



**THE Vth EDITION
OF THE INTERNATIONAL CONFERENCE OF RSEL/SRDE 2019
„CURRENT ISSUES OF THE EU POLITICAL-LEGAL SPACE”**

October 18th, 2019

Location: Faculty of Law – University of Bucharest, Petre Antonescu Hall, Ground Floor,
Mihail Kogălniceanu Bld. no. 36-46, 5th District, Bucharest

- I. **Conference President – Ambassador, Univ.prof. ION M. ANGHEL, PhD** (President of Romanian Society of European Law)
- II. **Vice-president – Univ.lect. RĂZVAN HORAȚIU RADU, PhD** (Executive President ad-interim of Romanian Society of European Law)
- III. **Scientific committee:**
 - **Univ.prof. ION M. ANGHEL, PhD** (Ambassador)
 - **Univ.prof. ANDREI POPESCU, PhD** (former Judge, EU Tribunal)
 - **Univ.prof. CAMELIA TOADER, PhD** (Judge, EU Court of Justice)
 - **Univ.prof. SIMINA TĂNĂSESCU, PhD** (Bucharest University)
 - **Univ.prof. NICOLETA DIACONU, PhD** (*Spiru Haret Univ.*, Bucharest)
 - **Univ.prof. AUGUSTIN FUEREA, PhD** (*Nicolae Titulescu Univ.*, Bucharest)
 - **Univ.prof. FLORIN VASILESCU** (Ambassador)
 - **Univ.prof. IRINA MOROIANU ZLĂTESCU, PhD** (NUPSPA, Bucharest)
 - **Univ.prof. IULIAN NEDELICU, PhD** (Craiova University)
 - **Univ.prof. JOSE LUIS VAZQUEZ BURGETE, PhD** (León University/IAPNM, Spain)
 - **Univ.prof. MARIA PURIFICATION GARCIA MIGUELEZ, PhD** (León University, Spain)
 - **Univ.prof. HELENA MARIA BAPTISTA ALVES, PhD** (Beira Interior University, Portugal)
 - **Univ.prof. GHEORGHE AVORNIC, PhD** (*Constantin Stere Univ.*, Chishineu, Rep. Moldova)
 - **Univ.prof. IOAN ALEXANDRU, PhD**
 - **Univ.prof. MOISE BOJINCĂ, PhD** (*Constantin Brâncuși Univ.*, Tg. Jiu)
 - **Univ.prof. CĂLIN HINȚEA, PhD** (*Babeș Bolyai Univ.*, Cluj)
 - **Univ.conf. TITUS CORLĂȚEAN, PhD** (*Dimitrie Cantemir Christian Univ.*, Bucharest)
 - **Univ.conf. GABRIEL ISPAS, PhD** (*Titu Maiorescu Univ.*, Bucharest)
 - **Univ.conf. ANCUȚA GEANINA OPRE, PhD** (*Dimitrie Cantemir Christian Univ.*, Bucharest)



- **Univ.conf. CONSTANȚA MĂTUȘESCU, PhD** (*Valahia Univ.*, Târgoviște)
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- **Univ.conf. CEZAR CORNELIU MANDA, PhD** (NUPSPA, Bucharest)
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- **IONIȚA COCHINȚU, PhD** (NUPSPA, Bucharest)
- **CRISTINA TITIRIȘCĂ, PhD** (BUES, Bucharest)
- **RALUCA DINU, PhD** (Legislative Council)

IV. Organizing committee:

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- **RALUCA DINU, PhD** (Legislative Council)
- **ELENA GALICEANU** (Legislative Council)

V. Conference secretariat:

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- **RALUCA DINU, PhD** (Legislative Council)
- **CRISTINA TITIRIȘCĂ, PhD** (BUES, Bucharest)
- **ELENA GALICEANU** (Legislative Council)



PROGRAM
OF THE INTERNATIONAL CONFERENCE OF RSEL/SRDE 2019

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| 9:00 – 9:30 | Receiving and registering of the participants | |
| 9:30 – 10:00 | Official opening of conference papers Messages of hosts and guests | |
| 10:00 – 12:00 | Supporting works - <i>AXIS I: European policies, strategies and regulations</i> | |
| | Moderators Univ.prof. NICOLETA DIACONU, PhD Univ.prof. AUGUSTIN FUEREA, PhD | |
| | ION M. ANGHEL GRIGORE SILASI | The Lisbon Treaty and the risks of non - coordination of economic policies in the E.U. |
| | SILVIU GABRIEL BARBU VASILE COMAN | Brief considerations on the institution of penalty in the constitutions of EU Member States |
| | MIHAI BĂDESCU | Considerations regarding the role of jurisprudence as a source of law in Romanian law and in European Union law |
| | TUDOR CHIUARIU | The disciplinary proceedings and sanctions on the incompatibility of public agents, as provided for by the legislation of Romania, are of a criminal nature for the purpose of Article 6, paragraph 1 ECHR |
| | AURORA CIUCĂ | The right to reputation in the ECHR caselaw? |
| | IONIȚA COCHINȚU CRISTINA TITIRIȘCĂ | Constitutional identity and European membership |
| | TITUS CORLĂȚEAN | The impact of the current International Law crisis on the right to sustainable development |
| | NICOLETA DIACONU | Legal limits of the exercise of the free movement of persons in the European Union |
| | RALUCA DINU | Consumers protection from the perspective of sanctioning double quality standard of products and services in the European Union |
| | CARMEN ADRIANA DOMOCOȘ | European commonwealth army – challenge for a proper EU regulation |



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| | GABRIEL LIVIU ISPAS | The right to medical services in the European Union |
| | CONSTANȚA MĂTUȘESCU | „Discrimination by association” - between jurisprudential consecration at European level and legislative desire in Romania. Some considerations |
| | ALEXANDRU POROF | The legality of the application of supplementary and accessory punishments from the perspective of the European Court of Human Rights and the European Union Court of Justice |
| | MARIA-CRISTINA SOLACOLU | Brexit and the backstop solution on Northern Ireland |
| | LAURA MAGDALENA TROCAN | The international area of the submarine territories in the context of the European Union interest on the exploration and exploitation of their resources |
| 12:00 – 13:00 | Lunch time | |
| 13:00 – 14:00 | Book launch <ol style="list-style-type: none"> Foreign Policy and Diplomacy of Romania over the century since the creation of Greater Romania – coordinator Ion M. Anghel Vespasian Pella and the ideal of peace through law - Aurora Ciucă | |
| 14:00 – 14:30 | Coffee break | |
| 14:30 – 16:30 | Supporting works - AXIS II: European law implementation and public administration | |
| | Moderators Univ.prof. ION M. ANGHEL, PhD Univ.conf. CONSTANȚA MĂTUȘESCU, PhD | |
| | DENISA BARBU | In dubio pro reo - Myth or Reality |
| | FLORIN OCTAVIAN BARBU | Criminal liability for ecological damage resulting from nuclear transport |
| | IONUȚ-BOGDAN BERCEANU | Instruments for better regulation. A comparison of the Regulatory Impact Assessment (RIA) legal framework in Romania and in France |
| GHEORGHE BOCȘAN | Measuring the harmonization distance within the legal space of the European Union as a topological space | |



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| | MOISE BOJINCĂ | Weaknesses and vulnerabilities of current Romanian legislation and justice |
| | MĂDĂLINA BOTINĂ | Informal settlements - legislative changes made in the Romanian domestic law, through Law no. 151/2019, related to the European legislation and the provisions of the conventions that protect the fundamental human rights |
| | EDUARD CĂLINOIU | The role and importance of clusters in Europe. German model versus Romanian model |
| | ALEXANDRU AURELIAN CHIRIȚĂ | Current challenges of the lawyer profession |
| | OCTAVIA MARIA CILIBIU | The general principles applicable to public administration in the light of the provisions of the Administrative Code |
| | DENIS-ROXANA GAVRILĂ | Religious freedoms at European Union level and their protection by the People's Advocate |
| | MARILENA MARIN | Comparative analysis on real estate advertising and land book in EU states |
| | RODICA PEPTAN | The resolution of the maintenance contract in the current regulation |
| | ELENA GIORGIANA SIMIONESCU | Current issues regarding conditional release in the case of life imprisonment |
| | IRINA MOROIANU ZLĂTESCU PETRU EMANUEL ZLĂTESCU | Implementation of the European Ethical Charter on the use of artificial intelligence in judicial systems and their environment |
| 16:30 – 17:00 | Conclusions and closing of the conference | |



BOOK LAUNCH

Foreign Policy and Diplomacy of Romania over the century since the creation of Greater Romania – coordinator Ion M. Anghel

Abstract

The authors of the book – almost all of them being career diplomats who had the honour to represent their country, defending and promoting with pride and abnegation, the national interests in the World, over periods of up to 3-4 decades from the entire century of the existence of Romania, they set as their purpose and proceeded to an integral approach in an encyclopedian manner, analyzing and presenting with rigour the Romanian Foreign policy and diplomacy, with their honest intention, that this exposition could possess the capacity to offer an image, the most complete and best outlined, of what was Romania as state, more accurate and convincing on what it represented as actor in international life, illustrating the merits and showing what it was and what position occupied in the international community.

Specifically, there are presented the Peace Conferences which followed the two World wars, the participation of Romania in decisions making as well as the treaties signed thereafter, position adopted during these great and crucial events, towards the debated items; initiatives and contributions – the costs implied by the management of the situations confronted, how it managed to survive in a permanently conflictual community, as well as the position of Romania as a peaceful and cooperative actor worth of being considered in the international life.

If in the first part of the book – *crucial moments*, we have a *horizontal* presentation of the foreign policy and diplomacy, the series of fateful events, extreme and dangerous Romania went through, *in the second part – Romania an active factor in the international life*, we have a vertical presentation of its relations, both bilateral and multilateral it entertained.

The crucial stages of great tests in the destiny of Romania are showed in zigzag manner, on this centenary path, on a line with ups and downs, with balances from one extreme to another, from Triumph [the creation of Greater Romania] to moments of agony, with ill-fated periods, of collapse and disaster to which Romania was pushed; its survival after these series of cruel tests should be considered a real *miracle*.

The stage, very complicated and of great risks for its existence, starts with the participation of Romania to the great war, with the sacrifices it implied [10% of its population destroyed], followed by the Paris Conference [1918-1920], where the centuries old dream of Romanians – unification of the nation – was consecrated.

A special place is given to Peace Conference in Paris [1918-1920], the greatest conference ever organized [by the number and the highest level of its participants, the radical decisions and their deep consequences, as well as by the numbers of treaties signed] of a capital importance for the destiny of Romanian nation.



We can find the developments of this unique event [the participants and the antagonism among them, the problems considered, the adopted decisions, the treaties signed and so on]. It is presented the participation of Romania in its capacity of belligerent state [being a signatory of all 11 treaties], including the attempts to prevent its admission to the Conference, the modalities of the approach to its rights and of ways – tenacity and dignity, of sustaining its cause. It is underlined the importance of the Conference for the decisions adopted and their consequences for a long period of time, a new order established and rules instituted in Europe and other principles of relations among the states. The collapse of anachronist empires led to drawing up of another political geography in Europe, setting at the base of its decisions a new principle – *the principle of nationalities*. Some states reappeared – Poland; others set themselves as sovereign national states, other reintegrated as was unification of Romanians in a single state, the historical achievement as Greater Romania with worldwide recognition.

Our Foreign policy during the decades following Versailles was centered on defending and conservation of these great achievements, Romania being among the most active states in The League of Nations, initiating regional alliances meant to block the revision of the concluded treaties, carrying on a constructive and peaceful diplomacy.

The events which followed in Europe led to the «Golgota» of Greater Romania – tearing up of its territory by the revenging, aggressive powers in favour of U.R.S.S., Bulgaria and Hungary; in less than three months from Romania was taken a third of its territory and population [as a result of the ultimatum of 25th of June 1940 from Moscow, according to the illegal and undignified understanding Ribbentrop-Molotov of 1939, of the arbitrary sentence of 30th of August in Vienna and of the *Treaty of Craiova*]. It is mentioned the continuous harassment of Romania by its aggressive neighbours.

There is an examination of the text and the consequences of the nefarious *Peace Treaty of Paris* of 1947, which by its unjust and revengeful decisions, signified not only the doomed fate of Romanians in Bessarabia, Northern Bucovina and Cadrilater, but especially the occupation and then Russian domination and the isolation of Romania from Europe for a half of century. It is presented this black page of the history of Romanians, but also the way Romania gradually succeeded to exit from the Russian domination. In the second period [after 1964], Romania developed a brilliant foreign policy of independence and the affirmation of the national interest – having at highest level contacts with the Great Powers and other countries of all continents. Diplomacy of this period is worth of being considered as an example of ability and courage of a smaller state, appreciated at that time, based on facts and documents.

It is presented the resumption of relations with Western Europe, the accession of Romania into Council of Europe, N.A.T.O. and EU., which represented the fulfilment of the expectations of Romanians, a new and hopefully splendid period in the history of our nation.

In the second part of the book, there is a vertical approach of the foreign policy and diplomacy, being described Romania's relations with other countries – bilateral diplomacy. One by one, are presented the relations with Great Powers (U.S.A., France, Germany, Russian Federation), some neighboring countries (Hungary and Poland) and other countries.

Regarding multilateral diplomacy, through conferences and international organizations, it is presented the activity of Romania at the United Nations [the actions and initiatives taken, the presidency of the General Assembly], International Labour Organization [I.L.O.], the contribution of Romania in C.S.C.E., Danubian policy, economic policy of Romania [W.T.O., E.U. etc]



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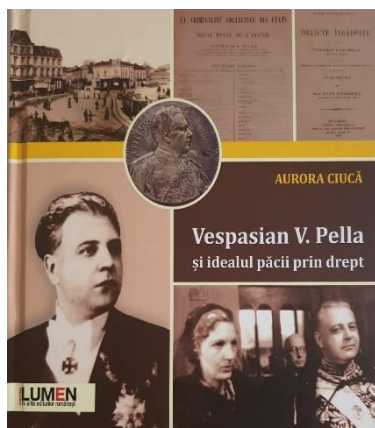
It is presented Romania's participation in the League of Nations and the prominence personality of the great Romanian diplomat Nicolae Titulescu [two times president of the League's Assembly] and of Romanian jurist Vespasian Pella, pathfinder in approaches of the World juridical thinking.

It should be mentioned the remarkable fact that this book, lacking precedents, at least regarding what was published up to now in Romania, has the quality of novelty - oneness in a such delicate field as the diplomacy is, a 'premiere' occasioned by the Centenary of the Union, but also in the inspired manner the authors conceived it. A novelty in the professional literature too, as a result of such a global and complete approach, covering to the point, not 'in general', the entire spectrum of foreign policy and diplomacy of a state. The richness of ideas and judgements concentrated on the subject and without inhibitions, daringly formulated in a set of coherent factors which ensure full and correct evaluation are committed by professionals themselves, not by dilettantes who are talking about what others know. So, we have a clear and objective assessment of facts and phenomena of Romanian Foreign policy and diplomacy, a fruit of qualification rigorously and honestly performed. All these assessments are being elaborated starting from the perennial interests of Romania, not from the interests various political regimes or individuals which succeeded each other in government, not interested in the destiny of Romania but in their own benefit.

By recording facts and events, as well as by drawing an accurately image which Romania had over the century, the book is offering a precious historical witness on its existence, of great utility in the prospects of the following transformations.



Vespasian V. Pella și idealul păcii prin drept



Pentru contemporanii săi, Vespasian V. Pella (1897-1952) a fost inițiatorul unui grandios proiect reformator al dreptului internațional, a fost cel care a pledat, cu curaj și convingere, în cele mai importante foruri ale Europei interbelice pentru "dreptul păcii" fundamentat pe principiile justiției internaționale. Vreme de trei decenii, a susținut prin ineditul propunerilor sale: a creionat o primă definiție a agresiunii, a propus soluții pentru reprimarea pirateriei, a terorismului, a genocidului, a susținut construcția europeană, unificarea dreptului internațional și crearea unei instanțe penale internaționale.

"Românul în spiritul căruia, într-o manieră foarte fericită, facultățile unui savant sunt asociate cu cele ale unui distins om politic" (J.Kallab) are meritul de a fi construit importante punți între mediul academic și cel politic, întreținând fructuoase relații de colaborare cu Nicolae Titulescu, cu Léopold Bioissier (secretar general al Uniunii Interparlamentare), cu generalul englez E.L. Spears (membru al Camerei Comunelor), J.A.Enckel (Ministrul Afacerilor Externe din Finlanda), Conte H. Carton de Wiart (Ministru de Stat) dar și cu marii juriști Donnedieu de Vabres (judecător la CIJ), André Weiss (Vicepreședinte al CIJ), Raffaele Garofalo, Enrico Ferri, J. Kallab, Quintiliano Saldana (vicepreședinte al Asociației Internaționale de Drept Penal), Nicolas Politis (Vicepreședintele Curatorului Academiei de Drept Internațional de la Haga), George Scelle, Hans Kelsen, Alfred Verdross, Rene Cassin, Aristide Briand.

Astăzi, Asociația Internațională de Drept Penal îl onorează ca fost președinte, Curtea Penală Internațională i-a dedicat o sală ce-i poartă numele, juriștii internaționaliști din marile universități ale lumii îl menționează cu reverență în studiile referitoare la istoria dreptului internațional.



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Dispariția sa prematură, în exil (după ce a fost pe lista celor 400 de ambasadori eliberați din funcție odată cu instaurarea regimului comunist), a făcut ca, în propria-i țară, să fie prea puțin cunoscut. Inspirați de excepționalele sale realizări și dornici de a-l readuce în atenția juriștilor Mileniului al Treilea, ne-am propus, ca membri ai asociației academice care-i poartă numele, să contribuim la restituirea operei ilustrului nostru înaintaș și să-l readucem...acasă.

Prezentul volum, care conține atât documente și imagini inedite (din Arhivele Naționale ale României - Filiala Iași, de la Biblioteca Centrală Universitară "Mihai Eminescu" din Iași (Secția Colecții Speciale), Biblioteca Națională a României, arhiva Academiei de Drept Internațional de la Haga și din Biblioteca Națională a Franței) cât și fragmente din studiile ce-i sunt dedicate, se înscrie în seria acestor demersuri, surprinzând efervescenta activitate a profesorului Pella care pornea de la Facultatea de Drept din Iași într-o frumoasă aventură intelectuală națională și internațională, înțelegând să reprezinte România în mod exemplar, să promoveze ideile pacifiste și nevoia de solidaritate umană.

Prima parte reunește date biografice mai puțin cunoscute, acte de studii, publicații literare, cereri și note olografe (adresate Baroului Iași, conducerii Facultății de Drept sau rectoratului Universității AL.I. Cuza), corespondența cu N.T. Buzea, lista de lucrări și aprecierile acestora, propunerile pentru organizarea unor conferințe internaționale etc, care reconstituie universul pellan. În cea de-a doua parte, autoarea subliniază modul magistral în care Pella s-a înscris în galeria marilor juriști ai lumii prin creionarea "dreptului viitorului" ca drept al păcii, prin promovarea ideii de justiție penală internațională și a unificării dreptului penal.

Aurora Ciucă