INTERNATIONAL CONFERENCE:

CONTEMPORARY CHALLENGES IN ADMINISTRATIVE LAW FROM AN INTERDISCIPLINARY PERSPECTIV

- 8th Edition. May 16, 2025 -

www.alpaconference.ro

Section I.

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

Friday, May 16, 2025

Online on Zoom

Moderators:

*Lecturer **Cristina COJOCARU,** Faculty of Law, Bucharest University of Economic Studies*

*Associate professor PhD. habil. **Cătălin-Silviu SĂRARU**, Faculty of Law, Bucharest University of Economic Studies*

! Each paper will be presented within 15 minutes
! Fiecare lucrare va fi prezentată în maxim 15 minute

ALPA CONFERENCE

ADJURIS
Society of Juridical and Administrative Sciences

INTERNATIONAL CONFERENCE:
CONTEMPORARY CHALLENGES IN ADMINISTRATIVE LAW FROM AN INTERDISCIPLINARY PERSPECTIV
- 8th Edition. May 16, 2025 -
www.alpaconference.ro

SCIENTIFIC PAPERS

PRECAUTIONARY, PREVENTIVE ACTION, PRIORITY RECTIFICATION AT SOURCE AND POLLUTER PAYS: CORE PRINCIPLES OF ENVIRONMENTAL LIABILITY

Professor Cristina ARAGÃO SEIA
Universidade Lusíada – Porto, CEJEIA, Portugal

Abstract

This article explores the foundational principles that underpin the legal framework of environmental liability: the precautionary principle, the preventive action principle, the principle that environmental damage should be rectified at source, and the polluter pays principle. The study provides a critical analysis of their genesis in international legal instruments and examines how they have been transposed and operationalized within the legal frameworks of the European Union and Portugal, with a particular focus on Directive 2004/35/EC on environmental liability. It further examines the transposition of these principles into Portuguese law, evaluating their normative content, legal implications, and practical application. Drawing upon a systematic review of legal literature and pertinent jurisprudence from international and Portuguese courts, the article analyses the interpretative challenges and enforcement dynamics linked to these principles. It contends that the sound application of these principles is crucial not only for safeguarding the environment but also for enhancing legal certainty, economic responsability, and intergenerational equity. The article ultimately contributes to the ongoing scholarly debate on the effectiveness and justiciability of environmental principles in contemporary legal systems.

THE LIMITATION PERIOD IN EU COMPETITION LAW

Professor Dubravka AKŠAMOVIĆ
Faculty of Law, Josip Juraj Strossmayer University, Osijek, Croatia
Assistant professor Lidija Šimunović
Faculty of Law, Josip Juraj Strossmayer University, Osijek, Croatia

Abstract

Article examines the limitation periods for imposing and enforcing fines under EU competition law. Addressed topic has great practical significance for effective enforcement of EU competition rules. On one side, rules on limitation period constraint the EU Commission's authority to impose fines for breaches of Article 101 and 102 of TEFU for indefinite time. On other side, rules on limitation period uphold rule of law by ensuring legal certainty and protecting undertakings from indefinite liability. Basic rules regulating limitation period for Competition law infringement are contained in Regulation 1/2003. Article 25 and 26 or Regulation 1/2003 define, among others, starting and ending date of limitation period, acts that suspend or/ and interrupt limitation period, special deadlines for commencement of limitation period in bid rigging cartels, etc. Although those rules are generally clear and precise, different issues arose with regard to proper application of those rules in practice. Such is for example precise determination of starting date of limitation period, type of acts or actions of the Commission that interrupt limitation period, application of Articles 25 and 26 of the Regulation 1/2003 by the national competition authorities, etc. In that context, the purpose of this paper is to provide a detailed and systematic analysis of the relevant provisions in EU law and landmark EU law cases dealing with the limitation period. Such analysis will contribute to research on the topic and provide guidance to legal practitioners in responding to challenges in application of EU rules on limitation period.

LEGISLATION BETWEEN BAD FAITH, IMPROVISATION AND LACK OF RESPECT FOR THE RIGORS OF THE RULE OF LAW

Professor Verginia VEDINAȘ
Full member of the Romanian Academy of Sciences
President of I.S.A. "Paul Negulescu", Romania
Lecturer Ioan Laurențiu VEDINAȘ
"Vasile Goldiș" Western University of Arad, Romania

Abstract

The study aims to analyze the lawmaking process, as it currently stands. We consider the shortcomings it manifests and through which not only procedural rules are violated, but also substantive ones, the constitutional regime of some fundamental institutions of the rule of law. We refer to the emergency ordinance, transformed from an exceptional procedure into a rule in the matter of lawmaking, or the engagement of the Government's responsibility, which has broadened its scope, including Codes, packages of laws, thus emptying the role of Parliament, the sole legislative authority of the country, of content. To these are added serious procedural shortcomings, such as the qualification and adoption as ordinary laws of normative acts that regulate matters related to the organic law, regulation by derogation, so that the rules enshrined in the normative act from which it is derogated are emptied of content.

THE DEPUTY MAYOR WITHOUT A ROLE: PUBLIC RESPONSIBILITY LOST IN LEGAL AMBIGUITY

Associate professor Lucia Flavia GHENCEA
Faculty of Law and Administrative Sciences, „Ovidius" University of Constanta, Romania

Abstract

Against the backdrop of current developments and evolving perspectives in national and international administrative law, this study explores the legal framework and practical application of the relationship between mayors and deputy mayors in Romanian local government, focusing on the lack of legal responsibility when no duties are delegated to the deputy mayor. The objective is to assess how this institutional gap affects local governance and the public perception of political accountability. The research combines normative analysis of the Administrative Code with a case study approach, focusing on two specific administrative contexts: the Municipality of Constanța and Bucharest's Sector 1. Official documents, local council decisions, and public sources were examined to capture the institutional reality. The findings show that, in the absence of a legal obligation to delegate responsibilities, mayors may exclude deputy mayors from executive decision-making without consequences, while deputy mayors can remain in office without effectively fulfilling any duties. This institutional dysfunction has negative administrative, ethical, and public trust implications. The study calls for a normative reform and proposes mechanisms to enhance transparency, accountability, and institutional balance in the exercise of local public office.

THE IMPACT OF NEW TECHNOLOGIES ON THE ADMINISTRATIVE ACT

Associate profesor **Elena Emilia ȘTEFAN**
Faculty of Law, „Nicolae Titulescu" University of Bucharest, Romania

Abstract

Generally speaking, the best-known administrative act issued by public authorities in all countries of the world is the identity card that accompanies the individual for life. The scope of the study is to document the impact of new technologies on the procedure of issuing administrative documents, taking into account the fact that the current global trend in administration is the digitalization of public services and the issuance of documents in electronic format. The reason for this analysis is a news in the media according to which, as of 20 March 2025, electronic ID cards will be issued to individuals in Cluj, as part of a pilot program. The research methodology of the topic is interdisciplinary, combining information from national and EU law, a case study being included at the end of the article. The proposed theme is highly topical, as our country is on the threshold of an historic moment and a paradigm shift in the field of acts in general, namely the transition from the old to the new, to the tools of

the future. The results of the study show that the digitalization of public services has impacted the legal regime of administrative acts. Notwithstanding, there is a need for standardization and for a highly developed legal framework, with a focus on data security, which takes into account the protection of fundamental human rights in the digitalization process.

ELECTION MERGING IN THE VISION OF THE VENICE COMMISSION

Associate professor Mihai Cristian APOSTOLACHE
Petroleum-Gas University of Ploiești, Romania

Abstract

The year 2024 was marked by the simultaneous organization and holding of the European and local elections in Romania on June 9th. The regulatory framework for the elections on June 9th was composed of the Government Emergency Ordinance no. 21/2024, Law 33/2007 on the organization of elections for the European Parliament and Law no. 115/2015 on the election of local public administration authorities. The decision of the national authorities to modify the normal election calendar had implications on the electoral legislation and practice, as well as on the citizens, electoral competitors and the entities involved in the electoral process. This is not the only time when the governments have resorted to such methods. In the past, attempts have been made to merge local elections with parliamentary elections, or state practice has known the situation of simultaneously organizing general elections with presidential elections. In the case of the 2024 elections, the merge decision was adopted by Emergency Ordinance, and the period of time between the adoption of the ordinance and the date of the elections was very short, aspects that made certain social actors consider the approach unconstitutional or that it violated the international standards on electoral matters. This led to the referral of the Constitutional Court of Romania and the referral of the European Commission for Democracy through Law (the Venice Commission). The present article analyses the opinion of the Venice Commission on the decision to merge local and European elections through Government Emergency Ordinance No. 21/2024.

ADMINISTRATIVE DECISION - ADMINISTRATIVE ACT AND/OR VOLUNTARY PROCESS. A VIEW OF THE ACTS ISSUED BY THE NATIONAL ENERGY REGULATORY AUTHORITY IN THE PROCESS OF APPLYING SANCTIONS TO THE OPERATOR'S TURNOVER

Assistant professor Ionela Alina ZORZOANĂ
Faculty of Public Administration, National School of Political and Administrative Studies, Romania
Associate professor Mihaela Victorița CĂRĂUȘAN
Faculty of Public Administration, National School of Political and Administrative Studies, Romania

Abstract

The idea of this study arose from an issue that has provoked discussions in the recent practice of the administrative litigation court, but also among practitioners in the field of administrative law. Starting from the definition(s) provided by the Administrative Litigation Law no. 544/2004, but also the current benchmarks contained in the Administrative Code, we will make a comparative analysis of the administrative decision, as an administrative act that emanates from a single-person body (prime minister, head of a specialized body) or as a volitional act resulting from the decision-making process of public administration authorities/structures. This general analysis will represent the starting point for the case study we have proposed regarding the acts issued/adopted by ANRE. In such a context, starting from the provisions of the Energy and Natural Gas Law no. 123/2012 which introduced the procedure for sanctioning contraventions based on the offender's turnover, the issue of the legal nature of the act by which the amount of the fine is individualized (following the conduct of control or investigation actions) was raised. Obviously, this issue arose mainly due to the use of the (unfortunate) name of decision at the level of secondary legislation. And yet, what is the decision? Is it an administrative act, issued by a single-person body or a decision-making process of a collegial, multi-person body? Our analysis will take into account specific legislation, court case law, as well as cases of other authorities to which the legislator has granted the possibility of applying contravention sanctions as a percentage of an operator's turnover. In order to give this study a note of comparative law, we will try to identify similar aspects or notable differences in the legislation of other European states in which the same sanctioning regime (percentage of the sanctioned operator's turnover) is provided. The study will conclude with a series of conclusions and even possible proposals for lege ferenda.

ALPA CONFERENCE

ADJURIS Society of Juridical and Administrative Sciences

INTERNATIONAL CONFERENCE:
CONTEMPORARY CHALLENGES IN ADMINISTRATIVE LAW FROM AN INTERDISCIPLINARY PERSPECTIV
- 8th Edition. May 16, 2025 -
www.alpaconference.ro

A TOPICAL DISCUSSION - DIGITALISATION OF PUBLIC ADMINISTRATION AND PUBLIC SERVICES

Associate professor Marta-Claudia CLIZA
Faculty of Law, „Nicolae Titulescu" University of Bucharest, Romania

Abstract
Nowadays, we cannot deny the influence of technology and fast communication services in everyday life. We are increasingly trapped in a digital world, where information flows at breakneck speed and human interaction is gradually being replaced by the filter of technology. In this context, not only human interaction is affected, but also the citizen's relationship with the administration, which takes on a new dimension from day to day. We are no longer talking about the famous « storage binder folder », but we upload documents and requests that we send electronically, expecting that in this dizzying pace of communication we will be answered quickly and efficiently. Therefore, questions arise and we will try to answer them: how prepared is the administration for the digital switchover? How can such measures be implemented in the administration? Measures in this direction have been taken so far, but the reality is that no matter how quickly the administration reacts to these challenges, it will have to adapt to a new digital society.

PUBLIC SECTOR PERSONNEL – A LEGAL CATEGORY AT THE INTERSECTION OF SEVERAL BRANCHES OF LAW

Associate professor Teodor Narcis GODEANU
Faculty of Legal and Administrative Sciences, "Spiru Haret" University, Romania

Abstract
This study aims to analyze the legal situation of public sector personnel, which we consider, as its title suggests, a legal category at the intersection of several branches of law. This leads to the conclusion that understanding the fact that the analysis of the rules that govern it cannot be achieved using tools specific to a single branch of law. Moreover, we consider that currently, no legal category can be approached in this way. It is sufficient to mention Romania's membership of the European Union, from which various categories of legal acts emanate, which are also mandatory for public sector personnel, influencing their status. And any eventual analysis obviously cannot ignore them. If influences from numerous branches of law (civil, criminal, etc.) can be identified, it is undoubtedly that two of them have the greatest influence, namely administrative law and labor law. We will focus our analysis on these. We do not intend to analyze all the elements of the legal status of this person. It would be a difficult task, which could be the subject of a doctoral thesis. We will focus on those we consider most relevant, namely conduct, rights and obligations, and career. We will also highlight some slippages that occur in the practice of governance and legislation, to which we draw attention and discuss the negative effects they produce.

NEW REGULATIONS FOR THE CLASSIFICATION OF ACTIVITIES IN THE NATIONAL ECONOMY IN ROMANIA

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

Abstract
Starting from 01.01.2025, Order No. 377/17.04.2024 of the President of the National Institute of Statistics on the updating of the Classification of Activities in the National Economy CAEN, following the NACE amendments at the European Union level, entered into force in Romania. This paper proposes a general analysis of this topic from an interdisciplinary perspective, given that this classification applies to all areas of economic and social activity and is mandatory for all central and local public administration bodies, budgetary units, economic agents, regardless of the form of ownership, employers', trade union, professional and political organizations, foundations, associations and other natural and legal persons, when completing

official documents whenever the activity is required to be specified. The study will analyze both the national regulation and the regulation in force in the European Union, and we will present the general principles that were the basis for establishing this classification, as well as the importance of the classification.

THE INTERDEPENDENT RELATIONSHIP OF ADMINISTRATIVE LAW WITH OTHER LEGAL FIELDS, LEGAL CHALLENGES AND SOLUTIONS

Assistant professor Constantin-Claudiu ULARIU
Faculty of Law, "Nicolae Titulescu" University of Bucharest, Romania

Abstract

Administrative law represents one of the oldest branches of legal sciences, which has been the subject of intense and relevant legal discussions and disputes regarding its individual elements, aimed at outlining its structural dimension, revealing its main legal institutions, establishing the indissoluble links of this subject with other branches of law, and highlighting the practical impact of fundamental legal instruments originating within this fundamental area of law. However, despite an intense and fruitful doctrinal and jurisprudential preoccupation with outlining the instrumental framework of administrative law, a series of interesting and relevant legal disputes still persist regarding the delineation of a relational formation of the fundamental institutions of administrative law with other areas of legal regulation, specific to other subjects of law within the Romanian normative and institutional system. There remains an unremitting challenge for the individualization of elements of legal and jurisprudential challenge in the application of specific legal instruments of administrative law, which produce a significant impact on concepts and institutions specific to other legal dimensions, integrative and relevant not only for the field of public law but also regarding those specific to private law. Through this legal endeavor, we inevitably propose to conduct an in-depth and systematic analysis, outlining, in an inductive-deductive manner, the legal instruments currently under lively doctrinal dispute and through which a vast series of intellective and normative challenges in the field of implementing administrative law instruments in the correlative dimension of their relationship with other legal institutions can be reflected.

PARTICIPATION OF TEMPORARY ASSOCIATIONS IN PUBLIC PROCUREMENT AWARD PROCEDURES IN EUROPEAN AND ROMANIAN LAW. IMPLICATIONS OF THE CJEU JUDGMENT OF 13.03.2023, PRONOUNCED IN CASE C-266/22, ECLI:EU:C:2025:178

Judge Dr. Marlena BOANCĂ-IVAN
Târgu Mureș Court of Appeal, Romania

Abstract

From a theoretical and applied perspective, it is relevant not only to regulate the issue of the participation of temporary associations in the procedures for awarding public procurement contracts at the legislative level and the evolution of these regulations, but also to reflect and analyze the concept of economic operator, including temporary associations in the case law of the CJEU, as well as in Romanian administrative and judicial practice. We note, by referring to the case law of the CJEU, that the national legislator cannot adopt, in the absence of an authorisation in this regard from the EU, legislative acts by which it excludes temporary associations from participation in the procedures for the award of public procurement contracts carried out on the territory of the respective Member State in the event that one of the members of the association is based in a third country that has not concluded an agreement on free access to the public procurement market with the EU. However, contracting authorities, as they do not infringe the EU's exclusive competence in matters of common commercial policy, could provide for such an exclusion in the tender documentation.

ADMISSIBILITY OF THE INTERVENTION PROCEDURE IN CONTRAVENTION COMPLAINTS

Lecturer Raul MIRON
Faculty of Economics and Law,
University of Medicine, Pharmacy, Sciences and Technology (UMFST) in Tîrgu Mureș, Romania
Assistant professor Sonia Bianca BLAJ
Faculty of Economics and Law,
University of Medicine, Pharmacy, Sciences and Technology (UMFST) in Tîrgu Mureș, Romania

Abstract
This study seeks to identify, analyze and argue the orientation of judicial practice and doctrine on the admissibility of requests for intervention in contravention complaints. In our assessment, in order to ensure free access to justice, of the public interest protected by the contravention rule, as well as for the opposability of the judgments rendered in the infringement procedure, it is necessary to retain the admissibility, in certain situations, of the requests for intervention in the contravention litigation.

COMPARATIVE STUDY ON ELECTRONIC IDENTITY DOCUMENTS WITH BIOMETRIC DATA IN ROMANIA AND OTHER STATES OF THE EUROPEAN UNION

Associate professor Iulia BOGHIRNEA
National University of Science and Technology POLITEHNICA Bucharest, Pitești University Center, Romania

Abstract
Currently, in Romania, important changes are taking place regarding identity cards. As in many European Union countries such as Germany, Estonia, Portugal, Slovakia, the Czech Republic, the Grand Duchy of Luxembourg, etc., in our country too. The legislation allows the issuance of electronic identity cards (e-ID card), with biometric data, starting on March 20, 2025 through a pilot program, implemented in Cluj-Napoca County. From May 8, 2025, the electronic identity card began to be available, through the public community services for recording persons, and in the municipalities of Brașov, Constanța, Iași, Oradea, Ploiești and Timișoara, following to be expanded throughout the country by the end of May 2025. Simple identity cards (simple ID card), which do not contain an electronic storage medium, they will be able to be exchanged with those with biometric data, depending on when the current documents expire, no later than August 2nd 2031. The purpose of this paper is to analyze, from a comparative perspective, the basic concepts used by the EU legislator, which are the biometric data that will be collected from individuals, the collection procedures for issuing electronic identity cards, as well as those for deleting this personal data, and we will conduct a critical analysis of Romanian and foreign legislation and specialized literature on the benefits and risks of electronic identity cards with biometric data.

BETWEEN NATIONAL APPLICATION AND EUROPEAN HARMONIZATION: A COMPARATIVE LEGAL ANALYSIS OF THE MARGIN SCHEME FOR SECOND-HAND VEHICLES IN ROMANIAN AND EUROPEAN UNION LAW

Lecturer Alina-Emilia CIORTEA
Faculty of Economic Sciences and Business Administration, Babes-Bolyai University of Cluj, Romania

Abstract
This comparative study examines the application of the margin scheme in second-hand car transactions, juxtaposing Romanian national implementation against the broader European Union legal framework. Beginning with common factual scenarios involving cross-border vehicle transactions by natural persons, the research systematically analyzes both Romanian legislation and European directives, identifying areas of convergence and divergence. By contrasting interpretations adopted by Romanian fiscal authorities with European Court of Justice jurisprudence, the study reveals significant differences in

implementation approaches. The research demonstrates that while European law establishes that the margin scheme application requires only conditions inherently linked to this VAT regime, Romanian administrative practice has sometimes imposed additional requirements not supported by EU precedent. Through logical and comparative methodological approaches, this analysis contributes to understanding how differential interpretations between Romanian and EU frameworks can lead to competitive distortions and potential double taxation in the second-hand vehicle market. The findings highlight the ongoing challenge of harmonizing national fiscal practices with overarching European legal principles in specialized VAT regimes.

INFORMED CONSENT IN CROSS-CULTURAL MEDICAL MALPRACTICE: AN ANALYSIS OF AMERICAN, FRENCH AND ROMANIAN LEGAL FRAMEWORKS

Lecturer Alina-Emilia CIORTEA
Faculty of Economic Sciences and Business Administration, Babes-Bolyai University of Cluj, Romania

Abstract

The analysis examines informed consent disclosure standards across the United States, France, and Romania through a comparative legal framework. The article uniquely contributes to existing literature by including a post-communist Eastern European perspective alongside established Western legal systems, exploring how different legal cultures and historical developments shape informed consent doctrines. Structured in three main chapters, the research methodically analyzes each jurisdiction's approach before synthesizing findings in a detailed conclusion. The study utilizes doctrinal analysis of primary legal sources combined with interdisciplinary perspectives from legal, medical, and bioethical disciplines. A hypothetical case about a photographer suffering occupation-specific complications serves as an analytical touchstone throughout. The research reveals that while American law has evolved toward patient-centered standards, French law emphasizes dignity-based constitutional principles, and Romanian law occupies a middle ground influenced by both traditions and ECHR jurisprudence. The article concludes by proposing hybrid approaches incorporating both objective guidelines and subjective considerations to better balance competing interests, suggesting that enhanced decision aids and standardized documentation could help bridge gaps between legal requirements and practical healthcare realities.

CONSIDERATION REGARDING THE EXERCISE OF LEGALITY CONTROL BY THE PREFECT ACCORDING TO THE ADMINISTRATUVE CODE

Associate professor Eugenia IOVANAS
„Aurel Vlaicu" University of Arad, Romania

Abstract

According to Article 122 (4) of the Constitution, "The prefect may challenge, before the administrative litigation court, an act of the county council, the local council, or the mayor, if he considers the act illegal." The administrative control also strengthens the principle of descentralisation in the domain of public administration by the authority it gives the prefect to use the legal means specific to control-notification and order-and to establish which of the issued acts are illegal. From the content of the legal dispositions listed above it clearly results, that the local public authority decides, in exercising its attributions, only through decisions, in all fields attributed through law. Article129 para. 6 letter b) of the Administrative Code–regulates the law of local councils to „give in free use, for a limited time, the mobile assets and the real estates public or private, local or county property, according to the case, to the companies with no lucrative purpose, that develop the charity or public utility or public services activities". The court of law has the duty to delimit the categories of these decisions, according to their legal nature of authority administrative acts, of acts of civil law, of commercial law etc, with the consequence of delimiting the material competence of the administrative legal department related to other courts. In order for the decisions adopted to constitute adopted acts/ issued as public power, even though to be censored in the conditions of the administrative legal department, these must aim the public or public property. However, the prefect`s prerogatives are limited on the one hand by the term by which he/she can operate upon certain illegal acts, and on the other hand by the fact that only the current management acts are not subject to control. In the interpretation of the provisions of Article 3 of the Administrative Disputes Law no. 554/2004, with subsequent amendments and completions, correlated with the provisions of Article 19 paragraph (1) letters a) and e) of Law no. 340/2004 regarding the prefect and the institution of the prefect, republished, with subsequent amendments and completions, and Article 123 paragraph (5) of the Constitution, the prefect is recognized the right to challenge before the administrative

disputes court the administrative acts issued by local public administration authorities, in the sense of the provisions of Article 2 paragraph (1) letter c) of the Administrative Disputes Law no. 554/2004, with subsequent amendments and completions.

THE INFLUENCE OF THE JURISPRUDENCE OF THE COURT OF JUSTICE OF THE EUROPEAN UNION ON ROMANIAN ADMINISTRATIVE LITIGATION

Lecturer Mihai ȘTEFĂNOAIA
„Ștefan cel Mare" University of Suceava, Romania

Abstract

The influence of the jurisprudence of the Court of Justice of the European Union (CJEU) on Romanian administrative litigation has intensified following Romania's integration into the European Union and the assumption of the obligation to apply European law directly and with priority. National courts, including those specialized in administrative litigation, are now required to ensure that administrative acts comply with the rules and principles of EU law, including the interpretations provided by the CJEU. This phenomenon has led to a paradigm shift, in the sense that the legality of an administrative act is no longer assessed solely in relation to national legislation, but also through the lens of European regulations and case law. Landmark decisions of the CJEU—such as those concerning the principle of effective protection of rights conferred by EU law, the proportionality of administrative sanctions, or the guarantee of the right to an effective remedy—have been invoked and applied by Romanian courts. Additionally, the preliminary ruling mechanism has become an essential tool for clarifying the application of European norms in administrative litigation cases. In conclusion, the jurisprudence of the CJEU actively contributes to the harmonization of standards of legality and judicial protection in the relationship between citizens and public administration, strengthening the role of national courts as guardians of European law.

SOME THEORETICAL AND JURISPRUDENTIAL ASPECTS REGARDING THE PROCEDURAL QUALITY OF SOME SUBJECTS OF THE RIGHT TO APPLY TO ADMINISTRATIVE DISPUTE COURTS IN ROMANIA

Ph.D. George-Bogdan IONIȚĂ
Lawyer in Bucharest Bar Association, Romania

Abstract

This study aims to analyze theoretical and jurisprudential aspects regarding the procedural capacity of some subjects entitled to refer to administrative courts in Romania. In this regard, we first analyzed some general issues regarding procedural capacity from the perspective of the current Civil Procedure Code. Then, we observed the conditions provided by Law 554/2004 on administrative litigation regarding the possibility of referring to the administrative court and finally, we analyzed the subjects of law that have the possibility of referring to the administrative courts. In preparing this study, we used the updated incident legislation in force as well as the works from the specialized doctrine and relevant case law on the matter.

THE ATYPICAL REGIME OF THE APPEAL ON POINTS IN LAW IN ADMINISTRATIVE LITIGATION. SOME COMPARATIVE ELEMENTS WITH THE PROVISIONS OF THE CODE OF CIVIL PROCEDURE

Ph.D. George-Bogdan IONIȚĂ
Lawyer in Bucharest Bar Association, Romania

Abstract

This study aimed to analyze the legal regime of the appeal, as a specific remedy, regulated by Law 544/2004 on administrative litigation. In this regard, we analyzed the legal regime regulated by the Code of Procedure regarding the appeal remedy, by reporting the special provisions in the field of administrative litigation, focusing on the deadline for filing the appeal, the subjects, the content of the application, the method of judging the application and the solutions that the appeal court can

pronounce. In carrying out the study, we analyzed the updated legislative provisions, the specialized doctrine and relevant case law in the matter.

GENDER BALANCE IN CORPORATE BOARDS; THE JOURNEY SO FAR AND THE IMPORTANCE

PhD. student Doris MEGWA
Babeș-Bolyai University, Romania

Abstract

Gender balance in corporate boards is an ongoing issue in modern corporate governance and a symbol of a global workplace equality movement. Our discussion centers on corporate board gender balance progression, the challenges of achieving gender equity, and the need for a diverse and inclusive boardroom. Significant advancements have been achieved in recent decades towards accomplishing gender parity in the managerial positions of the business sector. In an effort to boost the number of female directors on business boards, several countries have implemented legal measures including quotas and mandates. These legal measures have been matched by voluntary initiatives by enterprises recognizing the advantages of diverse leadership teams. Proceed to examine the methods for documenting progress; nonetheless, it is essential to recognize that gender disparity persists in several nations and industries. Unconscious prejudice, cultural norms, and restricted access to leadership development opportunities persistently obstruct female progression to board-level roles. The significance of gender balance on corporate boards is paramount. Diverse boards provide a broad spectrum of viewpoints and experiences, which enhances decision-making and improves governance. Studies have consistently demonstrated that organizations with diverse boards have superior financial performance and reflect enhanced creativity. Furthermore, gender-diverse boards are more inclined to tackle gender equality concerns within the firm, promoting a more inclusive corporate culture. This study delves into the global acceptability of gender equality in corporate management, the importance of female presence in corporate board, and what this sequence of trend could mean. It examines the advantages of augmenting Women's presence on corporate boards, including improved governance, enhanced financial outcomes, and heightened innovation. The paper also examines the challenges and barriers hindering gender equality in boardrooms. Also, it analyzes the level of global acceptance by referring to relevant studies and statistics. Gender diversity in company leadership has become a significant topic of discussion. The underrepresentation of women in boardrooms has raised concerns about gender equality, corporate governance, and organizational performance. This Study strives to emphasize the value of female directorships and assess the global acceptance of this concept. In conclusion, attaining gender parity on corporate boards requires sustained dedication from legislators and organizations. By tackling structural impediments and fostering inclusive practices, boardrooms that authentically represent the varied population they serve may be established, improving company performance and societal welfare. Research methodology used in this paper describes and reviews relevant literatures such as journals, books and reports to further explore the study.