Practical Aspects Regarding the Role of Administrative Law in the Modernization of Public Administration

Contributions to the 2nd International Conference
Contemporary Challenges in Administrative Law from an Interdisciplinary Perspective
May 17, 2019, Bucharest
ADJURIS – International Academic Publisher
This is a Publishing House specializing in the publication of academic books, founded by the Society of Juridical and Administrative Sciences (Societatea de Stiinte Juridice si Administrative), Bucharest.
We publish in English or French treaties, monographs, courses, theses, papers submitted to international conferences and essays. They are chosen according to the contribution which they can bring to the European and international doctrinal debate concerning the questions of Social Sciences.
ADJURIS – International Academic Publisher is included among publishers recognized by Clarivate Analytics (Thomson Reuters).

ISBN 978-606-94312-8-3 (E-Book)

© ADJURIS – International Academic Publisher
Editing format .pdf Acrobat Reader
Bucharest 2019
All rights reserved.
www.adjuris.ro
office@adjuris.ro

All parts of this publication are protected by copyright. Any utilization outside the strict limits of the copyright law, without the permission of the publisher, is forbidden and liable to prosecution. This applies in particular to reproductions, translations, microfilming, storage and processing in electronic retrieval systems.
# Table of Contents

**PRACTICAL ASPECTS REGARDING THE ROLE OF ADMINISTRATIVE LAW IN THE MODERNIZATION OF PUBLIC ADMINISTRATION AT EUROPEAN AND INTERNATIONAL LEVEL**

Oana Iuliana RUJOIU  
The European level of research and development funding policy ..............13

Harsh PATHAK  
A perspective on conservation of underwater cultural heritage with reference to international conventions and administrative laws by the State .................................................................24

Cristian JURA  
European and international institutional connection of the National Council for Combating Discrimination .................................................................35

Oana ŞARAMET, Georgeta-Bianca SPÎRCHEZ  
The proportionality principle used as standard by the European Court of Human Rights when assessing the excess of power .........................48

Ileana VOICA  
Considerations on the functions of the European Council .........................62

Marius ANDREESCU  
The lawful State in the context of the normative and institutional requirements of European Union .................................................................77

Ioana-Nely MILITARU  
The Schengen area in the context of the free movement of persons in the European Union .................................................................94

Lidia-Gabriela HERCIU  
Why do we have to take examples from others? ....................................102

**PRACTICAL ASPECTS REGARDING THE ROLE OF ADMINISTRATIVE LAW IN THE MODERNIZATION OF PUBLIC ADMINISTRATION AT NATIONAL LEVEL**

111
<table>
<thead>
<tr>
<th>Author</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Valentina CORNEA</td>
<td>The identity and legitimacy of the PhD in administrative sciences</td>
<td>112</td>
</tr>
<tr>
<td>Viorica Cornelia GRĂJDEANU</td>
<td>The institution of civil servants in Romania, according to current legislation</td>
<td>124</td>
</tr>
<tr>
<td>Andreea STOICAN</td>
<td>Considerations on certain legal issues regarding the establishment of the National Council for the Development of Human Resources in Public Administration</td>
<td>131</td>
</tr>
<tr>
<td>Gianina-Anemona RADU</td>
<td>The obligation to notify the judicial bodies in relation to commission of certain acts stipulated by the criminal law in connection with the exercise of state authority</td>
<td>137</td>
</tr>
<tr>
<td>Ana VIDAT</td>
<td>Aspects on the practical utility of the transfer in the field of the employees and the public servant. Proposals de lege ferenda</td>
<td>144</td>
</tr>
<tr>
<td>Bárbara BRAVO, Isabela DE MELLO, Carlos BRANCO</td>
<td>Administrative democratization: the participation of citizens in the Portuguese administrative system</td>
<td>150</td>
</tr>
<tr>
<td>Verginia VEDINAȘ</td>
<td>Practical problems regarding the suspension of the execution of administrative acts - a special look at the acts adopted at local government level as &quot;internal acts&quot; and/or the reorganization of some public institutions</td>
<td>167</td>
</tr>
<tr>
<td>Cosmin SOARE-FILATOV</td>
<td>Movable cultural heritage. Wisdom of the Earth by Constantin Brancusi: public domain and recovery of possession</td>
<td>176</td>
</tr>
<tr>
<td>Radu Ștefan PĂTRU</td>
<td>Theoretical and practical aspects regarding the modification of the civil servants' employment relationship. Comparative analysis with the employees' situation</td>
<td>193</td>
</tr>
</tbody>
</table>
Mioara Florina PANTEA, Camelia Daciana STOIAN
Processing of personal data. Case study: a fair balance between the right to information and the right to privacy.................................201

Iulian NEDELCU
Theoretical and practical aspects on liability in administrative law……210

Valentin MINOIU
The collective negotiation and collective agreements – legal task or opportunity, in the management of the legal service relationships of the police officers.................................................................216

Claudia BOGHICEVICI
Living assistance for people with disabilities.................................234

Adelina VRÂNCIANU
Legal regime of requests for voluntary intervention in public procurement trials.................................................................249

Răzvan-Constantin MURARIU
Practical aspects regarding the motivation of administrative acts in antithese with the motivation of judging decisions in accordance with the New Code of Civil Procedure.................................................................260

Daniela Paraschiva PAVEL
Trans-institutional teams - a possible solution for effective use of human resources in public administration in accessing European funds.................................................................272

Ovidiu-Horia MAICAN
The legal regime of competition in Germany.................................280