THE INTERNATIONAL CONFERENCE

"HISTORY, CULTURE, CITIZENSHIP IN THE EUROPEAN UNION"

Pitesti, 21 May 2021

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- CENTER OF LEGAL AND ADMINISTRATIVE STUDIES -

(ROMANIA)

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***VALAHIA* UNIVERSITY OF TÂRGOVIŞTE**

FACULTY OF LAW AND ADMINISTRATIVE SCIENCES

- CENTRE FOR RESEARCH IN SOCIAL SCIENCES -

(ROMANIA)

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THE INTERNATIONAL CONFERENCE
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THE CONFERENCE PROGRAMME

Friday, 21 May 2021

10^{00}	**Opening of the Conference: Greetings from the President of the Conference - Professor Ph.D. Hab. Eugen CHELARU**
10^{15}	**PLENARY SESSIONS**
	Moderators: Professor Ph.D. Dres. h.c. Rainer ARNOLD, Professor Ph.D. Hab. Eugen CHELARU
10^{15}	**Prof. Ph.D. Dres. h.c. Rainer ARNOLD**
10^{30}	**Professor Emer. Ph.D. DDr.h.c., M.C.L. Heribert Franz KOECK**
10^{45}	**Professor Ph.D. Sevastian CERCEL, Professor Ph.D. Stefan SCURTU**
11^{00}	**Prof. Univ. Dr. hc. Eugen CHELARU**
11^{15} - 11^{30}	**Discussions**

Moderators: Prof. Univ. Dr. Dr. hc. Jakub STELINA, Assoc. Prof. dr. Miruna TUDORAȘCU

11^{30} **Prof. Univ. Dr. Dr. hc. Jakub STELINA**

11^{45} **Prof. Univ. Dr. Lali PAPIASHVILI**

12^{00} **Prof.Univ.Dr. Mariusz ZALUCHI**

12^{15} **Assoc. Prof. Dr. Miruna TUDORAȘCU**

12^{30} -12^{45} **Discussions**

12^{45} - 14^{00} **Lunch Break**

14^{00} **WORKS IN SESSIONS**

14^{00} **Section 1**

Moderators: Associate Professor Ph.D. Andreea DRAGHICI, Lecturer Ph.D. Daniela IANCU, Lecturer Ph.D. Ramona DUMINICA, Lecturer Ph.D. Andra PURAN

14^{00} **Section 2**

Associate Professor Ph.D. Andreea TABACU, Lecturer Ph.D. Amelia GHEOCULESCU / SINGH, Lecturer Ph.D. Andrei SOARE, Lecturer Ph.D. Sorina IONESCU

THE INTERNATIONAL CONFERENCE
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Friday, 21 May 2021

Opening of the Conference
Greetings from the President of the Conference - Prof. Univ. Dr. Hab. Eugen Chelaru (10^{00}-10^{15})

PLENARY SESSION

10^{15}- 12^{45}

Moderators:
Professor Ph.D. Dres.h.c. Rainer ARNOLD (University of Regensburg, Germany)
Professor Ph.D. hab. Eugen CHELARU (University of Pitesti, Romania)

- ***Digitalization and Constitutional Law – Some selected aspects,*** **Professor Ph.D. Dres.h.c. Rainer ARNOLD, University of Regensburg, Germany**

The rapid increase in digitalization has a significant impact on the discussion in constitutional law. New questions arise from various points of view, with a particular focus on the area of fundamental rights. Here, two lines of vision emerge: First, with reference to the scope of fundamental rights guarantees: do fundamental freedoms extend to the use of digital technologies? Are freedom of expression and the protection of the secrecy of communications abandoned when digital tools are used? Second, there is the even more explosive question of the extent to which public power may use digital means to intrude on the individual's sphere of freedom, for example in the context of police investigation intervening in technical

information systems or in the context of data storage. Whether there are constitutional limits in this respect not only for the actions of public authorities, but also for the actions of private companies, is an increasingly important issue.

The constitutionally developed principles on the substantive and functional efficiency of the protection of fundamental rights already provide answers to these questions, but they still need to be developed further. The personality rights elaborated in the jurisprudence of the constitutional courts impose important limits. National case law is reinforced and supplemented by parallel developments in fundamental rights law at the supra- and international levels.

Beyond the area of fundamental rights, digitalization plays an increasingly important role in constitutionalism. The impact on democratic processes, electoral law and the conduct of election campaigns is evident. The defense against domestic and foreign fake news campaigns is of central importance in this context.

The considerations focus on German constitutional law, but also try to include the international dimension and to make general conclusions

- ***Russia, the European Union and NATO. Flexibility and Firmness,*** **Professor Emer. Ph.D. DDr.h.c., M.C.L. Heribert Franz KOECK, Johannes Kepler University of Linz, Austria, Former President of the Fédération Internationale pour le Droit Européen.**

The political system of Russia as it has been built up by Putin and which favors the enrichment of a tiny minority around Putin depends on the latter's ability to keep the standard of living of the average citizen on an acceptable level. This has worked during the first years of Putin's rule at the turn of the millennia, but was then due to Russia's rich income from the export of oil and gas. At that time, the Putin government missed the opportunity to modernize Russia's infrastructure; and when the price of oil and gas on the world market fell to an unexpected low for an unprecedented length of time, Putin was not able to keep the standard of living at its former level. Since this led to protests and was likely to endanger Putin's rule in Russia, he accused "foreign powers" with interfering in Russian affairs and

of threatening the "natural Russian interests" in former Soviet republics bordering on Russia.

Ever since the tensions in the Caucasian region originating from Russia's support to separatists who really or allegedly wanted break away from Georgia resulting in the Caucasian War of 2008, Putin has tried to destabilize other successor states of the Soviet Union if their governments were tending to the West and expressed aspirations to becoming integrated into the European Union and members of NATO. Ukraine is an alarming example of what could happen to these countries if they ignore Putin's wishes.

The West is called upon to render, to such countries, all the support necessary to withstand Russia's pressure. This would keep Putin's foreign ambitions at bay because he is not eager to get into a serious conflict with the West, a conflict which would be likely to undermine the domestic political system in Russia and endanger the grip of Putin and his clique on the remaining wealth of Russia. For this reason, Putin's military posturing should not be taken too serious and should not keep the West from standing up against any of Russia's imperialist threats.

- ***Considerations on the contract of international carriage of passengers by rail as provided by the convention concerning international carriage by rail, bern, 1980*, Professor Ph.D. Sevastian CERCEL, Professor Ph.D. Stefan SCURTU, Faculty of Law, Universiy of Craiova, Romania**

The most important international convention on the international rail carriage contract is the Convention concerning International Carriage by Rail, concluded in Bern in 1980 (designated as C.O.T.I.F.). Romania ratified C.O.T.I.F. in 1983. The European Union joined C.O.T.I.F. in 2011. One of the most important changes to C.O.T.I.F. 1980 was the one made by the Vilnius Protocol of 3 June 1999, which entered into force in 2006; due to the importance of these amendments, at present the usual name of this Convention is "C.O.T.I.F. 1999". C.O.T.I.F. 1999 includes the following documents: a) the Convention as such, which governs the functioning of the Intergovernmental Organization for International Carriage by Rail (designated as O.T.I.F.); b) the Protocol on the Privileges and Immunities of O.T.I.F., annexed to the Convention; c) the seven annexes to the

Convention, which establish a uniform railway law; one of these annexes is entitled "Uniform Rules concerning the Contract of International Carriage of Passengers by Rail (CIV)" and constitutes Appendix A to the Convention. The Uniform Rules concerning the Contract of International Carriage of Passengers by Rail regulate the following matters: the scope of these rules, the conclusion and performance of the contract of carriage, the carriage of hand luggage, animals, checked baggage and vehicles, liability of the carrier, liability of the passenger, the exercise of rights, relations between carriers. In accordance with art. 5, the CIV rules are imperative, the contracting parties not being able, in principle, to derogate from them.

- ***On the sale of land located outside the built-up area,*** **Professor Ph.D. hab. Eugen CHELARU, Faculty of Economic Sciences and Law, University of Pitesti**, **Romania**

The disorder that characterized the land ownership records and the legislation dedicated to the transfer of the land ownership rights had dramatic consequences on agriculture, Romania turning from a net exporter of food products to a net importer.

Adoption of Law no. 17/2014 is a rather late attempt to stop especially speculative transactions with land that are thus stolen from agricultural production. It regulates only the alienation by sale of agricultural land located outside the towns. The provisions of this law apply to Romanian citizens, respectively to the citizens of a European Union Member State, of the states that are party to the Agreement on the European Economic Area (ESAA) or of the Swiss Confederation, as well as to stateless persons domiciled in Romania, in a European Union Member State, in a state that is a party to the ASEE or in the Swiss Confederation, as well as to legal persons of Romanian nationality, respectively of a nationality of a Member State of the European Union, of the states that are party to the ASEE or in the Swiss Confederation.

The most important provisions of the law are devoted to the establishment of pre-emption rights when buying agricultural land located outside the built-up area. Pre-emptors are divided into seven ranks and, in principle, can be given priority when buying agricultural land in the order in which they belong. In order to exercise the right of pre-emption of tenants, young farmers and subjects of law coming from the above-mentioned states, some additional conditions have been established. The

verification of the fulfilment of these conditions is done by the administrative authorities provided by law.

The alienation by sale of agricultural lands outside the built-up area, which are located at a distance of 30 km from the state border and the Black Sea coast, towards the interior, as well as of those located at a distance of up to 2,400 m from the special objectives, but also of the agricultural lands on which archaeological sites are located, on which there have been established areas with spotted archaeological patrimony or areas with archaeological potential incidentally discovered, is subject to additional administrative control.

Failure to comply with the provisions of Law no. 17/2014 is sanctioned with the absolute nullity of the agricultural land sales contract.

Moderators:
Professor Ph.D. H.C. Jakub STELINA (University of Gdansk, Poland)
Associate Professor Ph.D. Miruna TUDORASCU (University "1 Decembrie 1918" Alba- Iulia, Romania)

- ***AntiCovid Labour Law in Poland,*** **Professor Ph.D. H.C. Jakub STELINA, University of Gdansk, Poland**

In Poland the package of protective measures with the aim of preventing the economic effects of the coronavirus epidemic, was taken relatively quickly. Parliament adopted Act of 2 March 2020 on special solutions related to the prevention, counteraction and control of COVID-19, other infectious diseases and crisis situations caused by them. The Act is called "Anti-Crisis Shield". A substantial portion of the adopted solutions pertains to the functioning of employers and the situation of employees. In the article, the author examines the selected regulations of anticovid labour law (so-called remote work, flexible working time, extension of the period of paid care leave, flexible rules regarding employment of foreigners, subsidising the salaries of employees on economic downtime, authorisation to apply less favourable terms of employment etc.).

- ***Search and seizure v. Right to privacy and equality of arms,*** **Professor Ph.D. Lali PAPIASHVILI, Tbilisi State University/ Tbilisi Humanitarian University**

Equality of arms and adversarial hearing means possibility of defense side to collect evidence stored in the digital/ computer systems and computer data as well as to be protected from arbitrary search and seizure conducted on the bases of "operative" information /informants or anonymous information. However problem arises with finding proper balance between security and right to defense especially in a case of search and seizure under exigent circumstances. What are major safeguards in practice against arbitrary search and seizure?

Does equality of arms guarantee right to search and seizure for the defense side? How to balance defense interests and preservation of evidence as well as possibility to parallel investigation .

- ***Contractual limitations in the legal succession mortis causa on the example of the Facebook contract,*** **Prof. Mariusz ZAŁUCKI, AFM Kraków Academy, Poland**

Contracts with internet service providers often contain restrictions on the use of an internet account by other persons. These provisions are particularly interesting in the context of being able to access digital content on these accounts, especially after the death of the current user. One of the most popular in this context are social networking sites, among them Facebook. Against this background there arises, among others, an interesting problem of inheritance of the content contained in the account in this service and the relationship of the provisions contained in the contract with the provider of Internet services with the regulations of inheritance law for the succession case after the deceased user of Facebook services. The author presents key issues in this area, presents dilemmas selected by him and discusses possible solutions.

- ***The sport activity contract,*** **Associate Professor Ph.D. Miruna TUDORASCU, University "1 Decembrie 1918" Alba- Iulia**

According to the provisions of the Law on Physical Education and Sport, the relationship between performance sports people and sports structures requires the conclusion of either an individual employment contract or a sporting activity contract. The following scientific material will debate all legal and particular issues in connection with this field.

Lunch Break

$12^{45} – 14^{00}$

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PAPERS IN SECTIONS

Section 1
14^{00}

Moderators:
Associate Professor Ph.D. Andreea DRAGHICI (University of Pitesti, Romania)
Lecturer Ph.D. Daniela IANCU (University of Pitesti, Romania)
Lecturer Ph.D. Ramona DUMINICA (University of Pitesti, Romania)
Lecturer Ph.D. Andra PURAN (University of Pitesti, Romania)

Moderators:
Associate Professor Ph.D. Andreea DRAGHICI (University of Pitesti, Romania)
Lecturer Ph.D. Daniela IANCU (University of Pitesti, Romania)

- **INTERNATIONAL LEGAL INSTRUMENTS FOR RESOLVING REGIONAL CRISES IN THE EAST (LEBANON, ISRAEL/PALESTINE, IRAQ, SYRIA, YEMEN)**

Pro-rector, Associate Professor Ph.D. Alexandr CAUIA **(**Free International University of Moldova, Republic of Moldova), Ph.D. Student Naif Jassim ALABDULJABBAR (Free International University of Moldova, Republic of Moldova)

The Middle East is an area extremely troubled by regional crises of various kinds, including both international and non-international armed conflicts. In these circumstances, the international community, through the United Nations and the system of public international law, is to ensure respect for world peace and security in general and in the Orient in particular.

The object of study of this article is the mechanisms and international legal instruments to prevent and combat the negative effects on regional security in the Eastern Area generated by armed conflicts in

Lebanon, Israel/Palestine, Iraq, Syria and Yemen in order to highlight the common elements of UN intervention as well as the specific features of each conflict to emphasize the degree of involvement and cooperation between the UN and regional and local structures in order to ensure peace and security in the region.

- **CITIZEN PARTICIPATION IN THE EUROPEAN UNION PUBLIC ADMINISTRATION: FROM HISTORY TO ACHIEVEMENTS**

Associate Professor Ph.D. Dorina TICU (Faculty of Faculty of Philosophy and Social-Political Sciences, Department of Political Sciences, International Relations and European Studies, Alexandru "Ioan Cuza" University of Iaşi, Romania)

This article aims to analyze the Public Administration of the European Union starting from an analysis of the administrative institutions of the European community, made in terms of their appearance and development, of the mechanisms of substantiation and functioning, as well as of the possibilities of participation of the citizens. The analysis appears to be necessary in the context in which, at EU level, there is a laborious institutional administrative structure, with different and diversified competencies, with jurisdictional areas at different levels, intersecting with the state level and not only. From this point of view, the article aims - based on a qualitative analysis - to identify what we strictly include in the area of the term "EU public administration" and to provide an explanation of them and in terms of their achievements and implementation, following the degree of effective participation and of the possibility for citizens to participate in the community space.

- **RULE OF LAW AND EXCEPTIONAL SITUATIONS**

Lecturer Ph.D. Marius ANDREESCU, Lecturer Ph.D. Andra PURAN (Faculty of Economic Sciences and Law, University of Pitești, Romania)

The doctrine of the lawful state comes from the German theory and jurisprudence, but is now a requirement and a reality of the constitutional

democracy in contemporary society. Presently, the lawful state is no longer merely a doctrine but a fundamental principle of democracy consecrated in the Constitution and international political and legal documents. In essence, the concept of the lawful state is based on the supremacy of law in general and of Constitution in particular. Essential for the contemporary realities of the lawful state are the following fundamental elements: the moderation of the exercise of state power in relation to the law, the consecration, guaranteeing and observance of the constitutional rights of man especially by the state powers and, last but not least, the independence and impartiality of justice.

In this study we analyze the most important elements and features of the lawful state with reference to the contemporary realities in Romania in the context of the requirements expressed in the political and legal instruments of European Union. An important aspect of the analysis is the separation, balance and cooperation of the state powers, in relation to the constitutional provisions.

The excess of power of the public authorities, the excessive politicking and failure to respect the independence of justice are aspects of contemporary social and state reality that contravene to the requirements of the lawful state. Are analyzed the most significant aspects of the Constitutional Court jurisprudence and the jurisprudence of administrative courts in regard to the guaranteeing of the lawful state attribute in Romania, as well as, regarding the power excess.

In exceptional situations, such as the state of emergency or the state of alert established for a long time on the Romanian territory, the rulers have restricted the exercise of some essential fundamental rights, restrictions that seriously affect the private and social life of the people.

- **SEVERAL ASPECTS CONCERNING THE FUNCTIONS OF JURIDICAL RESPONSIBILITY OF THE STATE**

Associate Professor Ph.D. Elena MORARU (SAUM, Republic of Moldova)

The functions of juridical responsibility are a complex systemically phenomenon. Their influence is determined by diverse elements of the juridical responsibility. Each stage, form of juridical responsibility achievement has certain functions. Juridical responsibility achieves regulations functions preventive and repressive, repairing and educational.

The distinguished features of the juridical responsibility functions are characteristic to a well determined purpose: the reflexion of influencing direction, the influence character the conditioning with the legislations of social development and performing of social relationships.

- **REGIONAL DEVELOPMENT IN THE CONTEXT OF THE AGREEMENT OF EU-RM**

Associate Professor Ph.D. Natalia SAITARLI (Faculty of Law and Public Administration, Cahul State University "B. P. Hasdeu", Republic of Moldova), Associate Professor Ph.D. Maria ORLOV („Stefan cel Mare" Academy of the Ministry of Interior of the Republic of Moldova, President of the Institute of Administrative Sciences of the Republic of Moldova)

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 make proposals to modernize the legislation of the Republic of Moldova in this field, in order to successfully implement the policy of decentralization and local autonomy in our state, but also to ensure the increase of institutional capacity of local public administration and regional development policies.

- **ROMANIA'S STEPS IN ORDER TO AVOID THE ACTION FOR DAMAGES BY THE EUROPEAN COMMISSION OF THE COURT OF JUSTICE OF THE EUROPEAN UNION AS A RESULT OF THE NON-TRANSPOSITION OF THE UNION LEGISLATION**

Associate Professor Ph.D. Elise VALCU (Faculty of Economic Sciences and Law, University of Piteşti, Romania)

In order to avoid such an approach of the European Commission, Romania has as main obligation the awareness and responsibility for transposition and application of Union legislation by national institutions with implementation responsibilities and strengthening the interinstitutional dialogue with Commission representatives.

We consider, in this sense, the provisions of art. 258-260 TFEU, regarding the pre-litigation and contentious stages of the action regarding the non-fulfillment of the legislative transposition obligation, texts based on which, numerous infringement proceedings were initiated against Romania in various fields. Moreover, Romania must be aware that such an approach ultimately has a single purpose, undesirable by any Member State, that of imposing financial sanctions by the CJEU in the contentious stage of this action.

In our study we will identify domains, union approaches and concrete solutions of Romania in these cases.

- **THE EFFECTS AND THE ROLE OF THE DECISIONS PRONOUNCED BY THE CONSTITUTIONAL COURT OF ROMANIA IN THE PROCESS OF SOLVING LEGAL CONFLICTS OF A CONSTITUTIONAL NATURE**

Postdoctoral researcher Elena Cristina (MANDA) MURGU (Faculty of Law, University of Craiova)

The Constitutional Court of Romania is the guarantor of the supremacy of the Constitution and the only institution which has the atribution to solve the legal conflicts of a constitutional nature between public authorities, atribution which involves an obligation to settle this kind of disputes by showing the conduct in accordance with the constitutional provisions to which public authorities must comply with. Thus, the resolution of legal conflicts of a constitutional nature is not a purely theoretical academic exercise, but it is a more intricate process which implies the understanding of the constitutional rules that public authorities must respect but also the establishment of the proper conduct the parties involved in the conflict should embrace. If this hadn't been the proper way to solve this type of disputes, there would have been no need for a complex procedure, the mere statement of the Court, regarding the interpretation of the constitutional provisions to which the conflict was related, beeing more than sufficient.

- **ANALYSIS OF NORWEGIAN EDUCATION SYSTEM-ADVANTAGES AND OPPORTUNITIES**

Ph.D. Student Tatiana TUTUNARU (Valahia University, Târgovişte)

Norwegian politics in the field of education is based on the principle of equal rights to education for all members of society, regardless of their social and cultural background and place of residence in Norway. Recent studies on the education system have shown that students in Norway are considered the happiest during school activities. As a result, it is natural to ask what makes this difference in perception at Norwegian level compared to other European states. The answers that we can identify by analyzing the foundations of the educational system in this state can serve

as a basis for understanding why this happens. In this sense, the starting points take into account the very structure of the Norwegian state as well as that of their educational system.

Norway or the Kingdom of Norway is a constitutional monarchy, but with a system of parliamentary government, whose territory includes the western part of the Scandinavian Peninsula, the island of Jan Mayen and the Svalbard archipelago. From an administrative point of view, the nineteen counties ruled by a governor, called "fylkesmann", ensure the connection between the King, the Government and the the citizens.

MODERATORS:
Lecturer Ph.D. Ramona DUMINICA (University of Pitesti, Romania)
Lecturer Ph.D. Andra PURAN (University of Pitesti, Romania)

- **ASSESSMENTS REGARDING THE IMPACT OF TAXATION ON ECONOMIC AND SOCIAL DEVELOPMENT IN ROMANIA**

Ph.D. Student Catalin Emanuel CIOBOTA (Valahia University, Targoviste)

Fiscal policy is a cornestone in macroeconomic development. Reforming the system can lead to economic development by increasing the autonomy of public authorities. Thus an appropriate policy contributes to increasing the independence of states from shocks caused by economic crisis.

- **TAXATION IS A DETERMINING FACTOR OF SOCIAL PROGRESS ?**

Ph.D. Student Catalin Emanuel CIOBOTA (Valahia University, Targoviste)

One of the key principles underlying the Social Progress Index is the holistic and relevant aspect for all countries in order to create a global measure of social progress, which includes many aspects of the level of health of societies. On the other hand, by excluding economic indicators, one can rigorously and systematically analyze the relationship between economic development (measured for example by GDP per capita) and social development.

- **FINANCIAL STATEMENTS BASED ON INFORMATION TECHNOLOGY**

Ph. D. Student Cristina-Elena (FLOREA) POENARU (Valahia University, Targoviste)

Information and ommunication technology is the necessary technology for the processing of information in a common language used by computers and by the human resource which has an important role of verification, control and modifying. Instability of the economic environment requires fast adaptation of companies and accountant experts.

- **PECULIARITIES OF FOREST PROTECTION IN AUSTRIA**

Assistant Ph.D. Stefania-Diana IONITA-BURDA (Faculty of Law, Romanian-American University, Bucharest, Romania)

Austria is above the EU average in terms of forest area (approximately. ½ of land area) and occupies a leading position (second) in terms of the share of private ownership of forest land (this being the dominant form of ownership, approximately ⅕ from the surface of forest lands). Among the peculiarities of the main regulation of this sector (Forest Code) are: (a) clarification of the conditions that the forest must meet , (b) spatial planning of forest habitat (forest spatial planning) (c) imposition of prohibitions to preserve the integrity of areas wooded and obligations for the conservation of certain categories of forests and (d) the group into three groups of key violations of this regulation are considered misdemeanors (administrative offenses), and the establishment of penalties quite mild (if not crimes within the jurisdiction of courts and are not sanctioned with more severe punishments or other administrative sanctions).

- **FUNDAMENTAL POLITICAL VALUES**

Lecturer Ph.D. Alina MARINESCU (University of Pitesti, Romania)

If in general value refers to whats is valued, appreciated as desirable or preferable in relation to certain human aspirations (good, truth, beautiful, right) political values are those created and realized in political practice: freedom, equality, sovereignty, equity social, solidarity, order, democracy, independence, tolerance. Therefore, political values respond to the aspiration of better organization of relations between members of a community, relations between rulers and governed, ensuring the vitality of civil society. Political values can be defined as "mobilizing beliefs to justify or condemn opinions and behaviors". Values such as freedom, equality, justice, solidarity, represent "human needs whose fulfillment makes the policy valuable for the citizen and offers him a justification".

- **THE HISTORICAL FUNDAMENTS OF THE ENVIRONMENTAL LAW. FROM THE OLD ROMANIAN LAW TO MODERN AGES**

Lecturer Ph.D. Ramona DUMINICA, Lecturer Ph.D. Daniela IANCU (Faculty of Economic Sciences and Law, University of Piteşti, Romania)

A good elaboration, understanding and application of any legal norm cannot be achieved without knowing the evolution from the historical perspective of that norm. The importance of identifying the historical foundations of Romanian environmental law cannot be disputed. A legal institution always has deep roots in past institutional forms and their knowledge contributes to the formation of a complete vision of the institution in question.

Starting from these considerations, the current article proposes a foray into the history of environmental protection regulations, starting with the old Romanian law and until the adoption of the reform legislation of Alexandru Ioan Cuza.

- **THE ROLE OF PUBLIC AUTHORITES IN EXERCISE BY THE PUBLIC OF THE RIGHT OF ACCESS TO ENVIRONMENTAL INFORMATION**

Lecturer Ph.D. Viorica POPESCU (Faculty of Economic Sciences and Law, University of Pitesti, Romania), Teacher Ancuta-Elena POPESCU (Secondary School ”Matei Basarab”, Pitesti, Romania)

Environmental protection is one of the fundamental policies of the European Union. Since 1972, the European Council in Paris has adopted a Community environmental policy to cope with economic expansion. The Single European Act (1987), the Maastricht Treaty (1993), the Treaty of Amsterdam (1999) and the Treaty of Lisbon (2009) illustrate on the one hand that the environment has become an official area of common policy, but also the legal basis for Member States' commitment to environmental protection.

Despite economic and technological progress, there can be no question of an increase in the quality of life in the absence of environmental policies. Against this background, under the auspices of the United Nations Economic Commission for Europe (UNECE), the Aarhus Convention was adopted in 2001. This Convention, to which the European Union is a party and all Member States are parties, guarantees the public three categories of rights:

1. the right of citizens to participate in environmental decision-making,
2. the right of access to environmental information held by public authorities,
3. the right of access to justice in case of violation of the other two rights.

This article aims to analyze in relation to the provisions of the Aarhus Convention, the way in which the Romanian legislator understood to regulate the role of public authorities regarding the exercise by the public of the right of access to environmental information.

- **ASPECTS OF COMPARATIVE LAW REGARDING THE REGULATION OF RELAPSE AND ATTEMPT**

Lecturer Ph.D. Catalin BUCUR (Faculty of Economic Sciences and Law, University of Pitesti, Romania)

In the European law, lato sensu, we distinguish between two great legal systems, namely the Romano-Germanic legal system and the Anglo-Saxon one, the main difference between them consisting in the way in which the judicial truth is approached. Thus, if within the Roman-German legal system the approach is, in principle, of the inquisitorial type, in the Anglo-Saxon system it is of the adversarial type. The difference resides in the fact that within the inquisitorial type, the legal truth must be identical with the real, objective truth, namely the courts cannot retain anything other than what actually happened, while the adversarial system proposes a reconstituted judicial truth, resulting from the administration of evidence, truth that may differ from objective one. The Anglo-Saxon legal system is mostly an unwritten one, having as source of law the legal precedent.

Criminal law in most states where the Romano-German legal system is applicable has its main source in the Criminal Code. Countries such as Romania, France, Spain or Germany have developed criminal legislation in the form of codes containing rules and institutions of law. Among the fundamental institutions of the criminal code, our brief analysis aims the relapse and attempt.

Section 2

14^{00}

Moderators:
Associate Professor Ph.D. Andreea TABACU (University of Pitesti, Romania)
Lecturer Ph.D. Amelia GHEOCULESCU / SINGH (University of Pitesti, Romania)
Lecturer Ph.D. Sorina IONESCU (University of Pitesti, Romania)
Lecturer Ph.D. Andrei SOARE (University of Pitesti, Romania)

Moderators:
Lecturer Ph.D. Andrei SOARE (University of Pitesti, Romania)
Lecturer Ph.D. Sorina IONESCU (University of Pitesti, Romania)

- **TOTALITARIAN TENDENCIES IN ROMANIAN LAW**

Ph.D. student Ana Maria CRÎNGUȘ – ECHERT (Law Faculty, University of Craiova, Romania)

The present study aims, starting from the more general theme of dealing with aspects related to the Romanian normative system, taking into account its recent history, to contribute to a clearer outline of the place that Romania occupies in this corollary of the states that it forms the great European family, in the light of the legislative picture, of the models and forms of regulation adopted by our country.

Regarding the research hypothesis, we start from the premise that the analysis of the Romanian legislative system cannot ignore the recent communist past, the discussion being on the wider field of totalitarianism analysis, as well as its present and past ramifications. Therefore, when trying to analyze a normative system or a part of such a system, meant to highlight the legislator's vision of some legal institutions, the aspects

related to the theoretical substantiation of a certain type of vision should not be omitted, in relation to which can also be understood as the need for regulation and its purpose.

We notice that the elaborated study has as objective the identification and analysis of some totalitarian aspects present in the legislative system with special inclination on the matter of property.

Regarding the research results, it was concluded that the law in force has a tendency towards totalitarianism, exemplifying some of the features identified and their implications for property.

Regarding the theoretical and practical implications of the study, they consist in understanding the reality of the Romanian legislative system, the difficulties faced by both practitioners and doctrine, as well as creating a bridge between history and law, in terms of how the former influences a certain type of vision of the legislator, being able to outline regulatory models based on two different ways of understanding the relationship between individual and state, namely totalitarianism and liberalism, an aspect to which it is observed that Romania's place in the family of the states that make up the European Union is indisputably that of a former totalitarian state.

- **GUARANTEE OF THE RIGHT TO PROPERTY BY THE JUDICIAL AUTHORITY FROM THE PERSPECTIVE OF EUROPEAN STANDARDS**

Ph.D. Student Mariana OJOGA (Institute of Legal, Political and Sociological Research, Republic of Moldova)

In this scientific approach, some jurisprudential divergences are highlighted, which in the light of the European judge could lead to a violation of art. 1 Protocol no. 1 to the Convention. At the same time, this scientific essay analyzes the cases referred to the Strasbourg Court against the Republic of Moldova in order to identify the case and the persons responsible for the violation of the right to property

- **ABOUT SOME EFFECTS OF THE DECISION OF THE CONSTITUTIONAL COURT OF ROMANIA NO. 189/2021**

Lecturer Ph.D. Andrei Soare (University of Pitesti, Romania)

Decision no. 189 of March 18, 2021 of the Constitutional Court of Romania declared unconstitutional art. 21 paragraph 6 of Law no. 165/2013, the only provision that regulates the evaluation of the building, offering the criterion of the notarial grid, which determines a legislative vacuum that is required to be covered. However, until an intervention in this sense of the legislator, it is imperative to clarify the situation of the ongoing files, in the sense of establishing the way in which the real estate valuation will be performed, given that the process of restitution and repair of damages caused in the field of property the communist regime has been dragging on for decades.

- **THE PRINCIPLE OF AVAILABILITY OF THE PARTY IN THE CIVIL LITIGATION AND THE REVISION OF THE BANK CREDIT AGREEMENT**

Associate Professor Ph.D. Andreea TABACU (Faculty of Economic Sciencies and Law, University of Pitesti, Romania)

The investiture of the national court in the matter of the abusive feature of certain clauses in the contract determines the application of the Court of Luxembourg case-law, considerable in this matter. The jurisprudence of the CJEU has consistently stated that the court may verify ex officio the abusive nature of certain clauses, regardless of the jurisdictional procedure in which it is located, but the court can only remove it from application or replace it with supplementary rules of national law, if necessary results that the contract can no longer continue as a result of the abolition of the abusive clause.

If the investiture of the court regards the hardship, the court shall be summoned to verify its conditions, the analysis being different than the above hypothesis and the solution being in strong relation with the means in which the plaintiff has stated his requirement. The court shall verify the requirements of hardship depending on the law applicable for the contract

and shall order the adjustment of the contract depending on the requirement submitted by the plaintiff.

- **CONDITIONS REQUIRED FOR OPENING INSOLVENCY PROCEEDINGS**

Vice-Dean, Lecturer Ph.D. Dragoș-Mihail DAGHIE (Facultaty of Law, Social and Political Sciences, University "Dunărea de Jos" Galați, Romania)

Law no. 85/2014 produced a unification of the regulations on insolvency procedure and insolvency prevention procedures representing a unique working tool for insolvency practitioners.

Although some institutions have been amended, they are still found in the current regulation, also called the Insolvency Code, many of the previous legislations, which have proved useful and necessary.

Thus, regarding the opening of the insolvency procedure, the law preserves the two main ways in which the insolvency procedure can be opened against the debtor, modifying in some places, some features of this opening procedure.

- **REORGANIZATION AND MERGERS OF COMPANIES IN EUROPEAN CONTEXT**

Ph.D. Student Gabriela ANGHEL (Valahia University, Targoviste, Romania)

To deal with the many economic and financial problems and the acute lack of liquidity that marks the period we are in, large groups of companies, but not only, are looking for different solutions to reorganize their business. Often, however, in these processes, attention is mostly directed to the commercial aspects of restructuring, neglecting many other implications that may occur and distorting the desired effects of entrepreneurs. All these changes over time over the number and volume of mergers and acquisitions, legal, accounting, and tax legislation, accounting techniques, both at national and international level, generated by globalization and the intensification of competition, is the main motivation

that has prompted us to focus our attention on such a complex area as mergers and reorganisations.

- **THE BENEFIT OF EXCUSSION – SPECIFIC DEFENCE UNDER THE SURETYSHIP RELATION**

Associate Professor Ph.D. Nora Andreea DAGHIE (University "Dunărea de Jos" Galați, Romania**)**

The main effect of suretyship is the obligation of the surety to perform the debtor's obligation where the latter fails in the voluntarily performance thereof.

By invoking the plea of excussion, the conventional or legal surety resorts to the option of requesting the creditor which started proceedings against the surety to first proceed against the assets of the principal debtor, within the limits of the principal debtor's assets value, which the surety shall indicate to the creditor.

This defence whereby the surety pursues its exoneration, in part or in full, from its guarantee obligation, arises from the ancillary nature of the guarantee obligation, on the one hand, and from the legal relation of surety itself, on the other hand.

- **GENERAL ASPECTS REGARDING THE MAIN SUBJECTS OF BANKING LAW**

Lecturer Ph.D. Adriana PIRVU (Faculty of Economic Sciences and Law, University of Pitesti, Romania)

The banking system consists of all credit institutions operating in a state, their activity being authorized, coordinated and supervised by the central bank of the state. Credit institutions are Romanian legal entities specialized in providing financial services. They have the quality of traders, being organized in the form of joint stock companies.

THE INTERNATIONAL CONFERENCE
"HISTORY, CULTURE, CITIZENSHIP IN THE EUROPEAN UNION"
Pitesti, 21 May 2021

Moderators:
Associate Professor Ph.D. Andreea TABACU (University of Pitesti, Romania)
Lecturer Ph.D. Amelia GHEOCULESCU / SINGH (University of Pitesti, Romania)

- **THE PRESENCE OF RELIGIOUS SYMBOLS AND CLOTHING IN THE PRE-UNIVERSITY AND ACADEMIC SCHOOL ENVIRONMENT. THE JURISPRUDENTIAL PERSPECTIVE OF THE EUROPEAN COURT OF HUMAN RIGHTS.**

Vice-Dean, Lecturer Ph.D. Mihaela-Adriana OPRESCU (Faculty of European Studies, Babeș-Bolyai University, Romania)

Looking around us, in an extremely mobile world under the generous umbrella of globalization, we can easily notice that the sensitive issues related to religious beliefs and their manifestations have posed genuine challenges to states while attempting to shape the place of religion in modern pluralistic societies.

In this context, the presence of religious symbols and clothing (Islamic veil, burqa, niqab, crucifix etc.) in the pre-university and academic school environment has prompted, for several years, significant debates in various European countries. The European Court of Human Rights is empowered to verify the extent to which a fair balance is ensured between the fundamental right of the individual to religious freedom in active manifestations, on the one hand, and state policy, on the other hand, in an increasingly heterogeneous religious landscape.

- **RIGHT TO A NAME IN CONNECTION WITH IMAGE RIGHT AND PRIVACY RIGHT**

Postdoctoral researcher Oana-Nicoleta RETEA (Faculty of Law, University of Craiova, Romania)

Attached to privacy are aspects such as image, physical appearance and voice of the person, name, all targeting the personality,

family and individual. The aime of this articleis to underline the protection of the right to name in its capacity of non-patrimonial personal right, as is realized from several angles. Therefore, this paper will contribute to a better understanding of the three rights and to emphasys each and any existing connection between them. Moreover, with the decision of I.C.C.J. of the virtual space where the activity of the Facebook application takes place as a public space, we identify a series of consequences that directly concern also the issue of the right to name.

- **HUMAN DIGNITY AND THE EUROPEAN AUDIOVISUAL SECTOR**

Ph.D. Izabela BRATILOVEANU (Faculty of Law, University of Craiova)

European legislation and codes of journalistic conduct have set standards for respect for the rights of minors and the protection of human dignity in the audiovisual field, which we will analyze in this study. The audiovisual and media sector is characterized from this point of view by impressive growth and the permanent application of measures to protect human dignity, with a significant contribution to the evolution of the concept.

- **DUTIES OF CIVIL SERVANTS IN THE SYSTEM OF PUBLIC ORDER AND SAFETY IN A PANDEMIC CONTEXT**

Associate Professor PhD.Maria-Irina GRIGORE-RĂDULESCU, Associate Professor PhD. Corina Florența POPESCU (Faculty of Law, Ecological University of Bucharest, Romania)

At the state level, public order and safety are key elements, which include law enforcement and enforcement activities, the provision of public services and the maintenance of public order. From this perspective, public safety involves both the relationship with the citizen and the relationship with the civil servant, who, in essence, is the one who carries out the actual activities and who applies the legal provisions.

- **INTERNATIONAL JUDICIAL COOPERATION IN CRIMINAL MATTERS IN THE CONTEXT OF THE GLOBAL PANDEMIC**

Postdoctoral researcher Mircea SELEA (University of Craiova, Romania)

The observance of the obligations assumed by the international legal instruments ratified by Romania is not achieved anyhow, but the context of the global pandemic, the rights of the persons targeted by the international judicial cooperation procedures, the time periods necessary for drafting the procedural documents must be taken into account. The emergence of the pandemic caused by the SARS – CoV-2 virus has produced a number of impediments to the international judicial cooperation in criminal matters, especially in the execution of European Arrest Warrants issued by EU Member States.

- **CORONAVIRUS VACCINATION AND THE NEW EUROPEAN LEGAL FRAMEWORK**

Lecturer Ph.D. Marius VACARELU (National School of Political and Administrative Studies -SNSPA, Bucharest, Romania)

The pandemic that appeared at the beginning of 2020 brought several challenges from the perspective of legal framework. An entire ensemble of normative acts has appeared in recent months and the challenges they have brought have had important consequences in terms of public law. Among these legal debates, one stood out, namely that of vaccination. Our text had in mind the legal aspects of this operation in the national and European space.

- **THE IMPACT OF COVID-19 CRISIS ON CULTURE AND THE EU SOLUTIONS**

Lecturer Ph.D. Sorina IONESCU (Faculty of Economic Sciences and Law, University of Pitesti, Romania)

The impact that the present Covid-19 crisis had on culture has shown the precarity that this sector manifested for a very long time. This crisis just emphasized a situation that was a reality for many years and the fact that no real efforts were made to recognize the real value of culture especially on social cohesion and also on international relations.

The present paper aims to emphasize the efforts that are made and also the necessary actions at EU level to improve the working conditions of artists across Europe in order to safeguard this important sector.

- **LUGGAGE CARRIER LIABILITY**

Lecturer Ph.D. Amelia GHEOCULESCU / SINGH (Faculty of Economic Sciences and Law, University of Pitești, Romania)

The legal situation of the carriage of luggage is different from that of the carriage of goods because the luggage does not represent goods, but objects, personal goods or personal use of the passenger. The carrier is only liable for damage, loss or deterioration to luggage if the event that caused the damage occurred during the journey.

The regime of compensation of the carrier in case of liability is also the one applicable to the transport of goods, specifying that the amount of compensation for luggage is limited at a certain maximum that the shipper accepts through the contract concluded with the carrier.

- **PERSONAL NUMERICAL CODE – INDIVIDUAL IDENTIFICATION ATTRIBUTE?**

Lecturer Ph.D. Ramona DUMINICA, Associate Professor Ph.D. Andreea DRAGHICI (Faculty of Economic Sciences and Law, University of Pitești, Romania)

Today's society is characterized by an unprecedented development of information and communication technology. Today, the computer is used in all areas of social life. Informatic systems are used not only in banking and financial systems, but also in the field of population records. Thus, there have been difficulties from a technical point of view in the field of identification and registration of the natural person in the situation where, for example, there are two or more persons within the same locality who have the same last name and first name or reside in the same locality. These have imposed the need to create a new element of differentiation of individuals: the personal numerical code.

Starting from these considerations, the current paper aims to debate the procedure for granting the PNC and tries to answer the question if this can or cannot be considered as an attribute for identification of the natural person together with the name, domicile and civil status.

- **PARTICULAR ASPECTS OF THE PROVISIONAL PROTECTION ORDER**

Associate Professor Ph.D. Raducu Razvan DOBRE (University of Pitesti, Romania)

Domestic violence is a constantly expanding phenomenon, determined by the multiple shortcomings that we can register at the family level. Superior protection against this type of violence could be obtained in the old regulation of the special law through the protection order. However, the capture of the factual elements that could lead to the proof of the reason for ordering the issuance of that order by the court was difficult to achieve. By extending the competence of the police in the sense of immediate intervention, by virtue of the provisional protection order, an important step was taken for a better practice in the field. We will try to

capture in the present research the main advantages obtained as a result of the changes produced by this change.

- **THE INSTITUTION OF MARRIAGE AND WOMAN'S STATUS UNDER THE MEDIEVAL LAWS OF THE 17TH CENTURY**

Teacher Ph.D. Elena GHEORGHE **(**Secondary School "George Emil Palade" , Buzău, Romania**)**

The institution of marriage in the 17th century, more precisely its legal definition, determines woman's status. In a century when the sources reflect a mainly male world, the girl has no other alternative than marriage or convent, regardless her social status. Marriage is full of consequences for women: it places them under the domination of the husband, it gives them his identity and social rank, and in many regards, transforms their lives.

Romanian laws have made marriage into a contract, concluded and disolved by the authority of the church in a public way, in a precise ceremony.

Prejudices, traditions, laws give women inferior roles, in all the social ranks. Starting from everyday life, the household, the intimate area where a person can retire, regroup, relax outside the shell protecting them from the outside world, men's power clashes with woman's power.