Plenary

Professor Khaled Bouabdallah, President of Jean Monnet University, France

Razvan Theodorescu, Member of the Romanian Academy

Professor Ioan Alexandru, PhD, Chief of the Law Department of the National School of Political Studies and Public Administration, Romania
The Limits of the Representative Democracy

Associate Professor Christian Daudel, PhD, Jean Monnet University, France
Université Danubius - Université Jean Monnet, Bilan d'une Coopération, Perspective d'un Partenariat Approfondi

Dimitriu Mihail, PhD in economics, Scientific Secretary of the Center of Financial and Monetary Research "Victor Slavescu", Romanian Academy, Romania
The State Intervention in the Romanian Economy - Impact and Issues in the European Context

Silvia Buhlea, CEO of the Intermediary Organism POS Environment South Eastern Region, Romania
Environmental Components in the Sustainable/Durable Development – European Context and Financing

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CONFERINŢA INTERNAŢIONALÃ „INTEGRAREA EUROPEANÃ – REALITÃŢI ŞI PERSPECTIVE”

ediţia a-V-a
GALAŢI, 14 – 15 mai 2010

Programul cadru

Vineri 14.05.2010
9.00 – 10.00 - Primirea şi înregistrarea participanţilor la Sediul Universităţii „Danubius” Locaţie: Foaierul Universităţii „Danubius”, corp B, etaj 2.

10.00 - 12.00 - Deschiderea oficială a lucrărilor conferinţei; Mesaje ale participanţilor la conferinţă; Conferirea titlului de Doctor Honoris Causa unor personalităţi din ţară şi din străinătate:
-**Prof.univ.dr. Khaled Bouabdallah**, Preşedinte al Universităţii Jean Monnet din Saint-Etienne, Franţa;
-**Academician Răzvan Theodorescu**;
-**Prof.univ.dr. Ioan Alexandru**.
Locaţie: Aula Magna, corp B, etaj 2.

12.00 - 12.30 - Pauza de cafea;
Locaţie: Foaierul Universităţii „Danubius”, corp B, etaj 2.

12.30 - 13.00 - Lansare de carte (prof.univ.dr. Ioan Alexandru).
Locaţie: Foaierul Universităţii „Danubius”, corp B, etaj 2.

13.00 - 14.00- Dezbateri în plen;
Locaţie: Aula Magna, corp B, etaj 2.

14.00 - 15.30 - Masa de prânz;
Locaţie: Clubul Seniorilor, corp B.

15.30 - 17.00 - Dezbateri pe secţiuni

17.00 - 17.30 - Pauza de cafea;
Locaţie: Foaierul Universităţii „Danubius”, corp B, etaj 2.

17.30 - 18.30 - Dezbateri pe secţiuni

20.00 - Cină festivă – Restaurant Panoramic

Sâmbătă 15.05.2010
9.00 - 10.30 - Masă rotundă cu tema „Rolul parteneriatului public-privat în dezvoltarea şi promovarea cercetării româneşti la nivel naţional şi internaţional”;

Locaţie: Sala Senatului, Sediu administrativ.
11.00 - 14.00 - Croazieră pe Dunăre – vapor „Tudor Vladimirescu” (în faţa Palatului navigaţiei)

INTERNATIONAL CONFERENCE
„EUROPEAN INTEGRATION - REALITIES AND PERSPECTIVES"

5th edition

GALAŢI, 14th – 15th May 2010

Program

Friday, 14.05.2010

9.00 – 10.00 - Welcoming of the participants at "Danubius" University;
Venue: "Danubius" University Hall, B building, 2nd floor.

10.00 - 12.00 - The conference official opening; Messages from participants; The conferring of the title of Doctor Honoris Causa to national and international personalities:
-Professor Khaled Bouabdallah, PhD, President of Jean Monnet University, France;
-Răzvan Theodorescu, member of the Romanian Academy;
-Professor Ioan Alexandru, PhD, Chief of the Law Department of the National School of Political Studies and Public Administration, Romania.
Venue: Aula Magna, B building, 2nd floor.

12.00 - 12.30 - Coffee break;
Venue: "Danubius" University Hall, B building, 2nd floor.

12.30 - 13.00 - Book release (Professor Ioan Alexandru, PhD).
Venue: "Danubius" University Hall, B building, 2nd floor.

13.00 - 14.00 - Plenary session;
Venue: Aula Magna, B building, 2nd floor.

14.00 - 15.30 - Lunch; Venue: Seniors Club, B building.

15.30 - 17.00 - Section papers

17.00 - 17.30 - Coffee break;
Venue: "Danubius" University Hall, B building, 2nd floor.

17.30 - 18.30 - Section papers

20.00 - Dinner – Panoramic Restaurant

Saturday, 15.05.2010

9.00 - 10.30- Satellite event – workshop on the theme „The Role of the Public-Private Partnership in the Development and the Promotion of the Romanian Research Activities at National and International Level";
Venue: Senate Room, Administrative building.

11.00 - 14.00 - Boat cruise on the Danube - „Tudor Vladimirescu" ship (in front of the Navigation Palace)

LA CONFÉRENCE INTERNATIONALE „L'INTÉGRATION EUROPÉENNE – RÉALITÉS ET PERSPECTIVES"

la 5ème édition

GALAŢI, les 14 et 15 Mai 2010

Le programme

Vendredi, le 14 Mai 2010

9.00 – 10.00 Accueil des participants au siège de l'Université « Danubius »
Lieu d'organisation: Le foyer de l'Université « Danubius », bâtiment B, 2em étage.

10.00 - 12.00 Séance d'ouverture ; Annonces d'orateurs prévus et exposés introductifs ;
Cérémonie Docteur Honoris Causa :
-Professeur d'Université Khaled Bouabdallah, Président de l'Université «Jean Monnet», France;
-Răzvan Theodorescu, membre de L'Académie Roumaine;
-Professeur d'Université Ioan Alexandru, L'École nationale d'études politiques et administratives, Roumanie.
Lieu d'organisation: Aula Magna, bâtiment B, 2em étage.

12.00 - 12.30 Pause café;
Lieu: Le foyer de l'Université « Danubius », bâtiment B, 2em étage.

12.30 - 13.00 - Lancement de livre (Professeur Ioan Alexandru).
Lieu: "Danubius" University Hall, B building, 2nd floor.

13.00 - 14.00 Débats avec tous les ateliers réunis;
Lieu : Aula Magna, bâtiment B, 2em étage.

14.00 - 15.30 Déjeuner officiel;
Lieu: le Club de l'Université « Danubius », bâtiment B.

15.30 - 17.00 - Travaux par ateliers

17.00 - 17.30 Pause café;
Lieu: Le foyer de l'Université « Danubius », bâtiment B, 2em étage.

17.30 - 18.30 Travaux par ateliers

20.00 - Dîner d'honneur – le Restaurant « Panoramic »

Samedi, le 15 Mai 2010

9.00 - 10.30 - Atelier sur le thème « Le rôle du partenariat public-privé dans le développement et la promotion de la recherche scientifique roumaine sur le plan national et international ».
Lieu: Sale du Sénat, le bâtiment administratif.

11.00 - 14.00 - Croisière sur le Danube – le bateau „Tudor Vladimirescu" (devant le Palais de la navigation)

LEGAL SCIENCES
SECTION I

PUBLIC LAW
CHAIRMAN: EMIL BĂLAN

Considerations on the Interceptions and Audio-Video Recordings Related to the Convention on Human Rights and Fundamental Freedom

Grădinaru Sandra
Abstract: The present paper regards the issue of interceptions and audio-video recordings, in light of Article 8 of the European Convention on Human Rights. Therefore, a democratic society imposes a pressing need for respecting the right to one's "private and family life, his home and his correspondence", which is subject to certain restrictions that are "in accordance with law" and "necessary in a democratic society". Hence, the national legal framework regarding interceptions and audio-video recordings has to provide sufficient guarantees so as the right to privacy is not violated.

The Structure of the Romanian Parliament after 20 Years of Democracy
Lucian Catrina, Mihail Boldea
Abstract: After the recent referendum which approved the initiative to amend the parliamentary structure and to reduce the number of parliamentarians to maximum 300, the public and professional debate has been radicalized. The bicameralism followers invoke the need of strict specialization of the two rooms or transforming the Senate in a form of representing the regions. Their arguments are historical (the interwar realities), but they forgot that the independence degree of the states in the European Union is limited and the existence of the third parliament (EP) overlaps the structure already established in other times. The running costs of the Romanian State are enormous, therefore the constitutional reform needs adjustments according to new social and communication realities. A new unicameral structure is justified by the need for representation of a larger pattern of citizen in the Parliament, whose expectations may be better liked at the level of district, which covers a wider territorial or problematic area. The plea for unicameralism is according to the spirit of today's people and expectations.

The European Arrest Warrant Concerning the Latest Changes and Additions
Ion Rusu
Abstract: Based on a dysfunction detected during the surrender of a pursued person under the European Convention on Extradition, the European Union instituted a new procedure that is the European arrest warrant. Because initially the provisions of the Framework Decision 2002/584/JHA did not provide clear legal rules regarding which procedure to follow, if the wanted person was not present at the trial, this situation was observed also by the European Court of Human Rights, it was amended and supplemented accordingly by adopting the Framework Decision 2009/299/JAI. The evaluation of the provisions of both acts highlights the existence of some incomplete legal rules, which in time they will cause some dysfunctions regarding the issuing and the enforcement of a European arrest warrant. The originality of the work results from the analysis of the recent changes of the European regulatory framework document and the critical opinions expressed about some stipulations, which in our opinion are incomplete. The paper can be useful not only for the Romanian legislator, but also for the European one, from the perspective of modifying the concerned legal acts and also the doctrine. It has a major importance in this domain for ensuring an area of freedom, security and justice in the European Union.

The Issuance and Transmission of a European Arrest Warrant by the Judicial Romanian Authorities

Ion Rusu

Abstract: The European arrest warrant is the most important form of judicial cooperation in penal matters within the European Union, which is based on the mutual recognition of criminal judgments. The European legislative act that governs the institution is the Framework Decision no. 2002/584/JHA of 13 July 2002 on the European arrest warrant and the surrender procedures between Member States, amended and supplemented by the Council Framework Decision of 2009/299/JAI February 26, 2009. Although the first piece of the European normative act has been transposed into our legislation by the Law no. 302/2004 on international judicial cooperation in criminal matters, with subsequent amendments, the modifying normative act has not been transposed into national law. The research conducted on the depositions of special law and of the European normative act, and especially on their implications in the internal and European judiciary practice, demonstrates the existence of some incomplete stipulations, secures the workability of the issuing, transmission and identification, trapping and handing over the persons wanted by the Romanian judicial authorities in the Member States. A very special situation which is determined by the omission of national and EU legislator, in order to include the category of the persons submitted to the handing over and the minors against whom it was applied an educational and privative of freedom measure, a situation which leads directly to the non execution of the minors of such sanctions. The originality of the work consists in the critical observation and also the proposals of lege ferenda which covers both the Romanian special law and also the European normative act. At the same time the critical observations are useful not only for Romanian legislator who intends to supplement and modify the special law, but also for our doctrine.

Peculiarities of the Enforcement of the European Arrest Warrant in the Case of an Illegal Liberty Deprivation

Rusu Ioana

Abstract: The illegal liberty deprivation is, under the current context, one of the most serious offenses, being treated differently in the European Union. The need to prevent and combat this violation, it has led the European legislator to include it under different names in the European legislative act that governs the institution of the European arrest warrant. In this context, the European arrest warrant is the most important form of judicial cooperation in penal matters between the Member States of the EU, which is based on mutual recognition of criminal judgments. The research conducted on how it is regulated the enforcement of the European arrest warrant in the case of illegal liberty deprivation in the European legislative act (the Framework Decision 2002/584/JHA) leads to the conclusion that the legislature failed to mention the violation in question in the group of the violation for which it was not necessary the inspection of the double incrimination, but, still, including the offenses as kidnapping, illegal restraint and hostage-taking. Even if the Romanian legislator included this violation in the above mentioned group, this situation is not solved, because it will cause some problems in the request by the Romanian judicial authorities of the enforcement of such warrant. Another criticized issue, observed not only in the European legislative act, but also in the internal law, is related to the lack of stipulations, which can lead to the possibility of issuing and executing a European arrest warrant and for the execution of educational measures for illegal deprivation of liberty and also others. Also, in order to increase the effectiveness of the execution of a European arrest warrant, we consider that it should be granted executive powers of all courts of Romania. The need to prevent and combat this violation, it has led the European legislator to include it under different names in the European legislative act that governs the institution of the European arrest warrant.

Considerations on the Relationship between Jurisprudence and the Way of Law's Interpretation by the Public Administration

Emil Bălan, Gabriela Varia, Marius Văcărelu

Abstract: The paper aims at answering the question of the relationship between jurisprudence and the way law is interpreted by public administration in the conditions of respecting good administration's requirements. The research is grounded upon previous studies published in the framework of the project The right to a good administration and its impact on public administration's procedures (code PN II IDEI 698/2007) financed by the Romanian National Research Council (CNCSIS) and is based on comparative and interdisciplinary approaches of public administration and administrative law. The present research concludes in favor of a special role ensured for the juridical norm's interpretation effectuated by justice reported to the ones given by public administration. The implications of such interpretations translates themselves in reducing the number of judicial causes generated by conflicts of juridical interpretation and ensuring a good administration through observance of beneficiaries' legitimate expectations. The research addresses both academics and practitioners in the field of justice and public administration, bringing to their attention a new approach of the relationship between justice and public administration in the process of law implementation.

Current and Ongoing Internet Crime Trends and Techniques. Preventive and Legislation Measures in Romania

Florin Postolache, Mihaela Postolache

Abstract: Internet crime techniques that pilfer from victims millions each year continue to plague the Internet through a range of methods. The trends and techniques identified by many organizations along with their descriptions are followed by preventative measures that will support you in being informed prior to entering into dealings and transactions over the Internet. Techniques as Auction Fraud, Counterfeit Cashier's Check, Credit Card Fraud, Debt Elimination, Parcel Courier Email Scheme, Employment/Business Opportunities, Escrow Services Fraud, Identity Theft, Internet Extortion, Investment Fraud, Lotteries, Nigerian Letter or "419", Phishing/Spoofing, Ponzi/Pyramid, Reshipping, Spam, Third Party Receiver of Funds are clarified in this paper and, also the internet crime prevention and legislative measures are treated, too.

The Corruption Crimes in light of the New Regulations of Law No. 286/2009

Grădinaru Sandra

Abstract: The corruption phenomenon in Romania is one of the factors that have slowed the progress of economic and political development, and therefore the fight against this phenomenon constitutes a primary concern of the entire Romanian society, in order to increase the level of integrity and trust towards state institutions and in order to integrate the Romanian society in the European community. Law no. 286/2009 regarding the new Criminal Code brings a number of changes in terms of corruption offenses, changes that have drawn a lot of criticism. The faulty wording in the general part has resulted in the decriminalization of the largest part of the corruption crimes already committed and, as such, a partial indirect amnesty of the corruption acts, which have seriously affected the social system and Romania's development. The manner in which a crime is defined by law or the ambiguity of the definitions regarding the criminal nature of an act affects seriously the clarity and predictability of the criminal policy. Moreover, the draft Criminal Code and the draft Criminal Procedure Code contain a number of provisions which are contrary to the Constitutional Court's jurisprudence and may affect the efficiency of the law.

The Moral Issue of Suicide and its Relation with the Individual Freedom of Human

Liliana Pavel

Abstract: The thesis treats the problem of suicide by putting it in relation to the individual freedom of human. I will concentrate on just a few problems which aim at trying to offer an answer to the above mentioned theme. In order to achieve this purpose we will use different opinion and theories regarding the theme in question which demonstrates that the theme has been treated thoroughly and also by prominent authors like G. Minois, E. Cioran, A. Schopenhauer or Paul-Ludwig Landsberg. We were asking ourselves weather suicide is a moral problem or not. How about a solution to escape from the existential anguish? People have never understood completely the acts of suicide showing almost constantly contempt, fear, pity or indifference to these.

The Motivation for Studying the Maritime Law Institutions within Romanian Higher Education

Ciprian Alexandrescu

Abstract: Unlike other countries that have the capacity of shipping and cargo, in Romania the maritime law is not considered a separate branch of law. Some institutions of maritime and fluvial law are briefly studied law in Transportation Law and Commercial Law, but this situation cannot lead to the development of law in general and hence the formation and specializing the lawyers in this field. The consequences of this concept are obvious, if we look at the legal literature, extremely poor in the theoretical approach of the institutions of maritime and fluvial law. This is confirmed also by the fact that the few references to law institutions have been made by experts in navigation and very limited by the lawyers. This is one of the motivations to study maritime and fluvial law as a separate branch of law in France, Spain, Italy, Russia, Britain, Canada, USA, etc. The authors that invalidate the autonomy took into consideration only the legislators' concept in the early period of capitalism, when he began developing merchandise production and hence development of maritime trade; this led the states to adopt commercial codes that established the rules regarding the land and sea commerce. In modern times, in addition to commercial codes which have been modified or replaced, there have been adopted national and international laws regulators which have another purpose than trade. Thus, there are rules for saving life at sea, organizing and functioning of ports, the incrimination of the illegal acts with specific procedural rules, port work, the organization and operation of international shipping companies, regulating transportation through certain waterways, training the seafarers, safety navigation, organization and operation of port activities, licensing shipping, etc. Moreover, today many states have adopted or are currently adopting navigation codes that include all shipping rules on trade, shipping, and related activities, there are introduced provisions of international conventions to which states have joined. I consider that there are sufficient arguments for the introduction of the maritime and fluvial law in higher education. If this approach will continue to be ignored, we cannot certainly discuss of any proper reform of higher education.

Relevant Etiological Factors Involved in Human Trafficking in order to Practice Prostitution

Alexandru Boroi

Abstract: Human trafficking (especially women and young girls, though men count equally among the victims) are recently developed worldwide. The situation in certain regions of Central and Eastern Europe (with the opening of borders, increasing unemployment and poverty, dislocations and reducing state control structures) tend to favour the development of all forms of trafficking, especially of human trafficking for sexual exploitation. In order to adopt appropriate measures to prevent and combat we have to know first the causes and conditions that generate human beings trafficking. Analysis of case studies and police statistics allowed the structuring of categories of causes and conditions that generate and sustain the phenomenon of trafficking in order to practice prostitution.

The Death Penalty in the United States of America

Cătălina Miron Popa

Abstract: The death penalty dramatically signifies that society does not excuse or condone the taking of innocent lives. It symbolizes the value of the innocent victim. Incapacity can be imposed by long terms of imprisonment, particularly for habitual offenders; the policy of "keeping criminals off the streets" does indeed protect the public for a period of time, although it is done at a considerable cost. The object of deterrence is to make the certainty and severity of punishment so great as to inhibit potential criminals from committing crimes. The best available estimates of the certainty of punishment for serious crime suggest that very few crimes actually result in jail sentences for the perpetrators.

Comments on the Adoption of a New Code of Criminal Procedure

Dragu Creţu, Angelica Chirilă

Abstract: Current legal realities of life have revealed a lack of celerity conduct of criminal trials in generally ways distrust individuals prosecutors in the act of justice and human and social costs significantly, translated into higher consumption of time and financial resources. All this have leaded to a climate of distrust in the effectiveness of criminal justice. The main problems facing the criminal justice system are related to overloading the current prosecuting magistracy and courts, the excessive length of proceedings, unreasonable delays of cases and failure cases on procedural reasons. Of these, preventive custody issues, proceedings, putting skills and taking of evidence in criminal matters were the subject of several cases to the European Court of Human Rights, to which Romania is party. That being so, it became evident the need to eliminate the deficiencies which resulted in the conviction of Romania by the European Court of Human Rights repeatedly. Current procedural system governed by the Code of Criminal Procedure, submitted to frequent legislative intervention on the various institutions, leaded to a unitary interpretation of the law enforcement and criminal procedure. Therefore, it seems obvious need for an adequate framework for the High Court of Cassation and Justice and could fulfill the role of interpretation and uniform application of the criminal procedure law. Taking account of the deficiencies confronting criminal procedural system has raised a modern and necessary thinking, responsive to the imperatives of justice create a suitable social expectations and improving the quality of the public service. Provisions of the draft new Criminal Procedure Code are intended to meet current requirements, and accelerating time to criminal procedures, simplify them and creating a uniform case, in agreement with the European Court of Human Rights.

Observations on the Adoption of a New Penal Code (Law No. 286/2009)

Angelica Chirilă, Dragu Creţu

Abstract: The current Criminal Code, adopted by Law nr.15/1968, came into force from January 1, 1969, although developed during the communist regime, was representing the corollary of lasting work carried out by a prestigious team of experts under the coordination of professor and remarkable researcher Dongoroz Vintila. That is, despite the ideological orientation of the time and the imposition of the Soviet model as the main inspiration for criminal codes in the former socialist countries, has succeeded in its criminal law to maintain the fundamental institutions that had acquired a tradition in our right under the empire of the earlier codes. However, the basic structure of the Code carries the irremediable stamp of the Soviet model, both ways regarding the criminal institution how regarding the penalties. The amendments to the Code since 1990, tried to remove some incompatible rules with the requirements of the rule of law, but were not - and could not be - able to cause a structural change of the Romanian criminal regulation. On the other hand, there are currently about 250 criminal laws containing special provisions or extra criminal

prosecution, with many overlapping text, with implied repeal the uncertainty surrounding which, with legal sanctions which have obvious differences despite the similar nature of the alleged misconduct , which makes them difficult to apply for judicial bodies and hardly predictable for citizens. In these circumstances, since 2001 they started to develop a new Criminal Code adopted by Parliament through law nr.301/2004. Although this new code wanted to be a modern law is compatible with similar regulations in other European countries, working under time pressure, were unsuccessful slipped so much provision, gaps and that the correlative text is almost impossible to implement. Initially, in the Ministry of Justice was formed a committee of experts having a mandate to find ways to remove the shortcomings pointed out by theoreticians and practitioners, including through amendments to the Law nr.301/2004. During the development of the commission work, considering the implications of deficiencies in the number and substance of regulation, it was concluded that the only effective way is developing a new project, which takes elements of the code can be maintained in force and the Law nr.301/2004, and integrate them on a unitary concept with elements of other frames of reference but also the rules adopted at EU level to achieve the area of freedom, security and justice. Responding to the requirements of the European Commission's monitoring process, elaborating a new criminal code was necessary, taking items that can be maintained in force and the Code of Law no. 301/2004 and to incorporate them on a unitary concept with elements of other frames of reference but also the rules adopted at EU level to achieve the area of freedom, security and justice.

The Right to Jurisdictional Protection Resulting from the Fulfillment of the Obligations Provisioned by Treaties
Goga Gina Livioara
Abstract: The member states are obliged to take all the legal measures of internal law necessary for the application of the mandatory acts of the European Union, from a judicial point of view, reason for which they are responsible for the passivity or the faulty application of the European Union's law by the national authorities. In this context, the member states are the ones establishing ways of appeal at a national level, in order to ensure an effective jurisdictional protection in the domains that are regulated by the Union's law. Contrariwise, the states are liable both for the actions as well as the omissions of the independent state's organs in applying the European Union law from a constitutional perspective.

La Juridiction de la Court Européenne des Droits de l'Homme Enfreint les Droits Fondamentaux de l'Homme – Le Droit à l'Information et le Droit au Double Degré de Juridiction
Nistor Valerica
Abstract: Currently the European Court of the human Rights, in accordance with regulations which establish the trial of requests received from citizens, is required to motivate and communicate just the favorable decisions and not those unfavorable, and the way of confronting the sentences has been excluded. In this way, the EDO Court deprives the European citizens of their fundamental rights, the right to "receive information ..." and the right "to a higher court." The Court of EDO complained of being stifled by too many requests introduced by the Europeans, in the case of lack of motivation of the decisions for the applications declared inadmissible and the introduction of the way of attacking the appeal, which would respect the fundamental rights of man - the right to information and the right of appeal - emphatically promoted by the Council of the European Union within the Project Constitution.

SECTION II

PRIVATE LAW
CHAIRMAN: SACHE NECULĂESCU

The Company Manager - Powers and Limitations

Dragoş Mihail Daghie
Abstract: The administrator can be delegated to represent the company in its relations with third parties. The administrator's powers are manifested on two levels: internally and externally. Thus, the manager is responsible with regard to the internal management of the company, but also to the representation of the company in dealings with third parties. Basically the mandate is granted to the administrator intuitu personae, which excludes the possibility to be substituted for the exercise of the conferred powers. The powers of the manager are not unlimited, being held primarily by the object of the activity, by the hierarchy of organization of the company, by the social interest, by the decisions of the ordinary general assembly, the decisions of the Board or even by the constitutive document. Within the limits of its mandate, the administrator may enter into concluding management, preserving the disposal legal documents, required by the activity of the company. For all companies, the legal documents that the administrator concludes in his position as company's representative in his dealings with third parties.

Considerations on the Debtor's Fault - Structural, Distinct and Absolutely Necessary Condition for Employing the Contractual Civil Liability
Nora Andreea Daghie
Abstract: Traditionally, both types of liability are committed in the presence of the same conditions. Thus, for a person to be responsible both under the criminal civil liability and the contractual civil liability, the following conditions must be fulfilled: an injury caused to another person; to have committed an illegal act; between the unlawful act committed and the injury caused to another person to exist a direct causal link; the author of the act causing a prejudice to be at fault; the latter (the author) to have had the criminal possibility when the crime was committed. Lately, the repair function has gained, progressively, autonomy engaging the duty of compensation of the victim in the absence of the imputable character of the responsible person. The influence of the economic dimension of civil liability on its repair function has increased significantly, which requires reconsidering the functions of this institution, offering new opportunities for the full compensation for the prejudice, through the interpretation of the fundamentals of civil liability.

The Relations of the Minor with the Parents and Extended Family. Assessing the Best Interest of the Child. Criteria of Assessment
Drăghici Andreea, Tabacu Andreea, Singh Amelia
Abstract: Without any doubt, the most important principle which governing the child protection is the principle of best interests of the child. Besides, the protection of this interest is the stated purpose of all the international conventions and the domestic legislation. Despite this, of his importance, the principle is only observed, without content or to enjoy some conceptualization, the criteria assessing being left to the discretion of the court and the competent authorities. It was supported in the literature that the

establishment of an invariable content for all issues incident to the child protection might not be possible through the light of variety situations can find each child. In this way, the present study identifies a priority order of those assessing criteria in the matter of the child relations with parents and extended family. As the exertion of the parental rights and obligations must be governed by the same principle, the identification of those criteria is realized analyzing the internal case law in this field and ECHR jurisprudence. The papers originality consist in the fact that the research tries to establish the content of this principle, without straitening the action area of the competent decisional authorities (public authorities, judges), the conclusion of this study being addressed also to the doctrinaires, also to the practitioners.

A New Approach Regarding Legal Contract Lesion
Sache Neculăescu
Abstract: Why not agreeing upon a contract based on misbalanced services: because the party benefiting from an excessive service unlawfully exploited the precarious situation of the other party as a result of whom came to accept an unfair contract, or because contractual balance must be an essential feature of which and every contract with clearly established services? Which of the two reasons mentioned above is most important in terms of current contractual discipline? These are two questions which, no matter what answers we will get, it will involve an important matter of choice, in relation to which it will be possible to assess correctly the solutions proposed by the new Romanian Civil Code, as well as by the main bills on European codification of contract law. The present study upholds the idea of misbalanced services only if it constitutes rather a remedy for a contractual problem, if it is oriented towards the legitimate interests of the most vulnerable party of that contract and less interested in sanctioning the guilty conduct of the person who took advantage from an excessive service. As a consequence, we support the objective perspective in what the misbalanced services are concerned, a reason for which we shall make a few comments on some of the new legal provisions, by referring to the main bills on the European codification of contract law, and stating later on a few de lege ferenda proposals, in terms of contracts based on misbalanced services.

Validity of the Sales Contract with Buyback Agreement in the Light of the Provisions of the New Civil Code
Emilia Mateescu
Abstract: The sales contract with buyback agreement has existed in the Romanian legislation as it has been instituted by means of the original form of the current Civil Code. The legislative evolution of the last century has abrogated the provisions referring to this field and it has eventually led to a legislative void in this matter. This situation has entailed the validation of all legal deeds in the form of sales contract with buyback agreement, form which used to be prohibited in the past, in certain situations. Noticing such situation and understanding the need to reinstate the legal framework for the regulation of social relationships regarding the sales contract with buyback agreements, the Romanian lawgiver has dedicated a subsection in the New Civil Code. The future civil regulation resumes a major part of the contents and meanings of the provisions of articles 1372-1387 of the Civil Code, currently abrogated. The different element lies in the institution of the express prohibition of sales with buyback option where the difference between the received price and the paid price exceeds the level of interests set by the specific legislation. In addition, the sales where the seller has the obligation to buy back the good sold without setting the price of the good at the time of undertaking such obligation are also prohibited. Following t the New Civil Code, the sale with buyback option shall fit the category of legal deeds affected by a resolute condition, which shall also affect possible rights transmitted by concluding the contract. Such agreements shall be fully valid as long as the general validity conditions of the legal deeds are complied with the legal norms passed in the interest matter and are not infringed.

The Community Influences over the Material Liability of Magistrates for the Prejudices Produced through Judicial Errors

Adriana Ioana Pîrvu

Abstract: The community influences over the material liability of magistrates for the prejudices produced through judicial errors. The fact that in the last years Romania is on top of the list of the states paying the highest damages further to the convictions in front of ECHR determines an increasing dissatisfaction of legal experts but also of the population. On the background of an economic, social and political crisis which seems to be endless, the fact that, irrespective of the causes of convictions, tens of million Euros are paid from the wealth, which is less and less, of normal citizens, generated, in the last years, the reconsideration of the material liability of magistrates, for the judicial errors and the prejudices consequently created, established not only before international courts but also before domestic courts. At present, according to the legislation in force, the only one liable before an injured party that suffered a prejudice through a judicial error is the state, whose right and possibility to recover the counter value granted to the prejudiced person through the filing of recourse action against the judge to whom the judicial error is imputable, are acknowledged. However, the regulation of judges' material liability for judicial errors seems to be extremely delicate. Holding magistrates liable for the damages caused by negligence or in bad faith is certainly necessary. The application of such concepts as "bad faith" and "serious negligence" is, however, difficult, due to insufficient criteria for their interpretation, considering all the nuances, and quantification, included by law. Also, please note that, through the creation of the possibility that each individual holds the magistrate liable for alleged prejudices caused by the latter, the magistrate's liability and the good functioning of justice would be seriously injured.

The Controversy in the Romanian Legislation Regarding the Granting of Conditional Release

Monica Pocora

Abstract: Starting from the four types of conditioned liberation characters (general, individual, optional and revoked) it raises the controversy regarding how to granting it. Thus, in relation to the generality of conditioned liberation, under which, it can be given to any convict regardless of the nature and seriousness of perpetrated crime, arise some questions as follows: is conditioned liberation granting correctly in case of extremely grave murder, or not? Either, is conditioned liberation granting correctly in case of sexual act with a minor? If the answer of this latest question is affirmative, what will happen with the further development of the child? He will be able to get a look at person who shaded his childhood, just because he is the author of an invention? He will be able to understand that law offered to offender the freedom in exchange for innovations, while the shock that child was forced to pass, it is hopeless? Disputed aspects concerning to conditioned liberation granting are induced by the development of scientific papers published or patented inventions and innovations.

The Liability Limits for the Minors' Acts and for Persons with Particular Legal Situation. Aspects of Comparative Law

Varvara Licuţa Coman, Mirela Costache, Dorin Matei

Abstract: The natural and balanced development of the social life requires rules of conduct regarding the rights and interests of all its members. Nobody is entitled to violate or disregard these rights and, therefore, anyone who contravenes these rules must answer for its actions or objectively it must ensure and bear some risks. Therefore, this paper aims at exploring and investigating the issue by examining each item, the

objective tort liability of persons responsible for the acts of the ones that are put under interdiction, as seen from the perspective of the current Civil Code, the New Civil Code and the Civil French Legislation. All legal systems state that natural persons have a full capacity of exercise up to a certain age stipulated by law, then by that age they should be considered liable. According to our law, the basis of liability for the prejudicial actions of the minor's parents is related to the fact of having turned the full age and the legal residence of the minor. Parents have the duty, according to Family Code, to care for the child, to bring them up, "to take care of his health and of his physical development, teaching and training him, according to his features ..., in order to make him useful to the society". Therefore, the legal literature considers that there is a causality link between the duties established by law in relation to their minor children and the illicit acts committed by them, which may lead to a liability based on the fault of the parents regarding parental duties or the defective fulfillment of their duties. Finally, after creating a prejudice, the father is forced to cover the damage; this was not regarded as a sanction for the way their duties were fulfilled, but as a repairing fact. In this paper we propose to render the various circumstances that arise on the situation of the minor and his adoption, parents' divorce, forfeiture of parental rights, etc. After analyzing the three civil codes, we propose to render the reality by detaching ourselves from the subjective impressions in order to bring our own contributions, recommendations and solutions, regarding the regulations that cover, through justified measures and documents, the one who has suffered damage after a minor's illicit act.

The State of Law and the Multi-Party System
Neculai Bobică
Abstract: Being a creation of the modern age, the state of law is based fundamentally on the supremacy of law, in so far as this law is right and equal for all citizens, with positive results not only for the society as a whole but also for each individual in part. Henceforth the consistent and regular application of this principle is possible only under the premises of a democratic organization and functioning of the social life, which ensure the observance of the fundamental rights and liberties of the human being, while still preserving and promoting the core values of humanity. However, even though the democracy and the state of law are based on correlative principles, these two also stand in a relative opposition: the sovereignty of the law and the multi-party system, the stability of the law and the succession to power of political parties, the reflection by the law of the general interest and the principle of legislation by the parliamentary majority. Therefore the elimination of malfunctions generated by such a relative antagonism imposes a series of corrective measures not only regarding the way to practice democracy, but also regarding the organization and functioning of the state. This paper aims at analyzing precisely these corrective measures, also emphasizing the malfunctions generated by not considering them properly.

Legal Issues Related to Donation of Organs, Tissues and Cells of Human Origin
Virgil Erdei, Nicu Duret, Gabriela Mironov
Abstract: The scientific developments, positive changes in attitude of man and the new legal framework allow the donation of organs, tissues and cells of human origin. In this context it is necessary to clarify whether the donation covered by the special law is, legally, one and the same covered by the current Romanian Civil Code and qualified successor's right to be accepted or rejected late withdrawals for transplantation. It is useful in the characterization of "the right of disposal" to classify the right to life and physical integrity. The right to life and physical integrity is personal patrimony, is a subjective civil right that has no economic content which cannot be measured in money. Consequently, the content of these rights cannot be expressed in money; the properties do not belong to their owner. Given the above view that "the

right of disposal", the donation of organs, tissues and cells of human origin, are an attribute of ownership, the right to life and physical integration as a personal right, is an intimate attribute, patrimonial related to the right of the person to dispose of his body as it wishes, according to the law. Addressing these issues it is necessary for clarifying the legal consequences of a donation of organs, tissues and cells of human origin such as medical activities are becoming more numerous. We believe that we are facing a special law, which is not among the rights aria that derive from the common law. Thus we can say that the human body must have both physical integrity as the person is alive and respect after its death. We also think that the human body is not a piece of the person's heritage or its heirs, and in this way it cannot be the object of an act of disposal.

Regulating the Procedure of Judging the Appeal in the Civil Law Suit in the Draft Civil Procedure Code
Alexandrina Zaharia
Abstract: The present study aims at analyzing the dispositions regarding the appeal, as presented in the present form of the Civil Procedure Code, motivated by the fact that recently, the Ministry of Justice has launched a public debate on "The strategy of developing justice as a public service 2010-2014" in which it proposes a set of measures on the functioning of the judicial system and the consolidation of justice independence and integrity. The Ministry of Justice will advance this document of great importance for the justice, to be approved by the Romanian Government, no later than July, 1st 2010. adopting a new Civil Procedure Code was imposed by the socio- economic transformations that occurred in our country after December 1989 and by the Romanian adhesion at the EU on January, 1st 2010, as well as by the changes occurred on the international level, generated by the free movement of people and not only. In this paper we will approach a few theoretical and practical issues related to the unitary application and interpretation of the civil procedure norms regarding the term in which the appeal can be exerted, the summoning procedure, the forms of appeal and the rules that coordinate the judging of the appeal. This objective aims at underlining the need for a better regulation of the forms of appeal in the civil law suit, reducing terms, summoning the litigant parties, so that the judging is made in compliance with the principles of the right to defense and the contradictory principle that govern the civil law suit. By the propositions made regarding the completion of the amendment of the civil procedure norms we intend to actually enable the guarantee of respecting the requests of an equitable law suit, from the perspective of the law suit's duration in order for the instances in Romania not to be accused of violating article 6 of the European Convention of Human Rights. In the Romanian civil law suit, the appeal is the only ordinary means of appeal, with devolutive feature, whose usual object is the control of the judgment on the cause. The draft, among other propositions, institutes the possibility that the susceptible appeal decision can be directly appealed, only for the violation or the faulty application of the material right norms and only in case the parties expressly agree on this.

Judicial Limitations of the Right to Private Propriety
Adriana Paşcan
Abstract: The new Civil Code, in Chapter III, Section I, expressly establishes the judicial limitations of the right to private propriety, that, starting with article 602, reads in al. 1: "The law can limit the exertion of the right to propriety, either in public interest or in private interest". Furthermore, the Civil Code provides that the concern for the environment and ensuring a good neighborhood are legal obligations of the holders of the right to private propriety. We live in a century in which we feel the necessity of upgraded legislative regulations that will coordinate the transformations that the society goes through. The evolution of the

society imposes the evolution of legal norms regulating the judicial reports between people, but the thing that will never disappear is the common rule of common sense and good faith, which is very accurately defined by the famous dictum: honeste vivere, neminem laedere, suum cuique tribuere. In the following study we are trying to answer the questions if the society we live in is conscious that any legal limitation in accordance with its values and traditions is a guarantee of freedom. Today, the limitations of the right to propriety is more and more debated, in a society characterized by permanent changes and transformations, from an economical, social, political etc. perspective, but especially in a society in which the citizens' liberties and rights are guaranteed by the Constitution and by the international treaties, issue which is underlined by the doctrine as being a paradox. This paper aims at presenting an analysis of the right to servitude as a limitation of the right to propriety, recognizing the necessity of proper regulations of these limitations. The right to servitude, as defined in article 576 in the Civil Code, is a task that characterizes every real estate (subdued background) belonging to an owner, for the use and utility of another real estate, belonging to another owner. The servitudes are classified, from the perspective of the provisions in the Civil Code in force, according to different criteria, namely: depending on the exerting mode, in continuous and discontinued servitudes; depending on the way of manifestation, in apparent and unapparent; depending on the way they were constituted, according to article 577 in the Civil Code, in: natural servitudes (those stemming from the natural situation of two funds) and the legal servitudes (established by law in considering the public utilities or in the common interest of the neighboring fund owners) and servitudes established by human action (established by a judicial act, by usucaption or destination of the owner). We underline that the so-called natural and legal servitudes are not in reality servitudes, but normal limitations of the attribute of usage in the content of the right to propriety, with the purpose of ensuring proper conditions for the reasonable use and husbandry of neighborhood funds.

Attracting, Maintaining and Expanding the Customers – Fundamental Purpose of Goodwill

Ioana Popa, Manuela Nita, Ilioara Genoiu

Abstract: This article is intended to be an analysis, in terms of theory, jurisprudence and norms, of the essence and contents of interdependent concepts of "customers" and "goodwill". The approach is dictated, on the one hand, by the modernity, interest and complexity of the issues in question, considering the modern business relations, and, on the other hand, by the intention of perceiving it from a new, conclusive and comprehensive angle, meant to constitute the premise of a genuine scientific contribution, fundamental reason of all and any research demarche. The concept, the types and the characteristics of customers and good custom, their relation to goodwill and their correspondents in electronic trade are thoroughly and eloquently analyzed, as well as in multidisciplinary terms. In addition, the study includes significant controversies in this field and offers solutions. The detailed analysis of the theme lays a methodological basis of investigation framed by a system of methods, procedures and means of scientific knowledge, both of maximum generality and specific to law science. The results of this research represent an instrument of efficient study for the students of the Law and Economical Sciences Faculties. At the same time, the real practical importance of the theme can attract the interest of the traders and any other person interested in the goodwill's bearings.

Dispute Settlement through Banking Mediation

Angelica Roşu

Abstract: The systems through which cross-border financial transactions are being accomplished are much more complex than domestic funds transfer systems, because it involves one or more intermediate institutions, networks using different compensation from countries that have different currencies and even performed, including operations exchange. The European Community is constantly concerned about efficient cross-border payments, but also about the consumer protection of these services, so as to ensure the same conditions for cross-border services, but also for national services and to stimulate cross-border investment was adopted Directive 97/5/EC of the European Parliament and of the Council of 27 January 1997 on cross-border credit transfers, repealed by Directive 2007/64/EC. Article 10 of Directive 97/5/EC established a series of minimum requirements and measures relating to cross-border credit transfers. In Romania, the provisions of Directive 2007/64/EC were transposed by the adoption of Emergency Ordinance no. 113/2009 which repeals the Government Ordinance no. 6 / 2004 on cross-border transfers. This document provides that each institution must have appropriate procedures for resolving customer complaints in connection with the execution of a cross border institution or commitments in connection with such transfer. In the legal doctrine prior to the adoption of Government Ordinance no. 6 / 2004, it was proposed that the National Bank of Romania, as banking supervisory authority, in some specialized structures, ensure procedures to enforce the settlement of disputes between consumers and financial service providers of banking and insurance. The solution was acquired by the Romanian legislature, so the earlier legislation and the current legislation, the Emergency Ordinance no. 113/2009, this document proposing the establishment of a specialized department that is responsible with the resolution of disputes between consumers and financial service providers of banking and insurance.

SECTION III

EUROPEAN LAW
CHAIRMAN: LUCIAN CATRINA

Brussels II Bis Regulation and the Competence of the Romanian Courts in the Divorce Cases Gabriela Lupşan
Abstract: Jurisdiction competence of the Romanian courts in divorce matters, with an international element was established, before Romania joined the EU, by applying the deposition of article 148-157 of Law No. 105/1992 on private international law relations. Referring strictly to the marriage dissolution process, currently, there are provisions of Regulation (EC) no. 2201/2003 of the European Union Council from 27 November 2003 concerning the competence, acknowledgement and the enforcement of judgments in matrimonial matters and parental responsibility, of abrogation of the Regulation (EC) no. 1347/2000, also known as the Brussels II Bis Regulation. The new competence of the EU in relation to matrimonial matters determines the Romanian judge to consider two categories of law sources, depending on the connection element (habitual residence of the spouses or at least one of them, joint citizenship) that appears in the case of divorce and it links the trial to the Community area or the extra-communitarian one. This material was suggested to us by some judgments given in the cases of divorce with an element of foreign origin that ignored the provisions of Brussels II bis Regulation, which out a misguided zeal, it applied the Community law to the detriment of Law no. 105/1992. The study aims at, among others, analyzing the criteria by which the Romanian courts have their jurisdiction in a divorce case in which the element of foreign origin is related to a EU Member State and the solutions that we have at hand to pass on the jurisdictional non-compete exception and on lis pendens exception, presenting in this respect also cases of jurisprudence. Also, there are references to the relation of the regulation with other international / bilateral conventions in divorce matters.

Considérations Rétrospectives sur la Novation Confirmée du Traité D'Amsterdam
Ioan Humă
Abstract: Through the Treaty of Amsterdam, the European Union went beyond its condition of legal-institutional entity and of intergovernmental cooperation, as it was designed by the Maastricht Treaty. It tends to be an entity with socialitary valences, a specific ontos, combining established realities and relations, actions and tendencies, will and values representative for the union areal of the Member States. The treaty of Amsterdam showed the requirement of the real solidarisation through social consolidation of political unit, implying the rising of the noos, of the active European consciousness, a manifestation in actu of the European ideas.

The Evolution of the Romanian Environmental Legislation after the European Agreement in 1993
Florica Braşoveanu, Alexandru Petru Lisievici Brezeanu
Abstract: Romania needed major investments regarding the environment and its protection, in order to apply the existing law. The alignment to the European legislation was a long term plan that needed increased funds from the state budget. At the beginning, Romania made small steps towards the harmonization of the legislation in the field of the environment. The first major progress was recorded in 1995, with the Law of the protection of the environment no 137/1995(repealed in 2005). It introduced important principles regarding the policy of protecting the environment, such as the prevention principle

and the integrated control of pollution, through which the Government instituted the obligation of the evaluation of the environment impact procedure, not only for projects and activities, but for plans and programs as well; the principle of "he who pays is the defiler", according to whom the defiler is held responsible whether he is guilty or not. These principles created a strong base for acquiring the European statements in this field.

The Protection of Marine Environment in Romanian Legislation and in the International Conventions to which Romania Adhered

Florica Braşoveanu, Alexandru Petru Lisievici Brezeanu

Abstract: The marine environment constantly changes with profound implications regarding durable development. The oceans and seas are more and more infected by untreated water, suspension dusts, residual waters, all these because of an inadequate management of waters. The excess of Nitrogen in the fertilizers creates an increasing number of dead zones, lacking oxygen, along coasts. The trash in the ocean kills over one million birds and 100000 mammals and turtles every year. Moreover, despite the growth of fishing commercial activities, the total amount of fish is dropping considerably. There is a need of a common action at national, regional and international levels. The necessary tools exist - such as the Global Plan of Action for protecting the environment or the plans of UNO regarding the fishing activities. Despite all that, the continuous damage inflicted to fish and the increasing degradation of the marine environment indicates the fact that these tools are not well pushed. AT the World Summit for Durable Development, governments took responsibilities to stop the fishing activities that are not durable, to rebuild the shoals, to establish new standards for the marine environment, these being the most important!

La Citoyenneté Européenne

Alina Sulicu

Abstract: European citizenship is by its nature different from the national one, according to the form of the Amsterdam Treaty, it "is filled .... and it is not replaced (EC Treaty art. 17, paragraph 1). The European citizenship is added at a national level as the resident of the Member States may have dual citizenship. However, we should not confuse that the concepts of citizenship is governed by the law of the Union, where it has its roots, while national citizenship is taken by the national law. European citizenship does not remove an inherent national law, it does not confer additional rights which will be exercised at Community level (the right to vote, right to be elected to Parliament) or in the Member States (especially the right to municipal elections).

Interpretation Principles of Jus Cogens Principles as Public Order in International Practice

Andriţoi Claudia

Abstract: The term of "public order" refers to the preventing of disorder and it represents more than a normal mention of law and order. It includes the breaching of the law by ceasing disorders. The French term "ordre public" represents, on the other hand, a sum of basic rules and principles founded on the society. For this reason, the English term is often followed by the French term in brackets. For this purpose, the hierarchy of public order is building on the principles of lawfulness and equality of the states in front of the law. It is true that the doctrine has led to some considerable problems regarding jus cogens principles, as they are defined and they can be determined. Sir Hersch Lauterpacht considered that jus cogens represents the ordre publique on the international arena, but he has also introduced, rules of international moral as being cogens, and, in consequence, jus cogens can be applied to political interest in international relations. Jus

cogens was perceived as positive law (in the practice of the stare). It is true that jus cogens norms are not established in a definitive manner, but in many cases of jurisprudence are provided as examples of jus cogens. The Inter-American Commission of Human Rights has emitted a rapport without a legal obligation in the case Michael Domingues vs. United States establishing that there is a "jus cogens norm to not impose a capital punishment on natural persons who have committed crimes until the age of 18". Jus cogens represents an important part of international custom law and of the reasons invoked by Goldsmith-Posner regarding the satisfaction of interests of the states by coercion, cooperation or coordination (even by breaching jus cogens) cannot be applied in this undeniable sector of community international law.

The Material Content of the Free Movement of the People
Dobrea Marius
Abstract: The free movement of persons aims at creating a unique market and forming a political point of view of achieving a greater cohesion between the nations that are part of the European Community by cutting down the barriers concerning the phenomenon of migration and promoting community citizenship.

Les Conditions d'Action du Ministère Public en France, Compte Tenu des Facteurs Administratifs, Normatifs, Pragmatiques et Sociaux
Georgeta Modiga
Abstract: Since the control of crime has become an object of study of modern criminology, a series of research has been undertaken on the "decision process" within the framework of police and justice. Regarding the prosecution we can observe a strong activity in the recent years, specially the U.S., the Netherlands, Germany and France: from the research study by Mr. Davidovich and Mr. Boudon on "social mechanisms of drop prosecution", it deserves a primary interest. The "discovery" of the prosecution as a forum against unfair crime had become indispensable. In so far criminology seeks to analyze the importance of crime not only as an action but also in relation with the reaction it causes, its interest lies necessarily at the preliminary hearing, which is the area of prosecution. For it, even before any court intervention, is able to influence and shape "a decisive structure and scope of the apparent crime because it decides whether a case will be filed or delivered in the hands of the judge. In 1970, police in West Germany gave 3.1 million cases to prosecutors, 72% were classified, while 28% were laid charges.

L'adaptation des Instruments Juridiques à la Nouvelle Architecture Européenne
Sarmisegetuza Tulbure
Abstract: The agreements of the first generation combined with the PHARE extended to all CEE countries have the ambition to support and accelerate the democratization and restructuring the Eastern Europe countries. It is now important to consolidate this extra support and a recomposition of space around the pole of European Community and beyond its immediate influence sphere, across the continent, including the USSR, with, possibly, the involvement of U.S. and Canada. The location plan shows new lines of forces, new reports, and news breaks, the Community needs to refine its own architectural, design, plan and prepare new Extensions, on the basis of association agreements with a new type: the "European Agreements" with, in principle, all countries of Central Europe, without condemning the isolation of the other countries, especially the ex-USSR. The association of the non-great power would not be, in fact, regarded as a non-relationship. The ex-USSR must enjoy a special relationship when it moves itself even on the path of democratization and restructuring building on existing structures, such as the Council of Europe and the CSCE.

The Dublin Procedure

Ana – Maria Guriţă, Paula Maria Dinu

Abstract: From its beginning, the European Union was concerned about the refugee problem and, therefore, asylum seekers. According to the current legislation it is confirmed the fact that EU wants a common asylum system respecting the 1951 Geneva Convention on refugees status and the New York Protocol of 1967. By establishing the state responsible for examining the asylum application, it prevents the person to "choose" one country to properly examine an application for determining a form of protection. The Dublin Convention, founded the principle of responsibility of examining the asylum application by one member of the European Union, establishes the responsible state and under which conditions. "Eurodac" System is intended to enable implementation of the Dublin Convention. Member States have implemented these rules in their national policies, thereby attempting to control also the immigration phenomenon.

PERFORMANCE AND RISKS IN THE EUROPEAN ECONOMY
SECTION I

EUROPEAN ECONOMY AREA
CHAIRMAN: EMIL DINGA

Aspects of the Current Fiscal-Budgetary Situation in Some Euro Area Countries. Implications for Romania
Camelia Milea, Floarea Iordache, Alina Georgeta Glod, Adina Criste, Iulia Lupu
Abstract: The financial and economic global crisis has exacerbated some of the imbalances that exist in all EU Member States, in particular the fiscal-budgetary imbalances. For some countries whose currency is euro, the fiscal and budgetary challenges seem to threaten even the stability of the euro area. Thus, in the context of financial and economic global crisis, this article aims at identifying a number of negative aspects of the fiscal-budgetary situation of some euro area countries, more seriously affected (Greece, Italy, Portugal, Ireland, Spain) and at revealing a series of possible implications of this phenomenon for Romania, thus giving originality of the conducted analysis. A fulcrum in this approach is the economic literature and the authors' research work in the field of European integration. Through a comparative approach, the authors have identified some weaknesses of the Romanian economy generated by the current situation of some euro area countries. Given the place of the theme within the frame of present interest researches, the article's results will be of interest for both academics and practitioners.

Disequilibria Management at the Euro Area Level
Camelia Milea, Floarea Iordache, Alina Georgeta Glod, Adina Criste, Iulia Lupu
Abstract: The current crisis has shown that an economic integration through a political and monetary approach is wrong. It seems to be more appropriate a social and economic approach, meaning both a better preparedness of the new countries joining the euro area and more flexibility of the economic structures of the old members of the euro zone, in order to make the more "harmonious" the way of the monetary area operation. For that purpose, this article has made an analysis of the imbalances management issue in the euro area in order to provide a few theoretical solutions for a better functioning of the Economic and Monetary Union (EMU), based on the observation of developments in the euro area countries. This paper enriches the economic literature, but also it is relying on the research of the authors in the field of European integration. The originality of this article arises from the extremely topical examined issue and its way of approach, but also from the outlined conclusions.

European Union - Space of Regeneration, Learning and Innovation in the Context of Sustainable Multidisciplinary Research
Floarea Iordache
Abstract: The Lisbon Strategy set a new goal for the EU economy: the transition to a knowledge based economy, competitive and sustainable at macro and regional levels, by creating the European Research Area - a geographic area without frontiers for researches, where scientific resources are better managed to create more jobs and improve Europe's competitiveness. That means an interaction between specific and multidisciplinary research network. However, general research methodology sustains the importance of static and revolutionary specific criteria of Scientific Research Programs, but it also reveals the natural process of multidisciplinary researches. In this context, the European Union could be regarded as a specific

and multidisciplinary research area, as a network of flows, connections, relationships, interdependencies and interferences between natural - experimental and social-humanistic research spheres (economics, management, sociology and complex systems ecology). In this respect some researchers suggested that both natural and social systems could be considered as multidisciplinary complex adaptive systems consisting of specific cluster network connections (in the form of biotic and abiotic nodes, respectively, the competitive and regional poles) with the ability to continuous self-organizing, learning and regenerating process especially in crisis situations. The present paper might be useful to illustrate the contribution of technical-economic and socio-ecological researches to increasing the sustainability framework of European Research Area by considering the transition from the R&D approach (development through research process) to the L&D approach (development through learning process).

An Appraisal on the Earlier Euro Adoption by the New Member States in the Frame of the Current Global Economic and Financial Crisis

Iulia Lupu, Camelia Milea, Adina Criste, Alina Georgeta Glod, Floarea Iordache

Abstract: The pathway of the new member states towards the euro area was stopped but not modified by the current world economic crisis. Their inflation declined, but the fiscal status suffered. On the verge of the financial crisis, the European Central Bank overruled the Central and Eastern European member states' intentions for an earlier adoption of the euro, requiring compliance with the Maastricht criteria. The objective of this paper is to analyze the main proposed solutions and to draw attention on the most suitable ones in keeping with the particular features of these countries. Our conclusion is that fast results on the euro adoption will definitely depend on the fiscal consolidation, the soundness of global economic rehabilitation, the capital availability, and the domestic policies. The nature of the approached problems and the authors' experience recommend this study, both for researchers and practitioners.

Governance or Governing – the Missing Link?

Luminita Maria Craciun

Abstract: Governance and governing are two distinct concepts, but they intertwine. "Good governing" exercises good influence on development. "Good governance" supposes first a relationship of power focused on a series of reforms structured at three levels: the political - administrative level, the economic level, and the level of civil society. As this dimension is difficult to measure, the qualitative evaluation of the governing act raised the interest of the World Bank researchers, who elaborated and monitored the dynamics of a set of indicators, which includes six major dimensions of the governing. For a comparative study, we chose seven countries for the purposes of analysis (two new European Union member states: Romania and Bulgaria; two older member countries of the European Union: Slovenia and Latvia; three non-member states: Moldova, Ukraine, and Georgia), which reveal the quality of the governing from a comparative perspective. Corruption control completes the image created by the analyzed indicators. The mere formal accomplishment of commitments made in the pre-accession activity, doubled by recent internal evolutions, bring doubts about the credibility of the anticorruption reforms, as Romania continues to be considered the country with the highest CPI in the European Union. The pessimism of public opinion and the fact that only 34% of the Romanian people consider that the level of corruption will decrease in the following three years constitutes an alarm signal addressed to the governance, in view of the real reformation of the administration system, of giving a sense of responsibility to the public and private sectors, of imposing, observing, and materializing a real commitment for preventing and fighting corruption, the risk of which may be a threat to national security. The conclusion is, that governance is the missing link between the efforts of struggle against poverty and reaching the objective of poverty reduction.

Accounting. A Normative Representation of Economic Reality?
Roman Gianina
Abstract: Accounting is currently a very internationally dynamic field. Accounting information or its derivatives comprises an important segment of the information conveyed in the economic environment. Therefore, accounting is considered by some authors as the most important information source of a nation. Widening and diversifying the scope of application of financial accounting information has been generated by modernization and restructuring of economy and society development as a whole. In these circumstances, accounting is very important. Establishing decision based on real information, pertinent, relevant, timely, providing a performance management, management of the current situation, with many phenomena of crisis. Accounting involves the collection based on a real conceptual system, which means that the entire accounting system is based on a set of objectives, postulates, principles, rules and regulations. But accounting field observation is limited, while the sides are excluded because of quality, environmental or human recorded facts. To the extent that different objects are placed in different areas, the differentiation between real and ideal is only formal.

On the Logic of Separating the Fiscal Policy from the Fiscal Administration
Emil Dinga, Cornel Ionescu, Elena Padurean, Camelia Baltaretu, Ionel Leonida
Abstract: One of the problems yet to be solved in a satisfactorily manner in Romania is the decentralization of the public administration. In general, by decentralization we understand the separation of the central decision from the local (or regional) decision based on the principle of subsidiarity. In our opinion, The National Agency for Fiscal Administration should function, in a decentralized manner, outside the Ministry of Public Finances. In support of this statement we will present two modules or arguments: a) we will first debate on the matter of public administration decentralization; b) secondly, we will debate in favor of the institutional separation of ANAF from the Ministry of Public Finances.

Discretionary vs. Non-discretionary public policies
Emil Dinga, Cornel Ionescu, Elena Padurean, Camelia Baltaretu, Ionel Leonida
Abstract: The study deals with general issues of the discretionary nature vs. non-discretionary nature of the policy of macroeconomic adjustment. It identifies the logical properties of a discretionary public policy, and of a non-discretionary public policy, and establishes criteria for determining and identification of them. In order to approach (in the future) the automatic fiscal stabilizer problem (which constitutes the objective counterpart of the non-discretionary fiscal policy) the study focuses on identifying characteristics of the fiscal policy, as typical public policy of macroeconomic adjustment.

The Integrated Educational System
Mihaela Maxineanu, Dan Pauna
The impact plans of the new technology on the educational process and system are countless, and determining them is a difficult and complex process. Anyway, a few incidence points have been found during the evaluation and they concern aspects of institutional development of schools, some implications for the professional training of teachers, as well as perceptions of beneficiaries regarding the effects of TIC (Information and Communication Technology) on students' proficiency and the development of digital skills.

European Integration and Globalization

Diana Bobica

According to many, the term globalization is able to explain any phenomenon whatsoever, be it positive or negative, that takes place within the global social system. It seems like a sort of magical formula, which is to be found in the speeches of all sorts of people, be they economists, politicians, businessmen or sociologists. However this magical formula of globalization has its limitations, since it encompasses a certain amount of quibbling, beyond which not many can pass. In the context of globalization it appears the question on its role in the process of European integration. Is European integration a part of this global process or, quite on the contrary, does it present certain distinctive features, as it moulds itself differently from the globalization phenomenon? A clear-cut answer seems difficult because of the various aspects involved. Not only the general phenomenon of globalization, but also the economic integration on European level is based on the liberalization of markets and on the opening of national economies towards the exterior, having as direct consequence the intensification of trade exchanges. If from a global point of view one may talk of a market fundamentalism in that the market principles know no boundary, European integration on the other hand implies not only market economy, but also a guided and monitored action of Member States according to the needs of the whole entity, also taking into consideration - as far as possible - all aspects and consequences on social level.

SECTION II

BUSINESS ADMINISTRATION IN TERMS OF EUROPEAN CRISIS
CHAIRMAN: EGLANTINA ZYKA

A Method of Determination of an Acquisition Program of N Goods in order to maximize the Total Utility
Catalin Angelo Ioan
Abstract: This paper solves in a different way the problem of maximization of the total utility for n goods. The author uses the diofantic equations (equations in integers numbers) and after a decomposing in different cases, he obtains the maximal utility.

Fundamental Relations in a Monopolistic Competition
Puscaciu Rose-Marie
Abstract: Through this work we aim at clarifying major theoretical issues concerning monopolistic competition Dixit-Stiglitz type, which is considered to be a milestone in economic theory and also a foundation in a very prolific area, namely the New Economic Geography. The topic contributed to an economic research extension modeling international trade. We note that this paper has focused only on the demand component.

Risk and Insurance and Market Insurance in Albania
Eglantina Zyka, Elena Elena Myftaraj, Mirela Miti
Abstract: "Risk", is a term used to express the probability of damage, risk constantly persons, companies, and all of us. For many persons risk concept intends different forms of insecurity in different situation. Risk management is the process of loss identification, with which company confronts and chooses the techniques to handle those exposures. Risk management is an extended concept and one of the techniques which handles a happening that causes losses are insurance which transfer economic result of risk. In this paper we explain how insurance are instruments for risk protecting and also we are showing characteristics of insurance market in Albania. In Albania insurance market has his historical, beginning and continuity. Insurance market in Albania is function on a framework juridical base which regulates rights and obligations between insured and insurance company. The Albanian market of insurance is a diversified market, different companies of non-life and life sector, with domestic and foreign capital, which operate in Albania and outside of the country. You can notice a rise in interest of the foreign capital for investing in Albania's insurance market. Like the other new markets in our country, insurance market trends by priority and many problems, such as: insufficient culture for insurer, low level of income, not very developed, 10 Euros /capita, compared with developed countries (600 $/capita), is dominated by compulsory insurance, strong competition, etc. Despite the problems that have this new market, opportunities exist for growth, development and perfection of him as a market with its features.

Opportunities for Improving Tourism Infrastructure in Bucovina for the Regional Sustainable Economic Development - Gura Humorului
Anca Gabriela Turtureanu, Cornelia Tureac
Abstract: Bucovina, a region where it is also situated the Gura Humorului resort city, is sought by tourists from all over the world, especially in the summer, for visiting the famous monasteries nearby. In this regard, in the recent years, the Gura Humorului resort city developed in terms of accommodation and facilities. The achievement of strategic objective for tourism development requires appropriate policies for different

branches of industry, namely: the policy of tourism product aims at modernizing and expanding the Romanian tourism, increasing its competitiveness and attractiveness on the national and international market; marketing and promotion policy must ensure the creation of a real image of Romania, designed to stimulate the national and international tourism demand; labor policy aims at ensuring the quantitative and qualitative point of view of staffing needs and their way of perfecting and training; policy on increasing the role of scientific research and technological development based on the need to identify new tourism products and markets, investment opportunities and development programs; legislative policy: tourism development requires the adoption of necessary regulations according to the laws of EU countries; fiscal policy aims at assessing the impact of fiscal measures on tourism development and the adoption of a system attractive for investors in tourism; partnership state policy aims at ensuring the superstructure, the local public government which would contribute with the necessary land for the project and the requested private sector, to finance, build and operate such projects. While Gura Humorului resort presents an outstanding tourism potential, it is not fructified, which pushes away tourists and it imprints a chain reaction for all those involved in the tourism phenomenon in the city and in the region.

Safe Tourism" Community Provision and Need

Olguţa Ludmila Benescu

Abstract: This work is part of a broader project that goes over the course of three years and it is known to demonstrate that the need for the establishment of a tourism service authorities. The information submitted is based on the analysis at the national level of the need for the establishment of a service of public policy, and then on documentary on how other countries of the world, strongly developed tourist's safety. Tourism has proved to be a rescue and effective solution for many countries of the world and for those who have realized that the fun and relaxation contributes directly to enhance the national "ye". Without attempting to analyze in terms of economic-financial income or benefits of a well developed tourism, we propose to put into question an item associated with the development of this area of primary importance in tourism. Travel Guard is already a tradition in many countries. Surprisingly we found and analyzed as Thai authorities agreed, Dominican or Malaysian need to set up such a structure. There are similar services in India, Brazil or Peru. We must recognize that to our surprise only Greece is considered necessary to set up a structure of the tourist. Tourist Police in Greece is a Department of the Greek police officers that made a special preparation and speak foreign languages. Romania enjoys a rich tourist potential, without too much reflection authorities, leaving to time degradation numerous sights and monuments of culture. Sadly there are forgotten two very important issues, namely it can access funds grants for the development of a modern infrastructure, a key issue for attracting tourists from overseas and the item that we are interested in, the safety of tourism. Our interest is to demonstrate and convince the central authorities responsible on the necessity and usefulness of social and economical for the establishment of Police Tourist under different forms of organization. Such a Department would create new jobs, which would trigger a system in which it would inevitably involve both central and local administrative authorities and public order. The economic advantage should not be forgotten, it would be determined by attracting tourists. The Romanian country, having an attractive and profitable tourism, must turn into a leading provider of safety.

The Relation between the Performance of the Enterprise and the Quality Management Practices – A Case Study

Alexandrina Ghintuiala

Abstract: The quality management represents a way of enhancing the knowledge and technology stock. The investment in quality is an option leading to efficiency, quality being a key factor for the competition development on all markets. The implementation of the quality management system determines, besides the costs, that need to be minimized, a whole series of benefits, which, also like the costs, need to be quantified as accurate, as possible. Analyzing the importance of the quality management on performance, the present case study highlights the effects that the implementation of the quality management system has on the performance by diminishing the price of non-quality (PONQ) and by increasing the profit of a commercial enterprise, but also by protecting the business in the case of a demand shortfall and by the possibility of the economic rebound that it offers to the company's manager.

Emotional Intelligence in Business Romanian

Necsulescu Ecaterina, Mironov Gabriela Nicoleta

Abstract: Intelligence is one quality that all mental activity, the expression of superior organization of all psychological, including emotional – motivational, processes. We encounter a flexible and versatile intelligence regarding the formation and development of the mechanisms and operations of all other mental functions. Unlike IQ, emotional intelligence (EI) has proven to be a more reliable predictor of success in personal and professional life. IQ and IE are not opposing powers, but rather separated; the first cannot operate at maximum power without the second. We tried to identify weather emotional intelligence is considered the most important core competence in order to determine the success of an organization. Analytical intelligence or IQ, compared with that, change very little after adolescence, emotional intelligence seems to be largely learned and it continues to develop as we go through life and learn from experience. In the quality of being a good user it comes in the emotional intelligence; it should be understood that it is not and should not be viewed as a replacement or substitute for skills, knowledge or skill gained over time. Emotional intelligence is an innovative and unconventional idea in the business world. Promoters of this concept emphasize its importance in all activities that take an individual as a primary factor of success in personal or professional life. It should be granted a lot more attention to this concept.

The Economical Partnership between Romania and MERCOSUR

Pirju Ionel Sergiu, Cimpeanu Mariana Aida

Abstract: The Common Market of the South or MERCOSUR (in Spanish Mercado Comun del Sur, in Portuguese Mercado Comun do Sul, MERCOSUR), is a commercial block that has as goals: promoting the free exchange of products, people and capital between the countries members, as well as the development of a better integration and trial between partners and associates. The first members states were: Argentina, Brazil, Uruguay, Paraguay; Venezuela signed the joining in 17 June 2006. Bolivia, Chile, Ecuador, Peru have associate estate. Although MERCOSUR has a tremendous potential in the international market, Romania doesn't have a trade agreement with this organization. Nevertheless Romania has bilateral agreements with all Member States of MERCOSUR. Analyzing the relations of our country with the South American Treaty, in the context of accession in EU, we have concluded that MERCOSUR became one of the most dynamic markets of the European exports. Unfortunately for the national economy, the commercial exchanges after 1990 are significantly lower with the states of Southern Hemisphere. To increase economic exchanges

Romania and MERCOSUR are trying to prepare a model of free trade, both sides are interested that this agreement to become operational as soon as possible. MERCOSUR it is a political economical agreement, the most important in the region and it represents an element of establishment from the area creating strong bonds and neutralizing the fragmentation tendencies.

Profitableness and Risk – Components of the Financial ManagementIoan

Popa - Lala, Cecilia – Nicoleta Anis

Abstract: In the context of market economy, having a priority the economic category of profitableness it has to be addressed with the category of risk. The investors are expecting a size of gain that depends on the degree of risk that they assume. This paper is trying to correlate the role of the duality profitableness - risk in the financial management of a company. The purpose of this paper is to provide managers and ownership information about the main categories of risks that can occur in a company.

INTERDISCIPLINARY DIMENSIONS OF COMMUNICATION SCIENCE

SECTION I
INTERCULTURALITY AND SOCIAL COMMUNICATION BETWEEN TRADITION AND THE NEW MASS-MEDIA
CHAIRMAN: DUMITRU TIUTIUCA

Discourse Markers as Sentence Openers in Legal English
Botezat Onorina
Abstract: English is predominantly the language of international legal practice and its importance to lawyers cannot be over-looked. The way in which one uses legal English can therefore be crucial to professional success. This paper emphasises the importance of good usage of discourse markers in legal English. Discourse markers can be defined as linguistic expressions of different length which carry pragmatic and propositional meaning, they are used to combine clauses or to connect sentence elements and they appear in both speech and writing, and it facilitates rather than disrupt discourse. Each discourse marker indicates a particular meaning relationship between two or more clauses.

The Muslim "Other" in the Western Mass-Media
Alina Cheşcă
Abstract: The images of the Other can be found everywhere in the Western civilization and have become part of the discourse of colonization and conquest. It has to be admitted that the encounters between the Western civilization and Islam have caused a portrayal of the Islamic religion and Muslim culture mostly in negative and self-serving ways. As the literature approaching all these stereotypes is quite vast, this paper examines why the Western world has permanently perpetuated negative images of Islam and Muslims. Western image-makers, such as the religious authorities, political institutions and media conglomerates, render the images of Muslims in both amusing and cruel ways. All these images of the Other seem to have served important purposes throughout the history of Western civilization. Sometimes these purposes are not too serious, while, in other situations, they can be awfully destructive. Unfortunately, there are tragic consequences for Muslims, coming from the socio-political climate as it has been presented by these images.

Carmina Balcanica – a Publication Covering the Dialogue between the West and the Balkans
Cristina Mihaela Dosuleanu
Abstract: The notion of Balkanism, in fact, has its origins in the Balkan Mountains and its meaning has been altered considerably according to the geographic, cultural or political context in which it has been discussed. There is a common understanding of the term based on cliché and various cultural perspectives, which, inevitably treats Balkanism as inferior to other European cultures. Sometimes, even intellectual discussions contain pejorative elements. This can be explained by the parallelism existing between the cultural direction and the very fate of Balkan peoples, which was noted for its turmoil. However, this pejorative perspective has been disproved by recent history. Whit the start of the Cold War, the Balkans became the prey of various spheres of influence. Greece and Turkey would remain outside the Iron Curtain, while Yugoslavia, Albania, Bulgaria, Romania, Poland, Hungary and Czechoslovakia were inside it in Europe. After the fall of communism, the closer ties whit the West dreamed of by the Balkans turned into greater

isolation. The reactions of the Balkans, different from those of the West, to the some stimuli, led to an attitude of superiority to them and this gave the word Balkan its pejorative connotation. The failures of the Balkan people, as well as violence and sometimes extreme nationalism led to a linking of Balkanism with chaos, unpredictability and eccentricity. The lack of dignity and coherent moral values, together with instability became identified with balkanism. This perspective went beyond the Balkans to become a dismissive adjective, used to describe an explosive political situation, or uncivilised behaviour. The Balkans want to escape the mislabelling, to prove that there is an alternative view of Balkanism, as a solid, ancient or attractive culture. Now these small nations, harassed by conflicts, scarred by communism, lacking the financial resources to maintain their culture, have come up whit the solution of improving their image through the magazine Carmina Balcanica. Although the idea is not original, the Greek, Bulgarian and Serb representatives received it enthusiastically. This could help a more balanced dialogue between Western and Balkan literature, for the sake of a generic otherness encouraged and promoted by the other's culture.

Narrative Strategies of Communication by Means of the Fantastic

Mirela Gheorghe

Abstract: The crisis of the fantastic affects the story forms and the expressive resources of language, that become themselves subjects of the fantastic, questioning the boundaries between fiction and reality. Beyond a simple thematic inventory, the reflexive dimension (metafiction) becomes consubstantial to the fantastic, designating the textual strategies meant to convey the crisis of reality postulated by the mimesis. Readers, authors and characters are found within a text type which, although proclaims itself as fictional, it "erodes" the identities, worlds and discourses. Thus, the fantastic story exhibits the narrative processes and the elements of intertextuality, permanently placing between the brackets the border between "the world in which the story is told and the one about which the story is told" (Gerard Genette, Figures III).

From Ethnocentrism to Interculturalism in the European Horizon

Gheorghe Lateş

Abstract: Being at the semantic extremes of empiricism, the terms of ethnocentrism and interculturalism seem antinomian, at first sight. The European construction philosophy excludes the idea of acculturation, although the elevated unit of community bodies tends to remove the economic, legislative, educational differences, logically followed by the cultural, religious or ethnic unit. Reserving the ethnic specificity, especially the small groups, some in danger of being assimilated by the majority, is a part of the official EU policy, which does not mean that the phenomenon of acculturation is not following its course towards annihilation. The new mobility in the European area is not at all favourable to the ethnic specificity, which stimulates firstly the multiculturalism in order to achieve ultimately the interculturalism. A Europe of nationalities that preserve indefinitely its specificity is nonsense; the multicultural one is an endless source of tensions and conflicts, stimulated by recent history and conservative mentalities, while the intercultural one seems to be still a utopia. Without interculturality, the European communitarianism has no chances of survival, no matter how many constitutional or legislative concessions would be on behalf of the national states.

The Communication for Social Change

Luminiţa Miron

Abstract: This article presents the manner of communication for the social changes which allows a better understanding of the strategies of communication. Also it points out the actions and the processes of transforming politics for the development of the community. The purpose of the work is to define and describe the principles of this approach, its aims, reasons and its concerns, and also to clear its ambiguities. The Communication for the Social Change is based on a process, or a public or private debate. The people involved in this process define their being, their positions towards life, their wishes and what they need or don't need in their purpose to get involved in the community in order to achieve social and lifestyle improvement.

Responsible Communication – between Legal and Ethical Rules

Daniela Popa

Abstract: Facing the many problems in terms of moral trial, responsibility and irresponsibility regarding the broad field of communication, we are interested in shaping a concrete and coherent vision that runs through the legal and professional ethics. Ethical rules are intended to ensure, through their acceptance, by free consent, the proper performance of its mission by journalists, seen as essential for the proper functioning of every society. Laws do not refer explicitly to ethical norms, but they are in accordance with the legal order and they are necessary to ensure that social context, which is chaotic in terms of communication law. The issues studied in this article are meant to show how the transition from the ethical rule to legal rule, creates external coercion, which makes it more responsible, in order to avoid journalistic conflicts.

"Curentul" Editorial Staff in the Context of Interwar Europe

Fănel Teodoraşcu

Abstract: "Curentul" Newspaper and Pamfil Seicaru, its owner and director, fundamentally changed the interwar journalism. The editorial staff was made up of well-known journalists, with extensive experience and a special polemic verve. Due to them, "Curentul" newspaper soon became a distinctive voice in the interwar media, its sources of information being among the most consistent and extensive. Benefiting from the services of the foreign news agencies and providing them with various news and information, "Curentul" editorial staff became a real partner of information for editorial boards from other countries. As a consequence, Seicaru's newspaper held a primacy of information during that age, being a paper of wide circulation, moulding the public to like the sensational and shocking those who read it accidentally. In one way or another, the journalistic method of the editorial staff is similar in many respects to that of a tabloid as it was conceived in the interwar years. In the same time, "Curentul" was a real newspaper of civic opinion and firm political attitude, despite some ideological and uncertain derailments in the interwar years preceding the Second World War.

Sakai Cle, an Effective Way to Bring Technology into the "Classroom"

Florin Postolache, Severin Bumbaru

Abstract: The responsibility of any institution of higher education system, regardless the type, level and form of organization of work, is to provide quality in teaching, learning and research. Thus, the objective of this research is to describe the e-learning course implementation. The paper aim is to recognize and promote best faculty practices and innovation in using Sakai for teaching and learning, which provides to

users flexibility to select and combine tools required to support and achieve individual and collaborative project objectives and, also to establish a faculty presence in the Sakai community and to bring the faculty into contact with Sakai developers and designers. Being part of Opened Practices and The Sakai Communities, the Danubius Online platform provides an opportunity for users to improve the quality of the collaborative learning environment, and to share best practices in teaching, learning and research.

SECTION II
ORGANIZATIONAL DISCOURSE AND VISUAL COMMUNICATION
CHAIRMAN: IOAN BORDEAN

Integrity within the University Community. Its Ethical Values, Attitudes and Behaviours
Mirela Arsith
Abstract: The hypothesis, that our paper is based on, is that the university community plays an important role both in the process of shaping the students' professional and transversal competences and in the shaping of their moral dimension. Ethical values, such as credibility, honesty, respect, equity, correctness, tolerance, might generate attitudes, such as participative interest, critical assumption, intellectual curiosity, responsibility assumption, moral norms, dialogue willingness etc. The personal and professional development of the young people, who represent the highest majority at "Danubius" University of Galati (our case study), should be conditioned both by their solid knowledge, their competences and abilities of their specialization, and by their interior ethical behaviors. The future graduates should focus their future activity on a professional deontology and on the projection of the possible consequences of their actions and decisions within the individual, social and natural environment they are going to work in. The aim of our paper is to identify and analyze the strategies of ethically shaping the students who will be specialists in communication and public relations. Our paper will demonstrate the importance of the ethical dimension within this specialization which will provide the competences and abilities of the social influence. This has multiple outcomes within the social field, having significant ethical implications. Within the curricula of the communication and public relations specialization, there are both lectures on ethics and deontology, and objectives of shaping some ethical behaviors, mentioned within the specialization disciplines.

The New Dimensions of the Organizational Communication – How to Play Seriously at Work
Mihaela Oana Paraschiv
Abstract: For the social relations, any activity - whatever may it be - the way we communicate is very important. Nowadays, the organizations have created and implemented specialized systems for monitoring and controlling the internal and the external environment, so they acclimate to the different changes that can appear in their environment. In this case, the communication is the most important element that balances the organization and its environment. This is why managers implemented many communication strategies, some of them imported from psychology or educational sciences. The paper analyzes three of these modern organizational communicational strategies: team-teaching, team-building and coaching.

Corporate Social Responsibility: A Narrative Framework
Camelia-Mihaela Cmeciu, Doina Cmeciu
Abstract: Throughout centuries, organizations have shaped different social realities based on a dichotomy, either a financial profit through a production of goods and services, or a moral profit through a responsible attitude towards the society. This apparent organizational binary opposition could be encompassed in Brad L. Rawlins's maxim "Doing well by doing good" (2005: 210), which turns an organization from a represented participant through narrative elements of corporate identity into an interactive participant, having a corporate conscience (Bowen, Rawlings 2005: 205).We consider that the two-year campaign Apa Nova for

Bucharest (Apa Nova pentru Bucureşti), which won the Special Award of the International Jury at the 2008 Romanian PR Award, is an innovative way of involving an organization into the problems of a city. Initiated by ApaNova Company, a public service organization, and GMP PR, this campaign had a twofold cognitive aim: on the one hand, to make the inhabitants of Bucharest change their mental representation about the Romanian capital through a process of street renaming; - on the other hand, to change the ApaNova reputation of a monopolistic supplier of water services in Bucharest into a creative organization which cares for its stakeholders. Our paper will provide a social semiotic analysis of the subjective naming of streets and of the 22 essays about Bucharest written by Romanians.

The Organizational Discourse in Economic Crisis: Myth, Construction or Reality?
Delia Andreea Gavriliu, Dorin Popa
Abstract: This article gives an overview of the research done in organizational discourse and, in particular, it points out the changes of the organizational discourse in time of crisis. Normally at stake in these discourses are control of power in the organization, the production of meaning and the manipulation of symbols. As an activity par excellence of managers, the production of these discourses can be either a tool of mobilization or, when multivocal, of the co-construction of organizational history and identity. The research that showed behavioral changes concerning management discourse was based on a sociologic analyze made in France in 2009. Manager's commitment is strategic in a difficult period such as an economic crisis. The manager needs to adjust not only his directives and his behavior towards external factors, but also his speech. Therefore, new models concerning the organizational discourse are required. We will focus on how a discourse can be handled as a strategic resource. The management changes from the world of decisions into the world of words and languages. The positive aspect of organizational communication resulting from the practical study is built from a reality that managers express in nice and encouraging words.

Eco-Label, New Generation Instrument of Environmental Protection
Elena Alexandra Ilinca, Adriana Elena Belu
Abstract: The overall objective of Community policy on the environment and business is to contribute to sustainable development. The EU eco-label scheme (as laid down in the new Regulation (EC) No 1980/2000) is now part of a wider approach on Integrated Product Policy (IPP) within the new Action Program. The Commission has published a Green Paper on IPP that will be a key innovative element of future environmental policy and sustainable consumption and production. Strategically, the European eco-label Scheme is, and will be, in line with the principles, goals and priorities of the 6th action Program "Our Future, Our Choice". Following the Rio Summit in 1992, preparations by the EU on the overall objectives of sustainable development are underway as the year 2002 will be the year of RIO+10. 2002 will also see the 10th anniversary of the Flower label. The European eco-label is based on the vision of greening non-food products all over Europe in a joint and common approach of all European stakeholders brought together in the European Union Eco-labeling Board (EUEB).

Knowledge, Communication and E-Learning in Higher Education – Perception and Communication Differences of Traditional and Modern Academic Status
Silvia Adriana Tomescu
Abstract: The current university education system is facing a fundamental problem: the diversification of information transmitted format with changes in content design and delivery, aspects that leads to a new philosophy of education. Academic environment has become the field of analyze, expertise and study of

knowledge communication through learning and teaching, due to the new storage media and new channels for transmitting information. The aim of the present analyze is to underline the importance of a systemic approach of knowledge communication in e-learning academic sphere, in order to improve the efficiency and quality of research. At the same time, we intend to notice and shape the evolution of both teacher and learner status in higher education. The rhetoric about knowledge is often associated with organization and transfer of information. Providing students with a modern understanding of the „shared values" in higher education it has become an important objective. Every institution has reshaped its architecture and now, when we speak about teaching and learning in higher education, we speak about electronic references, full text data access, web resources, that are component part of university education in the distance and electronic environment. If the educational process allows adaptation of technologies, should mention that, not the same happens with the adjustment of context, information and instruction delivery. Web became first a mean of information and then support for students' learning, the economic aspect playing a decisive role; whether we refer at the traditional learning, or the remote and online learning, education and information need the electronic component. The teachers have to adapt new forms of e-delivery of discipline content, form and inform about e-resources for learning. We have to develop national strategies and add value to the role of university as a key factor in e-learning.

The Mass Communication in the Age of the "Global Village"

Oana Drăgănescu

Abstract: In this paper we propose to present ways in which globalization, by means of specific action, mass communication, influence the media system in contemporary society. The ways of mass communication in the globalized world are given by the communities and different individuals with different cultural identities, which, through processes of globalization come to consume the same cultural products, promoted by the media, although they are not part of their own cultural system. The influences of the effects of globalization on mass communication generate practices and consumption habits on people who identify themselves as "global villagers" and the mass media system became the engine of action of the major companies operating at the cultural industries.

The European Discourse in the 2009 Presidential Campaign in Romania

Pătruţ Monica

Abstract: During every presidential campaign, the debates of the candidates who have the greatest winning chances turn into true media event. During the 2009 election campaign in Romania, the debates between Crin Antonescu, Mircea Geoana and Traian Basescu scored the highest audience. In order to see the degree in which they made reference to the European Union, we will provide a content analysis of these debates. Having the functional theory of Benoit, Blaney and Pier (1998) as theoretical background, we aim at analyzing whether the European values mentioned in the election discourses of the three candidates is a discursive strategy meant to appear preferable among the Romanian voters.

The Importance of Communication within the Development, Evaluation and Rewarding of Human Resources in an Organization

Ioan Bordean

Abstract: Communication is the vital flow which turns the performances of an organization into reality. Its quality and functionality determine the way in which human resources are dealt with and the purposes are accomplished. Every organization is formed of employees, management, equipment, raw materials and funds. Within the labor process, communication plays an essential role because every system implies the existence of an informational flow which makes possible its functioning as a whole. None of the managerial functions can exist without appealing to communication since these functions presuppose complex activities and decisions, which, by definition, are processes of information processing. The initiation and development of the organizational activities greatly depend on the degree in which the human factor is understood and managed. Through a study carried out in a commercial organization, we aim at showing the degree in which communication contributes to the professional development, evaluation and rewarding of its employees, and finally, to the performances obtained by these employees and the organization as a whole.

GLOBALIZATION AND CULTURAL DIVERSITY
CHAIRMAN: CHRISTIAN DAUDEL

The Integrative Dimension of the Economic Globalization in European Space
Daniela Mariana Alexandrache, Mariana Aida Cîmpeanu
Abstract: We believe that globalization and its socio-economic implications of the world and world economic crisis is one of the most debated issues for several years. The most relevant dimension of globalization is the economy with the more dynamic factors: technological development, the hegemony of liberal conceptions (closely linked to the triumph of the ideology of market economy) and explosive development of countries or regions. Economic globalization has manifested a series of visible effects such as: the emergence of new markets and foreign trade (interconnected at global level), the appearance of: transnational companies, multilateral agreements on trade, broadening the scope of WTO, transformation of multinational companies in transnational companies and the emergence of global economic markets. Expanding globalization in Europe was achieved because of the fall of communism, and the neoliberal reformation which took place in Western European countries. Events like the fall of the Berlin Wall, followed by the fall of communism eradicated many political, economic, religious or cultural barriers. European Union is, in our view, a regional office of globalization, representing the best performing integrative system in the world (by creating free trade area, customs union, common market, the Economic and Monetary Union). To understand why the EU is an advanced approximation of globalization, perhaps a regional model of globalization, we must first understand the link between globalization and regional integration. The regional integration can be considered a preparatory step toward a global system, showing the need to solve the problem of sovereignty disposals as a member attribute manager.

The Importance in Assessing the Organizational Climate and Culture
Mariana Aida Cîmpeanu, Gabriela Nicoleta Mironov
Abstract: Organizational culture has become one of the major topics in the current management theory and practice, the concept is fundamental to explain why some organizations are competitive and others are not. It was studied and understood how the organizational culture can be transformed into a key prerequisite in order to ensure optimal performance of the corresponding change in an organization that provided an economic environment, social and political fluctuation. An important role plays in assessing organizational culture and its visible manifestation that the organization's personality, the organizational climate, whose elements are the first to capture the change: the superficial (or the organizational crisis related incidents) and on the profound strategic changes planned or developments involving constant (long term), policies and organizational practices. Any major change is first identified by the organizational climate factors and the condition in which it becomes consistent; the final elements will affect the organizational culture. So any change that is looming before the organizational culture is first and visible through its peripheral elements, identified through specific climate events that staff members expressed the organization by: visible behavior and attitudes, expressed opinions, or made assessments. Organizational climate analysis provides satisfaction to obtain useful data relevant to the immediate reality, with practical application, helping to employee satisfaction, optimize operations and efficiency at work.
The Specificity of the Organizational Culture in the European Management
Mariana Aida Cîmpeanu, Ionuț Sergiu Pirju
Abstract: Starting with intensifying globalization and the internationalization of economic relations, the

competitions on the world market increased, producing a number of restructuring, changes in the international management and subjecting firms to reengineering. The emergence of technology has changed the way of making transactions eliminating the human intervention. The economic organization in these terms focuses more on knowledge and communication than control and administrative hierarchy. The necessity for organizational culture research is given that this exerts a strong influence in a company performance and becomes more pronounced in dynamic conditions in the external environment. A culture must be accepted by all company employees and the managers have to identify cultural factors that hinder the development and transform these factors into values. The leaders are those who manage to create vision of the future that they wanted and they influence and, in turn, they are influenced by organizational culture.

Brasseurs d'Affaires vs Brassage d'Identités (La Culture – Facteur d'Equilibre entre Identité Européenne et Mondialisation)

Constantin Frosin

Abstract: If ever rough or severe, this title got right to the bottom of the question of the cultural diversity and the world nation's identity, it points at the very truth: the businessmen and the financial oligarchy think they can get away with anything! They don't give a damn about culture or the European or every other identity... We choose an example about how they make fun of these very serious questions, and we gave our commentary on this difficult (or tricky?) problem. A text enacted by UNESCO contradicts itself because of a blunder, which we shall reveal in our report. Finally, they betray themselves, since they speak of (just for a laugh...) cultural goods, cultural industry or cultural products and so on... Naturally, a question arises: do they have anything to do with the Culture?!

The Implications of the Globalization in Defining the International Security

Florinel Iftode

Abstract: We live in a new world, but there is neither new order nor disorder. There is a safety zone in Europe but also one of chaos and danger. What makes this world to be particularly difficult and dangerous is that different areas of order-disorder are interconnected through globalization. Before we can think of security requirements for today and tomorrow, we must forget yesterday's safety rules. A new world order could not become reality at all, but it may remain an ideal, especially for those living in the new European order. We must understand that we are not living in a world of pure and exclusive national interest. Human rights and humanitarian issues are inevitable in our political processes.

Considerations on the Legal Status of the Individual in Public International Law

Jana Maftei

Abstract: The problem regarding the quality of the subjects in international law relations occupies a central place in the researchers' concerns, as the determination of the entities with international legal status with the aptitude of holding rights and obligations within the international judicial order is absolutely necessary. If traditionally it is considered that the main subjects of international law are the states, and the international intergovernmental organizations are derived subjects in public international law, the recent doctrine developments record controversial opinions regarding the quality of international law subject of the individual. This paper aims at analyzing the contemporary doctrine and practice as well as determining the characteristics of the international status of the individual.

The Evolution of the European Security Policy
Vasilica Negruț, Alexandra Negruț
Abstract: The process of development of the European Union's security dimension has known a spectacular evolution in the past years, passing from political consultation to establishing objectives, then common actions and positions; at a practical level, the Petersburg measures, carried on initially by the Western European Union as an armed branch of the European Union, have been replaced by actions of implication of the Union in managing some conflicts. The Lisbon Treaty confirms the commitments of the member states and mentions the fact that the European Union will dispose of the necessary measures for the defense of its objectives and to contribute to world peace and stability.

The Quality of Higher Education- Comparative Analysis of its Implementation in EU Countries
Mihaiță Oțelea
Abstract: The quality of higher education has become a constant preoccupation for public authorities in numerous countries. In Europe this is maintained by the treaty of Bologna. In this way, in 2000 it was created, at the European level, the body that deals with the assurance of the quality of higher education, and more specifically ENQA. In Romania the main actor responsible for the assurance of the quality of higher education is The Romanian Association of Ensuring Quality in Higher Education (ARACIS), a member with full rights of ENQA. The study proposes an analysis of the systems that ensure the quality in various European countries, including Romania, emphasizing the similarities and differences between them.

Danubius University of Galati and the Process of Internationalization of Higher Education
Anișoara Popa
Abstract: The goal of this paper is to provide a few comments on the necessity to articulate a coherent policy of internationalization at "Danubius" University of Galati. Starting from the critical examination of the actual situation we try to outline a future strategy and to point out the role of the Faculty of International Relation and European Studies in this process.

The Role of Regions and the Territorial Cohesion Impact on them
Gabriela A. Popoviciu
Abstract: The present paper will try to offer an overview of the interpenetration and integration of two major areas: planning and environment, because we live in a time where most of us live in urban areas (75% of Europe's population) and not in the rural areas. Starting with 2020, according to projections made in the field, the proportion will be 80%. Consequently, the demand for land within and around cities will only become more acute, which already can be seen at the national level. Urban sprawl in the last period of time has already recontour landscapes, which will affect the quality of human life and environment. And perhaps it is not incidentally that the urban planning and management have reached today, the priority issues on the global political agenda. Thus we will treat through this paper will follow the existence of cohesion between land and environment. Yet this requires consistent interpretation of laws and their application and its implications. Having this aspect in front, the literature in domain and the EU Treaties our paper could be an efficient example for local authorities when prepare the future planning plans, in order to better uses of available resources from any region.

The Integrated Educational System

Mihaela Maxineanu, Dan Pauna

Abstract: The impact plans of the new technology on the educational process and system are countless, and determining them is a difficult and complex process. Anyway, a few incidence points have been found during the evaluation and they concern aspects of institutional development of schools, some implications for the professional training of teachers, as well as perceptions of beneficiaries regarding the effects of TIC (Information and Communication Technology) on students' proficiency and the development of digital skills.

European Integration and Globalization

Diana Bobica

Abstract: According to many, the term globalization is able to explain any phenomenon whatsoever, be it positive or negative, that takes place within the global social system. It seems like a sort of magical formula, which is to be found in the speeches of all sorts of people, be they economists, politicians, businessmen or sociologists. However this magical formula of globalization has its limitations, since it encompasses a certain amount of quibbling, beyond which not many can pass. In the context of globalization it appears the question on its role in the process of European integration. Is European integration a part of this global process or, quite on the contrary, does it present certain distinctive features, as it moulds itself differently from the globalization phenomenon? A clear-cut answer seems difficult because of the various aspects involved. Not only the general phenomenon of globalization, but also the economic integration on European level is based on the liberalization of markets and on the opening of national economies towards the exterior, having as direct consequence the intensification of trade exchanges. If from a global point of view one may talk of a market fundamentalism in that the market principles know no boundary, European integration on the other hand implies not only market economy, but also a guided and monitored action of Member States according to the needs of the whole entity, also taking into consideration - as far as possible - all aspects and consequences on social level.

REFORMING PUBLIC ADMINISTRATION
CHAIRMAN: MIHAELA CĂRĂUȘAN

European Ombudsman's Role in Achieving the Right to Good Administration
Ion Popescu-Slăniceanu, Diana Marilena Petrovszki, Cosmin Ionuţ Enescu
Abstract: The European Ombudsman exercises an administrative control mechanism similar to that which allows for the control of public authorities at national level by the Ombudsman in most states. One of the rights of European Union citizens is to submit a complaint to the European Ombudsman concerning instances of maladministration by the European Union institutions, bodies or agencies. With regards to the right to good governance in the European Union, it is protected by Article 41 of the Charter of Fundamental Rights of the European Union and by the European Code of Good Administrative Behavior, which provides useful information to European citizens and civil servants. Similar provisions to those of the European Code of Good Administrative Behavior are also included in the Code of Good Administration adopted by the Committee of Ministers of the Council of Europe, through Recommendation CM / Rec (2007) 7. By promoting the right to good administration, the European Ombudsman contributes to the strengthening of the relations between the European Union and its citizens and to the establishment of democratic, transparent and accountable administration. We are convinced that the fundamental right to good administration will be included in the Romanian Constitution, during its next review and that the administrative regulations will incorporate the principles and rules of good administration provided by the two European codes which we have referred to.

The Pertinence of Administrative Regionalization Project in Romania
Mihaela Cărăușan
Abstract: The concept of "unified" or "homogeneous" state authority (in which the local authorities act as representatives of the central government, equivocally subordinated to its directive and control) was rejected and replaced with a dual system, in which the state and the local management act each in its own sphere of influence. However, we shouldn't be surprised by the fact that the reality of local management partly lags behind the normative ideal. Europe is a space of decentralized local communities, the emphasis being placed on decentralization to enable the development of contacts which the hyper-centralized state wouldn't have promoted and couldn't have tolerated. One can argue that decentralization is one of the ways which lead to a sort of European "normality" and that it participates in achieving this goal. Thus, the actual context is quite favorable to diminishing the role of the state, which should focus on its major functions: diplomacy, defense, monetary policy, preserving the economic macro-balance etc. those which stem directly from the national sovereignty, which only the state holds, regardless the fact that it is a unitary or federal state.

The British Civil Service
Iulian Savenco
Abstract: The British Civil Service supports the Government in developing and implementing its policies, and in delivering public services. The British Civil Service is in constant evolution tending towards a body of professional public servants ready to fulfill the purpose for which it was created.

Critical Observations on the Contravention Normative Framework in Romania. Perfecting proposals

Tache Bocanială

Abstract: The legal regime of contraventions, along with the penal normative framework represents for the law enforcement agencies, the main tools for ensuring, maintaining and restoring law and order. The law framework in contravention matters in Romania, the Government Ordinance No. 2. July 12th 2001 on the legal regime of contraventions, with all subsequent amendments, are now in a situation where they are not longer able to cover the practical needs of the domain, lacking the activity efficiency of different asserting agents. Thus, on the one hand, the asserting and punishing activities of contraventions lead to spending important human and financial resources, and it does not have the purpose provided by law, on the other hand, this situation determines an unduly large load on the court with complaints against the contravention report and the multiplication of cases solved by the courts through admission judgments of complaints and the annulment of contravention asserting reports and the appliance of contravention sanctions. Also, in cases when the contravention sanctions remain final and enforceable, their simply record "in flow" is not likely to correct the offender, the standing evidence being the increasing number of imposed fines, which are marked on local public administration records as unfulfilled. Replacing the laws relating to contravention imprisonment with the provision of community service activities were not likely to lead offenders to refrain from committing such acts, or to pay voluntarily the imposed fines, whereas according to the current regulatory provision of an activity of community service cannot be put into repossession. In conclusion, we consider necessary the intervention as urgent as possible of the legislator to correct, supplement and improve the contravention normative framework which leads us to several proposals.

Jurisdictional Legality Control of Administrative Acts in the European Union Law. Exception Acts from the Jurisdictional European Control.

Andreea Diana Papa

Abstract: The present paper has as its main objective to present the role played by the legality principle for the rule of law as well as to analyze the signification of legality control of administrative acts in the context of European Union law, and to present those acts that are exceptions from the jurisdictional control of legality. In order to achieve this result the doctrine was analyzed and compared to the jurisprudence of the European courts. In our opinion the legality principle has to be interpreted in a permissive manner of the obligation to respect and comply to the « legality block » composed of the defining rules of the three distinct juridical systems, the national norms, the European Union norms and those established by ECHR as well as the conformity to the jurisprudence of the European Union Court of Justice and the European Court of Human Rights, taking into consideration the fact that their decisions have law value and are extensions of the legality principle.

Unconstitutional Issues Regarding Legal Provisions Concerning Public Office

Grădinaru Sandra

Abstract: The paper draws attention on the recent amendments regarding the legal framework concerning public servants. Analyzing the provisions of the Government's Emergency Ordinance no. 37/2009 and also of the Government's Emergency Ordinance no. 105/2009, both of them modifying the Law no. 188/1999 regarding the public servants status, we conclude that their purpose is to politicize the civil services and this aim is being achieved by means on the edge of legality. The head of the civil services are no longer public servants and they are selected exclusively on political criteria. Consequently, politicizing civil services may only have a negative impact on public administrative reform and the incentive of the activity of civil services is far from being reached.

European Policy of General Charles de Gaulle in the French Public Opinion
Ioana Panagoret
Abstract: General de Gaulle's policy of Construction of Europe can be understood only in the light of his convictions, that reconsideration of 1958, when he returned to power, had inspired his foreign policy. Although the General had not a vision about the Construction of Europe, according to public opinion he was often perceived as a real Europeanist (in 1965 - 3 of 5 French people considered De Gaulle the champion of European unity, and even in March 1969 half of French people considered him a convinced Europeanist). Talking about institutional evolution after the General de Gaulle has left the power, the thesis he argued on the role of other countries have resumed by other countries and confirmed by facts. In actual Community, the Commission plays an important role of initiative and boost, but the essential decisions become obligations for the states.

The Main Subsystems Involved in Defining the Quality Management System
Dobrea Valentina Alina
Abstract: The hospital is the most important organization in health field, so they have to improve the quality in all the activities deployed. A very suitable way to show the hospital's preoccupation for quality of health services is the quality management system certificate according ISO 9001/2000. In understanding the architecture of the hospital quality management system is necessary to decompose this system in subsystems and analyze each separately: the managerial subsystem, the human subsystem, the social subsystem, the technical subsystem, the informative subsystem. The relationship between those subsystems leads to the continuous improvement of quality in health services.

Politics Related to the Strategy for Public Health Decentralization in Romania
Dobrea Valentina Alina
Abstract: The article "Policy proposals for public health decentralization in Romania" presents a briefing of the conceptual framework for public health (PH) decentralization and formulates certain recommendations regarding policy alternatives for PH decentralization in Romania. Mainly addressed to health decision makers and PH professionals; the issue is approached through the following: PH core functions. Conceptual framework for decentralization proposes and concludes remarks for PH decentralization in Romania.

The Control of the Legality of Administrative Activity through the Court of Justice of the European Union
Goga Gina Livioara, Guriţă Gabriel
Abstract: According to the law of the European Union, in case one of the institutions of the Union or an organ, office or agency belonging to the Union refrains from making a decision, the member states and the other institutions of the Union are entitled to make a notification to the Court of Justice of the European Union. The Court has the competence to verify the legality of the legislative acts of the institutions, offices, organs or agencies of the Union that are meant to produce judicial effects towards third parties and it is competent to pronounce itself, by preliminary decision regarding the interpretation of the treaties, namely the validity and interpretation of acts adopted by the institutions, offices, organs or agencies of the Union. Also, according to the primary treaties, any legal issues related to the non- fulfillment of the treaty's provisions, non compliance with the community legislation, not executing the decisions of the Court of Justice or non compliance with the terms of an agreement between the EU and a third state, as well as the legal aspects related to the application of penalties based on the regulations of the EU, contractual and extra contractual liability are subordinated to the control of the Unions' judicial instance.

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