



**INTERNATIONAL CONFERENCE:
CONTEMPORARY CHALLENGES IN
ADMINISTRATIVE LAW FROM AN
INTERDISCIPLINARY PERSPECTIVE**

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Section I.

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

Friday, May 21, 2021

Online on Zoom

Keynote speakers:

Associate professor **Cătălin-Silviu Săraru**, Faculty of Law, Bucharest University of Economic Studies

Associate professor **Marieta Safta**, Faculty of Law, „Titu Maiorescu” University of Bucharest

! Each paper will be presented within 15 minutes

! Fiecare lucrare va fi prezentată în maxim 15 minute



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SCIENTIFIC PAPERS

THE PROBLEM OF POTENTIAL UBIQUITY IN ADMINISTRATIVE LAW

Associate professor Jakub HANDRLICA

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Abstract

The problem of potential ubiquity has emerged in administrative law because of transboundary circulation of administrative acts. A foreign administrative act may appear in relations governed by the administrative authority. Thus, applicable regime of public law needs to qualify legal consequences of such acts in the realm of domestic law. Thus, this article aims to discuss the problem of potential ubiquity with respect to administrative law. It points out existence of several dogmatic approaches to the fact, foreign administration has either approved a fact, or granted a right. Some of these dogmatic approaches have been reflected in the written law. However, at the same time, in theory, also other solutions – than those provided by the current legal framework - would be theoretically possible. The importance of these theoretical considerations is demonstrated regarding the very current discussions on introduction of “immunity certificates” and “vaccination passports” with respect to COVID-19 pandemics.

**ESTABLISHMENT AND ACQUISITION OF THE RIGHT OF REAL SERVITUDE IN
IMMOVABLE PROPERTY ACCORDING TO THE LEGISLATION IN KOSOVO**

Assistant and doctoral student Kastriot VLAHNA

Faculty of Law, University of Prizren 'Hasan Prishtina', Pristina, Republic of Kosovo

Regular professor Hajredin KUÇI

Faculty of Law, University of Prizren 'Hasan Prishtina', Pristina, Republic of Kosovo

Abstract

Servitude as a real right over a foreign thing is known, since the first laws written, as a right not so favoured by the owners of the thing. Failure to favour comes from the fact that the owner of the thing is restricted the right to exercise full right over his thing by another entity, whether natural or legal person. The law of the state recognizes the right of servitude and concretizes it as a restriction of the right of ownership, only in those cases when there are no other solutions. The important thing about the right of servitude is how to create this right and if it is created then what are the legal rules for gaining this right. Therefore, based on the importance of creating and gaining the right of servitude, in the paper I will define how the law of the state of Kosovo determines the creation of real servitude and in addition to creating how this right should be acquired, and also by looking at the implementation of legislation in practice through the case viewed in the Cadastral Status.



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**NORTH MACEDONIA LOOKING FOR THE “BEST ELECTORAL GEOGRAPHY”
FOR THE PARLIAMENTARY ELECTIONS-CONTROVERSIES AND PERSPECTIVES**

Professor Jeton SHASIVARI

Faculty of Law-South East European University, Tetova, Republic of North Macedonia

Abstract

The right to vote is a constitutionally guaranteed right of citizens to elect representatives and to be elected to the representative bodies of a given state. As a subjective public right, the right to vote is a way of indirect participation of citizens in the political life of the state. The main difference between the electoral models, which in itself is based on the legal and political dilemma of which electoral model is best, is directly related to the proportionality of the election results. In this regard, proportional electoral models more reliably reflect the political mosaic of a given society within its parliamentary structure. Therefore, in the electoral literature, it is usually emphasized that the ratio between the votes and the mandates won is provided more in the proportional electoral models than in the majority electoral models. However, the main dilemma is related to the research question of how proportionate is the proportional electoral model and what are the main factors that affect its proportionality. Therefore, with this paper author by explanation of the electoral system of North Macedonia, using: legal interpretive methods, statistical and comparative methods as well as the method of simulating the election results with one constituency of the last five parliamentary elections in this country (2008, 2011, 2014, 2016 and 2020) held according to the proportional electoral model with six constituencies, will focus on the specific analysis of recent requirements of small political parties for reforming the electoral system with a single constituency, analyzing the advantages and disadvantages of such an electoral reform, taking into account the lessons from the experiences of countries in the region such as: Kosovo and Serbia that implement this electoral system.

**LEGAL (NON)COMPLIANCE OF TAXI TRANSPORT IN THE REPUBLIC OF
CROATIA WITH MODERN INTERNATIONAL AND EUROPEAN SOLUTIONS**

Assistant professor Biljana ČINČURAK ERCEG

Josip Juraj Strossmayer University of Osijek, Faculty of Law, Republic of Croatia

Professor Aleksandra VASILJ

Josip Juraj Strossmayer University of Osijek, Faculty of Law, Republic of Croatia

Spec. publ. adm. Samir VUDRIĆ

Ministry of the Interior, Republic of Croatia

Abstract

In order for transport to function adequately, existing legislation needs to be harmonised and adapted. The Road Transport Act of the Republic of Croatia, with its 2018 amendments, introduced important innovations in the regulation of contracts for transport in domestic road transport, which leads to significant difficulties in the conduct of modern public passenger transport. It was expected that the amendments to this Act would finally and adequately solve the problems related to road transport contracts, which both theory and practice have been warning about for many years. However, again an appropriate solution was not put forward, so Croatian regulation led to noncompliance with international treaties and modern European solutions. Taxi transport as a part of public transport is therefore not adequately



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regulated. The aim of the amendments to the Road Transport Act was to liberalise the taxi market and facilitate the use of this service, but there were also some negative consequences. In our opinion, the amendments to the provisions on road transport contracts have brought legal uncertainty and made it more difficult to exercise the rights under the transport contract. The paper analyses the changes in Croatian regulations, compares them with the provisions of international conventions and presents the case law of the European Court related to changes to the regulations of passenger transport by taxi. Solutions to the problem of legal regulation of road transport contracts in the Republic of Croatia are proposed at the end of the paper.

**THE IMPACT OF THE GOVERNMENT'S RESTRICTIVE MEASURES ON THE
TRANSPARENCY OF THE ADMINISTRATIVE PROCEEDING IN THE CONTEXT OF THE
COVID-19 PANDEMIC**

Assistant lecturer Balázs HOHMANN

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Abstract

Social distancing has become a distinctive feature of the recent global outbreak of the COVID-19 coronavirus and the government's response to it. This is also reflected in the way public administration systems perform their tasks, and is a comprehensive feature of the way in which national and European public administrations are performing their tasks at the time of the lecture. In this context, the handling of cases in person has been suspended in several countries, and some public administration staff have switched to working from home. This situation has perhaps highlighted even more sharply the phenomenon that had already emerged in national regulations in the context of the electronisation and digitalisation of processes and electronic communication. And in this context, the question rightly arises, which has become even more striking in the current period: will the transparency of public administration, and within it the transparency of the process of public administration in individual cases, towards the client, remain sustainable in the long term if the client and society do not meet the public administration in person, but only through electronic platforms? The study will seek answers to these questions that can be scientifically substantiated.

THE EFFECTIVENESS OF EEA LAW AND THE EFTA COURT

Professor M. Elvira MÉNDEZ-PINEDO

University of Iceland

Abstract

The principle of effectiveness is an unwritten principle of European Economic Area law (EEA). It is required by the general principle of homogeneity with European Union law (Article 1(1) EEA Agreement) and the loyalty principle (Art. 3 EEA Agreement). This study explores how this concept has been applied in practice by the EFTA Court within the framework of this legal order during 2010-2020. This European Court has confirmed the existence of the principle as inherent in the EEA Agreement and mostly refers to effectiveness in three different strands of jurisprudence (where effectiveness takes different meanings). The findings of the study show that, while the Court has used the doctrine to guarantee the judicial protection



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and justiciability of individual rights; it has not defined, clarified or elaborated on the meaning, content and scope of this important principle. A table of most important case-law of the EFTA Court on effectiveness and its different meanings is to be found in the conclusions.

**PROCEEDINGS ON CLAIMS BROUGHT BY STATE BODIES AS A SPECIAL TYPE OF
ADMINISTRATIVE PROCEDURE**

PhD. student Volodymyr KABANOV

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Abstract

The article describes proceedings brought by state bodies as a special form of administrative procedure. There are special requirements for the category of public law disputes, state bodies as plaintiffs in a case, and elements of proceedings in cases brought by state bodies. To a certain extent, the details of individual cases in public law disputes involving state bodies are being developed. Administrative procedure is one of the elements of the mechanism for the protection of citizens' rights, freedoms and interests against unlawful activities by State bodies. The purpose of the study is to characterize proceedings brought by state bodies as a special type of administrative procedure, and to highlight their general characteristics and specific features. The methodological basis of the study is a system of general scientific and special methods and approaches, which should provide an objective analysis of the phenomenon under study. The proceedings brought by state bodies, as a special type of administrative procedure, are intended to protect public rights and interests. The case law on administrative cases involving this category of subjects shows that they often play the role of plaintiff in administrative proceedings. However, not all state and local government bodies, their officials or officials, other entities, but only those which exercise public authority, have the possibility of such participation.

**PUBLIC PROCUREMENT IN TIMES OF PANDEMIC COVID 19: THE EXCEPTION REGIME
IN PORTUGUESE LAW**

Associate professor Maria do Rosário ANJOS

Faculty of Law of Lusófona University of Porto, Portugal

Abstract

Objectives: examine the effects of the pandemic on the legal regime of public procurement in Portugal and its compliance with EU law. Analysis of legislative measures adopted by the prevention, containment, mitigation and treatment of epidemiological infection by COVID-19. Methodology: study of new legal measures introduced in pandemic time and study of the solutions adopted by Portuguese law. Results: we present the results of analysis of changes to the rules applicable to the formation of public works contracts, contracts for the leasing or acquisition of movable property and the acquisition of services, provided by the administrative public sector or similar, as result of the pandemic crisis.



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**HOW THE DIGNITY WAS UNDERSTOOD IN LAW IN PAST AND HOW IT SHOULD BE
TODAY**

LLM. Michał NAJMAN

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Abstract

In the current legal discourse, the concept of dignity is becoming more common. It is considered the highest axiom, which every violation deserves to be condemned. However, we forget about the conceptual basis of a given concept, its history and original overtones. We do not remember that certain concepts are created solely to systematize the created or existing social and political situations. The purpose of the article is to attempt to answer the question of how to understand the concept of dignity in legal discourse. It is worth bearing in mind that dignity is indicated as "this" (value or maybe something else) from which human rights originate. That is why it should be rejected as a value because the value itself is not a value. However, one must opt for an objective understanding of dignity, rejecting its moral background proposed, among others by the doctrine of the Catholic Church, if we want to treat it as a legal category.

**BLOCKCHAIN TECHNOLOGY AND MINING PROCESS: HOW DOES POLISH TAX LAW
TACKLE THE PROBLEM?**

PhD student Robert SIUCIŃSKI

University of Lodz, Poland

Abstract

This essay aims to analyse the new phenomenon of the blockchain technology from the perspective of Polish tax law. Beginning with the description of the way blockchain technology operates, the notions of decentralisation, proof-of-work consensus, and practical immutability are explained. The author researches the new tax regulations in force in Poland since 1 January 2019 and focuses on revenues from cryptocurrency trading, which are classified as revenues from money capital and revenues from capital gains. The article presents a definition of the disposal for valuable consideration of a virtual currency, explains how high is the income tax on income earned from the disposal for valuable consideration of virtual currencies, and provides an overview of the legislation related to tax deductible expenses. Finally, some reflections on the cryptocurrency trading in the context of the pursuit of an economic activity are given.

FAMILY REUNIFICATION FOR REFUGEES: A COMPARATIVE STUDY

Senior lecturer Jean Chrysostome KANAMUGIRE

Faculty of Law, North-West University, South Africa

Abstract

Refugees have a potential to separate with their family members when they flee in order to seek asylum in other countries. This often occurs as many refugees do not have time to plan for their flight. Family unit is a fundamental group unit for society and is essential for refugees. For this reason, the refugee status is also extended to family members of a recognised refugee. International refugee laws do not



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specifically provide for family reunification for refugees. However, some international and regional instruments contain specific provisions dealing with family reunification for refugees. States should have a duty to allow family members of refugees to enter the country of asylum for the purpose of family reunification. Furthermore, asylum states should allow refugees to marry persons of their choice and promote the integrity of the family. This indicates that states should provide humanitarian visas to individuals to join their family in refugee matters. Special attention should be given to minor children and unaccompanied refugee children to ensure that they grow in a family environment through guardianship and adoption. This study investigates the reunification of refugees in South Africa, United Kingdom, Bosnia Herzegovina and Belgium.

NEW TENDENCIES OF LIABILITY IN ADMINISTRATIVE LAW

Associate professor **Elena Emilia ȘTEFAN**
“Nicolae Titulescu” University of Bucharest, Romania

Abstract

In the recent years, we are witnessing a formidable evolution of the legal concepts. Regardless of the legislative system we are in, one of the very current subjects is legal liability in the citizen's relationship with the state. The tendency we are currently identifying is that liability has an increasingly interdisciplinary character. It is important for law practitioners to know that in comparative law an interference of liability is seen between several branches of law, for example, administrative law and environmental law, due to the recent contribution of jurisprudence. Thus, in France, in a recent matter, very broadly presented in the media, the Paris Administrative Tribunal established the state's liability for ecological damage caused to private persons. The direct impact of this favorable court decision was immediate, leading to legislative changes. The object of this study is to analyze the interdisciplinary character of legal liability, with a focus on liability in administrative law. By means of the research methods employed in this article, we shall analyze the relevant legislation, doctrine and jurisprudence, in order to capture the tendencies of liability in administrative law, from the national perspective, as well as from the viewpoint of comparative law.

OPPORTUNITY CONTROL IN ADMINISTRATIVE LITIGATION - FROM THEORY TO PRACTICE

Lecturer Anamaria GROZA
University of Craiova, Romania

Abstract

Submitted to debates from the point of view of its existence and intensity, the judicial control over the opportunity of administrative acts is, in our opinion, necessary in a State of law. Law 554/2004 contains judicial institutions that consecrate it. Implementing it raises the problem of criteria to which courts can refer. The criteria, even different to a case to another, can be systematized. Thus, evaluation of legal norms with a superior judicial force to the administrative act offer a parameter in which public authorities can appreciate on adopted acts. Secondly, the action of administration should be framed in a Member State of the European Union, in a set of principles, such as non-discrimination, transparency of decision making



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process, lack of the arbitrary, impartiality of the administration, legitimate expectation, predictability, consistency, proportionality of the measure with objective, etc. Thirdly, acts and administrative operations should respect the fair balance between public interest and rights/private legitimate interests affected by them. Studying two cases in which this control was done conducted us to conclusions that have, we believe, a high degree of application: the opportunity of an administrative act should result from the act itself or from preliminary acts and the limits of appreciations of the administration can result (and) from judicial decisions. The research we have done is descriptive and explanatory, followed by case study. Jurisprudence (somehow abandoned in the doctrinaire dispute) brings new perspectives on the approach of opportunity control.

AUTONOMY OF ADMINISTRATIVE LAW IN FRENCH AND ROMANIAN SYSTEMS

PhD. student Nicolae-Alexandru CESLEA

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Abstract

The paper starts with the identification of unitary and dualistic systems of administrative regulation. The analysis stops to the French and Romanian systems and overlaps them, applying the comparative method. This allows us to observe not only what the current regulations of French and Romanian law looks like, but also opens the perspective of an evolved solution that would meet the needs of a modern administrative law.

**FORMATION OF FORENSIC DOCTRINE ON ORGANIZATION
FORENSIC INVESTIGATION IN THE RUSSIAN FEDERATION**

Lecturer Aurel Octavian PASAT

„Dunarea de Jos” University, Cross-border Faculty, Romania

Abstract

Respecting the classic opinions about the process of forming scientific notions, it should be noted that the development of forensic knowledge about the organization of crime investigation has gone from understanding the needs of practice in organizational support for disclosure and investigation of crimes and formulating a scientific idea. the field of crime investigation, in the form of a particular forensic theory. The study highlights the premises and trends in the formation of forensic doctrine in the Russian Federation on the organization of crime investigation using the system-historical approach, which provided the opportunity to understand the natural process of formation, continuous accumulation, generalization, systematization and development of crime investigation as a field of scientific knowledge.



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**CONTROVERSIAL ISSUES REGARDING THE LEGAL REGIME OF INCOMPATIBILITIES
OF THE LOCALLY ELECTED OFFICIALS**

Associate professor Dan Constantin MĂȚĂ

„Alexandru Ioan Cuza” University of Iasi, Faculty of Law, Romania

Abstract

The establishment of a legal regime of incompatibilities for persons appointed in public offices and dignities is necessary because it confers legitimacy and ensures an adequate protection of the public interest. The state of incompatibility assumes the simultaneous fulfilment of certain functions, activities or qualities in relation to which the law expressly prohibits the accumulation. It shall be established by an evaluation report drawn up by an administrative authority or by a court decision. For the rigorous observance of the regime of incompatibilities, a sanctioning regime has been established, which implies, in addition to the legal termination of the incompatible function, a series of prohibitions or revocations. In the case of locally elected officials (local councillors, mayor, county councillors, county council president) the finding of the state of incompatibility is a case of termination of office as of right and results in the ban on holding the same eligible position for a period of 3 years from termination of office. The succession of legal instruments and the imperfections of the regulatory text have generated a non-unitary case law regarding the interpretation of the legal nature of the applicable sanction, of the term during which the limitation of liability can be claimed, as well as of the moment from which the interdiction period operates. The article analyses the doctrinal and jurisprudential controversies regarding the legal regime of incompatibilities of the locally elected officials in the light of the recent interpretations of the High Court of Cassation and Justice.

**CONSIDERATIONS REGARDING THE LEGALITY OF THE ADMINISTRATIVE ACT
ISSUED BY THE COURT IN ORDER TO ADMINISTER THE JUDICIAL ACTIVITY**

Associate professor Sandra Felicia GRĂDINARU

„Alexandru Ioan Cuza” University of Iasi, Romania

Abstract

The principle of random assignment of cases is closely related to the right to a fair trial guaranteed by art. 6 of the European Convention on Human Rights. The main purpose pursued through the random assignment of cases is to provide a guarantee to the litigant that he will benefit in the resolution of his own case, from the designation and trial of an impartial court. Violation of this principle involves the settlement of a given case by a court that has not been established by law (condition expressly required by art. 6 ECHR), but by judges who have been appointed by the leading Board of the court. On the one hand, the present paper aims to analyze how the principle of random assignment of cases can be circumvented by replacing during the trial one or many of the members of a formation of the Court with other judges, and on the other hand to provide legal proposals. At the same time, throughout this paperwork, we will expose which are the means that any litigant can use to signal the irregularities regarding the abusive substitution of one or many of the members of a formation of the Court. Last but not least, we intend to address a topical issue for doctrinaires, professionals, but also for litigants, given the complexity and "sensitivity" of invoking irregularities regarding the members of a formation of the Court, who would be called to rule in a complaint regarding the way in which they were invested to judge a case that was not randomly assigned to them.



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**ADMINISTRATIVE ACTS ISSUED BY THE COURT OF ACCOUNTS. EXERCISING THE
CONTROL OF LEGALITY BY THE ADMINISTRATIVE CONTENTIOUS COURT**

Associate professor Eugenia IOVĂNAȘ
„Aurel Vlaicu” University of Arad, Romania

Abstract

The Court of Accounts functions as a financial control institution, meant to check last and in the most demanding way the management accounts drawn up within the annual execution of the state budget and to pronounce the discharge, to order measures or to retain legal responsibility. of the persons guilty of committing deviations from legality and regularity in the employment and use of public funds. The verification of the manner of carrying out the measures ordered by the issued Decision is made according to art. 175 of Regulation no. 1 on the organization and functioning of the Court of Accounts. The paper aims to capitalize on the issue of law subject to debate by report to the jurisprudential examination that reveals different interpretations regarding the legal nature of the control acts issued by the financial controllers respectively of the legal effects that the control report produces and the Decision issued following the financial control audit. The administrative court was invested with actions for annulment of the control acts regarding the verifications performed and the measures ordered by the control bodies on the grounds that the findings and conclusions retained by the financial controllers are illegal and unfounded.

**DISCUSSIONS REGARDING THE LEGAL NATURE AND THE OBLIGATION TO PAY THE
FEE FOR DRILLING AND EXCAVATIONS PROVIDED BY ART. 747 PARA. 10 OF THE
FISCAL CODE**

Associate professor Adrian ȚUȚUIANU
Faculty of Law and Administrative Sciences, „Valahia” University, Romania
PhD. student Florina Ramona MUREȘAN
„Nicolae Titulescu” University of Bucharest, Romania

Abstract

The Fiscal Code stipulates the obligation to pay the fee for issuing the drilling or excavation permit necessary for land research and prospecting works during the geotechnical studies and studies on topographic surveys, gas wells, oil and other excavations are due by the holders of land rights. prospecting and exploration and is calculated by multiplying the number of square meters of land that will be effectively affected by the surface of the drilling and excavation soil. The study will analyze the legal nature of this tax and the obligation to pay in order to issue the building permit regulated by art. 3 para. 1 letter e) of Law no. 50/1991.



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**CURRENT LEGISLATIVE REFERENCES IN THE MATTER OF PUBLIC PROPERTY LEASE
CONTRACTS**

PhD. student George-Bogdan IONIȚĂ

Bucharest University of Economic Studies, Romania

Abstract

The present research aims to analyse an important topic in the field of current administrative contracts, namely, the lease of a public property. The paper is structured in two sections. The first section will address the issue of public property law in order to analyse in a concrete way aspects related to the object, subjects or legal characters of public property in the context of the application of administrative contracts. The second section will seek to analyse the current regulation of the lease from the perspective of the provisions of GEO 57/2019 on the Administrative Code in order to objectively observe the current legal regime established by this normative act. The elaboration of the study used the current legislation in the field as well as specialized works in the field of administrative law.

**THE DIMENSIONS OF THE RULE OF LAW ACCORDING TO THE CONSTITUTIVE ACTS
OF THE EU AND THE LISBON TREATY REGULATIONS OF THE RULE OF LAW IN
EUROPEAN DOCUMENTS**

Professor habilitated Iulian NEDELCU

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Lecturer Paul-Iulian NEDELCU

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Abstract

In the construction of Europe, the rule of law is considered the foundation of all the values on which the European Union is based, and its observance is an indispensable condition for the observance of the other values of the Union, in other words, of its existence. In Article 2 of the Treaty on European Union, we find the provision that the rule of law is one of the fundamental values on which the Union is founded, which is joined in the text by respect for human dignity, freedom, democracy, equality and respect for human rights, including the rights of persons belonging to minorities. Given the importance attached to this principle, it is only natural to remain concerned and to ensure that all Member States comply with it at all times and that it is constantly monitored. In recent years, in various states, amid complex external situations and due to the economic crisis felt worldwide, there have been political actions considered to be "at the limit of the law", which were considered to affect the rule of law. All this has forced the Union to take concrete measures to strengthen the rule of law in order to prevent democratic slippages that could jeopardize the security of European construction. We will refer below to the regulations contained in the content of the Treaty of Lisbon applicable in situations of deviation from the rule of law.



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**NEW DEVELOPMENTS ON COLLECTIVE BARGAINING FOR THE PUBLIC SERVANTS
AND PUBLIC SERVICES IN ROMANIA AND IN EUROPE. A THEORETICAL AND
PRACTICAL APPROACH**

Lecturer Radu Ștefan PĂTRU

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Abstract

Collective bargaining is an institution relevant to the activity of civil servants, regulated by the Romanian Administrative Code. Although limited to certain elements of negotiation, this institution can really improve the employment relationship of civil servants. In this study, the legal and practical aspects of collective bargaining for civil servants both in Romania and in certain European countries will be analyzed. Theoretical and practical analysis will lead to an outline of the existing situation but also to the formulation of conclusions of the lege ferenda proposals for the improvement of the existing legal framework.

**PROHIBITION OF PERFORMANCE REQUIREMENTS ON INTERNATIONAL
INVESTMENT AND THE ATTITUDE OF HOST GOVERNMENTS DURING THE GLOBAL
CRISES. BETWEEN ADMISSION AND REJECTION**

Associate scientific researcher Cristina Elena POPA (TACHE)

Institute of Legal Research of the Romanian Academy

Abstract

Any type of foreign investment, including those belonging to investors from the Member States of the European Union, operates in compliance with certain conditions and standards of legal treatment established by international law. They must be respected even in times of crisis, regardless of the reason that generated it, the policy of attracting and maintaining an investment climate favorable to international investment, being an attribute of each state. Nothing can stop an investor from changing the geography of his business, in order to protect the investment made. The specificity of this branch of law lies in the emphasis on its fundamental concepts, essentializing what determines the whole, being considered a science of essentialization and, ultimately, the role of any method of scientific research is to analyze, discover and emphasize the links of this together with other sciences, the composition and structuring of the system and the substantiation of the joints between its components, because international investment subsists in all components of society. It is a recognized fact that, following the entry into force of the Lisbon Treaty, FDI is now within the exclusive competence of the EU, which continues to fight to define a European investment policy that meets the expectations of investors and beneficiary states, but also foreign policy objectives and the EU's broader economic interests.