ALPA CONFERENCE

INTERNATIONAL CONFERENCE:

"CONTEMPORARY CHALLENGES IN ADMINISTRATIVE LAW AND PUBLIC ADMINISTRATION"

ADJURIS Society of Juridical and Administrative Sciences

www.alpaconference.ro

April 27, 2018

Section I.

Administrative law. Recent Developments and Perspectives of Evolution of Administrative Law at National and International Levels

Friday, April 27, 2018

Room **Robert Schuman – 2nd Floor, ASE main building – Ion N. Angelescu**

Keynote speakers:

Associate professor **Cătălin-Silviu Săraru**, *Bucharest University of Economic Studies*
Associate professor **Marieta Safta**, *„Titu Maiorescu" University of Bucharest*
Associate professor **Ioana-Nely Militaru**, *Bucharest University of Economic Studies*

! Each paper will be presented within 20 minutes
! Fiecare lucrare va fi prezentată în maxim 20 minute

BOOK PRESENTATION

Lecturer **Mădălina Voican**, *Actul Administrativ. (Administrative Act)*, Universitaria Publishing House, Craiova, 2018

SCIENTIFIC PAPERS

ELECTRONIC ADMINISTRATION: REFLECTION ABOUT A NEW PUBLIC ADMINISTRATION MODEL

Professor Cláudia Sofia MELO FIGUEIRAS
University of Minho/Portucalense University, Portugal
Assistant professor Bárbara Magalhães BRAVO,
IJP- Institute for Legal Research, Porto, Portugal

Abstract
The article 14 of the Code of Administrative Procedure (CPA), approved by Decree-Law no. 4/2015, of January 7, is entitled "Principles applicable to electronic administration". This article comes with the approval of our new Code of Administrative Procedure and for the first time determines in paragraph 1 that the services of the Public Administration should, in the performance of their activity, use electronic means. It should be noted that in that provision the legislator uses the word 'should' and not 'can'. This means that the Administration have no choice. The Public Administration is forced to use electronic means, unless it is not possible. The legislator establishes an obligation of facere, whose objectives are the greater efficiency and administrative transparency, as well as a greater approximation of the services to the population. Looking to article 14 of the CPA, we will try to elucidate a concept of Electronic Administration, to reflect about this new model of Administration and the principles that apply to it, as well as to verify if this new model of Public Administration serves the public interest.

ISLAMIST EXTREMISM IN KOSOVO AND THE COUNTRIES OF THE REGION

Associate professor Kolë KRASNIQI
University of Peja "Haxhi Zeka", Kosovo

Abstract
Kosovo and the region of the Balkans in general had always been areas where different cultures and the influences of major powers clashed. The influence of the Roman Catholic Church collided with that of the Byzantine Orthodox Church, Islam clashed with Christianity and the geostrategic interests of the East collided with those of the West. These cultural and religious clashes on the same territory as well as the impacts of the different geostrategic interests resulted over the course of the past centuries in the development of different competitive cultures and religions sometimes opposed to each other in Kosovo. Irrespectively of this religious and cultural diversity, the Kosovar people have not been treating these ideological divides as separations of the entire nation based on a religious basis. Rather, they have been cultivating feelings of harmony, tolerance and understanding with respect to members of other faiths. But unfortunately, the traditional model of harmony and interfaith tolerance that had existed in Kosovo for centuries has come more and more under attack in recent times.

SEMANTIC ASPECTS OF RESEARCH ON THE APPLICATION OF PRIVATE LAW IN THE PUBLIC SECTOR WITHIN THE LEGAL CULTURE OF CONTINENTAL EUROPE (WITH PARTICULAR EMPHASIS ON POLISH EXPERIENCE)

Professor Rafał SZCZEPANIAK,
Faculty of Law and Administration,
Adam Mickiewicz University, Poznań, Poland

Abstract
As you know, the language level is one of the main research areas of jurisprudence. The author puts forward the thesis that the adopted language apparatus has a significant influence on the research results in legal sciences. This is particularly evident in the analysis of the application of private law to the public sector. The article indicates the semantic problems faced by the author analyzing the application of private law in the public sector. The source of these problems is the adjective "public" that appears in many terms. In addition, there are problems of comparative nature. There is a phenomenon of non-translation of terms from individual languages. Other problems consist in the fact that the use of certain concepts is associated with the adoption of certain initial assumptions. Not always, the authors who write about the application of private law in the public sector are aware of this. An example of such a situation is the concept of "Fiskus".

THE LEGAL MODEL FOR METROPOLIS MANAGEMENT IN POLAND - COMMENTS ON THE REGULATION OF METROPOLITAN UNION IN THE SILESIAN VOIVODSHIP

Assistant professor Wioleta BARANOWSKA-ZAJĄC,
University of Szczecin, Poland

Abstract
Political changes that followed after 1989 led to the creation of local self-government in Poland. As a result, a municipality, a county and a voivodship self-government were established. In the course of these reforms, however, the problem of the system of metropolitan areas, and thus their management, has not been resolved. Making metropolisation in Poland, understood as creating special solutions for metropolitan areas in the form of large urban agglomerations, that are facilities of various networks (transport, scientific, economic) and development centers, is not satisfactory. Initiatives to ensure management of metropolitan areas have been undertaken for a long time, but still without achieving sufficient results. In 2015, the Act on metropolitan unions was adopted, whose provisions constituted the basis for creating metropolitan unions regardless of the country's area. On the basis of its provisions, however, no metropolitan union was established. In return, there was undertaken the work on the subsequent act in analyzed area - this time concerning only the area of the Silesian voivodship. The aim of the article is to analyze provisions of the act on metropolitan union in the Silesian voivodship, aiming at determination of effectiveness and sufficient nature of these provisions in the area of metropolitan areas management in Poland. The regulations regarding only one, though undoubtedly the largest urban agglomeration in Upper Silesia, which is currently the case, seems insufficient to assume that the problem of providing a special system and rules for management of metropolitan areas has been solved.

INDEPENDENT BODIES AS A MODEL OF ORGANIZATION OF THE PUBLIC ADMINISTRATION

Associate professor Ivana SHUMANOVSKA-SPASOVSKA,
Faculty of Law "Iustinianus Primus"
Ss. Cyril and Methodius University of Skopje, Republic of Macedonia,
PhD. Borche DAVITKOVSKI,
Faculty of Law "Iustinianus Primus"
Ss. Cyril and Methodius University of Skopje, Republic of Macedonia,
PhD. Ana PAVLOVSKA-DANEVA,
Faculty of Law "Iustinianus Primus"
Ss. Cyril and Methodius University of Skopje, Republic of Macedonia,
PhD. Elena DAVITKOVSKA,
Faculty of Law "Iustinianus Primus"
Ss. Cyril and Methodius University of Skopje, Republic of Macedonia,

Abstract
We live in a time when the number of regulatory bodies or independent agencies or so-called parastatal organs is continually growing and gaining momentum as a part of a country's system of governance. In particular, in the Republic of Macedonia, in the period from 2002, around 24 independent organs have been established with the legislation, which shows that this is not only an actual topic for research and writing but also that there is an actual need for an in-depth study for the purpose of establishing these organs. Simply put, is their establishment in the legal system a necessity or a trend. Hence, the subjects of research in this paper are the reasons or the factors that contribute to the formation of the independent organs, their position in the system of government organization and the distinction between the independent state organs, the regulatory bodies and the independent organs of the state administration. Taking into consideration the fact that through the formation of these organs a new model of exercising public authorization has been developed, a question whether these organs are a new model of organization of the public administration is being raised. A model that enables the decentralisation of certain competencies for which have been the state administration concern so far, and for which the state administration now becomes only an execution controller. All this in order to enable a more efficient, more qualified and depoliticised execution of the public interest services. For this aim in the paper, we have used a positive-legal and comparative methods. The authors conclude that a special regulation for the agencies or the independent regulators should be adopted, a regulation in which the positive-legal definition of these bodies, the method of establishment, the manner of responsibility, the status of the employees, the manner of financing, their powers and the type of decisions they bring about, will be specified. Key words: independent organs, regulatory bodies, agencies, public administration, separation of powers.

JUDICIAL CONTROL OF ADMINISTRATION IN KOSOVO

Assistant professor Bashkim RRAHMANI,
College AAB, Pristina, Kosovo

Abstract
The development of administration went through various phases after the war in Kosovo (1999). Right after the war we cannot talk about the clear administration with the local sense, since Kosovo based on the UN Security Council Resolution 1244 was put under the international civil administration. Ten years later Kosovo Parliament approved the Declaration of Independence after which the Kosovo Constitution was adopted, whose main attribute was to create the state of Kosovo. Thus, based on this, the administration in Kosovo was developed firstly as the internationally organized one; then it was locally organized supervised by the international power and finally it is being developed based on Kosovo Constitution and Kosovo Laws. With this paper author by explaining the process of administration development, using: method of historical analysis, method of comparison analysis, method of systemic analysis, etc., with the specific analysis

of the judicial control of Kosovo administration during these phases, as the basic form of the administration control which is exercised by courts in Kosovo. Conclusions and recommendations of the paper are expected to be used not only for academic debates.

PUBLIC PARTICIPATION IN DEALING WITH CASES IN ADMINISTRATIVE PROCEEDINGS - REFLECTIONS ON THE BASIS OF THE POLISH LEGAL SYSTEM

Assistant professor Magdalena MICHALAK,
Faculty of Law and Administration, University of Szczecin, Poland
PhD. Przemyslaw KLEDZIK
Faculty of Law and Administration, University of Szczecin, Poland

Abstract
In 2017 the Polish Code of Administrative Procedure was amended. As a result of the introduced changes, regulations regarding public participation in dealing with individual cases subject to settlement by way of decision were significantly extended. As a general rule, the authorities have been obliged to strive for amicable settlement of disputes whose nature allows it. In order to implement the above principle, apart from the institution of amicable agreement already applicable in Polish system, the possibility of conducting mediation between the parties to the proceedings, as well as between the party and the authority was introduced. Such solution is already applied in some legal orders and is gaining more and more importance in the countries of the EU. The objective of these regulations was to extend public participation in the administrative governance. The article presents an analysis and evaluation of solutions adopted in Polish law in the context of general and universal problems of purposefulness, scope and forms of public participation in authoritative resolution of disputes, which as a rule is the domain of the state. Formal-dogmatic method shall be used in the study.

THE ROMANIAN ADMINISTRATIVE LAW. ACTUALITIES AND PERSPECTIVES

Lecturer Elena Emilia ŞTEFAN,
Faculty of Law, "Nicolae Titulescu" University, Bucharest, Romania

Abstract
This study presents some aspects of the place and role of administrative law in the Romanian law system, in the year of the Centenary of the Great Union. The legislative changes in the last years, in the field of administrative law but also the need to clarify some conceptual terms, in cases where the doctrine is divergent or the legislation is unclear or the surprising dynamics of the relevant jurisprudence at the level of the High Court of Cassation and Justice or the Constitutional Court of Romania determined us to analyze the state of today's administrative law, mainly through the deductive method. In addition, through the complexity of the analysis that we are going to make, between public law and private law, we will underline the conclusion that administrative law is a living discipline, perfectly suited to social life, but now widowed by such a codification that is so necessary to its evolution compared to criminal law or civil law.

PUBLIC LEGAL PERSON VS. PUBLIC AUTHORITIES DELIMITATIONS. LEGAL FRAMEWORK. CATEGORIES

Lecturer Mădălina VOICAN,
University of Craiova, Romania

Abstract
*The article is organized as an analytical study of the **public legal person** that stems on the finding that this concept is less known by law practitioners. The review opens on a number of conceptual delimitations grounded on civil law enforcement practice. It continues with the definition of a legal person, presentation of the substantive conditions of legal persons and then presentation of the substantive conditions of public legal person. Browsing the relevant legal framework, the article concludes with the identification of main categories of public legal persons.*

THE LEGAL REGIME OF THE PUBLIC POLICY DOCUMENTS

Associate professor Marieta SAFTA
Faculty of Law, „Titu Maiorescu" University of din Bucharest, Romania

Abstract
Public policy documents are decision-making tools that identify possible solutions to address public policy issues. The present study provides an analysis of the incidental regulatory framework regarding the initiation, development and adoption of public policy documents. Also, starting from concrete examples, with particular reference to the field of justice, the study analyzes the types of public policy papers and the effectiveness of the measures they establish in order to conclude on their place and role in decision-making at the level of the public administration.

OBJECTIVE CONTENTIOUS MATTERS AND THEIR UNEXPLAINABLE VULNERABILITIES

Associate professor Ovidiu PODARU,
Faculty of Law, „Babeş-Bolyai" University, Cluj, Romania

Abstract
The objective contentious matters should be a lethal weapon for the administrative acts challenged at the court specialised in this kind of issues, because, unlike the subjective contentious matters, they do not depend – or at least they should not depend – on the plaintiff's (which is, by definition, a public authority) proving a subjective right or a personal legitimate interest injured by the administrative act. Relieved from this burden, the plaintiff's task within an objective contentious matter should be easy: to come up with the proof that the case object contravenes a rightful rule with a superior legal force. In this case, the challenged act is annulled by the decision of the administrative contentious court and, as an expression of the public interest prioritising principle, it derives from the other one, which is more general, namely the principle of lawfulness. Nonetheless, at least three legal provisions of the Act no. 554/2004 – section 1, par. (3), section 3, par. (1) and section 28, par. (3) – highlight a few weaknesses of this type of contentious matters, either by conditioning them upon the fate of certain subjective contentious matters – which by definition are more fragile – or by placing the plaintiff, by virtue of the law, in a legal status inferior to the one that the plaintiff within a subjective contentious matter enjoys. And these weaknesses are surely worth being analysed, because so far neither the doctrine nor the case law seems to have at least noticed them.

THE ADMINISTRATIVE DISPUTES LAW AND THE CIVIL CODE, BETWEEN COMPLEMENTARITY AND INCOMPATIBILITY

Associate professor Ovidiu PODARU,
Faculty of Law, „Babeş-Bolyai" University, Cluj, Romania

Abstract
Are these two framework regulations (the Administrative Disputes Law - ADL and the Civil Code) complementary or incompatible? The referee of this relationship should be "the specificity of public power relations" between the administration and those administrated. Therefore, the first objective to be established is to clarify the content and the limits of this notion. And, as our doctrine and case law formed after the entry into force of the current form of article 28 of ADL does not provide decisive arguments, it is necessary to investigate the fundamentals of administrative law. The second objective - to which the results of this study are related - is the review of the main civil law institutions and their reporting to the already studied notion. Thus, the regime of goods, obligations and contracts, succession and prescription, but not only, shall be the subject of the test of compatibility with the specificity of the legal relations of public power. And the conclusions - obviously divergent, in the sense that some civil law institutions have passed this test, others have not, should, for the future, be a reference point for judicial practice in those situations where they are confronted with such legal issues, not extremely frequent but of an appreciable difficulty.

NEGATIVE EFFECTS OF LEGAL INSTRUMENTS OF APPEALING PUBLIC PROCUREMENT PROCEDURES - ABUSE OF LAW

Associate professor Emilian CIONGARU,
"Bioterra" University of Bucharest, Romania

Abstract
In accordance with the provisions of Law no. 98/2016 of 19 May 2016 on public procurement, the principles underlying awarding public procurement contracts and organising solution contests are: non-discrimination; equal treatment; mutual recognition; transparency; proportionality and assuming responsibility. Any person who deems themselves to have had their interests injured may oppose the method by which such contracts were awarded. Consequently, this being the case, the procedure is not completed and it shall enter the convoluted system of procedural law courts, the cases possibly lasting quite a long period of time, causing delays which are often irreparable from the point of view of the parties involved, but especially of the contracting authority. Problems that occur in such situations must be resolved much quicker and should enter an emergency procedure aimed to minimise the negative effects of the delays which, many times, are fabricated. Could abuse of law or evasion of the law be invoked in this respect? It would be interesting to take into account such alternatives but strictly within the limits laid down by the letter and the spirit of the law.

QUO VADIS ADMINISTRATIVE LAW?

Professor Verginia VEDINAS
Faculty of Law, University of Bucharest, Romania

Abstract
The present study aims to analyze the current state of evolution of Romanian administrative law. Although the title presents itself as an interrogation, we do not want to be a naivety if we do, to give answers. The study focuses mainly on the following aspects: false modernity of administrative law; "Attacks" from other branches; conserving constants and defining traditional elements; the effect of Europeanisation.

LEGAL PROCEDURE APPLICABLE TO ADMINISTRATIVE ACTS

PhD. student Diana Mihaela MALINCHE,
University of Academy of Sciences of Moldova, Chisinau, Republic of Moldova

Abstract
For collecting and interpreting the data necessary for the elaboration of this article, I have used the content analysis research method taking into account the theoretical concepts of the administrative law at the national level as well as the legislative provisions adopted at European level for the use by the public administration institutions of standardized administrative acts. The act of administrative law is therefore the legal expression of the way of promoting the public power by the public administration bodies. Due to its complexity, the administrative act presents specific elements: the legality and the expediency of the administrative acts, the competence of the public administration authorities, the related competence and the discretionary power of the public administration. In order to be valid, legal acts are issued in written form, providing a guarantee of compliance with legality. By strictly observing all the requirements of the law, the legal effects of administrative acts are threefold: the presumption of legality, the presumption of authenticity and the presumption of veracity. As is to be expected, there are both cases of cancellation of administrative acts, as well as cases of suspension or revocation resulting from total or temporary cessation of legal effects by an administrative act. It is important to note that, at European level, administrative acts are enforced ex officio without going through a bureaucratic procedure.

CONSEQUENCES OF THE ADMISSION OF THE APPEAL IN THE INTEREST OF THE LAW NO. 3/2018 REGARDING THE ERROR MARGIN OF THE RADAR DEVICE

PhD. student Bogdan Sebastian GAVRILĂ,
Bucharest University of Economic Studies, Romania

Abstract
The legal problem of verifying the lawfulness of the sanction for exceeding the legal speed of the offender by reference to the Legal Metrology Norm 021 - 05 "Devices for Measuring the Speed of Motor Vehicles (Cinemometers)" has over time generated a non-unitary judicial practice. Some courts have annuled the fines due to the fact that the offense retained by the investigating agent was not committed by the petitioner. Others annulled in part, framing that act in a legal text that provides a milder sanction. The majority rejected the complaints, noting that the existence of a margin of appreciation provided by the legal text previously indicated regarding the verification of the functionality of the radar apparatus does not automatically equate to retaining a reduced speed level of the applicant in the application of the in dubio pro reo principle, according to the values expressed in the Legal Metrology Rule. Through a careful analysis of the legal texts, doctrine and judicial practice, the present study aims to clarify the implications of the Appeal in the interest of the law in regards to the solution of the legal problem available to the courts.

OMISSION OF THE INTIMATION, IN THE EXERCISE OF PUBLIC OFFICE

Professor Anca Lelia LORINCZ,
"Alexandru Ioan Cuza" Police Academy, Bucharest, Romania
PhD. student Tatiana OPREA,
"Alexandru Ioan Cuza" Police Academy, Bucharest, Romania

Abstract
This present study treats some aspects regarding the exercise of public office, from the perspective of criminal law and criminal procedural law. The violation of criminal legal norms, including by civil servants, leads to the appearance of one right conflict, the solution of which presupposes to draw the criminal liability of the perpetrator, following the deployment of a whole of activities that are part of the criminal proceeding. Applying the sanction corresponding to the criminal norm violated presupposes so therefore a criminal trial, which is why is useful one analysis, from the perspective criminal procedural law, of some aspects which visa the criminal liability of the civil servants. So that starting with a little theoretical considerations regarding of the intimation ways of the criminal prosecution bodies, stipulated by law to be possible to begin a criminal trial, than this study continues with the approach, including by reference to aspects of judicial practice, of the conditions in which may be engaged the civil servant's criminal liability to committing the offense of omission of the referral.

THE GOOD CORRELATION BETWEEN GOOD GOVERNANCE AND GOOD GOVERNANCE IN THE CONTEXT OF ROMANIA'S INTEGRATION INTO THE EUROPEAN UNION

PhD. student Florina Ramona MURESAN,
„Nicolae Titulescu" University, Bucharest, Romania

Abstract
In this study I will treat the right to good administration, which includes: the right of every person to be heard before taking any individual action that might affect him / her; the right of any person to have access to his / her file, respecting the legitimate interests of confidentiality and professional and commercial secrecy; the administration's obligation to motivate its decisions. In particular, I will present the most important aspects regarding the adaptation of central and local public administration to the concept of good administration and the concept of good governance during the integration of Romania into the European Union. The study will also look at the features of good governance: the political dimension of the concept, involving a multi-party competitive system in democratic politics and respect for human rights; the institutional dimension of how the country's affairs are managed; the technical dimension capitalized on

the quality of management and institutional capacity. The establishment of the European Ombudsman by the Treaty of Maastricht, taken over in Romania through the People's Advocate Institution, creates the premises for control over public institutions or public authorities regarding maladministration.

THE LEGAL REGIME OF THE COMMERCIAL COMPANIES BY SHARES ISSUED TO THE BEARER

Associate professor Adrian ȚUȚUIANU,
„Valahia" University, Targoviste, Romania

Abstract
The Romanian Parliament was notified in the years 2017 and 2018 with several legislative proposals aimed either at modifying Law 31/1990 to prohibit bearer actions or in amending public procurement legislation to exclude participation in a public procurement procedure of an economic operator issuing shares in the bearer. The authors of the legislative proposals argue mainly that by issuing bearer shares it is possible to conceal the identity of the shareholders, to use money laundering companies, to finance terrorist activities, to violate the conflict of interest legislation, etc. We analyze in this paper the legal regime of the shares issued by commercial companies mainly referring to the bearer shares. We also intend to identify, on the basis of legislative solutions adopted in other countries, ways to eliminate and / or minimize the general risks of issuers with shares in the bearer.

THE GENERAL DATA PROTECTION REGULATION: WHAT DOES THE PUBLIC AUTHORITIES NEED TO KNOW AND TO DO? THE RISE OF THE DATA PROTECTION OFFICER

Associate professor Marta-Claudia CLIZA,
„Nicolae Titulescu" University of Bucharest, Romania
Assistant professor Laura-Cristiana SPATARU-NEGURA,
„Nicolae Titulescu" University of Bucharest, Romania

Abstract
On 25 May 2018, the General Data Protection Regulation will come into force in all the Member States of the European Union, replacing the Directive 95/46/EC on the protection of individuals with regard to the processing of personal data and on the free movement of such data and, additionally, in Romania, the Law no. 677 dated 21 November 2001 on the protection of individuals with regard to the processing of personal data and the free movement of such data. This study intends to analyse the regulation's provisions regarding the public authorities and bodies of a Member State, in order to discover how Romanian authorities should envisage to organise the processing of personal data. We shall reveal the steps that have to be taken by the respective entities of the State. Having in view that the European regulation expressly provides that those entities must designate a data protection officer, in this study we shall emphasize what are the tasks, the role, the responsibility, the qualities of the data protection officer.

LEGAL CAPACITY OF PERSONS WITH DISABILITIES. ROMANIAN ADMINISTRATIVE LAW PERSPECTIVE

Associate professor Mihaela Victoriţa CĂRĂUȘAN,
Faculty of Public Administration,
National School of Political and Administrative Studies, Bucharest, Romania

Abstract
Within the paper we will present an in-depth analysis and concrete insight into the right to equal recognition of the people with disabilities in front of the administrative authorities. The legal capacity of a person affects all the aspects of her/his life and there is a need for a better understanding of the public administration obligations to ensure support to them. Besides the legal guarantees and the role of public administration in protecting them, we will tackle the participation of the persons with disabilities to the public decision making process and to the public services. The entire research is done through the lens of the United Nation, Council of Europe, and European Union rules.

THE REMEDY OF THE RECOURSE IN THE ADMINISTRATIVE LITIGATION IN THE LIGHT OF THE NEW LEGISLATION

Assistant professor Ioana Veronica VARGA,
Faculty of Law, „Babes-Bolyai" University, Cluj-Napoca, Romania

Abstract
Shortly after the entry into force of the new Civil Procedure Code, the judicial practice faced the problems that its provisions caused in administrative litigation. Basically, many opinions have been expressed according to which under the new rules the recourse against a judgment pronounced in administrative litigation is not devolutive, and must be limited to the analysis of strict criticism of legality. The present study aims to enlarge the examination of legal provisions, as well as the appreciation of the jurisprudential solutions, the research aiming to unlock the present situation.

GENERAL ASPECTS REGARDING JURISDICTIONAL ADMINISTRATIVE APPEAL REGULATED BY LAW NO. 101/2016 CONTRACTS OF PUBLIC PROCUREMENT, SECTORAL CONTRACTS AND CONCESSION CONTRACTS OF WORKS OR SERVICES

Lecturer Adriana DEAC,
Department of Law, Bucharest University of Economic Studies, Romania

Abstract
In 2016, national legislation on public procurement, sector procurement and concession contracts for works and services was modified, creating a unitary and modern legal framework. In order to settle all disputes concerning these categories of contracts regulated by separate normative acts, a single regulation was adopted, namely Law no. 101/2016 on remedies and remedies in connection with the award of public procurement contracts, sectoral contracts and concession contracts for works and concessions of services, as well as for the organization and functioning of the National Council for Solving Complaints. The present paper aims to present the scope of this regulation as well as the administrative-judicial procedure for resolving the appeals formulated in the procedures for concluding these contracts.

COMMISSION INSTITUTION - 'GUARDIAN OF THE TREATIES' AND THE DEPOSITARY OF THE EXECUTION AND ADMINISTRATION FUNCTIONS IN THE EUROPEAN UNION

Associate professor Ioana-Nely MILITARU
Department of Law, Bucharest University of Economic Studies, Romania

Abstract
As the guardian of the Treaties, the Commission is the institution that promotes the general interest of the Union. From this perspective, the Commission exercises its legislative proposal, harmonizing the Union's interest with the national one. The Commission is therefore entitled to inform and prosecute the failure to comply with Union law, including the management of safeguard clauses. The Commission's execution and management functions presuppose, on the one hand, its power to adopt non-legislative acts and, on the other hand, to exercise the European Social Fund management rights.

THE COMMON ADMINISTRATIVE SPACE OF THE EUROPEAN UNION

Associate teacher Teofil LAZĂR,
Department of Law, Bucharest University of Economic Studies, Romania

Abstract
The European Union aims to establish a Common Space where individuals and Member States benefit from the same rights and obligations on the basis of a common legal order. EU administrative law and administrative practices are the most receptive areas to uniform conditions and rules. The EU's Common Spaces cover all the regulatory areas of the Union, starting with the geographical space and ending with the political integration of the Member States (sovereign competences). For example, in the field of establishing a common organization of agricultural markets. The existence of an efficient and democratic administration is one of the most important criteria defining the modernity of a country.

CONSIDERATIONS ABOUT ADMINISTRATIVE DECENTRALIZATION AND LOCAL AUTONOMY IN ROMANIA

Associate professor Cătălin-Silviu SĂRARU,
Department of Law, Bucharest University of Economic Studies, Romania

Abstract
In a democratic state, local public administration bodies enjoy decision-making autonomy and have their own resources. They collaborate with the central public administration bodies and implement their regulations in full respect of the principles of unity and indivisibility of the Romanian state provided by art. 1 par. (1) of the Romanian Constitution. The administrative decentralization is the system based on the recognition of the local interest, distinct from the national one, the localities having organizational, functional structures and own patrimony, affected by the local interest.