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October 9, 2020



*Section II.*

*Interdisciplinary Approach in Administrative Sciences in the 21<sup>st</sup> Century*

Friday, October 9, 2020

Online on Zoom

**Keynote speakers:**

Professor **Mihai Bădescu**, Faculty of Law, Bucharest University of Economic Studies

Assistant professor **Andreea Stoican**, Faculty of Law, Bucharest University of Economic Studies

**! Each paper will be presented within 15 minutes**

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**SCIENTIFIC PAPERS**

**CHALLENGES OF PUBLIC ADMINISTRATION IN  
THE GLOBAL DIGITAL ERA**

**Associate professor Olga SOVOVA**

*Police Academy of the Czech Republic*

**Associate professor Zdenek FIALA**

*Police Academy of the Czech Republic*

**Abstract**

Global information society requires new legal, managerial and practical approaches to the daily and long-term tasks of the public administration. Public officers, as well as the users of public services, face new challenges. The digitisation of everyday life is one of the most important of them. The paper highlights inevitable changes in users' demands and stresses the new role of the public administration. The administration, as well as public officers, have to move from the old part of lordly decision making to the position of co-operative and supporting manager. The paper examines the possibilities brought by the digitisation, artificial intelligence and learning society to the practice of the public administration. The paper addresses not only the positives but also negative impacts of the digital public service. The paper stresses that the challenges are connected with the necessity to support self-governance and responsibility of public servants as well as each community and a single user. The paper underlines the methods of collaborative governance and public-private partnership as useful methods to comply with demands in the global digital era. The article, using the methodology of analysis of the doctrine and case-law, examines the impact of the digital age on public administration, which should convert into the learning organisation. The paper concludes with the discussion of how to connect the challenges of the global digital era with the execution of the necessary task of the public administration and the protection of human rights.

**CONSTITUTIONALISM AND PARTICIPATIVE DEMOCRACY ON ELECTORAL MASS-MARKET**

**Professor Ivan PANKEVYCH**

*University of Zielona Góra, Poland*

*National University of Water and Environmental Engineering, Ukraine*

**Associate professor Iryna SOFINSKA**

*National University "Lviv Politechnic", Ukraine*

**Abstract**

In this article, we would concentrate mostly on constitutionalism and participatory democracy, and citizenship as a legal precondition for both. The main objective of this study is to examine the role of citizenship in participative democracy. Either as possible substantial ideological baggage or a package of rights, duties, and privileges? As a full membership in a particular state based on kinship? Or as an 'everyday plebiscite' rooted in full integration and inclusiveness? Specific attention was paid to two target groups of people concerned (non-resident citizens and non-citizen residents) and their realization of the right to vote in the local elections and referendum, as well as, to stand as a candidate to the local legislature in the European Union Member States and Ukraine. A separate part of the article is dedicated to local referendum issues in Ukraine (1991-2018). In the study, we managed to apply a few mixed research methods to obtain specific scientific results (observation, surveys, secondary data analyses, etc.). The present study related to constitutionalism and participatory democracy, their vision, and outcomes should be viewed as a follow-up to the one previously published research in Ukrainian. This article might be used by bachelor and master students of law faculties, practitioners in the field of constitutional and EU law, citizenship, and migration, electoral law.

**THE ESSENCE OF THE CIMIC FORCE UNDERSTANDING AND THE NECESSITY OF TRAINING THE  
FUTURE CIMIC SPECIALISTS, AS A SPECIFIC CATEGORY OF PUBLIC SERVICE**

**Doctor of science Elvira TITKO**

*University of State Fiscal Service of Ukraine*

*Head of the Ukrainian Center of Human Rights and  
the Development of Educational Innovations*

**PhD. Ilona KUROVSKA**

*Legislation Institute of Verkhovna Rada of Ukraine*

**Abstract**

The article shows the experience of two world wars with numerous casualties, did not contribute to the end of armed conflicts, which still take place in various parts of the world. The concept of military policy, which has been aimed at solving problems at any cost over the centuries, lost its relevance today. The idea of cooperation between civilian and military elements/structures, primarily for a better understanding of the needs of the former, assistance to the civilian population and its protection, have been revealed in the article. Exactly this kind of work (activity) should contribute to an increase of efficiency in performing



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the tasks assigned to the mission, provided the fact of better understanding the situation at the place of the operation. However, applying the military element in case of need at peacetime today is also not a new approach. The formula for cooperation between the military and civilian elements, as well as the need to attract appropriate specialists, like those of CIMIC, that act as a special category of public service, arise as a question within this context. The essence and features of the CIMIC forces activities in missions, the need to use CIMIC forces, both at armed conflict and in a crisis, that requires a quick response and military potential at peacetime, the key areas of training CIMIC specialists within the interaction between the military and civilian elements, especially nowadays conditions, have been revealed.

**INTERNATIONAL PROCEDURES TO RESOLVE DISPUTE IN TAX LAW**

**Associate professor Maria do Rosário ANJOS**  
*IJP - Portucalense Institute of Legal Studies*  
*Lusófona University of Porto, Portugal*

**Abstract**

*This study is about dispute resolution procedures in international tax relations. It is an issue of international tax law with enormous relevance at a time of globalization. Objectives: to analysed the cooperative relationship programmes and mechanisms to guarantee the correct interpretation of tax legislation between administrations, in the field of international commercial transactions and investments. Methodology: study of APA programmes; comparative study of solutions adopted by some administrations in EU; some internal mechanisms to resolve dispute in tax law. Some case studies will be analysed. Results: we concluded that when a company initiates a new investment, it should consider the possibility that controversy could arise down the line about the consequences of the investment on tax to pay. So, the APA programmes are very important and if they can't be applicable there are other mechanisms to assure the equity in tax law interpretation and application. The administrative collaboration, the modernisation of methods and change of information's are definitely important to the international commerce in a globalization era.*

**ALBANIAN NATIONAL IDENTITY IN RELATION TO OTHER ETHNIC AND RELIGIOUS IDENTITIES**

**Lecturer Hazbi LIKA**  
*“Aleksandër Moisiu University” of Durrës, Albania*

**Abstract**

*In the process of nation-building in Eastern Europe in general and in particular in the territories that were under Ottoman occupation in the Balkans, the formation of the Albanian national identity is the most atypical and perhaps the most complicated case. This is due to the fact that the Albanians as a nation, after the Ottoman conquest, faced a situation of confrontation with some very strong identities or sub-identities, such as religious identity, provincial identity, dialect-linguistic identities, etc. Particularly problematic is the fact that Albanians as a population and as a nation even today belong to at least three major religious traditions: Catholicism, Islam and Orthodoxy. The clash with these religious sub-identities in the face of the emphasis on ethnicity and language as the projected foundation of the Albanian nation by the intellectuals of the Albanian national Renaissance, but also of the state power of independent Albania, presents the object of study and the importance of this scientific research.*

**ICELAND AND THE EUROPEAN ECONOMIC AGREEMENT: 25 YEARS OF COOPERATION**

**Professor M. Elvira MÉNDEZ-PINEDO**  
*University of Iceland*

**Abstract**

*In 2019 the Minister for Foreign Affairs of Iceland presented for the first time a special report to the Parliament (Althingi) on the status and implementation of the European Economic Area (EEA) Agreement. This international/European treaty based on a two-pillar structure (EU on one side and EFTA-EEA States on the other) has transformed the Icelandic legal, political and economic environment in the 25 years since its ratification. The objective of this study is to review the story of this successful European cooperation (extension of the internal market and fundamental freedoms) while focusing on difficult issues that appeared in the aftermath of the financial crisis (Icesave saga, finally resolved in favour of Iceland by the EFTA Court). It also aims to explain some reasons behind Euroscepticism in the country. Primary sources are both legal acts and relevant case-law from European courts, combined with doctrinal studies in the fields of law and political science. Methodology is both descriptive and analytical since all legal issues are approached from a wider economic, political and sociological context. The most important finding of the study is that nothing substantially important has altered fundamentally the preference of Iceland for EEA cooperation rather than full EU integration.*



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**BETWEEN JUDICIAL REVIEW AND THE EXECUTIVE – THE PROBLEM OF THE SEPARATION OF POWERS  
IN COMPARATIVE PERSPECTIVE**

**Assistant professor Robert SIUCIŃSKI**

*Faculty of Law and Administration, University of Lodz, Poland*

**Abstract**

Judicial review of the executive is an essential element of democracy. It ensures the legality of administration. It is obvious that for adequate protection of rights of individuals, judicial review should be effective. There are two models of judicial review: the cassation and the merit one. The first of them is based on assumptions derived from the Austro-Hungarian regulations dating back to the nineteenth century. It assumes that the competence of the administrative court is only to issue two types of rulings. Some European countries use the merit review elements were introduced into the proceeding before the administrative court. This model of judicial review, which is characteristic for French solutions, gives to administrative courts the possibility to ingeration in administrative action. It seems interesting to consider which of these models of judicial review is more effective when it comes to protecting the rights ensured by the proper fulfilment of judgements and what are the advantages and disadvantages of both systems in the light of separation of powers.

**LEGALIZATION OF GAMBLING IN UKRAINE**

**PhD. student Snizhana ROMASHKIN**

*Academician Stashis Scientific Research Institute  
for the Study of Crime Problems, Kyiv, Ukraine*

**PhD. Nadiia SHULZHENKO**

*Yaroslav Mudryi National Law University*

**Abstract**

The authors analyze the main negative and positive aspects of the possible legalization of the gaming industry and its impact on civil society. Bills on legalization of gambling business in Ukraine are also analyzed. The article also examines the positive foreign experience of some foreign countries in legalizing the gambling business. The authors propose to introduce the experience of these states in the legislative regulation of gambling in Ukraine, in particular with regard to the creation of registers of debtors who would not be allowed to gambling, partial legalization of gambling in non-segregated territories, high license fees for gambling and high tax rates. Also important is the fact that the authors outline the regulatory and legal aspects of regulating gambling in Ukraine, and indicate the types of liability that are currently applied to the said offense. The authors also outline a number of legal conflicts, which are in the legal acts that regulate public relations in the field of gambling. Also relevant to the article is the fact that the authors analyzed the psychological aspect of gambling, which has a negative impact on civil society and noted the factors (determinants) of the said negative phenomenon, which generate and stimulate the development of offenses in this area. This article will help you to understand the problem of government regulation positive and negative aspects of these decision, the analyze of Ukrainian Parliament decide about reckless games.

**THE IMPACT OF THE EVOLUTION OF THE RELATIONSHIP BETWEEN ADMINISTRATIVE LAW AND  
CRIMINAL LAW ON INDIVIDUAL LIBERTY**

**Professor Dan Claudiu DĂNIȘOR**

*Faculty of Law, University of Craiova, Romania*

**Lecturer Mădălina Cristina DANIȘOR**

*Faculty of Law, University of Craiova, Romania*

**Abstract**

Modern society is based on the predominance of organic solidarity over mechanical solidarity and, consequently, on the predominance of the law, which ensures cooperation between autonomous subjects from repressive law, which sanctions, through penalty, any deviation from the standards of the common conscience. Modern society is "civilized", i.e. it is firstly and foremost based on "civil" law, the repressive law only being exceptional, which translates into three principles: that of the subsidiarity of criminal law, that of the necessity and legality of offences and penalties, and that of the additional protection of individual freedom when the subject is criminally charged. The consequence thereof is that, in modern liberal democracies, all repressive law is criminal, that any charge which may lead to the application of a repressive sanction is a criminal charge and that the law-maker cannot assign to the administration the competence regarding the application of repressive sanctions. Under these circumstances, the transformation of some repressive norms into norms of administrative law is a violation of the fundamental principles that structure the legal order of modern liberal states. Nonetheless, this type of practice is becoming more common. In order to ensure individual freedom, this tendency must be corrected.



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**OBJECTIVE AND SUBJECTIVE ASPECTS IN THE EVALUATION OF EMPLOYEES IN THE COLLECTIVE  
REDUNDANCY PROCEDURE**

**PhD. student Ioana Cristina NEAGOE-DINIȚĂ**

*Doctoral School of Law, Bucharest University of Economic Studies, Romania*

**Abstract**

*By its nature, dismissal for grounds not related to employee's person in the context of a large collective redundancy must have an objective nature, thus being differentiated from dismissal based on other types of grounds, such as the professional inadequacy. The performance goals appraisal is mandatory for the collective redundancy procedure, but it does not exclude a broader professional appraisal based on a professional competence criterion, agreed with the social partners. The need to organize a selection based on professional criterion with the view to establish the priority for dismissal is considered preferable even by the courts, being known that the recurrent appraisal does not provide a relevant and useful output to a real ranking of employees, apparently all of them meeting the employer's expectations. Within the appraisal procedure for the purpose of selection, a more detailed comparison of competencies is made, and a ranking is possible, finally allowing the selection for dismissal. This study aims to unravel aspects of legality and opportunity regarding the use of subjective aspects related to performance and professional competence within the objective context of collective redundancies undertaken for grounds not related to the employee.*

**WORK PERFORMANCE AND FLEXIBILITY – OPPORTUNITIES AND RISKS**

**PhD. student Ioana Cristina NEAGOE-DINIȚĂ**

*Doctoral School of Law, Bucharest University of Economic Studies, Romania*

**Abstract**

*Flexi working is by far the star of 2020 in the context of the pandemic and its effects. Working from home, teleworking, flexitime are the pillars of the new paradigm of the labor market. Not only necessary, but vital for saving jobs, flexi work becomes a steppingstone to the relationship between employee and employer. Started as a solution to ensure work-life balance, flexi working has become a hidden enemy of the very balance it should support. It extended the work schedules all day long, imposed new working pace under the pressure of emergency state, took over the whole private life of the workers. The concepts of job sharing, freelancing are no longer features of the future. Crisis flexi working undertakes our professional life, contributing to a precarious scent to classic working relationships. Between use and abuse, crisis flexi working pushes employers to see an increase in labor productivity under the ever-awaken eye of computers and IT applications, raising privacy issues. Office work is becoming a social El Dorado, while employers are shrinking offices and expanding them into our homes. With certain advantages and vulnerabilities. „The Future of Work is now” and gives opportunity to analyze it from a labor law, administrative and human resources perspective.*

**PROPOSAL ON THE STRUCTURING OF ADMINISTRATIVE SCIENCES IN ROMANIAN PUBLIC LAW**

**Lecturer Ileana VOICA**

*Faculty of Law, Bucharest University of Economic Studies, Romania*

**Abstract**

*This paper aims to offer a new approach in administrative science, capitalizing on the author's experience in the field of private law. The evolution of law and judicial practice, as well as the requirements of today's society (economic, technological and strategic and, last but not least socio-cultural) require a rethinking of common law and interference in public law - private law.*

**NORMATIVE DISCRIMINATION. THE CASE OF CIVIL SERVANTS' SALARIES**

**Lecturer Dragoș Lucian RĂDULESCU**

*Petroleum-Gas University of Ploiești, Romania*

**Abstract**

*Discrimination consists in the emergence of situations of differentiation in the treatment of certain persons, for example leading to non-recognition of employees' rights and impairment of their fundamental freedoms. The existence of acts of discrimination is analyzed through the criteria specified in the relevant regulations, with the mention that in the internal normative acts they are indefinitely provided, in order to exclude cases of unequal treatment. However, even neutral practices of employers that do not appear to lead to discrimination will be considered illegal when they produce effects similar to direct discrimination. Practically, any direct or indirect practices in the field of legal labor relations, if they aim at restricting or removing the recognition, use or exercise of employees' rights, are considered discriminatory, compared to the criteria contained in regulations. The article analyzes the possibility of wage normative discrimination in the case of civil servants, but also as a result of employers' practices, from the point of view of the provisions of Law no. 153/2017 on the remuneration of staff paid from public funds.*



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**INTERFERENCE OF THE LEGITIMATE PUBLIC AND PRIVATE INTEREST IN EXERCISING THE  
COMPETENCES OF THE NATIONAL OFFICE OF GAMBLING**

**PhD. student Daniela HUDELUCU**

*Doctoral School of the Faculty of Law, University of Bucharest, Romania*

**Abstract**

*I have chosen to address this issue, in the context of a regulation that is making its presence felt more and more, how much the pandemic situation has directed gambling players to the online environment. This study wishes to emphasize the importance of public authorities for monitoring and supervising gambling sites which are not licensed and authorized in Romania, as well as the identification of some mechanisms and instruments for pursuing some benefits from the determined circumstances of carrying out the activity of remote gambling in the absence of legal documents. In this paper, we propose a brief approach from a legal perspective on regarding the legitimate public and private interest, with the consequence that the restriction online gambling sites and do not hold the license of gambling organizer and authorization to operate the informatics platforms in Romania, occasion on which we will evaluate the effects of the restrictions of the sites produced until the present. However, we will try to show the intention of the legislator regarding the measure and the criteria of restriction within the regulated legal norm.*

**THE TEMPORAL STABILITY OF ROMANIA'S FREEDOM OF INFORMATION ACT – A  
NEOINSTITUTIONALIST APPROACH**

**PhD. student Liviu-Valentin MIHALACHE**

*Doctoral School in Communication Sciences  
University of Bucharest, Romania*

**Abstract**

*The paper discusses the temporal stability of Romania's Freedom of Information Act (Law no. 544/2001), using a neoinstitutionalist paradigm. I argue that none of the five amending laws of Law no. 544/2001 did not change the fundamentals and mechanisms of granting access to public information that existed when this law entered into force, all of them being limited and even beneficial. I will demonstrate that the most important difficulties that appear in the enforcement of Law no. 544/2001 do not come from the perspective this law was written, but from the interpretation of the legal norms according to some subjective practices existing at the level of public authorities/institutions depositing the information.*

**GENERAL PRINCIPLES OF THE FISCAL PROCEDURE. CORRELATION OF NATIONAL LAW WITH  
EUROPEAN LAW IN FISCAL MATTERS**

**Associate professor Cristina ONET**

*Faculty of Law, „Lucian Blaga” University of Sibiu, Romania*

**Abstract**

*This paper addresses the issue of the regulations contained in the Fiscal Procedure Code regarding the general principles that must govern the conduct of the parties throughout the fiscal procedure. The enunciation and regulation of these principles produce particularly important effects, and we have referred to some of them in the content of this paper. Therefore, the paper includes the presentation, critical analysis, observations and conclusions regarding the principle of legality of the fiscal procedure applied by the fiscal bodies of the state and of the administrative-territorial units, the unitary application of the fiscal legislation on the entire national territory, the exercise of the fiscal body's right of discretion in assessing and interpreting evidence and information that may be considered relevant for the correct determination of the taxpayer's fiscal situation, the active role recognized to the fiscal body by the legislator and under which it is entitled to examine the facts, obtain and use the information and the documents it deems useful for determining the taxpayer's fiscal situation, the official language in the fiscal administration and how documents and information presented in other languages can be used, the taxpayer's right to be heard in the fiscal administration procedure and its limits according to the practice of the fiscal bodies of the Romanian state, but also in the vision of the judges of the Court of Justice of the European Union called to censor these practices, the obligation of cooperation established by the legislator exclusively in the taxpayer's charge, the maintenance of fiscal secrecy as a general obligation of the fiscal body significantly diluted by numerous exceptions, and, last but not least, good faith in the relations between the taxpayer and the fiscal body for the correct application of the legal provisions.*



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**IS KITSCH IN LOCAL PUBLIC ADMINISTRATION AN EFFECT OF THE DISCRETIONARY POWER?**

**Lecturer Valentina CORNEA**

„Dunărea de Jos” University of Galați, Romania

**Abstract**

The role of local administration is to develop good policies and decisions in order to satisfy the public interest. In the present study, the principles of aesthetical analysis are related to the criteria of opportunity by which the local public administration guides in appreciating the opportunities of the administrative acts and the strategies of action. The idea that the administrative practices of the local public authorities, legal and justifiable by admitting the discretionary power are in the position of being caught by kitsch is argued for. Inadequacy, overcrowding, mediocrity are the main manifestations of kitsch in the administration and is often confused with modernization. By replacing the aesthetic ideal of “beauty” with that of “pleasure” or “attractiveness”, the phenomenon leads to populist decisions to the detriment of those having social utility. The paper points that aesthetic judgement raises the probability of finding valuable arguments and solutions that are good for the process of debating and adopting decisions. In this study the concept is approximated by examples. This methodological strategy is applied in order to ensure the passing from a concrete connotation to the explicit scientifically stated. By aesthetical analysis the characteristics of kitsch in public administration are identified, as well as its premises and consequences.

**WORK DISCIPLINE IN THE WORKPLACE, WITH A SPECIAL FOCUS ON THE CONCEPT „REPEATED BREACHES OR GROSS BREACH OF LABOUR DISCIPLINE”. SOME ELEMENTS OF COMPARATIVE LAW**

**Assistant professor Mihaela-Emilia MARICA**

Faculty of Law, Bucharest University of Economic Studies, Romania

**Abstract**

This article discusses the problematic aspect relating to the employee dismissal based on application of the disciplinary liability. It contains analysis of two grounds to attract the disciplinary liability of employee: 1) committing repeated breaches of labour discipline by employee and 2) the employee has only one breach of labour discipline but a gross one. This article is based on reglementările legale și pe practica instanțelor de judecată din Romania in order to provide the legislative execution practice as well as reveal the problems in this field of labour law. Also, the comparative law elements by reference to states such as Lithuania, Russia, Spain, New Zealand, South African are very important in order to uncover various perspectives, both theoretical and practical, in terms of disciplinary liability.

**ASPECTS REGARDING THE CRIMINAL LIABILITY OF THE CIVIL SERVANT**

**PhD. student Cristina GAVRILOIU**

Doctoral School of Law, Bucharest University of Economic Studies, Romania

**Abstract**

The point of convergence between administrative law and criminal law is increasingly identified as a practical reality, and not a simple issue that arouses the interest of doctrinal debates, especially with regard to the criminal liability of civil servants. In the present paper, the author tries to draw an overall perspective on the criminal liability of the civil servant in the light of the Criminal Code, taking into account that the approach to criminal law is broader than that stated in the Civil Servant Statute or in the new Administrative Code. Thus, the person appointed to a public office who performs his duties and responsibilities in order to achieve the public interest and in compliance with the law will be safe from liability. At the same time, in the exercise of his attributions and responsibilities, the civil servant must always be vigilant so that he does not fall into entanglements that can attract criminal liability.

**ABOUT THE LEGAL VALUE OF THE DECISION PRONOUNCED BY THE ADMINISTRATIVE-FISCAL CONTENTIOUS COURT BEFORE THE CRIMINAL COURT (OR, RATHER, ABOUT THE LACK OF ANY VALUE)**

**Associate professor Angelica ROȘU**

„Danubius” University of Galați, Romania

**Abstract**

The present approach is dedicated to the analysis of the discrepancy between the theoretical approaches of the principle of legal security - respectively the way it is defined and developed - and the factual reality, the national judicial practice confirming its ignorance. The analysis is circumstantial in the way in which, within the limits of the principle of legality, the criminal relations of conflict deduced at trial could be placed after the pronouncement, between the same parties and based on the same factual situation, of a final court decision in civil matters - especially in the matter of the fiscal administrative contentious; although the res judicata authority of the latter decision should not be questioned, being regulated by art. 52 paragraph 3 of the Code of Criminal Procedure, it will be found that the defeat of this principle is done "at the hands of the legislator" of legal insecurity.



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**PRECARIOUSNESS: THE NEW STAGE OF ECONOMIC DEVELOPMENT OR ECONOMIC PREVALENCE IN  
THE NEW STAGE?**

**PhD. student Raluca ANDERCO**

*Doctoral School of Law, Bucharest University of Economic Studies, Romania*

**Abstract**

*When we talk about job insecurity, it is essential to analyze the very nature of this phenomenon. This article dedicated to precarious work wants to describe the nature of this phenomenon, using the most common situations in society, the old conflict between market demand and the lack of skilled workers. This conflict is accompanied by risk and insecurity, which strengthens the precariousness of labor relations. So precariousness has, in addition to the legislative component, a psychological component that can generate various dysfunctions and long-term repercussions.*

**GLOBALIZATION, POLITICAL, ECONOMIC CHANGES AND DIGITALIZATION, FACTORS OF THE  
EMERGENCE OF PRECARIOUS WORK**

**PhD. student Raluca ANDERCO**

*Doctoral School of Law, Bucharest University of Economic Studies, Romania*

**Abstract**

*The economic and social changes of the mid-1970s, following the development process, had significant effects on the structure and dynamics of the standard employment contract. European countries have been forced to cope with the high level of unemployment and the imbalance that has been created on the labor market. Thus, the globalization of markets and the development of labor relations have increased the level of competitiveness, unpredictability and insecurity among companies. Therefore, only companies that have been able to adapt to these changes, that have become innovative and that have implemented flexible work schedules, have been able to survive and cope with the growing demands of customers.*

**CONSIDERATIONS ON "PROTECTION OF WHISTLEBLOWERS  
AT EUROPEAN UNION LEVEL"**

**Associate professor Ioana-Nely MILITARU**

*Faculty of Law, Bucharest University of Economic Studies, Romania*

**Abstract**

*In recent years, numerous irregularities have been found within organizations, respectively enterprises, in the public and private sectors. These irregularities are capable of seriously harming the public and private interests, respectively, in the medium and long term. In order to prevent possible irregularities, it was necessary to guarantee the protection of whistleblowers, given that their identity is made public. In order to strengthen the protection of whistleblowers at European Union level, the Commission proposes a directive on the protection of persons reporting infringements of European Union law. The Commission's approach is based on the case law of the European Court of Human Rights on the right to freedom of expression and the 2014 Council of Europe Recommendation on the protection of whistleblowers.*