THE INTERNATIONAL CONFERENCE

EUROPEAN UNION'S HISTORY, CULTURE AND CITIZENSHIP

11th edition

Pitesti, 18-19 May 2018

Event dedicated to the Centenary of the Great Union

THE CONFERENCE PROGRAMME
and
THE SYNTHESIS OF THE WORKS

THE INTERNATIONAL CONFERENCE
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Pitesti, 18-19 May 2018

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THE INTERNATIONAL CONFERENCE
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THE CONFERENCE PROGRAMME

Friday, 18 May 2018

Faculty of Economic Sciences and Law,
Republicii Avenue, no. 71

9^{00}- 9^{30}	**Guests Reception** (Ground floor)
9^{30}-10^{30}	**Festive Opening – Rector's address and welcome messages on behalf of the local administration representatives** (Room C1)
10^{30}-11^{30}	**Plenary Session** (Room C1)
11^{30} -12^{00}	**Coffee Break (Ground floor)**
12^{00}-13^{00}	**Plenary Session** (Room C1)
13^{00}-15^{00}	**Lunch Break** *Victoria* Restaurant, Egalității Avenue, no.21, Pitești
15^{00}-16^{00}	**Works in sections**
16^{00}-16^{30}	**Coffee Break** (Ground floor)
16^{30}-17^{30}	**Works in sections**
20^{00}	**Festive Dinner** *Victoria* Restaurant, Egalității Avenue, no.21, Pitești

Saturday, 19 May 2018

Faculty of Economic Sciences and Law,
Republicii Avenue, no. 71

10^{00}-13^{30}	**Visits to *Florica* Villa, Brătianu Cultural Center** (Aleea Stațiunii Street, no. 37 Ștefănești) **and to Golesti Museum** (Radu Golescu Street, no. 34, Ştefăneşti)
13^{30}-15^{00}	**Lunch** *Garden Pub* Restaurant, Victoriei Street, no. 16, Pitesti
17^{30}	**Concert, *International Coral Festival "Emanoil Popescu",*** Multifunctional Center Pitesti (Bucuresti Avenue, no.2, Pitesti), departure from *Victoria* Hotel, Egalității Avenue, no.21, Pitești

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Faculty of Economic Sciences and Law,
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Festive Opening
Rector's address and welcome messages on behalf of the local administration representatives

9^{30}-10^{30} (Amphitheatre C1)

Plenary Session

10^{30}-11^{30} (Amphitheatre C1)

Moderators:
Professor Emer. Ph.D. DDr. h.c., M.C.L. Heribert - Franz KOECK (University *Johannes Kepler* of Linz Austria)
Professor Ph.D. hab. Eugen CHELARU (University of Pitesti, Romania)

- ***The European Pillar of Social Rights,*** **Professor Ph.D. Dr.h.c.mult. Herbert SCHAMBECK, honorifical president of Federal Council of Austrian Republic, member of the Pontifical Academy of Social Sciences, University *Johannes Kepler* of Linz, Austria**

Right from the beginning, the European Communities and, subsequently, the European Union have sought to improve living and working conditions, foster appropriate social protection, social dialogue and development of human resources with a view to ensuring a lasting high level of employment while combating exclusion. These endeavours were inspired by the European Social Charter of 1961 and found their reflection in the Community Charter on the Fundamental Social Rights of Workers of 1989. The Union recognises and promotes the role of the

social partners at Union level while taking into account the diversity of national systems, and facilitates dialogue between the social partners while respecting their autonomy. The EU's aim is to work towards a social Europe and to this end the Heads of State and Government of the EU Member States adopted the European Pillar of Social Rights in the EU Council meeting of 17 November 2017 which is analysed here.

- ***Guaranteeing the Claims of the Carrier of Goods in the New Romanian Civil Code,*** **Professor Ph.D.hab. Sevastian CERCEL, Dean of Law and Social Sciences Faculty, Professor Ph.D. Ştefan SCURTU, University of Craiova, Romania**

By definition, the contract for the carriage of goods is a synallagmatic contract, as the obligations arising from it are mutual and interdependent; the carrier undertakes to transport the goods from one place to another in return for a price which the consignor or the consignee undertakes to pay at the agreed time and in the agreed place. If the price is to be paid by the consignee after the goods arrive at the destination, the carrier has a claim right against him for the price to be paid. As the creditor of the consignee, the carrier has as a guarantee of recovering his debt, on the one hand, the general pledge right of unsecured creditors and, on the other hand, the special guarantees expressly granted to him by the legislature; in this respect, art. 1982 of the Civil Code provides that the carrier has the rights of a pledgee in respect of the transported goods for as long as he has those goods, i.e. he has a right of retention, a right to pursue the debt and a right of preference over the goods carried. The payment of the transport price has the effect of extinguishing the rights of the pledgee (the carrier).

- ***Fiscal Federalism in Germany,*** **Professor Ph.D. Dres.h.c. Rainer ARNOLD, University of Regensburg, Germany**

Fiscal Federalism is one of the core issues in German constitutional law. As the 16 Member States of the Federation are considered to be States, they must dispose of a sufficient amount of money for fullfilling their own tasks. The current system of financing, which is in reform and will be in part different from 2020 on, is based

on the principles of solidarity, loyal cooperation and efficiency in the Federation. The main finance resources resulting from the income tax, the corporation tax and the VAT are divided between Federation and Member States by 50 % (as to the two first named taxes) and distributed in a rather flexible system as to VAT. This vertical distribution is complemented by the horizontal distribution between the 16 Member States. This is based on the principles of domicile (as to the income and corporation taxes) and, for VAT, on the number of Member States' inhabitants. The finacial perequation compensates to a great extent fiscal power divergences. This last step is in refom being replaced by a flexible VAT system.

- ***The European migrant or refugee crisis – Review and outlook,*** **Professor Emer. Ph.D. DDr.h.c., M.C.L. Heribert Franz KOECK, *Johannes Kepler* University of Linz, Austria**

The paper deals with the notion of migration, illegal migration and its effects in general and in Europe, in particular. Reference is made to migration experience outside Europe, especially in the United States. The notion of the "European migrant/refugee crisis" is analysed and its reasons are explored. The official reaction of the European authority is dealt with, as well as the perception of the crisis in public opinion. Integration is pointed out as one of the means to alleviate fears and cope with resentments. In this context, the issue of integration or "absorption" capacity of a society is discussed. The need to accept the European values as an inalienable basis for living together in the European Union is stressed.

Coffee Break
11^{30}-12^{00}

Plenary Session

12^{00}-13^{00} (Amphitheatre C1)

Moderators:
Professor Ph.D. Dres.h.c. Rainer ARNOLD (University of Regensburg, Germany)
Professor Ph.D. Cristina Hermida DEL LLANO (University *Rey Juan Carlos*, Spain)

- ***Female genital mutilation from an interdisciplinary perspective,*** **Professor Ph.D. Cristina HERMIDA DEL LLANO, University *Rey Juan Carlos*, Spain**

Female genital mutilation encompasses all acts that intentionally alter or cause lesions to the female genital organs without medical reasons to justify them. Today, genital mutilation is a reality that affects more than 200 million women across the world and to which around 2 million children and adolescents are subjected every year. The practice of FGM is proscribed in all member States of the European Union. To combat FGM through the power of legislation in Spain, within the wider context of eliminating the different forms of discrimination against women and in response to specific contractual international obligations incurred by Spain, two laws have been passed. The first of these, L. O. 11/2003, approved September 29th, modifies the Criminal Code, such that a new crime of genital mutilation is defined through a new revision of article 149 of the Criminal Code. The second law, L. O. 3/2005 of July 8th, modifies the Ley Orgánica del Poder Judicial, to permit the extraterritorial prosecution of the practice of FGM. Here we analyze the existing legal protections to put a stop to this practice, which violates the right to personal and physical integrity of girls and women, which highlight a violation of human rights based on the victims belonging to the female sex and to the social role assigned to them, which require new instruments directed to preventing all discrimination, among whose most injurious modalities is gender-based violence.

- ***Right to Personal Development: experience of Georgia,*** **Professor Ph.D. Lali PAPIASHVILI, Javakhishvili Tbilisi State University/Tbilisi Humanitarian teaching University, Georgia**

There is little common understanding around the globe of what right to personal development implies. The meaning of personal development is therefore context-specific, varying significantly from jurisdiction to jurisdiction and over time within particular jurisdictions.

Therefore, it seems open to significant judicial interpretation, therefore increasing judicial discretion and providing flexibility for the adoption of substantive human rights guarantees.

The right to personal development does not have deep-rooted traditions. Its history dates back in 1940s. Protection and constant application of the right to personal development, has become more active over the last few years.

- ***Certain aspects regarding the selection criteria in case of downsizing determined redundancies,*** **Professor Ph.D. Magda VOLONCIU,** ***Titu Maiorescu*** **University, Romania**

Cessation of activity versus downsizing in the case of restructuring and its implications determining the objective/subjective criteria for the slection of the employeesthat will be dismissed in an objective redundancy process, yhe criteria of competence in selection or the literal interpretation of article 69 Par.3 Labor Code.

- ***Reparation measures by equivalent for the immovable property taken over abusively by the state,*** **Professor Ph.D. hab. Eugen CHELARU, Dean Faculty of Economic Sciences and Law, University of Pitesti**, **Romania**

All former Communist states where democratic regimes were established had to resolve the issue of reparations to be granted to the persons whose immovable property had been taken over abusively by the authorities of the former regime. In this regard as well, Romania has chosen a path that was different from the one followed by other states,

proclaiming the principle of restitution in kind of land and constructions, applicable with very few exceptions. Moreover, for the immovable property that, for various reasons, could not be restituted in kind, a system of financial compensation was designed, the amount of which was determined by valuation of the immovable property in question according to international valuation standards.

The magnitude of this process, combined with the fragmented and often contradictory legislation, as well as the establishment of new competent authorities to deal with requests, but with unspecialized and insufficient human resources, eventually led to the blocking of the granting of reparation actions.

In this situation, the European Court of Human Rights, suffocated by complaints coming from Romania, found that there was a systemic problem and adopted a pilot decision. Law no 165/2013 is the legislative act that seeks to bring things on a normal path.

Lunch Break
13^{00}-15^{00}

PAPERS IN SECTIONS

Private Section

15^{00}-16^{00} **(**Amphitheatre C1)

Moderators:
Senior Lecturer Ph.D. Carmen NENU (University of Pitesti, Romania)
Senior Lecturer Ph.D. Andreea TABACU (University of Pitesti, Romania)
Senior Lecturer Ph.D. Andreea DRĂGHICI (University of Pitesti, Romania)

Secretary:
Lecturer Ph.D. Amelia SINGH (University of Pitesti, Romania)

- **LEGAL RESTRICTIONS ON WORK ON SUNDAYS AND FESTIVE DAYS IN POLAND**

Professor Ph.D. hab. Jakub STELINA, (University of Gdańsk, Poland)

The article discusses legal regulations of Polish labor law regarding work on Sundays and public holidays. These issues relate to the employees' right to weekly rest. General rules concerning work on Sundays and public holidays are regulated in the Labor Code. However, on March 1, 2018, a new law regulating the employment in sales outlets entered into force. It is planned to introduce, within two years, a total ban on working on Sundays and holidays in such facilities. Work will be exceptionally allowed only in selected places of a special nature.

- **SOME REMARKS ON THE AMENDMENT TO THE ACT ON THE NATIONAL COUNCIL OF THE JUDICIARY IN POLAND**

Professor Ph.D. hab. Andrzej SZMYT (University of Gdańsk, Poland)

In 2017, two amendments to the Law on the National Council of the Judiciary were adopted. The first one was vetoed by the president. However, the next amendment was not much different when it comes to important matters from the first one. Both amendments were questioned as to their compliance with the Constitution, especially in regard to the method of appointing judges for the members of this body and because of the interruption of the constitutionally determined term of office of judges currently sitting in the Council. The amendments were also critically assessed by the Venice Commission.

- **DOCUMENTATION OF SUCCESSION RIGHTS IN THE EU**

Professor Ph.D. Mariusz ZAŁUCKI (AFM Kraków University, Poland)

In many legal systems, documents confirming the rights of the heirs and other people benefiting from the inheritance are issued in order to confirm the rights to the inheritance acquired. The purpose of such documents is to present the rights under mortis causa legal succession to a third party, and legitimisation of the right currently vested in the entitled person, or solving of the possible doubts. Since the respective instruments documenting the rights to inheritance are only of territorial nature, with the entrance into force of the EU Succession Regulation, the European heirs were offered a new instrument of trans-border consequences – the European Certificate of Succession. The author presents the problems of this area, with particular emphasis on collision of various ways of documenting the rights to inheritance.

- **THE CONTRIBUTION PERIOD- ESSENTIAL CONDITION OF ACCESSING SOCIAL INSURANCE BENEFITS IN THE PUBLIC PENSION SCHEME**

Senior Lecturer Carmen NENU (University of Pitesti, Romania)

The pension, the most important social insurance benefit provided under the public pension system, is conditioned by the completion of a certain contribution period. Two main requirements are necessary to ensure the social protection of the different categories of insured individuals within the unitary pension system. The first requirement is the correct interpretation and application of the rules of substantive law governing the legal institution of the contribution period. The second one is represented by the understanding of the purpose for which special conditions for the calculation of the contribution period have been established, The analysis of legal provisions in the field, in the context of important legislative social security changes, aims at identifying the existing vulnerabilities and formulating the proposals for their remediation, in order to respect the principle of equal treatment of public pension beneficiaries

- **ROLE OF LEGAL CERTAINTY IN A DEMOCRATIC STATE OF LAW ON THE EXAMPLE OF POLAND**

Assistant professor Beata STĘPIEŃ-ZAŁUCKA (University of Rzeszów, Poland)

The concept of the rule of law has been formulated by our civilisation a few thousand years ago. Throughout the ages it has become a foundation for the construction and development of a concept of the state of law comprising the elements of the state and the law. In the Constitution of the Republic of Poland of 2 April 1997, the idea was directly expressed in Article 2 reading: "the Republic of Poland shall be a democratic state ruled by law and implementing the principles of social justice", and at the same time – apart from other rules – it has become one of the principal rules binding in Poland. What is more, it has also become basis for deriving further rules of law out of it, and first of all the rule of legal certainty. In a democratic state of law legal certainty is particularly important as it enables the individuals to prudently arrange their affairs such that the

respective adjudications do not come as a surprise to them and that they are able to foresee the adjudication in the given circumstances. Therefore, if the rule is only a postulate in a certain state the individuals have no trust in law and have no feeling of security as regards the law, and without that we cannot talk about the trust in the state, or consequently, about a democratic state of law in general.

- **WHO IS THE CREDITOR OF THE DEBTOR'S DEBTOR?**

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

The current article subjects to analysis certain aspects of a particular legal situation in which are found persons whose liability has been entailed for insolvency. What happens with them when the insolvency procedure shall be concluded and what is their relation to the creditors? For these questions the practice has constantly responded. Is it the fairest? Does this practice has a correspondent in law?

- **A STATUTORY MODEL OF TRADE UNIONS AT THE EMPLOYER LEVEL IN POLAND**

Ph. D. Maciej ŁAGA (University of Gdańsk, Poland)

The paper describes a statutory model of trade unions at the employer level in Poland. Freedom of associacion guaranteed in ILO Convention No. 87 includes freedom to establish union structures. However, the Polish legislator enforces Polish trade unions to establish so-called 'works union organizations' at the employer level. Trade unions which does not establish a 'works union organization', exercise practically no rights of workers' represenation at the employer level. In effect Polish law is a significant obstacle to development of trade unions in contemporary Poland.

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Private Section

15^{00}-16^{00} **(**Room C2)

Moderators:
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Lecturer Ph.D. Florina MITROFAN (University of Pitești, Romania)

Secretary:
Lecturer Ph.D. Viorica POPESCU (University of Pitesti, Romania)

- **PRIORITIZATION OF INSOLVENCY IN THE UNIVERSAL LEGAL PICTURE. NEW LEGAL VIEWS PASSED THROUGH THE FILTER OF EQUITY, SOLIDARITY AND SOCIAL RESPONSIBILITY**

Professor Ph.D. Ionel DIDEA (University of Pitești, Romania), PhD Student Diana Maria ILIE (Titu Maiorescu University, Romania)

Currently, the institution of insolvency comprises new valences, which we can call equity valences, which restore to a certain extent the balance between the economic dimension and the social dimension of this institution, because modern normative proposes aim at supporting the continuation of the debtors' business, preserving jobs and covering the debts, with emphasis on amicable debt renegotiation procedures, reorganization and turnaround procedures, and as such, the norms that regulate the procedures of insolvency prevention and insolvency acquire a clear social nature.

Insolvency law has exceeded the borders of commercial law and has expanded beyond the borders of commercial law and on natural persons and territorial and administrative units, being currently harmonized with the Monist system implemented by the new Civil Code but also driven, in its evolution, by principles promoted at European Union level, and also at international level.

The common law of contracts and that of insolvency interact with each other and influence each other, however, insolvency has a special legal regime, as the regulator has devised levers required for the rescue of

the insolvent yet still viable debtor, using, for this purpose, the contractual relationships established before the time when the procedure was opened. Moreover, the new concept is based on principles that visualise the contract in the sense of a more flexible relationship between the contracting parties, principles meant to govern the new theory of the contractual law: the principle of contractual equality, the principle of contractual balance, the principle of contractual fraternity, the principle of social utility (and the inferred principles: the principle of legal security, and the principle of freedom and accountability), but also the demonstrative principle of contractual solidarity.

- **THE DISCIPLINARY ACTION AGAINST THE BAILIFF**

Senior Lecturer Ph.D. Andreea TABACU (University of Pitești, Romania)

The disciplinary liability of the bailiff does not have the benefit of detailed regulations regarding actions taken by holders stipulated by Law no. 188/2000, however the few rules in force allow the analysis of this specific legal regime, in order to determine a good knowledge of the applicable procedures in a field so sensitive and important for public order

- **CONSIDERATIONS REGARDING THE PSYCHOLOGICAL COUNSELING OF THE MINOR DURING THE FORCED EXECUTION PHASE**

Senior Lecturer Ph.D. Nora DAGHIE (*Dunarea de Jos* University of Galati, Romania)

Article 913 of the Civil Procedure Code stipulates two situations in which the bailiff will notice the existence of an impediment to enforcement: when the minor himself refuses to leave the debtor, that is, when the minor has aversion to the creditor.

Faced with either of the two hypotheses, the bailiff will not put pressure on the minor (he will not use force), but will draw up a report of the findings, which he will communicate to the parties and the representative of the Directorate General for Social Assistance and Child Protection, who will notify the competent court for a psychological

counseling program appropriate to the child's age. According to the law, the psychological counseling program can not exceed 3 months.

Starting from the purpose of adopting the new forced execution procedure for juveniles, we analyze the extent to which the current regulation of psychological counseling in the framework of forced execution respects the principle of the minor's superior interest.

- **BRIEF CONSIDERATIONS ABOUT THE NOTION OF "PERSONAL DATA" IN THE CONTEXT OF THE REGULATION (EU) 2016/679 ON THE PROTECTION OF NATURAL PERSONS WITH REGARD TO THE PROCESSING OF PERSONAL DATA AND ON THE FREE MOVEMENT OF SUCH DATA**

Lecturer Ph.D. Ramona DUMINICĂ, Senior Lecturer Ph.D. Andreea TABACU (University of Pitesti, Romania)

In the context of its application, starting with 25th May 2018, the Regulation (EU) 2016/679 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, entered into force in 2016, we consider as appropriate the clarification of the concept of "personal data".
The study starts with an analysis of the concept in the light of the Regulation (EU) 2016/679 which tries to settle certain of the ambiguities existing until now and expands the category of the personal data for certain situations, for instance, in the area of sensitive data. The notion is being approached also by relation to the doctrine and especially by presenting the interpretations given throughout time to the notion of "personal data" by the CJEU in its jurisprudence.

- **THE NOTION OF SPECIAL CONTRACT IN THE ROMANIAN LAW, STARTING WITH THE ROMAN LAW UNTIL THE POST-1989 REVOLUTION PERIOD**

Lecturer Ph.D. Dumitru VĂDUVA (University of Pitesti, Romania)

The understanding of the special contracts, of their role and of the general theory of the contract in the organization of the economic trades,

also refers to the relation between them starting from the Roman law and until the post-1989 Revolution period.

The Romanian law, which originates from the Roman law, has known, throughout the above mentioned period, evolutions of the application of the fundamental concepts of the civil law, close to the ones from the western European legislations, but also original ones, especially in the economic relations between the economic agents (undertakings) during the socialist period, which performed their economic trades based on the national plan and only in subsidiary based on the legal relations established by the Civil Code of 1864 and the Commercial Code of 1807, very close to the French Civil and Commercial Codes. During this period, only small undertakings and individuals, to a very limited level, because of the absence of their economic base by the nationalization of the enterprises or the collectivization of the lands, performed their economic trades based on the rules of the contractual law stated by the Civil Code.

Despite this limitation in the application of the rules of the private law, by the efforts of the doctrine and legal practice, the application of the concept specific to obligations in the private law have preserved their vigor, refreshed by the update to the market economy after the Romanian Revolution of 1898.

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Private Section

15^{00}-16^{00} **(**Room CS1)

Moderators:
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Senior Lecturer Ph.D. Doina POPESCU-LJUNGHOLM (University of Pitesti, Romania)
Lecturer Ph.D. Ramona DUMINICĂ (University of Pitești, Romania)

Secretary:
Lecturer Ph.D. Cătălin BUCUR (University of Pitesti, Romania)

- **PROTECTION OF RIGHTS OF CHILDREN LEFT BEHIND IN THE REPUBLIC OF MOLDOVA**

Ph.D. candidate Mariana IANACHEVICI, Associate Professor Ph.D. Maria ORLOV ("Alecu Russo" State University of Bălți, Republic of Moldova)

With the fall of the Berlin Wall and the disappearance of the Soviet Union from political map, the Southeast Europe countries found themselves in a social, political and economic crisis that affected, first and foremost, the most vulnerable groups of society - the elderly and children. Foreign migration in search of a job and decent salary is one of the main reasons for remaining without parental care in the Republic of Moldova. For example, the number of children with only or both parents left to work abroad were 6.4% from the total child population at the end of 2014 and 5.3% at the end of 2016.

The Law 140 from 14.06.2013 on Special Protection of Children at Risk and Children separated from Parents, in force from the beginning of 2014, is the main instrument governing the procedures of establishment of the status of separated children in the Republic of Moldova, including in case of parents absence for reason of migration abroad to work. According to the Law, parents are obliged to inform the local public authority about the person they leave the child when leave abroad, these rarely happen in practice. Thus, only between 13.5% (in 2014) of the total number of children with only or both parents working abroad and 23% in 2016 have established the status of "child remained or temporarily remained without

parental care". As a result, just about every 5th child left behind benefits form protection of the guardianship authority.

In this paper a detailed analysis is made of the national normative regulations for protection and assistance of children "left behind", with reference to the provisions of the UN Convention on the Rights of the Child and other international and regional documents in the field.

- **ANOTHER MEANING OF THE NOTION OF HOME - THE FAMILY HOME, AN ESSENTIAL ELEMENT OF THE IMPERATIVE PRIMARY REGIME**

Lecturer Ph.D. Carmen Oana MIHĂILĂ, (University of Oradea, Romania)

Inspired by the French regulation, the Romanian Civil Code has created for the first time a very important legal regime for the family home and for the goods furnishing and decorating it.

For the living environment is vital for the normality and balance of family life, the provisions on family dwelling come to protect the spouses and their children.

An element integrated by the legislator in the primary regime (imperative norms governing the patrimonial relations between spouses and between them and third parties, irrespective of the matrimonial regime), the special protection of the family dwelling aims at ensuring a balance, a real equality of spouses by avoiding abuses of one of them that could lead to destabilization of the family.

The paper deals with the regime of legal acts concerning the family home, the nature of these acts, the duration and conditions of protection, the rights of the spouses on the rented dwelling, the limitation of these rights, as well as the comparative theoretical and practical elements of France or Quebec.

- **GENERAL ASPECTS OF THE DISCIPLINARY LIABILITY OF BAILIFFS**

Lecturer Ph.D. Amelia SINGH (University of Pitesti, Romania)

The Labor Code regulates only the disciplinary liability of employees, but the legislator also introduces forms of disciplinary liability

for all categories of persons who carry out their activity on the basis of legal relations of employment, regardless of their nature, as well as forms of responsibility for those who carry out legal relationships based on liberal professions. In the latter case, falls the disciplinary liability of the bailiff, this being expressly regulated by the provisions of Law no. 188/2000. The situation of bailiffs is thus specifically regulated, given that there are disciplinary misconduct in the course of their activity and their status is different from that of the employees.

- **ABOUT THE ACTS OF DISPOSITION THAT SERIOUSLY ENDANGER THE FAMILY INTERESTS**

Assistant Ph.D. Georgeta-Bianca SPÎRCHEZ (Transilvania University of Brașov, Romania), Lecturer Ph.D. Adriana PÎRVU (University of Pitești, Romania)

This article analyzes one of the mechanisms established by the legislator to protect family interests - the one established by art. 316 of the Romanian Civil Code, regarding temporarily limiting the right of one of the spouses to dispose of certain assets under the sanction of cancelling the act. In this endeavor, we intend to develop the conditions to be fulfilled to order such a measure, as they were drafted in doctrine, but especially to report to the way the courts invested with such requests have ruled.

- **CONSIDERATIONS ON LEGISLATIVE NEWS ON PEOPLE WITH SPECIAL NEEDS**

Lawyer Răducu Răzvan DOBRE (Argeș Bar Association, Romania)

Among the categories of vulnerable persons established at the level of the national social assistance system in Romania are also those of people with disabilities. The social evolution has lately imposed some changes in the legislation in various areas. In correlation with the fiscal policy of the state a number of amendments were adopted, including regarding the specific normative for the protection and inclusion of persons with special needs. This paper aims to evaluate the impact that the new provisions will have at society level. The approach will start analyzing the realities that preceded this last legislative change, will review in detail the

relevant aspects of the actual change and ultimately point out the reflections that the normative act generated in the practical plan.

- **THE POWER OF THE STATE AND OF LOCAL ADMINISTRATIVE UNITS TO IMPOSE IN RELATIONS WITH NATURAL AND LEGAL ENTITIES THE EXORBITANT LEGAL REGIME AND RELATED TO THE GOODS MAKING UP THE PRIVATE DOMAIN THEREOF**

PhD Student Mihai Marian ICU (University of Craiova, Romania)

After 1990, the distinction between the public domain and the private domain belonging to the State and the Local Administrative Units became obvious. Although the first decade after the events of December 1989 can be characterized as a decade of permissive attitude of the State and Local Administrative Units regarding the exercise of certain rights by natural persons and private law legal entities on the goods from the private domain thereof, starting with 2000, the legal framework defective in the matter has been complemented by various imperative legal norms, the previous permissivity being replaced by "authority", with the imposition of the exorbitant legal regime concerning the goods part of the private domain.

The most eloquent example is the legislation on the sale of private property premises belonging to the State and Local Administrative Units adopted after 2000, legislation with a certain specificity, legislation that imposed the exorbitant legal regime also concerning the goods part of the private domain, belonging to these entities. The word negotiation, the concept of negotiation provided in these judicial texts, has quite a different meaning than the usual one, the meaning of the common law, the negotiation within these procedures being in reality an unnegociable offer.

THE INTERNATIONAL CONFERENCE
"EUROPEAN UNION'S HISTORY, CULTURE AND CITIZENSHIP"
Pitesti, 18-19 May 2018

Public Section

15^{00}-16^{00} (Room no. 104 - Department of Law and Public Administration)

Moderators:
Professor Ph.D. Anton-Florin BOȚA (University of Pitesti, Romania)
Lecturer Ph.D. Daniela IANCU (University of Pitesti, Romania)
Lecturer Ph.D. Sorina IONESCU (University of Pitesti, Romania)

Secretary:
Lecturer Ph.D. Andrei SOARE (University of Pitesti, Romania)

- **THE EUROPEAN UNION - PAST AND FUTURE**

Professor Ph.D. Anton Florin BOȚA (University of Pitesti, Romania)

Complex geo-political construction, with profound ramifications in all spheres of social life in this region, European integration is a spectacular phenomenon of socio-political construction, whose architecture has been completed not all at once, but over time, in steps and stages, becoming nowadays the most advanced form of regional integration in a determined geographic space of our world. Like any emblematic edifice, the current European construction, called the symbolic Union, faces a series of challenges, difficulties, perhaps with a system crisis, partly generating a skepticism about its evolution.

In the following, we will try to outline some ideas about the past, but especially about the future of the European Union.

- **THE PROHIBITION OF INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT. THE RECENT DECISIONS OF EUROPEAN COURT OF HUMAN RIGHTS IN THE CASES AGAINST ROMANIA**

Lecturer Ph.D. Mihaela Bogdana SIMION (University „1 Decembrie 1918" Alba Iulia, Romania)

The detention conditions, especially police violence, overcrowding, poor hygiene or inadequate medical treatment, are a main problem of the Romanian penienciary system, but also of the entire romanian society. The study aim is to present the main requirements of the article 3 of the European Convention of Human Rights, with a special regard to the recent cases against Romania judged by European Court of Human Rights, in this area of interest.

- **THE PRELIMINARY RULING OF THE COURT OF JUSTICE**

Assistant professor Justyna MICHALSKA (University of Zielona Góra, Poland)

The question referred for a preliminary ruling concerns the interpretation of provisions of EU law which apply in a specific case before a court of a Member State. The aim of the preliminary ruling is to eliminate inconsistencies between the consequences of Member State law and European law. In accordance with the principle of the primacy of EU law, the national court, in the event of non-compliance of EU law with national law, applies the laws of the EU.

- **THE RIGHT OF A POLISH CITIZEN TO EU CONSULAR PROTECTION**

Assistant professor Ewa ŻOLNIERCZYK (University of Zielona Góra, Poland)

This article is about the issue of EU consular protection over a Polish citizen during a stay abroad. This problem is now regulated by art. 20 and 23 of the Treaty on the Functioning of the EU. According to art. 23 of the Treaty "every citizen of the Union benefits on the territory of a third country where the Member State of which he is a national, he has no representation, no diplomatic and consular protection of each of the other Member States under the same conditions as nationals of that State. Member States shall adopt the necessary provisions and enter into the international negotiations required to ensure this protection". The care offered by consulates usually includes help in cases of death, assistance in cases of serious accident or illness, assistance in the event of arrest or detention, assistance to victims of violence or assistance in returning to the country to citizens deprived of financial resources. The exercise of consular protection over the citizens of the sending State is the core of consular functions, hence, it is so important to provide it even in a situation where the sending State does not have a consular representation in a given country. The topic raised in the article concerns an important problem of the implementation not only of art. 23 of the Treaty on the functioning of the EU, but also art. 36 of the Constitution of the Republic of Poland. Currently, the catalog of activities undertaken within the framework of broadly understood consular protection is still growing. Over the years, with the increase in the wealth of societies, citizens are increasingly traveling, and travels are not limited only to countries neighboring their country of origin, but they are heading in the directions of the most distant and exotic corners of the world. Consuls are expected to intervene in all the problems faced by citizens staying outside the country. The legal provisions applicable in the host country have a large impact on the scope of the consul's tasks, international regulations, regulations resulting from bilateral and multilateral agreements, but also realities and conditions, culture, geographic locations of the consul's state of operation.

- **SIMILARITIES AND DIFFERENCES BETWEEN THE ROLE AND POWERS OF THE ROMANIAN CONSTITUTIONAL COURT AND THE POLISH CONSTITUTIONAL TRIBUNAL**

Dr. Anna RYTEL-WARZOCHA (University of Gdańsk, Poland)

Constitutional judiciary plays an important role in contemporary constitutional orders based on the principles of democracy, the rule of law and the division of powers, regardless of institutional solutions adopted in individual states. Due to the high authority of these bodies, resulting primarily from their highly qualified composition, constitutional courts not only fulfill their basic function of reviewing the constitutionality and legality of law, but also receive a number of specific competences that go beyond this function. The analysis presented in the article focuses on the comparison of competences of the Romanian Constitutional Court and the Polish Constitutional Tribunal with regard to the abstract and concrete constitutional review, as well as other competences not directly related to the review of law. The considerations carried out allowed for a general conclusion regarding the constitutional position of the counterpart authorities in Romania and Poland.

- **RULE OF LAW AND POLITICS: TOWARDS A NECESSARY LIMITATION**

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

If we want to analyse the rule of law, we always find some tendencies of politicians to restrict the full contain of this very important concept. This is not a suprise, in fact, the history of Constitution – understood as a document for trust and society's organisation – is represented in almost all cases by the figh between people and politicians, with the main purpose of the first ones to limit the second group power. The last „evolutions" in politics of Romania (and to some other countries too) makes mandatory a debate about the rule of law and politicians relation and which are the possible and necessary limits of this. Our text will try to

present some ideas on this topic, wishing to have a good reception of them from the readers.

- **COORDINATION OF SOCIAL SECURITY SYSTEMS IN THE EU. PURSUIT OF ACTIVITIES IN TWO OR MORE MEMBER STATES**

Dr. Piotr KAPUSTA (University of Zielona Góra, Poland)

The freedoms of the internal market affect the activity of individuals in the sphere of employment, which increasingly provide work in various Member States. The aim of the legal systems should be to normalize and simplify their legal situation in the sphere of social security in the European Union. One of the areas coordinated by social security systems in the EU is to work in two or more Member States. This study presents and analyzes the legal basis for determining the applicable legislation when working in two or more Member States.

- **CHALLENGES OF THE EU COUNCIL'S PRESIDECY FOR 2019 IN THE FIELD OF COMMON VALUES – THE CITIZEN AS A SOURCE AND ENDING**

Ph.D. Mihaela STĂNCIULESCU (Romanian Ombudsman, Argeș Office)

A Europe of common values means, among others, respecting the human dignity, liberty, democracy, justice equality, so as respecting the human rights and the center of the European construction is represented by the citizen as a source and as an ending. It is expected that the start of 2019 to mark the beginning of spectacular changes which are meant to increase confidence and optimism among eurosceptics, as Europe of values will stratify or will consolidate its present structure, institutional and normative changes will take place or the already functioning ones will be consolidated. The following study's purpose is to analyze these aspects and to contextualize them in the concept of a common values and human rights Europe.

Coffee Break
16^{00}-16^{30}

THE INTERNATIONAL CONFERENCE
"EUROPEAN UNION'S HISTORY, CULTURE AND CITIZENSHIP"
Pitesti, 18-19 May 2018

Private Section

16^{30}-17^{30} **(**Amphitheatre C1)

Moderators:
Senior Lecturer Ph.D. Constanța MĂTUȘESCU (*Valahia* University of Târgoviște, Romania)
Lecturer Ph.D. Andra PURAN (University of Pitesti, Romania)
Lecturer Ph.D. Andrei SOARE (University of Pitesti, Romania)

Secretary:
Lecturer Ph.D. Ramona DUMINICĂ (University of Pitesti)

- **THE PARENTS RIGHT TO CONTROL THE CHILD'S RELATIONSHIPS**

Senior Lecturer Ph.D. Andreea DRĂGHICI, Lecturer.Ph.D. Daniela IANCU (University of Pitești, Romania)

In the context of the increasing recognition and promotion of children's rights and freedoms, the action margin of parents is increasingly limited, leaving the child with decision-making independence and action, with all the consequences of this fact. In their quality as titulars of parental authority, parents must intervene to ensure the proper purpose of their quality of legal custody of parental authority. The question arises as to the limitation between the exercise of rights and freedoms of the child and the restrictive parental interference that could prevent or correct a situation of potential danger to the child's life, physical or mental integrity. For a rigorous analysis, we will also refer to the French legislation in the matter.

- **LIABILITY FOR INSOLVENCY IN REGULATION OF LAW NO. 85/2014**

Lecturer Ph.D. Dragoș DAGHIE (*Dunărea de Jos* University of Galați, Romania)

The new regulation of the insolvency procedure brought novelties in the field of professionals which failed in trading and has transposed the new challenges regarding the way in which the insolvency procedure is opened, conducted and closed.
As regards the opening of the insolvency procedure, some novelties may be noticed that affect the requisite conditions for the manifest insolvency, but also for the impending insolvency, regarding the content of the debtor's application initiating the proceedings, the threshold value and so on.

Moreover, Law no. 85/2014 introduces the obligation of running the procedure prior to opening the insolvency procedure, and this stage is intended to mitigate the risk for the claims which the debtor owes to the state budget.

- **THEORETICAL AND PRACTICAL CONSIDERATIONS REGARDING THE ROLE OF THE LABOR INSPECTOR IN THE INVESTIGATION OF OCCUPATIONAL ACCIDENTS**

Associate Professor Ph.D. Lavinia ONICA CHIPEA, Lecturer Ph.D. Diana CÎRMACIU (University of Oradea, Romania)

Employers, employees and competent authorities must make efforts to ensure healthy workplaces and prevent the occurrence of events during their professional lives. In this context, the activity of rigorous research on accidents at work is also essential to prevent the occurrence of events that sometimes, seriously, affect the physical integrity of employees.
The present study also aims to delimiting the current legislative framework in this field, presenting practical aspects regarding the investigation of workplace accidents.

- **ABOUT THE THEORY OF NATURAL RIGHTS, CULTURE AND THE FIRST ROMANIAN CODES**

Senior Lecturer Ph.D. Andreea RÎPEANU (Ecological University of Bucharest, Romania)

An important contribution to the development of juridical science was that of the patriotic lord and great scribe Dimitrie Cantemir, representative cultural personality of his era who, by his wide and multilateral activity, as well as by these advanced, laic and humanistic ideas, was one of the most important European science people. Referring to his works that include as well researches in the field of juridical sciences, we should outline the signification of his contribution by knowing the history of Romanian law, the scientific value of his theories and the manner of presenting it. Partisan of the ideas of the school of equity, supporter of the state of law, where the lord himself is subject to laws and justice, for the sake of the people, protector of law and justice towards the people and predecessor of illuminism, Dimitrie Cantemir considered necessary the evolution of people by culture, with a view to provide the social evolution and preparation of the conditions for the achievement of reforms with a view to improve the situation of peasants.

- **BRIEF CONSIDERATIONS ON THE EVOLUTION OF INSURANCES. NEW REGULATIONS OF THE FINANCIAL SUPERVISORY AUTHORITY IN THE AREA OF EXTINGUISHING THE DISPUTES USING ALTERNATIVE SETTLEMENTS**

PhD candidate Rodica VLAICU (*A.I.Cuza* Police Academy, Romania), Lecturer Ph.D. Iulia BOGHIRNEA (University of Pitești, Romania)

The emergence and evolution of insurances has taken place during a longer process, nowadays being part of the tradition and of a means of thinking about the risk existence and covering the risks resulted from various unwanted events.
As novelty, the Financial Supervisory Authority Rule (FAS) No 18/2017 on the procedure for the settlement of petitions regarding the activity of insurance and reinsurance companies and insurance brokers, states the

possibility of alternative settlements for disputes, by being useful and of necessity in a professional process of guidance and information of the consumer.

- **LAWYERS` PLEAS AND THEIR COPYRIGHT**

PhD candidate Rodica VLAICU (*A. I.Cuza* Police Academy, Romania)

The copyright is that particular connection between authors and their works which entitles creators to have moral rights on their actions, which can be further turned into patrimonial rights.

The plea is defined as "an oral account sustained by a lawyer in front of a court in order to defend the case of one of the parts involved in an action at law" .

The plea can also represent an oral or written assertion or argumentation with reference to a cause or idea

- **THE PROMISE OF SELLING THE GOOD OF ANOTHER PERSON**

Legal Advisor Ph.D. Ariadna Iustina Venera GRIGORE (*A. I.Cuza* Police Academy, Romania)

In this article I intend to demonstrate the existence of the promise of selling the good of another person. The reasoning will start from explaining the concept that I place between the concept of porte-fort convention, the promise of selling and selling the good of another person. I believe that as long as a person can sell another person's property, the more he can promise to sell another person's goods (qui potest plus, potest minus).

I start from a jurisprudential debate settled by the supreme court (Dec.nr. 12/2015 (published in the Official Gazette No. 678 of September 7, 2015) of the HCCJ, the Competent Body to judge the Appeal in the interest of the law) which implicitly recognizes the existence of the institution of the promise of selling the good of another person.

Then, as a logical succession of ideas, I intend to talk about how to fulfill the obligation assumed by such a promise and about the penalty of non-fulfillment (the reasoning is a logical interpretation by analogy with the nature of the covention between the parties).

Taking into account the legislation in force, I also intend to make distinctions between the promise of the sale of one`s own good, and the promise of the sale of the good of another person in terms of advertising formalities, forced execution, as well as the obligations assumed by the promissory, and at the end of the article I will highlight the conclusions to which I have come from this study.

THE INTERNATIONAL CONFERENCE
"EUROPEAN UNION'S HISTORY, CULTURE AND CITIZENSHIP"
Pitesti, 18-19 May 2018

Public Section

16^{30}-17^{30} (Room no.104 - Department of Law and Public Administration)

Moderators:
Lecturer Ph.D. Amelia SINGH (University of Pitesti, Romania)
Lecturer Ph.D. Viorica POPESCU (University of Pitesti, Romania)
Lecturer Ph.D. Cătălin BUCUR (University of Pitesti, Romania)

Secretary:
Lecturer Ph.D. Adriana PÎRVU (University of Pitesti, Romania)

- **NATIONAL AND EUROPEAN VALENCES OF PUBLIC ADMINISTRATION INVOLVEMENT IN AND OF THE SOCIAL ENVIRONMENT**

Senior Lecturer Ph.D. Maria URECHE (*1 Decembrie 1918* University, Alba Iulia, Romania)

The current context in which we find ourselves, both at national and European level, is one that is subject to intense turmoil and changes. All this is a permanent challenge for the public administration, administration that finds itself forced to cope with these impulses coming from its outside, to adapt and reinvent itself to perform through the act of administration. Thus, public administration is a living mechanism that responds to social needs. It also addresses the social environment directly, establishes directions to follow and manages local, central or even European interests, more or less happily.

- **THE IMPACT OF THE ORGANIZATIONAL CULTURE MODEL IN THE EUROPEAN SPACE WITHIN THE ORGANIZATIONAL CULTURE OF THE ROMANIAN COMPANIES**

Associate Professor Ph.D. Maria PESCARU (University of Pitești, Romania)

The organizational culture is a structured set of material and spiritual results of the organization, integrating a system of values and beliefs that is cultivated and transmitted systematically among its members and outside of the respective unit.

The realization of an organizational culture should not be limited to managers, but it is also necessary to consider those who are led. In doing so, we take into account that the performance of an economic unit depends to a large extent on the way in which, besides managers and shareholders, all or most of the employees respond to the requirements of an efficient management, they harmoniously integrate into the system, participate actively in the realization its values.

Each country can be characterized by a set of peculiarities that make its mark on the management of organizations in that country, and the culture's influence on management makes it necessary to study the similarities and differences between management systems in different countries, thus justifying the concern of specialists for a new domain, that of the comparative management.

Once implemented, the organizational culture represents a true "way of life" for the organization's members, it tends to be stable over time as it involves hypotheses, values, basic beliefs, and once it has acquired identity, organizational culture can persist despite staff fluctuations, ensuring the social continuity. When compared to that of other organizations, an organization's culture is more prominent, and this happens when it is subdued to change.

Organizations try to select the new members that best fit the culture of the organization. Similarly, those looking for a job try to find the organization where their values and personality are compatible.

- **LOCAL PUBLIC ADMINISTRATION FROM THE PERSPECTIVE OF THE RECENT DECISIONS OF THE CONSTITUTIONAL COURT OF ROMANIA**

Senior Lecturer Ph.D. Mihai APOSTOLACHE (*Petroleum-Gas* University of Ploiesti, Romania)

The article deals with several jurisprudential aspects of the practice of the Romanian Constitutional Court with an impact on the organization and functioning of local public administration and the status of local elected representatives. The analysis envisages two decisions of the constitutional litigation court which declared unconstitutional two normative acts that modified the procedure for validating the mandate of the local and county councilors and the regime of incompatibilities of certain categories of local elected representatives. After the legislator changed the framework law of local public administration and the law regulating the incompatibility regime of the local elected representatives, the Constitutional Court, within the framework of the previous constitutional control, has declared the legislative interventions analyzed as being unconstitutional.

- **THE INDEPENDENCE OF THE COURTS – PRINCIPLE ON WHICH IS BASED THE ACT OF JUSTICE**

Lecturer Ph.D. Florina MITROFAN (University of Pitești, Romania)

The compliance with the independence of the justice performing the act of justice insures the finality of the compliance with the rights and legitimate interests of the parties, the equality in front of the law and non-discriminatory treatment for all participants.

This refers to the fact that, the independence of the judge, in solving the cases which are brought in front of him, cannot be limited by any person or state authority.

The independence of judges does not mean arbitrary, they are subjected to the law too, and by their activity to contribute in strengthening the trust of the citizens in the legal act.

- **THE PRINCIPLE OF LEGALITY – A COMPONENT OF THE STATE OF LAW**

Lecturer Ph.D. Florina MITROFAN (University of Pitești, Romania)

The state of law insures the supremacy of the Constitution, the conformity of the laws and of all the other normative acts with it, the separation of state powers and their performance according to the law.

Justice must answer certain fundamental exigencies, one of them being the legality.

The principle of the legality of justice refers to the fact that the jurisdictional feature can only be fulfilled by those state authorities to whom the Constitution and the laws recognize this quality.

The courts can solve litigations only within the limits of the competences entrusted by the law, and the means of attack can only be performed according to the law.

- **COMMUNITY SERVICES OF PUBLIC UTILITIES – BRIEF LEGAL CONSIDERATIONS**

Lecturer Ph.D. Viorica POPESCU (University of Pitești, Romania)

Belonging to the category of public services of general interest, the community services of public utilities have a fundamental role in improving the quality of the citizen's lives.

The institutional reforms over the past 20 years have attempted to provide the general conditions needed to increase the well-being of citizens, irrespective of their economic situation.

The adhesion of Romania to the European Union has determined the correlation of the internal regulations with the directives in this area, the purpose being of creating a European area in which the citizens shall benefit from services of European quality.

In Romania, the community services of public utilities were initially stated by the Law No 326/2001, nowadays being applied the Law No 51/2006, the current study having as purpose a brief analysis of the legal provisions in this area.

THE INTERNATIONAL CONFERENCE
"EUROPEAN UNION'S HISTORY, CULTURE AND CITIZENSHIP"
Pitesti, 18-19 May 2018

Public Section

16^{30}-17^{30} (Room C2)

Moderators:
Senior Lecturer Ph.D. Miruna TUDORAȘCU (*1 Decembrie 1918* University of Alba-Iulia, Romania)
Lecturer Ph.D. Marius ANDREESCU (University of Pitesti, Romania)
Lecturer Ph.D. Iulia BOGHIRNEA (University of Pitesti, Romania)

Secretary:
Lecturer Ph.D. Sorina IONESCU (University of Pitesti, Romania)

- **THE BREXIT ISSUE AND THE TRANSITIONAL REGIME OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND**

Senior Lecturer Mihaela Adina APOSTOLACHE (*Petroleum-Gas* University of Ploiesti, Romania)

The paper addresses an atypical situation for the overall evolution of the EU, namely the transitional regime applied to the United Kingdom of Great Britain and Northern Ireland following the notification to the Union under Article 50 of the TEU. Such a transitional regime, which is part of the withdrawal agreement, must be in the interest of the Union, clearly defined and limited in time. In order to ensure conditions of fair competition based on the same rules that apply throughout the single market, the acquis amendments adopted by the EU institutions, bodies, offices and agencies apply both in the United Kingdom and in the Union. Moreover, all existing Union instruments and structures relating to regulatory, budgetary, supervisory, judicial and law enforcement matters, including the jurisdiction of the Court of Justice of the European Union, shall also apply.

- **THE RIGHT TO EDUCATION-EU EXPECTATIONS FOR 2020**

Lecturer Ph.D. Sorina IONESCU (University of Pitești, Romania)

Nowadays we can easily observe that education plays an important role in growth, innovation and job creation. National education systems have to provide people the competences and skills necessary for their innovative and prosperous growth. Education has the role of helping young people in participating and shaping the future of their states in an era of Digital technology that opens their access to information.

- **CRIMINAL BEHAVIOUR – DEFINING ELEMENTS OF THE CRIMINAL INVESTIGATION**

Lecturer Ph.D. Carmina TOLBARU (University of Pitești, Romania)

The etiology of the criminal behaviour must be studied both individually, as well as socially. Thus, we are facing a complexity of factors generating the criminal behaviour of individuals, in this respect specific measures must be identified to prevent such behaviours and their effectiveness in relation to the social reality. This is one of the areas of criminological interest, their study aiming the correlation between different types of personality and the category of crimes to which individuals appeal, the share of the researches being large in terms of generating conditions.

- **FREEDOM OF EXPRESSION. LEGAL AND THEOLOGICAL SIGNIFICANCE AND IMPLICATIONS**

Lecturer Ph.D. Marius ANDREESCU (University of Pitesti, Judge Court of Appeal Pitești, Romania), Lecturer Ph.D. Andra PURAN (University of Pitesti, Romania)

Few rational or existential categories and concepts have formed the subject of extensive analysis and discussion, so is the case of the freedom. It is natural to be so, because freedom is a property existential to man, his being and therefore one cannot understand the size of the existential man, both as an individual in his intimacy or in the social

environment, outside the concept of freedom. We aim to realize a few brief comments on the meanings of the concept of freedom and especially what could it mean by its forms of imperfect freedom (precariousness of freedom) and even the failures or delusions, from what can be considered as the fullness of freedom and thereby fulfillments of freedom.

- **BRIEF CONSIDERATIONS UPON THE ESTABLISHMENT OF DAMAGES DURING THE CRIMINAL TRIAL**

Lecturer Ph.D. Cătălin BUCUR (University of Pitești, Romania)

The court shall establish the moral damages not as an economic quantification of certain rights and non-patrimonial values, but as a complex evaluation of the circumstances in which the damages are being exteriorized, therefore the court shall have the possibility to valorize their intensity and gravity and to order the reparation of the moral prejudice suffered, by avoiding the case of the unjust enrichment.

THE INTERNATIONAL CONFERENCE
"EUROPEAN UNION'S HISTORY, CULTURE AND CITIZENSHIP"
Pitesti, 18-19 May 2018

Public Section

16^{30}-17^{30} (Room CS1)

Moderators:
Lecturer Ph.D. Ilioara GENOIU (*Valahia* University of Târgoviste, Romania)
Lecturer Ph.D. Marius VĂCĂRELU (National School of Political and Administrative Studies, Romania)
Lecturer Ph.D. Lavinia OLAH (University of Pitesti, Romania)

Secretary:
Lecturer Ph.D. Daniela IANCU (University of Pitesti, Romania)

- **FISCAL RECEIVABLE *VS*. BUDGETARY RECEIVABLE**

Senior lecturer Ph.D Marta-Claudia CLIZA (*Nicolae Titulescu* University of Bucharest, Romania)

The present study intends to present the legislative discrepancies and the practical difficulties created by a faulty legislation. The intention to collect as much as you can has to be punished and the courts have to clarify the meaning of fiscal receivable versus budgetary receivable.

- **SHORT CONSIDERATIONS REGARDING THE ADMINISTRATIVE UNIFICATION IN ROMANIA AFTER THE GREAT UNION OF 1918**

Lecturer Ph.D. Daniela IANCU (University of Pitești, Romania)

Following the achievement of the politic unification in Romania, they needed the legislative unification for the complete union to be assured. The legislative unification needed a wide activity which, in domains like administrative law, lasted quite a lot, considering the differences between the four administrative regimes that had to be united into a new administrative construction. It was achieved in July 1925, by passing the Law for administrative unification.

- **ADMINISTRATIVE COOPERATION IN EUROPEAN UNION LAW AND POLISH LAW**

Ph.D. Wiktor TRYBKA (University of Zielona Góra, Poland)

EU law, the duty of cooperation between the EU administration bodies and the authorities of the European Union Member States is resulting from the Treaty on European Union and the Treaty on the Functioning of the European Union. A principle of sincere cooperation is the basis for cooperation between In public administrations at european level. From this rule, the Court of Justice of the European Union has evoked the obligation of cooperation of national authorities with the EU institutions and authorities of other Member States. The provisions of the EU law forced the polish legislator to regulate the issue of cooperation between state bodies and authorities of other countries at the national level. European administrative cooperation was regulated in polish law in the Code of Administrative Procedure. The procedural provisions of administrative law establish a set of standards similar to provisions on international legal assistance in civil or criminal court proceedings. Cooperation doesn't concern all activities of administrative bodies, but only activities carried out in a specific proceeding. It is usually taken on a proposal, which must contain a justification. The transmission of information between public administration bodies is usually electronically

- **SOLUTIONS THAT MAY BE GIVEN BY THE PRELIMINARY CHAMBER JUDGE**

Lecturer Ph.D. Denisa BARBU (*Valahia* University of Targoviste)

The Preliminary Chamber aims to resolve the issues related to the jurisdiction and lawfulness of the courts' referral, as well as the lawfulness of the administration of evidence and the execution of acts by the criminal prosecution bodies, ensuring that the case is solved in a speedy manner. The criminal trial knows a preliminary chamber, usually located after the criminal investigation phase and before the trial phase.

Beyond the substantive changes, the preliminary chamber procedure is placed historically in the succession of the institution of the indictment chamber provided by art. 279 C.C.P. 1936, which had the power

to order the referral of the defendant to the Court of Jurisdiction when there is evidence and solid evidence against the defendant.

At the moment, the preliminary chamber procedure has a different philosophy than the institution of the preparatory meeting provided in Art. 269-279 C.C.P. which was in force between 1953 and 1957 and repealed by Decree no. 473 of 20th September 1957, in which an analysis was made of both the merits of the referral and of the lawfulness of the criminal investigation or its completeness. This procedure was non-public, but the prosecutor and, exceptionally, the accused could attend this if the court considers it necessary.

As a result, the prosecution of the accused falls within the jurisdiction of the judge who participates in the proceedings of the preparatory hearing and, at the preparatory hearing, the court could order the return of the case for completion or restoration of the criminal prosecution if it was not complete and the provisions procedural steps to ensure that the truth is established or that the case is brought to an end and that the criminal proceedings be brought to an end if it were aware of the existence of one of the causes of impediment to the commencement or prosecution

- **ADMINISTRATIVE CONTENTIOUS. SOME JURISPRUDENTIAL LANDMARKS REGARDING THE PRIOR COMPLAINT**

Ph.D. Cristina TITIRIȘCĂ (the Office of the President of the Constitutional Court, Romania)

According to Law no. 554/2004 on the administrative contentious, as subsequently amended and supplemented, the procedure for settling claims in administrative litigation starts with a preliminary procedure, under which a person injured in a right or a legitimate interest by a unilateral administrative act requests the issuing public authority or the higher authority, if any, to revoke the act in whole or in part. The present paper does not aim to deal with this issue exhaustively, but to present some details resulting from the practice of the courts and of the Constitutional Court.

- **THE ORGANIZATION OF THE FAMILY COUNCIL**

PhD candidate Mihai-Adrian DAMIAN (University of Craiova, Romania)

The current paper approaches the legal issues related to the structure of the family council, as well as its organization or modification.

First of all, it must be mentioned that though the legislator has inserted this new legal institution in its attempt to make the protection of persons more efficient, though the organization of the family council is not mandatory. This situation results from the provisions of Art 108 of the Civil Code, as well as from Art 124 of the same document.

Both legal texts state about the fact that this consultative organ supervising the activity of the guardian can be organized by the guardianship court. The statement of the legal norms cannot induce the idea of a facultative feature of the family council, the more so as Art 108 Para 2 of the Civil Code states that in the absence of a family council, its attributions shall be performed by the guardianship court. Moreover, unlike other legislations, the Romanian Civil Code states that the guardianship court shall have the ability to organize a family council only upon the request of interested parties.

- **LEGAL NATURE OF THE CONSTRAINT**

Master in law Oleg TĂNASE (Republic of Moldova)

Responsibility, as one of the fundamental principles of law, implies „the task of liability" as a function for the purposes of acceptance of a derogatory behavior.

Although the concept of responsibility has been claimed by morality, the science of law has adopted the traits of this concept in a creative way, by adapting it to the specifics of its object of research.

The science of law has developed „the task of liability", by creating the concept of constraint, which highlights a certain behavior