery (the prosecutors) and the Judges, it applies the punishments for the crime he was convicted of, respecting the legal limits.
The autonomous character of criminal executionary law is proven by the fact that is has it's own scope of regulation. The relations it regulates are those regarding the execution of punishments issued in a criminal trial. The regulations are mostly found in the special law no. 254/2013 (the former law valid until the 1st of Febuary was Law no. 275/2006), and in the New Criminal Code, and New Criminal Procedure Code.
In conclusion we can say that this present paper can be used to clarify basic principles rules of our criminal system and to give a short glimpse on the exact application of these provisions.
The desired impact of this paper is to be a starting point for further analysis and commentary, and also to determine other scientific minds to create such commentaries.

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***Comments*:**

Considerations on the postponement and interruption of execution of punishments In the light of the New Criminal procedural code

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Keywords: execution of punishment, postponement, interruption, delegated judge, medical legal expertise

Abstract
The enter force of the new criminal legislation at 01/02/2014 brought many new institutions in sphere of criminal procedure, and several changes to existing institutions. Among the institutions that have changed are postponement and interruption of imprisonment or life imprisonment. These are major institutions in the matter of enforcement of custodial sentences (the new regulations can be found in art . 589-591 of the new Code of Criminal Procedure for postponement of punishment and in art. 592-594 new Code of Criminal Procedure, we can find the interruption of sentence).
This article aims to highlight the issues of novelty regarding these two institutions, both in terms of where they may apply, and the procedure to be followed (the court, the applicant to the procedure itself, effects).
The first part will talk about the interruption or postponement execution. We observe that we cannot find as in art . 453 para. 1 letter c) from the Code of Criminal Procedure of 1968 - the mentioning of social situation as a reason for the change of punishment.
Next we will focus on the application, which can be made either by the prosecutor or the convicted, with no possibility for another person to make the request and the competent court to decide is the one that gave the sentence.
During the settlement procedure, we find that for the first case of delay / postponement - one for medical reasons - it is different from that provided in the Code of Criminal Procedure of 1968. Such request shall be submitted to the judge delegate, accompanied by health documents. After checking the documents, and after acknowledging or declining competence, the court will conduct a medical - legal expertise, without which the application cannot be resolved. So basically we have established a pre-trial stage of the application itself, led by the judge delegate.
The last part of the article includes an analysis of obligations that can be imposed upon the persons requesting the delaying / interruption of sentence, and we will observe the emergence of new obligations ordered by the court in the case which led to admit the request, that the convict is obliged to be present at the health unit to make the treatment or take care of the child younger than one year.

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***Comments*:**

Comparative law references concerning the legal regulation`s headquarters of the criminal unit

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Keywords: criminal unit, plurality of crimes, offences, crime contest, continue crime, complex crime

Abstract
The entry into force of the new Criminal Code brought in discussion the reformulation of many legal institutions, among which the criminal unit, topic that will constitute the subject of our research. Through this study, we aimed at highlightingnovelties of the criminal unit regulation. For a better analysis and understanding of this concept, we will resort to comparative law studies. In the first part of the article, we`ll analyze the criminal unit approach from the Romanian Criminal Code in force, without forgetting previous regulations, and in the subsequent paragraphs of this work, we`ll approached the criminal unit regulation from the Criminal Code of the Republic of Moldova. The location and traditions of the Republic of Moldova will imposed an overall analysis of the regulations on criminal unit, enshrined in CIS countries. In the last part of the article, we will approach the criminal law of some European countries containing legal approaches on matters relating to criminal unit(Italy, Netherlands, Poland, Turkey).

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***Comments*:**

Liability of legal persons in regulation new Penal Code

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Keywords: criminal responsibility, legal person, guilt, punishment, recidivism, rehabilitation

Abstract
The liability of the legal person, as well as the responsibility of the individual, is a criminal justice conflict report was born as a result of a crime, this time between, on the one side, and a legal person, on the other side. The issue of criminal liability of legal person is controversial and has brought about the expression of different opinions in criminal science. Regarding to Recommendation R(88)/20 October 1988 the Committee of Ministers of the Council of Europe, the states have been asked to admit criminal liability of persons, several countries have regulated this institution: France, through art. 121-2 of the Penal Code of 1994; The Republic of Moldova through art. 21 para 3, 4, 5 and art. 63 of the Penal Code as amended in 2008, Spain, through art. 31 bis of the Penal Code of 2005, modified, etc.
In Romania, the criminal liability of legal persons has been regulated for the first time by the Penal Code, adopted by Law no. 301/2004, which was repealed by article 446 para (2) of the new Criminal Code adopted by Law no. 286/2009. By Law no. 278/2006 was introduced into the Penal Code of 1968 art. 191, regulating the conditions for criminal liability of legal persons, the institution being French-inspired. In the new criminal code entered into force in 2014 criminal liability of legal persons is regulated in a distinctive title (Title VI), which is a positive thing. Although legal literature were raised several objections to the criminal liability of the legal person, based, in part, on a traditional conception of the notion of punishment, is not, in reality, the impediments to consecration of criminal liability of a legal person.
In this context, we intend to look into the need for criminal liability of legal person, showing its importance in achieving what is penal function in defending social values against offences regardless of the quality of active subjects, considering that this institution raises many issues, both practical and theoretical.

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***Comments*:**

A Plaintiff's Prior Complaint

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Keywords: criminal charges, civil suits, the injured person, the consent of the parties, the trial

Abstract
The article analyzes the request of the injured accuser under Albanian law. Relevance of the injured accuser's request stems from the fact that the initiation of criminal proceedings in the case of the injured accuser 's request depends on the particular interest of the injured person. Given the definition of the injured accuser's request , note that the Albanian Criminal Procedure Code does not have a definition of what is meant by the request of the injured accuser. Analyzed the conditions that must be met for acceptance of the injured accuser 's request. We also analyzed the paper is a civil claim in the criminal process. Considering the fact that the Albanian Criminal Procedure Code is almost identical copies of the Italian Criminal Procedure Code, some aspects of the injured accuser's request under penal procedural legjislacionnit have compared to that of the Italian Criminal Procedure Code to see which are differences between the two legislations but also to enable more effective protection of the rights of the injured person.
The study seeks to contribute to previous searches that were made in connection with the request of the injured accuser. To obtain best results, search based on these methods: observation, comparative jurisprudential. The study may be of interest to those working in the legal field, researchers as well as other people.

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***Comments*:**

Efects of important changes on road to the Criminal Code and Code of Criminal Procedure

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Keywords: new penal code, the new code of criminal procedure, the road system, criminal, misdemeanor offenses

Abstract
Entry into force on 01 february 2014 to the new Criminal Code and Criminal Procedure with application laws, produced important consequences on the road. GEO 195/2002 on public road traffic, has been modified by Law nr.187/2012 for the implementation of the Criminal Code and Law no. 255/2013 for the implementation of the Code of Criminal Procedure. The main novelty is the repeal of Chapter VI-Offences and penalties of GEO 195/2002 and regulation of road offenses in the Special Part of the Criminal Code.
Article will consider amendments to this chapter, in particular concerning the consequences of the alleged misconduct, new institutions emerged and changes in sentencing. We will also try to analyze the practical standpoint, measures in reducing victimization by traffic accidents, according to European standards, then we dare conclusion.

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***Comments*:**

Human dignity protection in romanian and french criminal law

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Keywords: , criminal protection, comparate law

Abstract
Human dignity is a complex concept, whose definition is impossible to encompass the entirety of its meaning. Criminal law as a whole and its functions contribute to the crystallization of the concept.
The old Criminal Code (1969) consecrated by Chapter IV of Title II of Part special offenses against dignity. Were included here insult, slander and verity. Insult consists of harm to honor or reputation by words, gestures or any other means or by exposure to mockery variant type and in par. (2) if there is a crime when a person suffers from a disease or disability which, even if real would not be revealed. Slander imputing consists in affirming in public, by any means, of a fact regarding a person who, if true, would expose that person to a penal, administrative or disciplinary, or public contempt. The legislator renounced at the criminalization of such acts, on the assumption that human dignity can be protected only by the rules of civil law, giving greater freedom of expression guarantee. However, human dignity is protected as a social value secondary content submission crimes such as ill-treatment, degrading treatment component.
While the Romanian penal legislator remained passive on the criminalization of insult and libel in the new Criminal Code, the criminal protection of human dignity is extensive in France. French criminal legislator gave an important credit protection of human dignity, both by location in the center of offenses against the dignity - Crime and offenses against persons, and the variety of repressed material. Included in the category of offenses against human dignity: discrimination; human trafficking; pimping and offenses thereunder; recourse to prostitution of minors and vulnerable people; exploitation of begging; working conditions contrary to human dignity and hosting; harassment; harmed respect the dead.
In this context, the article aims to analyze the place of human dignity in Constitutions, and to identify points of comparison between the two legislations, so that the purpose of article consist in making suggestions of law to improve the criminal law protection human dignity.

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***Comments*:**

Resocialization of women subjected to punishment by imprisonment

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Keywords: Crime prevention, recidivism among women, imprisonment, socio-educational programs, correcting convicted women

Abstract
The article called "Correction and re-education of women convicted to imprisonment" aims to present and analyze the problem of re-education of women sentenced to prison through the international provisions governing the treatment applied to people that are deprived of liberty. From the present research answers can be found to the questions related to the strategy for prevention of relapse in women who have committed criminal acts.
The article addresses the problems of correction and re-education of women sentenced to prison in terms of international and national law governing the treatment of detainees. According to the author, in the execution of the sentence, the focus should be on psychosocial programs and activities adapted to the realities of life and applied to prisons, contributing to the gradual recovery of the ability to live in society. Finally, some measures are proposed, that should be part of the prevention of relapse in women who have committed criminal acts.

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Comments:

Considerations on predicate offenses of money laundering in Romania

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Keywords: money laundering, predicate offense, economic-financial crime

Abstract
Money laundering offense is an important part of the broad concept of economic-financial crime. This type of offenses is extremely serious for any economy – as a whole – endangering the social, politic, economic and cultural development of society. But, another offense is prerequiste from money laundering crime. This crime is called primary offense or predicate offense, a relatively new concept, introduced by The Convention of the Council of Europe in Strasbourg (1990) on laudering, search, seizure and confication of the proceeds from crime.
In time, the sphere of predicate offense has considerably expanded. If initially the predicate offense was limited to drug trafficking – UN Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (1988) – at present time, without being exhaustive, we consider several possible predicate offenses: terrorism, corruption, tax evasion, smuggling cultural and art work or theft followed by the illegal sale of second-hand cars, human trafficking etc.
The tendency of legal literature is to analyze separately the predicate offense and the offense of money landering. Our opinion is that only a combined analysis - by applying an integrated methodology - can offer the real size of money laundering.

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***Comments*:**

Tax evasion in the form of tax liability

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Keywords: of law, accountability, taxpayer, tax evasion, tax liability, legislation

Abstract
Regarded as an institution has an existing liability law in the various branches of private law system, presenting it in various forms. The operating revenue criminal liability, financial liability as tort liability and administrative organs patrimonial liability for damage caused to individuals and businesses through their acts. Criminal liability act in matters of tax evasion through crime punished by special law, and when committing other criminal regulated Criminal Code in relation to general law or other special penal laws. In Romania evasion is an important factor in reducing revenues, a phenomenon manifested in all areas of pecuniary interest, it is determined on the one hand the multitude of tax obligations imposed by legislation and especially the taxpayers of the burden of these obligations, tax evasion is governed by law number 241/2005. Romanian lawyers were and are concerned about this phenomenon, tax evasion is an area difficult to define because it can be done through a variety of forms. Etymologically, Romanian language explanatory dictionary defines tax evasion as " evasion of tax obligations." Evasion causes are multiple, from excessivity tax burden taxpayers tax payers insufficient education, but especially thanks to the tax law ambiguous, with multiple implementing rules, which allow a large alleged evasion of room in its resolution of to evade the payment of taxes set by the tax. Not least those tax evasion appears overzealous shown by the fiscal authorities fiscal control and lack of specialization of staff, known as the lack of control of a well structured and well trained staff can lead to tax evasion.
Through this article we propose to analyze the concept of tax evasion in terms of doctrine, to identify the causes and solutions to combat the phenomenon of his.

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***Comments*:**

Protection of citizens' electoral rights. Practices and Perspectives in Criminal Law of the Republic of Moldova and other countries

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Keywords: electoral rights, criminal law, criminal liability

Abstract
By their importance, electoral rights are a separate category within the human rights and fundamental freedoms. One of the prerequisites for the state law is the normative regulation of the organizing and conducting elections process, that is, in essence, the only source that confers legitimacy to the public power.
Effectiveness of the implementation of these rights, depends largely on the level of protection provided by international law and national legislation of the states. In this context, liability for violation of electoral law is a tool that supports the interests of the people, in its capacity as the exclusive owner of the national sovereignty, in the accomplishment of citizens' electoral rights.
According to branch, to whom norms underlying responsibility for violating electoral laws, belong to, there are distinguished multiple forms of it (constitutional liability, contraventional liability, criminal liability).
This endeavor approaches the issue of criminal components committed against electoral rights, that are established by the Criminal Law of the Republic of Moldova and other countries.
The performed study shows that the criminal law on the protection of electoral rights, in most countries, has common elements, though each country retains its identity: the legal and political environment and socio-cultural traditions differ. This is due to the fact that the protection of electoral rights, as exclusively political rights, is a relatively new field of criminal law, not only directly related to the system of criminal law, but also to the constitutional or electoral laws too.

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Comments:

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PANEL 2

LEGISLATIVE REFORM IN THE DOMAIN OF CIVIL LAW

President:	Professor Ph.D. Silvia Lucia CRISTEA
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Comparison between the Brokerage Contract and Agency Agreement according to the New Romanian Civil Code

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Keywords: agent, agent contract, intermediation contract, civil law, Romanian Civil Code

Abstract
According to the provisions of the Law 509/2002 regarding the permanent trade agents, the agent contract acquired its own configuration in the Romanian law. This law was abrogated when the new Civil Code entered into force.
The agent may represent other consignors in the field too, but not competitors, and he cannot negotiate/conclude on his own (exclusivity obligation, according to art. 2074 para. 1 in the New Civil Code). He can represent other competitor consignors, for the same area and the same kind of contracts only if there is an express clause in this respect.
Art. 2096 in the New Civil Code, stipulating that in the intermediation contract, the intermediary undertakes, in front of the client, the obligation to put him in contact with a third party, in order to conclude a contract. It corresponds, in the international commercial practice, to the specialized brokerage, e.g. : maritime brokers, transport brokers, advertising brokers, real estate sales / leasing; event brokers; stock exchange brokers.
This article is dedicated to the comparison of the agent contract with the intermediation, in view of the new Romanian Civil Code, based on the previous regulations. Finaly the Romanian doctrine concerning the usefulness of the two institutions.

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***Comments*:**

Aspects concernant le dommage dans le domain médical

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Résumé
La Loi n° 95/2006 réglemente la responsabilité civile du personnel médical, des fournisseurs des services, des matériaux et des dispositifs médicaux. Le droit commun en ce qui concerne les dommages corporels reste le Code civil roumain. L'inviolabilité et l'indisponibilité du corps humain sont les deux principes qui se retrouvent dans les réglementations spécifiques au domain de la santé.
La classification des dommages résultés par l'atteinte de l'integrité phisique fait différence entre les dommages corporels (dommages des victimes directes) et les dommages par ricochet, supportés par les prochains de la victime, dans l'ipothèse du décès de celle-ci ou même si la victime a survie. Cet étude aura en vue seulement les préjudices causés directement au pacient.
Les principes applicables à la réparation sont les règles du droit commun: la réparation intégrale et la réparation en nature du dommage. Les actes spécifiques, qui sont à l'origine du dommage, donnent lieu à la réparation du préjudice économique (dépenses médicaux, par exemple) et aussi, des dommages moraux – sous la forme du pretium doloris, pretium juventutis, pretium pulchritudinis, prix de la beauté ş.a. La première cause des dommages corporels, ennoncée par la Loi concernant la réforme dans le domain de la santé, est l'erreur médicale, qui incluit la négligence, l'imprudence, l'inabilité du personnel médical. Puis, il s'agit de la violation du secret médical, la violation de l'obligation d'information envers le patient et de l'ommision d'accorder les soins médicales obligatoires.

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***Comments*:**

The property right and the requirements of environmental protection

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Keywords: right to property, right to environmental protection, limitations, sustainable development

Abstract
The environmental protection has lately become an essential component of the concept of sustainable development, along with the economic, social and cultural components. Being an objective of public interest, the environmental protection and conservation are essential to ensure the habitat necessary for continuing the human existence. Considering this aspect, the limitation of ownership required by certain laws has both a social and moral justification, the environmental protection having a direct link with the level of public health, which is a value of national interest. The legal limits of the ownership are restrictions brought by the law, considering aspects regarding the general interest of society.
In this article we intend to emphasize, on the analysis and comparison of legislation and case law, the nature of the relationship between ownership of property and environmental rights, as well as the limitations of property rights in favor of environmental protection .
As a conclusion, the environmental easements meet a wide national and international recognition and guarantee, the holder of the property having to exercise it in the interest of the whole community, including the protection and conservation of the environment. At the same time, we must consider that the right to property and environment are fundamental rights guaranteed by the Romanian Constitution itself, which makes us conclude that they converge and mutually enrich across the fundamental duties as well

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***Comments*:**

The Exclusion Unconstitutionally Obtained Evidence in Civil Proceendings: A Comparative Analysis Between the USA and Spain

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Keywords: Exclusionary Rule, Unlawfully obtained evidence, rocedural fundamental rights, ruit of the poisonous tree doctrine, Deterrent effect, Constitutional guarantees of evidence, Exclusion of evidence in civil proceedings, Suppression doctrine, Evidentiary prohibitions

Abstract
The Exclusionary Rule determines that evidence obtained in violation of constitutional rights cannot be used in trial. This theory was adopted in the United States of America in 1914 and has spread to other countries. The US Supreme Court expanded the Rule's scope through cases like Silverthorne and Mapp, but then limited it through the creation of various exceptions. In the United States the Rule has been applied mainly to criminal proceedings because its primary objective is considered to be police deterrence.

Influenced by the American doctrines, Spanish courts have adopted not only the Exclusionary Rule, but also some of its exceptions. However, the Spanish Constitutional Court has defined a different rationale for the suppression of evidence. In Spain the Exclusionary Rule is applied as a safeguard that derives implicitly from the system of fundamental rights. For this reason its scope is wider and it applies also in non-criminal proceedings (civil, administrative and labor).

Because the development of the Rule by the US Supreme Court has served as an example to countries like Spain, international scholars have continuously studied this topic. Nonetheless, the application of the Exclusionary Rule in the United States to civil proceedings has rarely been analyzed because it is less common and sometimes even thought of as impossible. This study shows that, as a matter of fact, the US Supreme Court has analyzed the possibility of applying the Rule to cases like One 1958 Plymouth Sedan, Janis and Lopez-Mendoza, which were forfeitures and deportation proceedings of civil nature. The study concludes that in the United States, exclusion of evidence in civil proceedings is exceptional and very limited when compared to the full application of the Exclusionary Rule that occurs in Spain, where it is effective in both criminal and non-criminal proceedings.

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***Comments*:**

Receptivity of the effects of foreign judgments in Romanian judicial system

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Keywords: private international law, foreign judgments, exequatur, public order

Abstract
The intern repercussions of a finalized process in foreign countries are materialized in the effects of judgment in the state in which the decisions are evoked. The main effects of a judgment in national law are: law of the case, enforceable authority and convincingness of decision.
The law of private international law resumes these effects, establishing the recognition of foreign enforceable judgment, so it can have the prerogative of legal authority, consent of enforcement of decisions and convincingness regarding the situations which it is actually established.
The Bruxelles I Regulations represent the fundamental base of European Union for foreign judgment effectiveness. The mutual recognition of the decisions operates by fully right, meanwhile the execution always requires specific proceedings. The recognition operates by entire right in EU and has as an effect the conferring of authority and effectiveness to the decisions which they possessed in the state where they have been originally pronounced.
In a first step, the regulamentations have considerably simplified the procedure, which is not anymore named exequatur, but declaration of executory power. In a second step, the examination of supervision was not suppressed, but relocated before the authority of origin of foreign judgment.
The certification towards authority of pronounced decision dispenses the judge from the solicited state to have no longer control.

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***Comments*:**

Fiducia Trust by the Civil Code

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Keywords: fiducia/trust, object, agreement, absolute nullity

Abstract
Introduced for the first time in our law system, fiducia/trust can be found and referred to as regulated in and by the content of Title IV of the 3rd Book "On assets/goods" of the New Civil Code.
Fiducia/trust shall be understood as an operation/proceeding inspired by the trust Institution, widely common in the Anglo-Saxon law. The trust institution is part of a law sub-system referred to as the equity subsystem which covers "an assembly of rules and regulations issued within the Anglo-Saxon law from the urge to attenuate the stiffness of the common-law" system.
In the Anglo-Saxon law system the main feature of this legal instrument relates to the fact that "the property right over the same assets/goods is divided between more than one persons, of whom some own the legal property right, while others own the equitable right" .
Within our law system the definition for fiducia/trust is given by the content of art. 773 N.C.C., the fiducia/trust model of our law system being inspired by the French Civil Code.
This paper describes the way in which the fiduciary institution is governed in the New Civil Code, seeking clarification on the following issues: the definition and the subject of the trust, parties and the content of the fiduciary contract, denunciation, modification and the revocation of the fiduciary agreement as well as the reglementation of the three cases of ceasing the termination contract.

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***Comments*:**

Legal Implications of the Fiducia in Banking Law

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Keywords: fiducia, trust, bank, management, mortgage

Abstract
Fiducia, although it is a new institution brought to the practicians' attention by the new civil code, it is in fact an old institution. Its origins are found in the Roman law from which the English-Saxon law took over the regulation.
Its adoption in the Romanian civil code wanted to be a cautious one, because, besides its many advantages, the fiducia can be easily misapplied from its aims recognised by the law, it can be transformed by ill-willed persons in a tool for money laundry or a tool for hideing tax evasion.
They say that fiducia "broke" the unity of the patrimony. The effect of the fiducia is to create different assets from the personal assets of the trustee, assets that are affected in order to accomplish the aim specified in the fiduciary (trust) agreement.
Fiducia can be used as an effective guarantee for banks when they act as creditors. It is estimated that fiducia could even replace the banking mortgage in the future.
Fiducia can be also used as a management way of a component of the constitutor's assets who also becomes the beneficiary of the trust property. Thus, fiducia can be used a management tool of the assets or as a cooperation tool among banking institutions.
The banks are those who are to "host" the fiduciary trust accounts which are meant for the deposition of the fiduciary trust funds. Although different bank offers regarding such accounts have already been launched on the market, it is to be seen to what extent they will be accessed by trustees.
As the title announces, this article aims to examine, briefly, the main legal effects that the fiduciary regulation will produce in banking law matters. The experience of other law systems regarding fiducia is not unitary, but it represents a starting point in order to establish the possible legal effects of the fiducia, respectively, to identify the main banking operations that will interact with fiducia.

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Comments:

A hermeneutic approach through anthropological lenses on the legal regulations of the gift

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Keywords: Gift, Donation, Gift-exchange, private comparative law, revocation for ingratitude

Abstract

From the very definition of the gift two discourses apparently contradict each other – the anthropological discourse claims there is no such thing as a free gift, while the legal definition from civil codes or common law jurisprudence claims the opposite, that the gift is a free, unilateral and gratuitous act. In this article I will analyze a possible translation of the anthropological notion of the gift in the civil regulation of donation in order to see if the way in which law, encapsulating the social reality of gift-exchanges by imposing a contradicting definition on the latter, still makes it possible for the spontaneous gift-exchanges to take place under the opposed definition provided by the anthropological discourse.

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Comments:

Considerations regarding the Specific Elements of the Forward Contract

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Keywords: repurchase agreement (repo); reverse repo; the original seller; the original buyer; immediate payment; settled sum; financial instruments and/or securities; obligation to exercise the option; liquidation, prorogation and renewal of the repo

Abstract
The current article focuses on the specific elements of the forward contract, as they are regulated in the new Civil Code (Law no. 287/2009). In the beginning the author makes a general characterization of this type of contract, from the perspective of the specific elements reagarding the contracting parties, the object of the contract and the moment of fulfilling certain obligations assumed by the parties. Then, the study defines the notions of "repo" and"reverse repo" and differentiates the repurchase agreement (repo) from other similar contracts, configuring thus more clearly the analyzed convention. A specific element of the contract is represented by its legal nature of sui generis contract, which the author explains by the fact that in the doctrine there is no unanimous opinion concerning this aspect. At the same time, the specificity of the repo is highlighted by presenting its main effects: the double transfer of property, the transmission of the accessory rights, the the original buyer's obligation to exercise his option, and the the original seller's obligations to place at the original buyer's disposal the funds necessary for exercising the right of option and for making the payment. Last but not least, the specificity of this type of contract is revealed through reflecting the differences between the liquidation, prorogation and renewal of the debated convention. The study presents the viewpoints expressed in the literature, as well as the author's opinions as regards the controversial legal problems in the studied field.

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Comments:

Memorandum of Company in the Civil Code regulation

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Keywords: memorandum of association, associate, simple company

Abstract
By the entry into force of Law no. 287/2009 on the Civil code substantial amendments were made in the commercial and corporate law. Thus, the notion of simple company and a classification of companies similar to that of Law no. 31/1990 was introduced, which created some confusion, possibly being interpreted in the meaning of the existence of two categories of companies with legal personality: some regulated by the Civil code and some regulated by Law no. 31/1990.
Also an element of novelty that emerges from the reading of the new regulation is to introduce a new way of managing the simple company, without legal personality, which is an innovative aspect. Moreover, the contract includes provisions concerning the dissolution and liquidation of the company.

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***Comments*:**

The Specific Elements of the Pre-Contractual Stage in Respect of the Electronic Contract

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Keywords: contract in electronic form, electronic commerce, advertising, negotiation, spam, regulation

Abstract
The contract is the result of the logical succession in time of several phases, of which our paper analyzes the pre-contractual phase, during which the future parties advertise their intention and negotiate the contractual terms and conditions.
In our study we underline the differences induced by the use of electronic means to the classical contract (for example, electronic papers advertisement, on-line offers and electronic acceptances).
Unfortunately, the electronic advertisement may be used unfairly and this situation imposes an adequate reaction from both private users and public bodies.
The time length and limits of the pre-contractual phase cannot be established exactly, as it is sometimes extremely short that can pass unnoticed (for example, a consumer buying food from a supermarket), while other times it extends for months (of negotiation). But, whatever the length may be, there will always be two logical moments: the announcement of the parties' intention (which implies advertising) and the setting of the terms and conditions (which implies negotiating).
Each of these two moments supposes a different balance between the economic powers of the parties. The advertising is ordered by professionals, who aim to convince the consumers to buy their products and services (and the result is an adhesion contact), while negotiating supposes that the economic powers of the parties are almost equal (and it triggers a fully balanced contract).

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***Comments*:**

*Considerations regarding the terminaton (*resolutio*) of the contract to supply board and lodging (*inter vivos trust*) regulated by the Civil Code*

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Keywords: contract to supply board and lodging (inter vivos trust), New Romanian Civil Code, termination (resolutio) of the contract

Abstract

As a novelty, the New Romanian Civil Code expressly regulates the contract to supply board and lodging and in order to apply certain provisions, references are being made to the life-income contract. This paper seeks to clarify which are the situations where the contract to supply board and lodging can be terminated, which are the conditions to be met in this regard but also the effects of termination, including by achieving delimitations from the life-income contract. The New Civil Code introduces in the matter of the contract to supply board and lodging a special case of revocation, as a novelty subject, which will be analyzed throughout this article.

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***Comments*:**

Equity – distinctive mark in the Civil Code regulations from contract substance

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Keywords: contract, equity, judge, dispute, moral

Abstract
Without being defined somewhere in the law, equity is defined by the constant reporting of the one who interprets the contract in the sense of justice. To determine the moral or immoral character of an act, one must find a measure of fairness, this being the immanent legal ethics of the dominant social and economic order.
The settlement of a dispute by the Court, taking into account also the requirements of equity, it was not and is not a spectacular and inedited "innovation". Always, even without an express legal mandate in this respect, the Court has not ignored, judgment, by its ruling, the equity requirements, these requirements being otherwise inevitably part of the legal norms applied to that dispute.
However, many of the new provisions of the Civil code in matters of contract shall expressly and imperatively specify that the judge will have to take into account the requirements of equity. The "fundamental" problem with respect to "equity" is not that of admissibility or that under the law ("the law itself, as the whole of the legal norms, is a form of implicit objectivity and equity") but the meaning of equity in relation to the normative legal system and its applications.

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***Comments*:**

The civil liability in the conception of the Civil Code

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Keywords: systems, civil liability, civil law, social balance, modern law

Abstract
The legal systems in modern law have been given a careful regulatory liability. It was the based on which has been established a rich jurisprudence which in turn has become the most important factor of development and emergence of numerous theories regarding the justification of civil liability. For a long time, into the Romanian civil law, literature asserted and jurisprudence supported the concept or subjective theory, according to which the liability has a single Foundation, the proven or presumed fault.
The current civil code resolves the issue of civil liability in general, in accordance with the ruling in doctrine and solutions validated by judicial practice. Such guilt maintains its position, as a foundation principle of civil liability. Analyzing the content and the method of the rules presentation falls off the Romanian legislature aimed at providing uniform rules of legal liability institution, as a whole, given the fact that both civil tort liability and contractual liability follow the same aim: namely to restore social balance damaged by committing an injurious acts and re-offence the victim in the previous situation. The new regulation maintains a clear distinction between the two forms of civil liability, namely between tort liability and contractual liability. Each of these forms with specific characteristics in the source of obligations namely the illegal tort act and the contractual act.
The purpose of this article is to make an analysis of the evolution of concepts relating to the civil liability justification underlines their diversity that either was based only on objective elements such as the idea of risk, security or fairness, or only on items such as the subjective fault, mistake or guilt, or both on some and others.

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***Comments*:**

Some visions for determination of injury caused by the death of person

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Keywords: person's death, civil compensation, illegal act

Abstract
The human life has been and still remains one of the supreme social values protected by national and international legislation.If the person dies as a result of committing a civil offense, the obligation of the delinquent to repair the civil damage caused appears.
In this article we propose to analyze the way of establishing the civil compensations which belong to the entitled persons if sombody dies.

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Comments:

Considerations on the Complaint regarding Delays in Solving Civil Cases

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Keywords: New Code of Civil Proceedings, the complaint regarding delays, prosecutor, civil cases

Abstract
The present article deals with the presentation of an institution introduced in the civil law through the dispostions of the New Code of Civil Proceedings, i.e. the complaint which may be lodged by the parties in regard to the delays in solving civil cases.
The reason behind its introduction in the provisions of the Code of Civil Proceedings relies on the need for the national law to integrate certain guarantees aimed at making sure that the citizens' right to have their civil cases solved within an optimum and predictable period is observed. That is why the lawmaker has stipulated the possibility acknowledged to the parties and the prosecutor, in case the latter takes part in the lawsuit, to lodge a complaint in court requesting the statutory measures in order to cease the infringement upon the right to solving civil cases within an optimum and predictable period.
The paper focuses on the demands imposed by the parties' right to an optimum and predictable period within which their cases should be solved, as well as the analysis of the motives that may be advanced by way of the complaint regarding delays in solving civil cases, together with the the procedure for the solution of this complaint.

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***Comments*:**

The guardianship in the light of the Civil Code

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Keywords: minor, guardianship, person protection

Abstract
The aim of the paper "Guardianship in light of the new Civil Code" is to present and analyze the main changes brought by the new regulations of this institution in the field of civil law. The work is based on comparing the new regulations with the old regulations regarding the guardianship of minors, trying to answer the questions that this extremely important institution raises in the life of a minor without parental care, and in some other cases. An important area in which the Civil Code bringssignificantchangesistheway in whichit addresses legal means for the protection of the individual. Until the entryin to force of Law no. 287/2009, in thematter of guardian ship the main institution involved was the guardianship authority, the procedure having a more administrative and judicial character and thatonly in extraordinary cases. Through theamendments, and especially by establishing the guardianship court, the new Civil Code basically transferres this procedure from the administrative field in to the judicials phere, thuscreating a new institution of law, in which the jurisprudence isstill in the pioneering phaseand whose evolutionis worth pursuing.

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***Comments*:**

Joint and several liability through the provisions of the Civil Code and Fiscal Procedure Code

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Keywords: borrower, debt, tax, solidary liability, insolvency, the state budget

Abstract
Upon accession to the European Union on 1 January 2007, an incident fundamental principle is the principle of tax matters including precedence of Community law over national law. The principle of precedence of Community law over national law including the Constitution enshrined.
One of the rules of Community law is the applicable law and predictability of access to this legislation. In other words, the taxpayer must first have access to the rules that are applicable to the then content. In this context, the European law speaks of a real advertising revenue, which is likely to significantly enhance legal certainty in this area and to improve relations between the tax administration and citizens.
Civil Obligation and Tax Ratios are similar notions designates obligations in terms structuaral . All reports obligation , regardless of their nature entitle the creditor to obtain performance constraint path through various coercive means.
From this point of view, the state has an extremely well developed in terms of legal leverage for debt recovery . Often , however, no matter how well done as this system insolvent debtor can not be executed.
To achieve the target, ie the recovery of debtors , to the specifics of each situation , the legislature found alternative solutions . One of these solutions would be the joint and several liability .
The doctrine of solidary obligation defined as that report obligation plurality of subjects with the particular feature that any lender can jointly request payment in full of the debt or any joint debtor is bound to execute the entire benefit to which the creditor has rights.
Fiscal Procedure Code (Ordinance no. 92/2003) regulates the provisions of art. 27-27 incident conditions and special provisions on the liability of solidarity. This type of liability settlement finds , besides rules - and of civil law in the Law no. 85/2006.
Considering however the scope of the Fiscal Procedure Code (the rights and obligations of tax legal relations) , the text of the law is only applicable in the relations between the taxpayer and the state budget. The text of the law is an exception to the common law , established by the Civil Code and the Commercial Code, as interpreted strictly.
In this context, this paper aims to analyze the institution of joint liability through the national and community regulations.

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***Comments*:**

The role of the public prosecution service in civil trial

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Keywords: civil trial, public interest, competence, law, foreclosure

Abstract
The work has at object the juridical trial; it is a very important proceeding because sometimes this is the only way for citizens to save their rights. The interest in the process is not only considering the parts but the whole society and, particularly, the state.
But the state is not a particular institution; it is a form of social organization. To fulfil its role of protecting the interests of society it assigns different State competent authorities acting on behalf of him. One of these institutions is the Public Ministry. Usually it is competent in criminal proceeding.
Because the social interest is not absent in civil proceeding, the law confers jurisdiction to any of its authorities for this role which is the Public Ministry.
This role is enshrined in the Constitution and organic regulation which is the object of civil proceeding.
Public Ministry works in various fields; it can be claimer but can also act as support of the applicant. It plays an important role in the child protection and in administrative proceeding. Much attention is given to the legislature respecting the principle of availability; if the applicant has the right to cease the juridical action then the court must take into account its will. A special competence is asking for the foreclosure.
A special attention should be attributed to the implementation of these skills as not to turn Public Ministry into authority that exceeds the limits of civil trial.
In this work is analyzed the interactions into the civil right of the people and the social, interest, what is defended by the prosecutors.

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***Comments*:**

Limited Liability Company with sole associate- Internal and Comparative Law

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Keywords: limited liability company-sole, law No. 31/1990 on societies, comparative law

Abstract
The article aims at analysing the situation of a limited liability company with sole shareholder. In the first part of the study, we will lean out the situation with limited liability company-sole in Romania and then we will treat in detail the situation in some countries in Europe, such as Germany, France and England.
Limited liability company with sole shareholder was known for the first time in Germany by the law of 4 July 1980, and then taken up both by legislation in France by law No. 85-706 of 11 July 1985 and Decree No. 66-909 of 30 July 1986 as single-Member limited liability company (E.U.R.L.) and England through the Companies Act 2006.
The appearance of this type of society was the fruit of necessity, economic realities requiring identification of legal institutions through which individuals, individually, to engage in a commercial activity.
In English law, distinct from the limited liability company the classic type, law regulates a variety of it: the limited liability company with sole, hereinafter referred to as the \"single-member company\" doctrine.
The limited liability company with sole shareholder, mention that law No. 31/1990 on societies, contains special provisions in this respect. Thus, the sole member can be both natural and legal persons. A natural or legal person may not be the sole than in one limited liability company.
Pursuant to article 1961 (3) of law No. 31/1990, the sole member natural person may have the quality of an employee of the society with limited liability which has the quality of sole.

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***Comments*:**

Statutory Bodies of Companies- Internal and Comparative Law

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Keywords: society, comparative law, organs, systems of organization

Abstract
The article aims to analyse the situation of control bodies of the companies. In the first part of the study, we will lean on the situation of control bodies of companies in Romania and then we will treat in detail the situation in some countries in Europe, such as France, Italy, Spain and England.
In France, the control organs are made up of: censors (Commissioners of accounts), management experts and Enterprise Committee.
The censors (Commissioners of accounts) are the enforcers charged with auditing the accounts of the company. They are the main actors of this control.
Common law of the control bodies of the society but, under certain conditions, are referred to other forms of society, namely: the society, the limited liability company and a single-Member limited liability company.
It was also covered by so-called management expert who represents the interests of minority shareholders.
Controlling Enterprise Committee of workers of the enterprise's activity.
And in Italy is regulated institution control bodies. Thus, the College of censors is the internal supervisory body of the stock society in the traditional system, to whom is entrusted the task of supervising the management of the company in order to ensure compliance with the law and the articles of incorporation.
Within the systems of organization alternative introduced by the reform of company law in this country, the control function is carried out by: a supervisory board appointed by the Assembly in the two-tier system, a management control Committee appointed by the Management Board within it, in the one-tier system.
Stock in the company that opts for two-tier system of administration and management, control of its financial activity is carried out by the statutory auditors.
In Spain the institution financial auditor (Auditors) shall be governed solely by the companies and may be appointed by the general meeting of the Registrar and the judicial process.
And in England is governed by both companies, auditor of institution type private, and non-public type, designated as administrators and associates.

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***Comments*:**

Professional training, objectives and forms of its process

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Keywords: training, qualifications, profession, employment, occupation, vocational education, job-training program

Abstract
This article aims at analysing the general framework on the professional training as well as an overview of the objectives pursued by it.
In the article we will talk about all General, technical knowledge and practice relating to the exercise of a trade but also to the behaviors and attitudes that allow integration into a profession and in general in all social activities.
In another section of the article we referred to vocational professional training as a legal institution complex comprising two phases:
1. First takes place during schooling, within the national educational system, according to the National Education Law No. 1/2011;
2. The second, takes place during the professional activity and shall be governed by labour legislation. It has a particular importance in the present circumstances, when scientific and technological processes have a strong development, which has as its effect and the need to improve employees ' retraining and adaptation to new working conditions.
The right to education is in a close connection with the performance of another fundamental right, namely the right to work and social protection of labour.
The right to work shall not be restricted. The choice of profession, trade or occupation and place of work is free.

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***Comments*:**

Some aspects of the termination of the legal personality of companies

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Keywords: company, dissolution, liquidation, market partners, market economy, commercial activity, entrepreneurs

Abstract
Contemporary society, characterized by a continuous diversification and increasing complexity of relationships that are based, do frequently appeal to the instrument, the right to give them a sense, to establish an order to maintain the system.
Generalization of the free market economy, based mainly on the law of supply and demand, a prerequisite of which depends on the organization and conduct business activities in a natural setting.
In our legislation , over a period of time were taken important steps to improve the conduct of business activities in this regard have been taken a number of essential acts of good conduct commercial activities, as a result, companies have rapidly increased in number, gaining therefore an important role in the economic crisis.
In a market economy, the importance of companies is the fact that they are the most appropriate legal instruments for draining human and financial power to achieve social goals, in addition to meeting the personal interests of entrepreneurs.
In this article, the aim is to research the premises for termination of the legal personality of companies, dissolution, their liquidation and deregistration from the State Register of Commerce.
Any society will be constituted by members. Therefore, as is natural, the idea of legal symmetry, all associations (shareholders), by their will, can the cessation of society.

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***Comments*:**

Towards achieving efficiency in international arbitration

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Keywords: arbitration, efficiency, parties, arbitrators, arbitration institutions, guerilla tactics, techniques for controlling time and costs in arbitration

Abstract
Lately, international commercial arbitration has become the most successful, advanced and innovative method of solving the commercial dispute. The purpose of arbitration as an alternative to state justice is to optimally balance due process deployed within an effective remedy by specialized judges specially chosen by the parties for their professional reputation and experience.
Arbitration has become a procedure that has come to be perceived by professionals as increasingly less efficient, involving cost and time consuming, too cumbersome proceedings, described as ineffective.
This paper tries to define the causes that led to the evolution of the current situation and to provide possible answers to certain techniques which the parties and their representatives could agree for a more efficient management of their procedure. Not coincidentally efficiency in arbitration is a widely debated subject in arbitration community. Both parties, the arbitrators and arbitral institutions are actually involved, play a role and are called to contribute to positively, constructively, flexibly solve this issue. By avoiding common mistakes and open discussion among all the participants in the arbitration process, cost and time efficiency can be achieved.
Reflecting on dilatory tactics and general arbitration practice and providing some suggestions about how could the parties, their representatives and the arbitrators influence the effectiveness and proficiency in arbitration, this article proposes a reflection on the issue of excessive arbitration judicialization and advocates for adapting all to the defining feature of arbitration, as of a voluntary, alternative, based on trust and compromise process, with the parties' possibility to continue cooperation and partnership relations.

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***Comments*:**

Individual labor contract of university teachers - "standard" labor contract or individual labor contract at home/ teleworking?

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Keywords: university teachers, didactic workload, research workload, "standard" labor contract, individual labor contract at home, individual contract of teleworking, working schedule established by default by the employer, working schedule established by the university teachers, employer's obligations in relation to workload

Abstract

Undoubtedly, individual labor contract of university teachers has a special feature conferred by the structure of university workload, which is mandatorily made up of didactic workload and research workload.

By analyzing its specific feature, we will conclude that, for many scientific fields, the activities which characterize workload, are in most cases, workloads which cannot be scheduled by their nature - we take to consider here research activities, scientific preparation or elaboration of teaching materials, etc. In such cases, the working schedule is not established by the employer but by the university teacher, feature which makes the university teacher resemble the employee who works at home; by way of exception we can speak of a working schedule which is established by default by the employer but only for teaching and seminar activities, etc.

We have pointed out (in another paper) that, in order to be in the presence of an individual labor contract at home and of a telework labor contract, it is necessary that the specific duties of the position on which the employee is hired, to be carried out mainly outside the working places belonging to his employer; when occasionally it happens otherwise, we are in the presence of a clause of working at home or of a telework clause which is stipulated under a "standard" individual labor contract.

Under the present paper we would like to compare the individual labor contract of the university teachers with the individual employment contract at home/telework and thus to give guidance to readers to get themselves to a conclusion as regards to the nature of the contract in question.

However, as we are referring to individual labor contracts, in both cases, it is necessary for the employer "to always ensure technical and organizational conditions envisaged for the elaboration of working norms and corresponding working conditions"; this is a main obligation, which we would also like to analyze herewith under - more exactly we will bring under discussion the manner in which we could transpose it from a "standard" contract into a special contract or only into a contract which is affected by a special clause.

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***Comments*:**

Qualifications specific to university learning or qualifications specific to occupational standards?

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Keywords: qualifications specific to university learning; qualifications specific to occupational standards; supplement to the diploma (for university graduation, master, PhD); descriptive supplement to the certificate of qualification; possible occupations; classification of occupations in Romania, competitiveness on the labor market

Abstract
Among data that must be entered under the National Register of Qualifications in Higher Education by universities are to be also found professional and cross-sectional qualifications which are certified for their own university graduates. It must distinguish between general professional and cross-sectional qualifications, which are developed within the framework of a wider range of studies and specific professional qualifications, which are developed within the framework of a limited program of learning. Both categories are not to be confused with the qualifications on each level of university learning - for university graduation, master, PhD. Information in RNCIS regarding qualifications which are associated to qualifications are also related to the connection between them and possible occupations that a graduate may do, in accordance with the Classification of Occupations in Romania.
The university graduate shall provide as proof when looking for employment, the supplement to the diploma (for university graduation, master, PhD), in respect of the qualifications acquired and to the possible occupations. Only that, while specific university qualifications are abstract, generic, those specific to occupational standards are concrete - clearly indicates what exactly the university graduate knows; in other words, the last ones are more similar to the tasks to be found under the job descriptions and they could develop into such duties. These qualifications are described under the descriptive supplement to the qualification certificate which is issued, as a rule, by providers of vocational training outside the academic environment. On the labor market, these qualification certificates prove to be more useful due to the clarity which I put under discussion.
Under the present paper we would like to compare both types of qualifications and the force, competition between the two documents of studies from this point of view. Maybe it is about time that suppliers of vocational training from the academic environment took into account the advantages that a descriptive supplement to the qualification certificate issued in accordance with an occupational standard could offer. Maybe it is about time to improve the RNCIS. Indeed, the National framework of qualifications in higher education (CNCIS) should not be only from a legal point of view part of the National Framework of Qualifications (CNC). Perhaps we should at least indicate the concordance between qualifications which are specific to university studies and qualifications which are specific to occupational standards, if we cannot change the first ones.

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***Comments*:**

A comparative approach to the evolution of the law regarding organs, tissue and human origin cells prelevation and transplant in European Union member states

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Keywords: civil law, human tissues, human cells prelevation, organ transplants, comparative law

Abstract
This article tackles the issue regarding the legislative and jurisprudential aspects of human cells prelevation and transplant in the European Union, including Romania. Considered by many a controversial matter, nowadays, the benefits of human cell prelevation and organ transplants are widely accepted. Still, the legal issues arising from these medical procedures must be thoroughly analysed and discussed. The Romanian system of law has included specific and general provisions regarding human tissue prelevation and transplants. In this paper, the legal substantial and procedural regulations in this field are briefly presented and commented. Also, regulations in this field, in force in other European countries are presented in a comparative manner.

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***Comments*:**

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PANEL 3

FAMILY RELATIONS WITHIN THE EUROPEAN SPACE

President:	Professor Ph.D. Nicoleta DIACONU
Rapporteur:	Associate Professor Ph.D. Nadia-Cerasela ANIȚEI

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Determination of the Law Governing Family Relationships with an Element of Extraneity. Parental authority and protection of children

Nicoleta DIACONU
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Keywords: legal basis of family relationships; extraneous elements; applicable law; parental authority; protection of children

Abstract
Personal status of individuals, which is subject to its domestic law , includes:
- Family status (consisting of family relations);
- Individual status (consisting of marital and individual capacity).
Family relations resulting from the marriage of natural and adoptive relatives.
Family relationships involve both aspects patrimonial and non-patrimonial aspects of nature .
Romanian private international law, the legal framework regarding conflicts of laws relating to family relationships is contained in article 2585-2612 of the Civil Code .
Romania reason of membership of the European Union, some aspects of family relations foreign element covered by legal instruments adopted at Community level.
Internationally we see a trend of uniformity of legislation in civil matters. In this respect, private conference in The Hague has already tradition in this field. Since 2003 and the European Union became a member of the Hague Conference .
Regarding the determination of rules of law to be determined by the exercise of parental authority child protection and legal basis generally is the provisions of art . 2611 of the Civil Code, in conjunction with the Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in respect of Parental Responsibility and Measures for the Protection of Children , adopted at The Hague on 19 October 1996.

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***Comments*:**

Considerations on mediation in case of disagreements relating to divorce

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Keywords: spouse; mediation; mediation of disagreements about divorce mediation; divorce by agreement between the spouses; judicial divorce; divorce remedy; divorce out of spouses' fault

Abstract
Due to the legislative reform of family law, by adopting the Civil Code and the Code of Civil Procedure which are subject to the trend of the modern laws and the entry into force of Law no. 192/2006 on mediation and organization of the mediator profession amended and supplemented, we believe that a paper on the mediation of disagreements relating to divorce is welcome both for specialists, practitioners and for all those interested in the mediation of family relationships.
In the provisions of the Civil Code the following ways divorce are regulated:
1. divorce by agreement between the spouses (art. 375 Civil Code):
a. by administrative or notary means (art. 375 paragraph (1) Civil Code);
b. only by notary means (art. 375 paragraph (2) Civil Code);
2. divorce by judicial means (art.373).
The New Code of Civil Procedure governs the judicial divorce with the following forms:
1) divorce remedy:
a. divorce by agreement between the spouses (art. 928, art. 931 Code of Civil Procedure);
b. divorce for reasons of health (art. 932 Code of Civil Procedure);
2) divorce out of spouses' fault:
a. fault for the breakup of marriage (art. 933 Code of Civil Procedure);
b. divorce due to long separation in fact (art. 934 Code of Civil Procedure).
Law no. 192/2006 on mediation and organization of the mediator profession with subsequent amendments in Chapter VI entitled Special provisions regarding mediation of conflicts, Section 1 - Special provisions relating to family conflicts (art. 64-66) treats mediation within family relationships.

By studying the provisions mentioned above the article will attempt to answer the questions about mediation of disagreements relating to divorce regardless of the manner or form it takes.

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***Comments*:**

Donations to the Future Spouses for Marriage and Donations Between Spouses

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Keywords: donations, marriage, spouses, nullity

Abstract
In compliance with the provisions of art. 1030 N.C.C. considering marriage not concluded/entered donations to future spouses or to one of them shall not take effect.
Unlike the previous Civil Code, by which revocation could occur at any times, even following marriage termination, the new regulation provides that donations performed between the spouses during marriage can be revoked, expressly or tacitly, nevertheless restricted to the marriage period of time.
The absolute nullity enforcement excerpts donations between spouses for reasons such as special inabilities in connection to the donors' quality, respectively, should we consider donations to doctors, pharmacists or other persons, during a period in which, directly or indirectly, specialty care would be given to the donor for the disease causing their death.
In case of marriage nullity, considering that the donor spouse has proved to be in bad faith, the donation relative nullity shall be applied/enforced.
This paper will examine in detail the aspects of the intending spouses donations to marriage and the donations between spouses, as regulated in the New Civil Code.
In this respect, the paper will be divided into 5 sections in which we will follow the regulations regarding the contract of donation, donations caducity on conditions of marriage, the Cancellation of spousal donation, simultaneous donations and the nullity of donation between spouses.

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***Comments*:**

Convenant marriage in the New Civil Code

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Keywords: convenant marriage/conventional marriage, agreement, marriage, nullity

Abstract
For a marriage to be given strength and existence as a convenant marriage/conventional marriage, it shall not be only celebrated but also validated, which shall therefore be concluded that, whether the marriage were canceled, the convenant marriage deed would be eo ipso disbanded, exception making the situations of putative marriages, situations in which spouses 'agreements /conventions shall retain their effects over children and over the spouse in good-faith.
This paper will examine in detail how it is regulated the matrimonial convention in the New Civil Code.
In this regard, the present paper will be divided into 6 sections in which we seek to analyze the following issues: choosing the matrimonial regime, conclusion of the matrimonial Convention, subject of matrimonial convention, precipitated clause, advertising the subject of matrimonial convention, as well as the nullity of matrimonial Convention

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***Comments*:**

Betrothal (Formal Engagement) in the Romanian Civil Code

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Keywords: Civil Code, Family Law, Marriage, Engagement, Canon Law, Switzerland, Romanian Civil Code

Resume
The new Romanian Civil Code has brought some new elements to the field of Family Law, which are also of great interest to the new discipline of Civil Ecclesiastical Law, one of the most recent disciplines in the curricula of Law Schools. From this point of view, we would like to highlight some aspects about marriage in general, as it is defined by the new Civil Code and as it is seen by religious traditions in Romania. At the same time, the newly introduced possibility of signing a prenuptial contract is also presented from a comparative perspective, as is the new institution of engagement, which will be presented from a cultural and historical point of view, starting with the Roman Law, and interpreting it from the perspective of Christian and Jewish tradition. At the same time, the age limit for marriage will be analyzed from the perspective of the 1865 Civil Code, pointing out the fluctuations of this limit and the arguments which were taken into account for the current legislation. The paper also includes a discussion of the religious age limit for marriage as stipulated by ecclesiastical law.

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Comments:

Historical Landmarks Regarding the Incapacity of the Married Women According to the Romanian Law

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Keywords: family; married woman's incapacity; equality between the sexes; equality between spouses

Abstract
It is well known that, in the history of mankind, gender relations have not always been characterized as being equal.
Thus, if during the matriarchal era, the mother established the rules within the family, the majority of prerogatives were conferred to the man of the family by the patriarchy.
The powers that men have had over women and children have evolved during history, according to the various stages of the development of society, and, implicitly, according to the regulations corresponding to those historical periods.
This paper analyzes the married woman's incapacity, as regulated by the Romanian Civil Code of 1864 , which has had, as main source of inspiration, the French Civil Code (the Code of Napoleon) of 1804. The 1948 Constitution of the People's Republic of Romania brought important changes regarding family relations, by consecrating new principles, including that of equality between the sexes.
Subsequently, equality between women and men in all areas of social life has left its mark on the relations between spouses, so that the legislative amendments to the Civil Code and then to the Family Code of 1954 (that later regulated family relations) balanced the relations between spouses.
The current Romanian Civil Code , that entered into force on 1 October 2011 (currently regulating family relations) reaffirms and consolidates the equality between spouses, both in terms of the relations between themselves as well as regarding the exercise of parental authority.

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***Comments*:**

Some considerations on the relevant case law related to the dissolution of marriage after the entry into force of the Romanian Civil Code

Cristian MAREȘ
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Keywords: judicial divorce by spouses' mutual consent, the spouses' names after divorce, parental authority, child's dwelling after divorce, personal relations between a separated parent and a child, the parents' contribution to the costs of growth and education of

Abstract
After the entry into force of the Civil Code (Law no.287/2009, republished) on the 1st of October 2011, that repealed the Family Code and the entry into force of the Law no. 134/2010 regarding the Code of Civil Procedure, republished, we will analyse the legal provisions and the relevant case law regarding the judgement rendered in a judicial divorce by spouses' mutual consent, the spouses' names after divorce, the parental authority, the child's dwelling after divorce, the personal relations between a separated parent and a child and the parents' contribution to the costs of growth and education of children.
In respect of a judicial divorce by spouses' mutual consent, the Code of Civil Procedure provides that the judgement is final. According to a recent decision the death of one ex-spouses, after the dissolution of marriage based on the spouses' mutual consent, but prior to the settlement of the ways of challenge of the resolution, will have no effect on the dissolution of marriage, given that the judgement rendered upon the spouses' mutual consent is final.
The courts of law must decide on the spouses' names after divorce, even if this was not expressly claimed by any of them. Based on the applicable legal provisions, the current jurisprudence reiterates the former case law, which enables one spouse to have the ex-spouse's last name only if there are reasonable grounds in this respect. The courts of law decided that reasons such as the number of years, when one spouse has had the ex-spouse's last name, the fact that this spouse must exchange the necessary documents for living abroad and those necessary for the job, are not grounded. On the contrary, considering that the defendant is known with her last name got on the marriage date, in her social and professional life, as doctor of dental surgery, and she works in a private dental clinic, the courts of law decided that this spouse may keep her last name after divorce.
Referring to the relations between parents and children, the rule is that after divorce, the parental authority rests jointly with both parents, unless the court decides otherwise, if there are reasonable grounds in this respect and it is the child's superior interest, respectively the parental authority to be exercised only by one of the parents.
From a procedural point of view, the courts of law must decide on the parental authority, the parents' contribution to the costs of growth and education of children, even if the parties have not claimed it.

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Comments:

CEDO jurisprudence, the guarantee instrument of Human rights in the family law

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Keywords: ECHR, right to marriage, family life, divorce, separation of the spouses

Abstract
The article 8 and 12 – European Convention of Human Rights regulate the right to family and private life and, respectively, the right to marriage. These rights have been transposed into the national legislation of the States-members of European Union. The two rights that we are speaking of, which can be found as a constitutional principle and as an ordinary law, tries to reduce the public authorities interference into the private and personal family field. The reality proves that the right to marriage has been broken by the impossibility of the spouses to marry because they can not be divorced. This is the reason why we have two different rights in European Convention: the right to private, family life and the right to marriage. Many European states still have a limited regulation of the reasons for getting the dissolution of marriage. The European Convention has nothing to do with such cases because does not regulates the right to divorce and it would be an interference into the national law.
The first precedent of ECHR jurisprudences limits the infringement of the right to marriage made by the national Courts because of the lack of regulations or a bad interpretation of it.
We intend to answer the following questions: How can a person be married again if he/she doesn't have the possibility to divorce? In these conditions, can we take the European Convention into consideration as a real instrument of protection for the right to marriage?

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***Comments*:**

Preventing and combating domestic violence

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Keywords: family violence; domestic violence; victims of conjugal violence; women; children; domestic violence in Romania

Abstract
The Council of Ministers of the European Commission defines family violence as "any act or omission committed within the family by one of its members and which affects the life, bodily or psychological integrity or liberty of another member of that family and seriously damages the development of his or her personality"
Domestic violence manifests itself in the context of an intimate relationship in small space and private fields. The actions that accompany violence are: intimidation and manipulation, isolation and sequestration, money control and child abuse.
Women who are victims of conjugal violence have a state of physical and mental health that is worse than the population's average, and the effects of acts of violence have effects on the long-term, shows a study by the World Health Organization
Due to the unpleasant experiences a child has within the family, and especially to the exposure to violence, children may exhibit increased anxiety, aggression, restlessness, nightmares, difficulty falling asleep, fear of making mistakes, thoughts of suicide, very high or very low appetite enuresis, headaches and stomach pain, difficulty concentrating, the tendency to harm himself/herself (pulls his/her hair, eats his/her nails), social difficulties.
Recent data show that the contemporary Romanian society, in the absence of progressive models, tends to move towards building relationships between women and men in the family on a patriarchal model, unfortunately, due to the decrease in the living standards, the level of education and the negative social developments of the Romanian transition.
Despite the fact that violence in the family and, in particular, violence against women is for several decades a subject of debate, the international community has failed, so far, to put an end to this extremely destructive form. Family violence is a complex problem, involving both the protection of personal integrity of the victims, as well as of their common social interests, such as freedom and democracy.
This article aimes to analyse the evolution of domestic violence in Romania and to affer some explanation of the etiology of this deviant behavior.

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***Comments*:**

Protective order – special procedure to combat domestic violence

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Keywords: family violence, threatening condition, family member, celerity, injunction

Abstract
The necessity to protect the victims of domestic violence determined the appearance of the Law no. 25/2012 – The Protection Order. The social reality that goes beyond the juridical one determined the legislator to regulate many ways of domestic violence: starting with the physical one to the social, economical and spiritual violence.
The area of the victim and the aggressor is pre-established, being determined by the legislator under the terms: "family member", without a limited configuration of the Protection Order towards the family members, as it was established by the general civil law, but a wider field of action, which includes the persons which are living together, even if between them it is not a legal relation of kinship or affinity.
Being created as a variety of the Presidential Ordinance, the protection order must fulfill the same conditions as the latter one: celerity, a temporary character, the fact that does not prejudice the substance of the legal right and the appearance of the truthfully claimant right. The Protection Order is, in fact, an injunction pronounced in specials conditions: urgency, it is adopted in secret room, with the citation of the parties. This judicial decision will offer to the victim of domestic violence the necessary protection against the aggressor, in order to guarantee her integrity and personal freedom, both physically and mentally.
The study aims to answer the following questions: Which are the measures that can be taken in such case of violence? Who can ask to the Court for a Protection Order? How efficient is the Order? How can be applied such a measure in our Romanian contemporary society?

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***Comments*:**

Legal and moral Considerations on family reintegration of the victim and the perpetrator of domestic violence

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Keywords: domestic violence, perpetrator, victim, reintegration, therapy, opportunity of the family reunification

Abstract
Domestic violence is, by far, the greatest family enemy in modern society. From the easiest forms to the most serious consequences, such as the victim's death, the violence seems to surround the most intimate and important aspects of our daily existence. Statistics from all countries are extremely allarming, as they indicate very high percentage of women, children, elderly persons, and (quite rarely, it is true) men. But what is more tragic is not seen: the majority of domestic abuses are never reported from multiple causes: the shame and guilt of the victim, Stockhom syndrome, fear, ignorance, financial dependence and the list could continue.
Romanian legislation has been modiffied recently in the sense of stipulating more serious sanction for this phenomenon in order for the victims to beneffit of a higher protection, but the problem is far from solved.
In an article written in 2013 we analyzed and presented the most important measures taken by the Romanian legislation through the Law no. 25/2012 amending and supplementing Law no. 217/2003 on preventing and combating domestic violence , one of the most important changes was the introduction of the restraining order with its many particularities. In February 2014 entered into force new codes: Penal Code and Code of Criminal Procedure, laws designed to strengthen the protection of victims of domestic abuse, be it physical, emotional , mental , economic , sexual , social or of any other nature .
The object of this study refers only to the appropriateness and effectiveness of the victim's or the perpetrator's reintegration into the family. Is this really possible ? Or , more accurately, is it desirable? Any abuse creates a trauma and trauma, in order to heal, requires psychological therapy. Traumatic therapy is a long painfull process. The aggressor also requires appropriate treatment (usually all psychotherapeutic) in order to be able to regulate his behavior and to control his violent impulses. We analyze situations in which the revocation of the order of protection is possible and permissible and the subsequent coexistence is possible the victim and the aggressor .

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***Comments*:**

Family violence - current theoretical and practical aspects

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Keywords: domestic violence, crimes of domestic violence, fundamental human rights

Abstract
Romanian's integration in European Union has determined the increasing concern for respecting human fundamental rights and for fighting against the domestic violence became a national problem. In this context, both legislation and its strategies have been modified in order to prevent and fight this phenomenom. Both at national level and at the local level have been made work instruments so neccesary for the evaluation of the phenomenom and for in time intervention so that the vulnerable categories – children, women and old people – should be better protected.
Also the integration of the law environment in the limits established by international settlements in this area was followed but also the adjustment in the work way in the cases of domestic violence at present european standards.
They lay emphasis on on both profesionists' team work for identification, taking over and working on the cases and the activity of prevention of the domestic violence phenomenom.
National Strategy for preventing and combating domestic violence in 2013-2017 and its Action Plan for implementation establish a set of measures designed to reduce or contribute to the reduction of violence in the family, to alleviate the victim's sense of insecurity, and reduce the risk of relapse and facilitate social reintegration of people who have committed crimes of domestic violence.
Fight against domestic violence is a battle to protect the fundamental rights of children and fundamental human rights, as recognized by the United Nations Convention on the Rights of the Child, Universal Declaration of Human Rights, Charter of Fundamental Rights of the European Union.
This article aims to analyze the national and international current legislative framework in human rights protection against domestic violence.

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Comments:

PANEL 4

INTERNATIONAL RELATIONS AND TRANSFRONTIER COOPERATION

President:	Professor Ph.D. Florin TUDOR
Rapporteur:	Professor Ph.D. Mihai FLOROIU

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Metamorphosis of the Individual in International Law

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Keywords: international legal status, individual rights, individual duties, treaty provisions conferring individual rights, the right to petition international bodies

Abstract
Which is the status of the individual in International Law today? Is it the traditional theory of the individual "object" really obsolete? What are the criteria for determining the international legal personality and how can they be achieved? These are some of the questions that the author tries to answer in this paper.

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Comments:

Some meanings of legal norms in European law

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Keywords: Euronomosophia, European Law, euro-myth, euro-utopia, Christiania, European idea, European identity, European citizenship

Abstract
Through this paper the author tries to demonstrate how legal reasoning errors in the interpretation of European law may derive from semantic laxity regarding use of legal concepts, even of the most commonly used. In this sense, his latest book, dedicated to the philosophy of European law, Euronomosofia, the author explores the historical and legal implications of key concepts: "European law", "Europe", "European idea" and "citizenship and European identity" in the light of their historical crystallization scales, demonstrating that European law is essentially a creation of the European Union (not of the ECHR, as the latter claims) and has the historical basis of the most remote, even mythological related (exempli gratia, Cretan, Thracian and Roman civilizations and juridical values)

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***Comments*:**

MERCOSUL - Latin-America Union

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Keywords: Mercosul, regional development, integration, sovereignity, Latin America

Abstract
Since the beginning of the 1990s, integration between countries increased at supranational level in view of social and economic progress, with major economic blocs teking decisions to go beyond national borders. Facing this new reality, South American States also joined in this type of integration, creating the Mercosul (Southern Common Market), as the main economic bloc in Latin America which comprises Brazil, Argentina, Uruguay, Paraguay and Venezuela, which came into operation in 1991, after the Treaty of Asunción, featuring an economic bloc whose main principle was free trade between members. Mercosul has approximately 200 million people and generates a GDP (Gross Domestic Product) of $ 1.1 trillion and aims to strengthen economic and commercial spaces, seeking a commercial growth for intensified economic rise of its members States, as it follows a global trend, most likely as the European Union. This paper will highlight how the Mercosul member States tried to recreate in Latin America a similar integration concept as in Europe, via commercial cooperation leading to economical and, possibly, political integration, aiming thus at regional development, scientific and productive integration and institutional development.

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***Comments*:**

Combating the new threats linked to goods crossing Community borders

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Keywords: customs union, globalization, threats, trade, crime, borders

Abstract

Globalization requires greater European unity and involves greater integration. The challenges of globalization in a world so interconnected emphasizes that Member States can not do on their own. The difficulty lies in the imbalance between needs and resources. Inequalities have already appeared between the level of services, and the general protection of the Union's borders is not performed optimally. Although the customs union, as the foundation of economic growth is one of the most appropriate examples of success on the integration and European policy, have appeared signals that suggest the customs union faces serious difficulties related to its operation. This paper investigates the new threats that have the potential to weaken the overall effectiveness of the Customs Union in its mission to protect and serve EU interests. The study also impose to identify solutions to continue the harmonization and elimination of challenges of the increasing globalization of trade, cross-border crime and other specific threats.

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***Comments*:**

The aspects regarding Romania's participation in the cross border cooperation programe

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Keywords: the cohesion policy, operational programs, riparian states, infrastructure, border trade, communities, local integration of the single market, stable development, sustainable development

Abstract
Romania's participation in the European territorial cooperative programs envisages three ways of cooperation, namely:
- Cross-border cooperation;
- Transnational cooperation;
- Interregional cooperation.
The specifics programs of the "European Territorial Cooperation" involves cooperation between regions in neighbouring countries (cross-border cooperation), regions within a certain geographical area (transnational cooperation) and the regions of any EU member state (interregional cooperation).
Romania's cooperation in its three forms is accomplished through projects managed and administered jointly by partners of the participating states.
The cross-border cooperation aims PO Romania – Ukraine – Republic of Moldova as well as Hungary - Slovakia - Romania - Serbia. The strategy of these programs focuses on actions aimed at:
- Physical infrastructure development;
- Strengthening economic relations between neighbouring regions in order to support sustainable economic development of the zone (SME cooperation development, tourism and border trade, promote the integration of local markets);
- Creating social and cultural ties between communities and residents living on both sides of the border (shared use of infrastructure, cultural and educational health);
- Finding common solutions for defence against natural hazards (flood prevention, landslides and soil erosion, creating technological warning and control).
Also, form this component forms part the Operational Programme Black Sea Basin, aimed at cooperation between riparian states.

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***Comments*:**

The new influence models in international contemporany order

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Keywords: emerging states, transnational corporations, interstate relations, multi-polarism, influence

Abstract
The dynamics existing in international relations at the beginning of the 21st century sets up a system of cooperation and confrontation specific to a multi-polar world. The main objective of the approach developed relates to the understanding of the way in which the diversity of competing actors: states, international organizations, transnational corporations, etc. pursue to achieve purposes specific to a postmodern world.
The approach performed analyses the configuration of the human society from the beginning of the century and millennium and anticipates the new present and future developments, namely the emergence of new international actors: emerging powers, transnational corporations. The prestige and impact strength exhibited by the various categories of international actors are highlighted by the new trends of the information society.

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***Comments*:**

NATO'S Peacekeeping Operations in Ethnopolitical Conflicts

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Keywords: North Atlantic Treaty Organization, ethnopolitical conflicts, operations, peace

Abstract
North Atlantic Treaty Organization (NATO) has acquired unique experience in conflict prevention and crisis management, its new strategic concept of the Alliance enshrining the idea that security is inextricably linked to the security of other countries in Europe and recognizing the potential risks to the security of the Alliance lies in the first instance, the negative consequences of the instability of states in terms of economic, social, political and even ethnic rivalries and territorial disputes.
North Atlantic Treaty Organization is involved daily in a wide range of projects aimed at strengthening international security environment.
For a mission carried out by the allied forces of North Atlantic Treaty Organization in the settlement of ethno-political conflict to end with success, is neccesary to be analyzed and tuned aspects of information and communication system, specialized information and intelligence, logistics, support medical operations training, sufficient and qualified administrative staff, financial aspects.

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Comments:

The Role of the Court of Justice for the Protection of Fundamental Rights in European Union

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Keywords: Court of Justice of European Union, fundamental rights, case law, Charter of Fundamental Rights, European Convention on Human Rights

Abstract
This article presents the key steps in the evolution of the position of the Court of Justice - after the entry into force of the Lisbon Treaty, the Court of Justice of the European Union – to the field of fundamental rights.
Firstly, is analyzed the relation between the German and Italian constitutional courts and the Court of Justice and is highlighted the essential change of its guidelines realized through redefinition of the values to which the Communities are attached and inclusion of requirements for effective protection of fundamental rights in the Community order.
Secondly, is particularized the general jurisdiction of the Court of Justice which included matters belonging to the third pillar - Justice and Home Affairs – with a direct impact on the fundamental. rights.
Finally, are interpreted the effects of the European Convention of Human Rights and the Charter of Fundamental Rights on the jurisprudence of the Court of Justice of the European Union.

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Comments:

Considerations on Protocol No. 15 amending the Convention for the Protection of Human Rights and Fundamental Freedoms

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Keywords: ECHR, Protocols, human rights, international protection, international cooperation

Abstract
Convention for the Protection of Human Rights and Fundamental Freedoms, drawn up within the Council of Europe, was opened for signature in Rome on 4 November 1950 and entered into force in September 1953. Since the entry into force of the Convention, important developments have occurred as a result of adopting sixteen Additional Protocols. Protocol 15 was adopted on 16 May 2013 and shall come into force on the first day of the month following the expiration of three months from the date on which all Contracting Parties have expressed their consent. Committee of Ministers of the Council of Europe adopted Protocol 16 to the Convention for the Protection of Human Rights and Fundamental Freedoms and decided to open it for signature in Strasbourg, on 2 October 2013.
In this article we will explain the importance of the changes that will be imposed after the entry into force of these two Protocols.

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***Comments*:**

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PANEL 5

SCIENCES OF STATE AND GOVERNMENT

President:	Associate Professor Ph.D. Rada POSTOLACHE
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Quality Research at Higher Education Institutions

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Keywords: researchers, Bologna Process, National Reforms, Quality Research, Higher Education Institutions

Abstract
At the Conference which took place in Bucharest from October 17 to October 19, 2011 - which was attended by researchers and ministers of education from about 50 European countries - there have been made the remark that the European Higher Education finds itself at the crossroads: between the Bologna Process and National Reforms. In other words, the process of implementing the Quality Research does not have to be only in line with the priority areas of Bologna Process, but also with the National Reforms.
The European dimension of Quality Research starts not only from a guaranteed flexibility for governments to choose their system or "model" of Quality Research - as it is often said - but also from the implementing the internal and external criteria of this, in line with the priority areas of the Bologna Process as well as with the National Reforms.

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Comments:

Role of interpretative decisions in the constitutionalisation of law

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Keywords: Constitutional Court, constitutional review, interpretative decisions, legal interpretation, legal certainty

Abstract
The case-law of the constitutional court is clear evidence that the constitutional review cannot result only in delivery of simple solutions whereby the impugned legal text(s) are declared either compliant or non-compliant with the provisions of the Basic Law. Given the complexity of this review, which closely connected to the growing complexity of regulations, as well as with the requirement of legal certainty, which must be equally considered upon carrying out the constitutional review, also the solutions delivered by the Constitutional Court are expressed in different forms. We have in view, in particular, the interpretative decisions, whereby the Court, using, as a rule, the phrase "to the extent that", departs from the simple decisions by which it ascertains the constitutionality or unconstitutionality of the legal norm subject to review. Such decisions relativize the constitutionality of a text, according to a meaning that finds compatible with the Constitution, thus removing its possible interpretation against the provisions of the Constitution. The present study makes an analysis of the decisions of the Constitutional Court belonging to the category circumstantiated by the phrase "interpretative decisions" in order to emphasize their importance and role in the process of constitutionalization of law. Such an analysis discusses the role of the Constitutional Court in the interpretation of infraconstitutional legal norms, interpretation mediated by the provisions of the Basic Law. It is clear that the constitutional review implies, in itself, a process of interpretation and comparison of constitutional norms, respectively, infraconstitutional norms. In the interpretative decisions, however, this comparative examination is marked by a higher complexity, implying the detection of several possible interpretations and the identification of that compliant with the provisions of the Constitution.

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***Comments*:**

The adoption of emergency ordinances - opportunity and Constitutionality

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Keywords: emergency ordinance, legislative delegation, administrative act, constitutionality, opportunity, Government delegated powers

Abstract
The Constitution of Romanian provides that Parliament is the supreme representative body of the Romanian people and the sole legislative authority of the country. At the same time, Parliament can delegate powers to the Government, subject to parliamentary verification, to „legislate" by means of both simple ordinances and emergency ordinances.
Therefore, legislative delegation, which can be either of legal nature, i.e. by means of a law delegating powers to the Government in order to adopt ordinances, or constitutional, i.e. operating directly based on the constitutional provisions. But, in order to use the emergency ordinances procedure, some cumulative conditions mentioned as such in the Constitution need to be met. Thus, the Government can make use of this procedure solely in exceptional cases which call for regulations without delay, and must set forth the reasons for that urgency in their very content.
In this context, as held both in the specialized literature and in courts' case-law, the ordinance does not represent a law in the formal sense, but an administrative act assimilated to laws through the effects it produces. Therefore, the question is whether the assessment of the opportunity of enactment of Government emergency ordinances is related or not to the "actual conditions in which it acts". In principle, this idea is deemed acceptable. However, this cannot be "an arbitrary act that would brake the balance between State powers or that would confer a supremacy of the Government over Parliament".
The present paper lists the conditions in which legislative delegation can operate, as well as some aspects established by jurisprudence with regard to the constitutionality and the opportunity thereof.

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***Comments*:**

The referendum in GAGAUZIAN ATU between constitutionality and unconstitutionality

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Keywords: referendum, constitutionality, Gagauzians, ATU of Gagauzia, autonomy

Abstract

On February 2, 2014, ATU of Gagauzia from Republic of Moldova held a consultative referendum. In fact, the authorities of autonomy by organizing this referendum defied both the Moldovan legislation and a number of regulations on the organization and functioning of the concerned autonomy. In this context we refer to the violation of several provisions of the Moldovan Constitution, Moldovan Election Code and the Law on the Special Legal Status of Gagauzia. Moreover, the procedure of registration and holding of the referendum was not complied with. Thus, this initiative was not registered by the Central Election Commission of the Republic of Moldova, the Constitutional Court has not received the notice of the referendum, as the procedure for financing the referendum was violated. Another serious violation of this referendum was the way of its organization and development, we refer,firstly, to the fact that under national and international law, only a problem should be discussed at the referendum, and not two as it was in the case „that referendum”.

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***Comments*:**

The Ph.D. and the Professional Doctorate. An assessment of some of the comments

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Keywords: academic professions, professional doctorate, Ph.D. degrees, Scientific Ph.D. and the Professional, Quality Assurance Agency for Higher Education

Abstract
In Europe, the Ph.D. was both standard qualification for entry into the research and into the academic professions, and the important qualification for other labor markets until the last two-three decades.
Regarding the professional doctorate, we have to take in consideration the fact that this is not a new concept of doctorate, at it is still mentioned in some official Reports or in the Comments of some of ours colleagues.
Concerning the guardians of the Humboldtian legacy, we have to notice that the impact of their opinions on higher education policy is declining, because many academics are convinced about the value of the de professional doctorate. But, the same academics affirmed also that this type of doctorate is not suitable for human sciences. In this case, it seems that this was the main reason which determined the Quality Assurance Agency for Higher Education not to distinguish between Ph.D. and the professional doctorate.
As it is known, in some of the European countries are required only two types of Ph.D. degrees, id est, the Scientific Ph.D. and the Professional one, even though in the others European countries the Scientific Ph.D. has not yet rival, but, in the next future, this one might be replaced by the European Ph.D.

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Comments:

Debt Security according to the Fiscal Procedure Code. The notice of assessment

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Keywords: liabilities, debt security, enforcement, tax statement, notice of assessment

Abstract
Debt securities represent the legal act which individualizes the obligation to pay a tax or a contribution to the public budget. The provisions allocated to this notion, namely the Code of Fiscal Procedure, particularizes it in relation to common law, at least under a few aspects: the issuer, its object, its enforceable legal force, varieties. The intrinsic elements, particular, as well as the prototype of the debt security – the declaration and the notice of assessment – shall be subjected to our analysis, considering as objective the configuration of its legal regime.

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Comments:

Influence peddling or lobbying ?

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Keywords: lobbying, influence peddling lobbyists, corruption offenses, advocacy

Abstract

Lobbying activity is intended for the exercise of legislative initiatives directed to the Chamber of Deputies or the Senate, by withdrawal, amendment, adoption or repeal of laws, decisions or orders issued by the Government or an administrative act issued by central or local government authorities.

The article aims to present in the first section the differents from advocacy and lobbying terms and from different normative acts over time ending with European Commission Communication.

Section 3 of this article will be devoted to discussions regarding international legal instruments governing lobbying. In section 4, the article we will analyze and trz to answer the questions regarding need to adopt a law regulating lobbying activity.

We consider that the purpose of lobbying regulation in our country is represented by the transparency of decision-making act at the level of public authorities and accordingly, the involvement of competent bodies by full monitoring of this activity, carried out by implementing an efficient system of lobbying contracts. In fact, there is the activity of influencing the decision makers and the legislature, just as there are a few organizations practicing lobbying activity under the cover of consultancy activity, however we must admit that being unregulated this activity can degenerate anytime in corruption acts.

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Comments:

Comparative study over the participative democracy in Romania, France, Switzerland and United States of America

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Keywords: public administration, local democracy, participatory democracy, local autonomy, administrative reforms, participative procedures for citizens

Abstract

In the lastly decades, all the European countries were involved into the movement of "democratization" of public administration. One of the pillars of this reforming process suits the necessity for direct involvement of citizens in the administrative decision-making. Thus was born the concept of participative democracy, whose regulation and achievement differ from state to state, being influenced by the juridical culture, the historical context and the relation decentralization- integration into the national administrations

The idea that the democracy and the participation of citizens at the social life is learned in the local collectivities is historically rooted, the local collectivity being perceives as a „hotbed of democracy", because the local administrative authorities are the most anchored into the daily problems of the citizens. The European states have understood these realities and they created different mechanisms for the cooptation of citizens into the decisional process.

Our study aims to analyze on a first step the procedures that different European countries with a different tradition in this field had implemented the participatory democracy: France, which has a long experience into the democratization of public administration and Switzerland which, through the functioning of its judicial system is a landmark in this area. The comparative dimension is enriched by the analyze of the participatory democracy in the U.S.A. Although there is no unique recipe of it, by sharing knowledge and existing practices in other countries, we can generate solutions for the problems faced by each state.

The valuing (or rather, the upgrading) of citizen's participation is very discussed lately in Romania, in the context of territorial administrative reorganization and the Constitutional revision. One real thoroughgoing and implementation of participatory democracy will lead to profound changes in the public sphere, in the functioning of public administration and last, but not least, in the collective mentality.

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***Comments*:**

The Role of the Innovative Trends in the Roman-Germanic Law System

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Keywords: innovative trends, Roman-Germanic legal system, sources of innovative legal rules, evolution of legal thought, legal family, legal institution

Abstract
The present article begins by reviewing several significant researches and studies regarding legal systems carried out by Romanian and Western scholars and jurists. We have attempted to systematise several doctrinarian opinions related to the typology of law families regarding the defining characteristics of these families. The typology of the legal systems facilitates the understanding of law. Also, we have tried to analyse the origin of the concept of "judicial progress" of the legal systems proposed by Turgot, with the evolutions brought in time. Last but not least, we emphasised the dominant role of the innovating tendencies in the development of the legal system, the judicial innovation being at the same time an essential characteristic and a prime mover able to push the legal system forward. To that end, we outlined and synthesised five sources of the innovating tendencies within the main legal systems, predominantly in the Roman-German legal system. Thus, the following have been submitted to our study:
- the impact of the scientific discoveries on law and legal systems
- the role of the political factor
- the convergence of the legal system and their mutual interconditioning
- the role of religion and religious concepts
- the evolution of the legal thought
The law, as a social phenomenon, is living and must be constantly adapted to the needs of the society, from all the perspectives - social, political, religious, technical-scientific.

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Comments:

European and national regulations in the field of racism and xenophobia

Olga Andreea URDA
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Keywords: racism, xenophobia, european criminal law, European Union, human rights

Abstract
Managing the cultural, linguistic, religious or ethnic diversity that characterises Europe is a challenge for the states as it is for the European Union. Although international documents do not stipulate directly the existence of the law of national, ethnic, racial or religious groups , they incriminate the acts that are aiming towards the destruction of these groups.
Racism and xenophobia are direct violations of human rights and fundamental freedoms, democracy and the rule of law, principles common to both the European Union and the Council of Europe and the Member States.
Since the the early '70s, the European institutions have stated on numerous occasions the necessity to protect human rights and fundamental freedoms, condemning all forms of intolerance, racism and xenophobia.
Suppressing this phenomenon by means of penal law is absolutely necessary, being an aspect which emerges from the criminal policy of the European Union. Thus common criminalization of these reprehensible deeds in the Member States aims to combat forms of racism and xenophobia, individual member actions not being sufficient.
The future of Europe will be determined by its cultural, ethnic and religious diversity. Mutual understanding and equal opportunities are the pillars of European unity, all linked by human dignity and respect for human rights. Racism and xenophobia are diametrically opposed to those principles and are threatening their very essence.
Given our integration in the European system, a criminal legislation was required that would meet the requirements of European standards as well as approaching it tot that of others EU states. Cession of sovereignty in this matter is fully justified by the need to repress a alarming phenomenon that is detrimental to the the underlying principles of any democratic society.

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Comments:

Limiting freedom of expression by protecting human dignity

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Keywords: conflicting rights, hierarchy, limits, decriminalization, compatibility

Abstract
The relative nature of the freedom of expression explains the state of conflict which may arise between it and other individual fundamental rights and freedoms (human dignity, honor and reputation, equality) or fundamental attributes of the state (national unity, national security, protection of public order, respect of state authority). In this context, in all national and international regulatory systems of human rights, one of the most complex debates is establishing the boundary between free speech and respect for human dignity in its double dimension (individual and collective) and outlining a hierarchy of them by sanctioning abusive speech by specific civil or criminal means, or both. Although it is regarded as a core value of contemporary society, all regulatory instruments tend to limit freedom of expression when its concrete manifestations infringe human dignity by criminalizing insult and libel in order to protect the individual and by criminalizing the abusive language (hate speech) in order to protect the collective, the group of persons.
The aim of this paper is to present the conditions that allow compatibility between the affirmation of the principle of freedom of expression and protection of human dignity, an idea widely accepted in Europe. Particularly, the paper will analyze the distinction between this interpretation and the Romanian criminal law approach, which does not criminalize insult and libel, disagreement causing an extremely permissive framework for the freedom of expression, the abusive speech being sanctioned only by civil means. The issue of the effectiveness of the national regulatory framework that protects the collective dimension of dignity will also be analyzed.

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Comments:

Considerations on environmental policy in the European Union

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Keywords: environmental policy, environmental standards, EU institution

Abstract
The Institute for European Environmental Policy estimates the body of EU environmental law amounts to well over 500 Directives, Regulations and Decisions.
The primary reason at that time for the introduction of a common environmental policy was the concern that diverse environmental standards could result in trade barriers and competitive distortions in the Common Market.
EU environmental policy is shaped by a variety of actors including all of the main EU institutions as well as lobby groups which makeup the wider Brussels policy making community.
Article aims to analyze current policies and programs of the EU leadership on the environment.

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Comments:

The juridical responsibility an aspect of the social responsibility

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Keywords: responsibility, juridical responsibility

Abstract
All forms of responsibility have been influenced by time and especially by the evolution of society. The stagnation of one phenomenon would be completely unusual, isolating it from all the other phenomena occurring around it naturally and keeping it away from their impact, especially if they are important events for the society, even vital. We will try to do so, because for a better and scientifically based understanding of the juridical or social responsibility, the use of the historical method is highly needed, which highlights its utility by establishing the continuity of these phenomena.

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Comments:

Development strategy of the justice as public service

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Keywords: Strategy, Justice, legal system, public service, institutional

Abstract
"The Development Strategy of Justice as public service is a political and institutional instrument at the same time and it aims at contributing to the development and modernization of the judicial system by increasing the quality coefficient of the Prosecution and Court Work and the promotion of integrity in the system, so as to solve the numerous issues that the judicial system faces and consolidate public trust in this system.
A first objective of this Strategy is represented by the efficiency and effectiveness of implementation of the legal act, an objective that should produce both a transparent and coherent act of justice, which should develop during a reasonable period and at reasonable costs for the citizens.
In order to reach this goal, the public service obligations of justice have to be accomplished by regaining the trust of people in the act of justice and informing the society on the coherent vision of the judicial system.
The strategy intends to clarify the concept of justice as public service.
Thus, the Ministry of Justice intends to ensure the abidance by the specificity of justice by promoting among the citizens the fact that the judiciary power is a power equal to the executive and legislative ones, and that its role is to protect and respect the legitimacy.
Furthermore, the independence of justice implies high standards of integrity and efficiency that draw additional obligations to the Superior Board of Magistracy, the Public Ministry and the Ministry of Justice with regard to their jurisdictions, which depend on consolidating the quality of the act of justice and on consolidating the trust of the public in the same.
The objective of this strategy is to identify the priorities of action in the period to follow, with a view to continue the reforming public policies assumed within the framework of the judicial system."

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Comments:

Appreciative ethics in counselling of ethics of the public servant

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Keywords: appreciative ethics, counselling, ethics, public servant, practitioner

Abstract
The appreciative approach of philosophy starts from the papers of David Cooperrider and Srivatsva regarding the "Appreciative Inquiry", a way of discursive pragmatism that replaces the focus on problem with the focus on the successful elements from the previous experience of the individuals, groups, organizations or communities. This experience can be integrated in the philosophical speech, having as referential the Socratic method and the Platonian dialogues. The principles of appreciative philosophical counselling target the partnership between the practitioner philosopher and the client, focusing on the positive everyday experiences. Philosophical counselling falls within the philosophical tradition of search of ultimate meaning of reality. It's a way of bringing philosophy from the pure theoretical construction space, into the sphere of social practice as a form of applied philosophy. The appreciative speech starts from the postmodern vision with a constructionist approach according to which reality itself is a social construction generated through successive negotiations on interpretations.

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***Comments*:**

Mediation - pleading for a wider knowledge and use

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Keywords: mediation, ADR, mediation contract, mediation agreement, prior information on mediation procedure

Abstract
In order to solve and efficient management of the conflicts resulting from contractual relations, several theories have been issued and over the years have been found several solutions for this, depending on their severity and the interests involved.
From the practitioners' experience, alternative dispute resolution (ADR), used mainly to give the best results in the initial stages of the outbreak of a dispute, often led effectively to resolve conflicts without resorting to legal proceedings, either in the courts of law or arbitration.
Mediation therefore does not intend to replace the courts and arbitration, but rather to help avoid their intervention. Compared to other procedures, mediation has the advantage of providing results that are more convenient for both parties in the conflict, which can meet their interests and are also more durable. At the same time, these results can be achieved with lower costs, save time and stress, compared to what usually accompanies legal state court proceedings and even the arbitration.
Mediation is based on the confidence of the parties in the mediator, so this procedure offers the possibility of introducing a third party into the conflict, a neutral and an impartial person to outline traces in an attempt to identify a solution. The mediator is a settlement facilitator, in negotiations bringing to the fore the parties' needs and wishes in order to encourage outlining an agreement between those involved
This article attempts to constitute a plea for understanding of legal mechanisms of mediation by presenting the concept and the types of mediation, the legal background, its general framework for a broader knowledge, recognition and appropriation of this alternative dispute resolution.

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Comments:

Violence as a Spectacle in Contemporary Media and its Impact on Youth

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Keywords: violence, aggressive behavior, spectacle, psychological impact, moral values

Abstract
Violence has become pervasive in contemporary life having a huge impact on the human mind. The present article analyses various representations of violence in contemporary media and its effects on youth and aggressive behaviour. The article argues that the entertainment programs use and promote violence as a tool and strategy to improve rating, exploiting human fascination with violence and disregarding its effects on human behaviour. Violence and aggression of different types are the main ingredients of many television programmes (from reality shows to films and modern spectator sports). Becoming the very essence of the spectacle, violence changes into a spectacle in itself and entails more violence. Looking back in time at ancient forms of entertainment will only prove that violence had an important role and was as fascinating as today.
At the same time, various media propagate a pedagogy based on harmful ideas and principles like the one according to which success is always seen in terms of money and power at the expense of other fundamental moral values which are turned into ridicule. The consequence is 'a moral collapse' (Henry Giroux 2009) which has a huge negative impact especially on youth.

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***Comments*:**

Psychological mechanisms involved in the dynamics of negotiation process

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Keywords: negotiation, cognitive mechanisms, affects, motivation orientation, strategy, agreement

Abstract
The paper is focused on the process of interpersonal negotiation from the perspective of psychological mechanisms which intervene in the functionality of the bargaining process as a relationship behavior directed to the establishment of an agreement and a common decision. Are especially discussed some of cognitive mechanisms, such strategic decisions, perceptive and self-perceptive schemas, goals, expectations, and preferences of negotiators, ways of evaluating intentions, attitudes and results by causal attributions, and counterfactual thinking judgements which take action during bargaining. Also, are briefly analyzed the motivation orientations and some of affective mechanisms, such as positive and negative emotions and dispositions which influence the ways of information-processing and bilateral evaluating of the actions and the decision-making processes in negotiators.

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Comments:

PANEL 6

THE REGION – LIMITS AND OPPORTUNITIES

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Rapporteur:	Professor Ph.D. Romeo-Victor IONESCU

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Regional environment disparities across the member states under Europe 2020 strategy

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Keywords: greenhouse gas emissions, renewable energy, energy consumption, regional environment disparities, environment forecast

Abstract
The paper deals with the idea of environment disparities across the EU28 regarding Europe 2020 Strategy. The objective of the paper is to check the viability of this Strategy for the EU28 as a whole and for Romania.
The analysis covers 2000-2020 and is built on three steps: a comparative analysis between EU28 and Romania during 2000-2014, a regression analysis in order to quantify the disparities' dimensions and a forecast for 2014-2020. The analysis takes into account four environment indicators, according to Europe 2020 Strategy: greenhouse gas emissions, share of renewable energy in gross final energy consumption, primary energy consumption and final energy consumption.
All steps of the analysis and all conclusions are supported by pertinent statistic tables and diagrams.
The main conclusion of the paper is that the great economic disparities across the EU28 support the impossibility of achieving Strategy's environment targets until 2020.

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Comments:

From time planning to spatial planning or about redesigning peri-urban area in the Lower Danube region

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Keywords: spatial planning, periurban, Lower Danube

Abstract
Since it is called the Industrial Revolution, the time management, considered as a system, is based on an opposition between working time and non-working time, spatially based on an opposition between the place of work, on a generic sense, and location of non-work, residence, domicile, a space based system called the organization of the space.
We would like to explore here the contemporary consequences of questioning of this opposition time-space, in a context of change of form, particularly on the organization and spatial planning marked by urban sprawl and periurban phenomenon.
The analysis will be centered on the case study of peri- and sub-urban area in Lower Danube region.

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***Comments*:**

National identity and the media: the GEMIC project perspective

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Keywords: cultural image, migration, gender, film, written press, European space, best practices

Abstract
Part of the European Framework Project Gender, Migration and Intercultural Interrelations in South-East Europe and the Mediterranean (Ge.MIC), the thematic workpackage on "National Identity and the Media" was coordinated by the researchers of the English Department from the Faculty of Letters, "Dunărea de Jos" University of Galaţi, in collaboration with the research teams from the Centre for Gender Studies, Panteion University, Athens and the Euro-Balkan Institute from Skopje. The paper aims to present the findings of this group of activities, whose aim was to identify representations of national identity, influenced by migration and gender-related perception. The corpus chosen for analysis was represented by media texts (feature and documentary films, as well as written press), and the research was geared towards objectifying the role that the media plays in (re)negotiating the dynamics of cultural image formation within a shifting European space, marked by migration and multiculturalism. The conclusion outlines a series of recommendations related to best practices that may facilitate intercultural dialogue through media texts.

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***Comments*:**

Problems encountered by the beneficiaries of structural funds in the relationship with the intermediary organisms of the POSCCE and POSDRU programs

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Keywords: Structural funds, intermediary organisms, POSCCE, POSDRU, financial corrections

Abstract
The paper proposes to present the practical problems encountered by the beneficiaries of the POSCCE and POSDRU programs in the relationship with the national intermediary organisms (IO), such as: - lack of cooperation and support in the project implementation; - huge delays (1-2 years from the registration date) in paying the requests for reimbursement, even if the IO have a 45 days contract payment term, so that the beneficiaries end up in financial blockage; - the late checking of requests for reimbursement (almost 1-2 years from the registration date), so that the small errors can no longer be corrected, since different financial years have already passed; - impossibly short terms for answering the requests for clarifications regarding the requests for reimbursement (e.g.: 24 h term for an answer in writing to arrive from Iaşi to Cluj); - the impossibility of contacting them, only by written official letter delivered personally and registered in Bucharest; - the IO's do not travel in the province and request in writing or scanned a huge volume of documents to be delivered at their headquarters; - control personnel lacking in managing structural funds experience; - lack of legislation knowledge, retroactive application of the legislation when issuing financial correction minutes; - carelessness in deciding financial corrections, without studying in detail the case and without weighing the consequences; - general non-acceptance of the beneficiaries' administrative appeals, so that the only solution is the application of summons regarding the annulment of the administrative act at the administrative section of the Appellate Court, that takes 1-2 years (in the meantime the private beneficiaries become insolvent); - lack of seriousness of the IO directors, that are more preoccupied in maintaining their positions instead of admitting that they have made a judgement mistake; - verbal recognition of error in issuing a groundless financial correction minutes, but with the excuse "sue us and you will win".

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***Comments*:**

Professional skills: from declaration to development

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Keywords: university studies, skill, development, methods, quantity, quality, learning contents

Abstract
Lisbon strategy and Bologna Process (2009) have determined major changes in higher education system to make them more flexible, more coherent and more responsive for the needs of society. The development of professional and transversal skills has become the key objective of university study programme. Although, they are designed so as to make a relation between educational offer and the labour market requirements, the skills and qualifications developed through university studies prove to be insufficiently developed for a qualified involvement. Employers say that many graduates don't have the necessary mix of knowledge and skills that they need. „Why the curricula judiciously elaborated partially achieve their assumed objectives", this is the main question of the study. In this respect the study analyzes:
- the quality of regulation in university studies domain;
- "quantity" aspects of teaching (how much and what is taught);
- "quality" aspects – how is taught.
By conducting of a survey and a focus group method is intended to present the way how students perceive the „student-centred learning". The survey findings can serve as a benchmark to reconsider the way how university studies develop professional and transversal skills useful to a qualified employment on labour market.

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***Comments*:**

The Dynamics of Decentralization in East-Central Europe. Application on four Municipal Councils

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Keywords: local political elites, decentralization, East-Central Europe, priorities, elite models, local autonomy

Abstract
The present paper constitutes an attempt at critically examining the dynamics of decentralization in the countries of former Sovietized Europe. Concretely, the study focuses on the experiences of four countries of East-Central Europe (Romania, the Czech Republic, Poland, Bulgaria), in terms of legislation change after 1989, and the practical impact of these changes upon four distinct local communities, four small-to-medium sized towns, i.e. Tecuci (Galați county), Česká Lípa (Liberec region), Oleśnica (Lower Silesia voievodship), and Targovishte (Targovishte county). This empirical endeavor employs the legal acts adopted in these countries following the communist breakdown (Romania, 2001; the Czech Republic, 1990 & 1994; Poland, 1998; Bulgaria, 1998 & 2004), and uses these legal foundations in order to establish the de facto level of decentralization characteristic for each country, and to inquire into the outlook and the priorities of the elites governing the three communities. The "local political elites" is operationalized here positionally, taking into consideration the members of the Municipal Councils, on whom written questionnaires, document analysis, and participatory observation are applied. The results gathered thus far point to a series of hypotheses: (H1) The more significant the level of decentralization, the more isolated the local political elite becomes, the higher the degree of localism it presents in cultural-geographical identification. (H2) The more considerably the level of decentralization prevails in the system of local government, the more reserved, stoic, partly realistic, the attitude manifested by the local political elites towards the benefits of the decentralization "panacea". (H3) The lower the degree of decentralization, the higher the tendency of elites to assume an active, decisive role especially in the decisions in those less problematic, "soft" spheres. (H4) The more the degree of administrative decentralization increases, the more satisfied the political elite feels inhabiting the town which it represents. (H5) The evidently superior the level of de facto decentralization determines the local elites to consider the gradual, beneficial change as the most important facet of a democracy. Finally, the paper proposes a fivefold model of local elites, based on different levels of decentralization: (a) ethical, (b) technocratic, (c) pragmatic, (d) political, and (e) gender models.

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***Comments*:**

Comparative study of regionaliztion in Europe. Romanian perspective

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Keywords: regionalization, regional development, administrative structure, european regulation

Abstract
This paper provides a presentation of regional development models currently existing in Europe and, after that, we present the way that people perceive the process of regionalization in terms of direct effects on individual level, economic or social. Emphasis is placed on where is Romania, in this particular European context. It is not a big state like France , Italy, Germany, the UK it is not a small country like Slovakia, Slovenia and the Baltic countries. Even higher, as Spain or Poland, or something smaller, such as Hungary, Bulgaria and Greece. However she have to find the optimal solution, not necessarily of reorganization in extended sens, but completing administrative structure, if we can say like this.All with certainly that a future united Europe will harmonize and gradually erase the most differences, cultural or otherwise. We live, however, in this economic time of the end of crisis and we can see, every day how Romania's development is nearest the western standards level and for this the regionalization process is just a step.
So, in this context, our paper aims to analyze in a comparative way the regional models developed by various European counties, which of them is appropriate to Romanian society and, on the other hand, what is the chance for Romania to choose the right decision in this matter and this moment.

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***Comments*:**

The Reasons that lead to the Achievement of a Public-Private Partnership in various Fileds

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Keywords: criminal unit, plurality of crimes, offences, crime contest, continue crime, complex crime

Abstract
Considering the fact that in most contemporary democracies, in various forms and in various fields, individuals who are managed, often engage in state activities in order to achieve benefits of general interest, it is required that aspects concerning the public-private partnership and the advantages that it implies are considered and perceived as such through this study.

The public-private partnership is an effective way by which local or central public authorities cooperate in various forms with investors from the private sector in order to successfully implement certain projects that need to be conducted under the law, the entire society, in general, benefiting from it. The public-private partnership for the creation and management of public infrastructure and services has proven its usefulness in the economies of all countries that have used it. This legal instrument allowed and still allows to answer to essential needs without burdening the public finances and to release the public authority from simple management tasks. The use of public-private partnerships covers very broad areas of interest and helps to solve problems that rural or urban communities feel increasingly acute in everyday life.

Therefore, this paper aims at identifying the implications of the public-private partnership at both microeconomic and macroeconomic level, as well as at analyzing the reasons that lead to the achievement of cooperation between the public and private sectors.

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***Comments*:**

Regional development in the context of the agreement of EU-RM

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Keywords: region, decentralization, local autonomy, local government, Code

Abstract
The importance of regional development is to improve the standard of living, the quality of life of citizens in a region/specific area and the country in general.
The implementation of regional development as a public policy in the European Union implies the acceptance of the following principles: the respect of local self administration, the encouragement of partnerships of regional development between stakeholders at different levels of public administration; the stimulation and efficient use of initiatives in the regions; the support of ongoing development of potential regions.
For Moldova, the regional development - since the liberal - democratic governance was established in September 2009 and till nowadays - has become an imperative assumed. Thus, Republic of Moldova had undertaken many actions in the implementation of regional development policy in accordance with the requirements of EU policies.
However, we see that there are still problems such as: lack of experience, inadequate regulatory framework realities in regional development etc. In this way, the regional development in the context of decentralization requires that local authorities will become effective partners, both in the strategic planning process, and in the exercise of implementing projects funded national and international. The ability of local authorities to participate effectively in the development and implementation of regional projects needs an increasing their autonomy.
The purpose of the present article is to analyze the existing opinions in the specialized literature, the judicial regulations regarding the status of local public administration in the Republic of Moldova and other countries. In conclusion we will propose to create a ferenda law for improving the legislation of Republic of Moldova in this field, having the goal of successful implementation of policy of decentralization and local autonomy in our state, but also the assurance of improving institutional capacities of LPA for implementing of regional development policies.

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***Comments*:**

Regionalization versus sovereignty, territorial integrity and national identity

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Keywords: integration, the European Union, region, national state

Abstract
During the last years, as a result of globalization two trends are observed that influence the political organization of the territory of the national states. On the one hand we are witnessing the integration process, economic, social and political uniformity of the states at the supranational level. And on the other hand we are witnessing regional movements which are manifesting through the affirmation of local identity and culture at regional level.
The regionalization is a geopolitical action, based on various economic and political interests. It consists in the creation of territorial administrative units at the regional level to which some powers from the central government are transferred.
From the conducted study, it was found that regionalist ideology encroaching upon the national consciousness and identity, seeks dissolution of national borders and the creation of a new European geopolitical standard - region. Problems created by the regions, appear in a greater extent especially in the multinational states that are militating for the ideological current of keeping the national identity and territorial integrity.
The same time regionalization is considered an element of the European integration and is one of the policies promoted by the European Union. One country which has an interest in becoming an EU member is conditioned to adopt and develop coherent regional policy so that the territorial organization of the State to correspond with requirements formulated by the EU.

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