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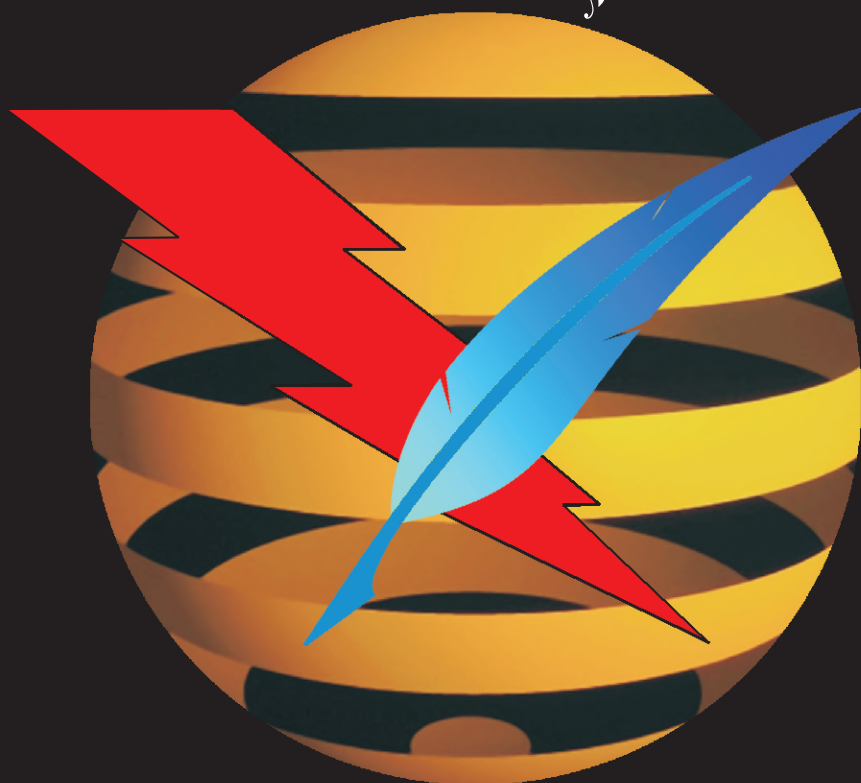
EDITORIAL BORD

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CONTENTS

THE ROLE OF THE PRESIDENT OF ROMANIA IN THE EXECUTIVE POWER

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Abstract. *Romanian society, the state and public administration are facing some challenges, generated by the evolution of the contemporary world. In this respect, all institutions part of this system, and including here the Head of the State had to be adapted and reformed over time, in order to face the political, economic, administrative and legal challenges. The Institution of the Head of State institution has been and it remains over time one of the central pillars of Romanian society, suffering changes and adaptation as public administration system and society in general. In Romania, the head of state has significant responsibilities within the executive power, following the constitutional consecration of the two-headed executive. Thus, the paper aimed is to analyse the importance of the institution - Head of State, President of Romania plays in the system of public administration because of the role it plays in the executive power. The research in mainly one descriptive and the analysis in a qualitative one. It consisted in study materials of specialty, administrative and constitutional laws and the jurisprudence of the Constitutional Court of Romania.*

Keywords: *head of state, dualist executive, government, public administration.*

1. INTRODUCTION

The President of Romania is one of the two heads of the executive, his powers within the executive power is exercised in relation to the Government, and mainly with its leader, the Prime Minister and then with other public administration authorities, according to constitutional and legal provisions.

Nowadays, in the constitutional Romanian regime, the central administration consists in the President, Government, specialized central bodies (ministries, other bodies subordinated to the government or ministries, autonomous administrative authorities) and central public institutions subordinated to ministries and autonomous administrative authorities (including RAs and national companies) (Apostol Tofan, 2008, pp. 127–181).

Thus, it is necessary to emphasize the study that the President of Romania, involving the exercise of functions inherent in this political and administrative institutions, does not have absolute power in carrying out its functions. These functions are individual functions of the executive, their practice is shared between the President of Romania and the Government, both authorities being under parliamentary control (Tănăsescu, 2004).

2. OVERVIEW OF EXECUTIVE POWER

The executive power or the Executive designate the function of the state involving law enforcement and implementation. This state function includes various activities, among which enters coordinating public administration actions to implement the law, carrying out direct actions of law enforcement or law enforcement organization, boost the legislative process and overall management of the state (Vida, 1994).

In structural terms, it can be distinguished between the monocratic executive and the dualist executive. In the regime of monocratic executive, the executive function is held by a single state entity, unipersonal or collegial one. The monocratic executive features contemporary presidential political regimes, which is reduced from the president.

The dualist executive is characterized by the fact that executive function is entrusted to the head state and a collegial body - the government - which has tasks they perform relatively autonomous.

Parliamentary regimes are, by their nature, dualistic, because they have a head of state, appointed by parliament and a government which has at its head a prime minister, who is now the chief executive.

In the Romanian constitutional system, the executive is dualist: Romanian president is elected by universal, equal, direct and secret suffrage and government (Article 81, para. 1, Constitution of Romania), appointed by Parliament, composed of the Prime Minister, Ministers and other members established by organic law (Article 102, Constitution of Romania).

Due to the two-headed organization of executive power, the Constitution establishes separate powers between the President and the Prime Minister, among others, to prevent a conflict of jurisdiction between them.

Thus, in terms of the constitutional President of Romania with Parliament and Government, the Constitution gives the President of Romania double role (Ionescu, 2012):

- head of state without a constitutional text expressly to use that name, it is also applying to monarchical forms of government, and for the Republican. In this role the President of Romania represents the Romanian state in national and international relations and mediates the relations between the state powers and between the State and society;

- high public authority of executive power. In this role assigned exclusive powers of the executive sphere. And some of the duties incumbent as a state representative falls under the executive power.

By its constitutional role and functions, the President of Romania shall be the factor that discourages excess power of Parliament and the Government. The President has thus had several remedies, among which we can mention the messages to Parliament, Government consultation and participation in its meetings.

In the following paragraphs, we will analyze as part of a role the President plays in executive power, its relations with the Government and the relationships it has with other government authorities. In this way we are able to outline the exact place this institution occupies in the administrative system.

3. RELATIONS BETWEEN THE GOVERNMENT AND THE PRESIDENT OF ROMANIA

In relation to the prime minister, the central political figure of the Government, which can be a politician or a personality neutral political parties (a technocrat) president has limited powers.

First, President initiates and completes the procedure for the investiture of the Government, exercising the following two functions for this purpose (Article 85, para. 1, and article 103, Constitution of Romania):

- appointment of the candidate for prime minister and
- appointment of the Government on the vote of confidence of Parliament.

Also in relation with the Government, the Constitution stipulates the following duties for the President (Article 85, para. 1 and 2, and 87, Constitution of Romania):

- revocation and appointment of members of the Government, in case of vacancy of office or government reshuffle, the Prime Minister's proposal
- consultation with the Government about urgent, extremely important and participating in meetings of the Government.

Regarding the procedure for conferring upon the Government, it involves organizing political consultations within the political party that holds the majority in Parliament or in the absence of a majority, in consultation with all political parties represented in Parliament. These consultations also aim to achieve a majority vote of confidence of the Government (Vida&Vida, 2012).

Thus, the President must call parliamentary parties to consultations, even if they refuse to appear (some or all) this obligation is fulfilled.

The appointment of the candidate for prime minister must be done by decree, and it is one of the powers of the President, and as stated in Art. 100 of the Constitution, the exercise of its functions, the President issues decrees.

If the Prime Minister is in one of the situations referred to in art. 106 of the Constitution, except revocation President shall designate another Government member as an interim Prime Minister. In this case, the President may appoint any member of the Government is to be performed for interim consultations. If the interim was ordered because of the impossibility duties, while the prime minister 45 days to return to the head of the Government.

Regarding the appointment of other members of the Government, through Decision no.356 of 5 April 2007 of the Constitutional Court of Romania (published in the Official Gazette of Romania, Part I, No. 322 from 14.05.2007) , related to the event of the president refusal to accept a proposal for the appointment of a minister for the post when it became vacant through resignation, the Court finds that *" as Parliament does not exercise a veto, but an activity of verifying the conditions of compliance, so any Romanian president has no veto right against the prime minister's proposal, but has the right to verify the compliance of the*

function of candidate and ask the Prime Minister proposes an alternative candidate. In all cases the rejection of the application must be substantiated. "

Also the Court, in the present case states that "the President of Romania reasons for the request cannot be censored by the Prime Minister, who, under the procedure of art. 85 para. (2) of the Constitution, it has only the right to propose to the President to appoint a minister and not making power. "

Concerning the possibility of the President to attend the reunions of the Government on the "main urgent important problems", it is held to have as an option by the President because it can take and only certain decisions or after consulting the Government. It is free to appreciate the importance and urgency of the matter.

The participation of the President at the Government meetings, according to Art. 87, para. 1 of the Constitution, is a way of involving the President in analyzing and solving problems of national interest, foreign policy or public order.

The president is the one who decides to participate on its own initiative or at the request of the Prime Minister. Participation in debates not entitle the President to take part in the adoption of a decision or vote on it.

4. POWERS OF THE PRESIDENT OF ROMANIA WITH RESPECT TO OTHER AUTHORITIES OF THE PUBLIC ADMINISTRATION

In the relations with the other authorities of the administrative system, the President has as main attributions:

- conducting independent administrative institutions – Supreme Council of National Defence
- appointment or appointment to public participation in exercising leadership of authorities of public administration;
- responsibilities in achieving foreign policy.

The management of autonomous administrative institutions is achieved by virtue formula according to the Constitution which provided that Romanian president is commander of the armed forces and president of the Supreme Council of National Defence, as when, according to the special law on the matter, convened works, coordinates and directs its entire business.

Also in the category of responsibilities with respect to other government authorities, Romanian President proposes to appoint directors of public administration authorities. Thus,

Parliament met in joint session, called the proposal the President of Romania, approve the nomination of the directors of the intelligence services and it controls the activity of these services (Article 65, para. 2, h, Constitution of Romania)

Thus, compared to the initial version of this constitutional provision is limited to provide attribution appointment to the President's proposal, only the Director of the Romanian Intelligence Service, the reviewed law used the plural, since this is an area in which it operates several authorities, and not just one alongside the Romanian Intelligence Service, being organized by law, the Foreign intelligence service and a service of technical information in the field of communications.

Considering all the foreign policy dimension of the executive power that regulate certain functions and head of state in this area presents the significance of his involvement in administrative decision-making process. In this respect, *" the President concludes international treaties on behalf of Romania, negotiated by the Government, and then submit them to Parliament for ratification, within a reasonable time"* (Article 81, Constitution of Romania).

Another category of powers in foreign policy, ensuring diplomatic ties with other countries through: accreditation and recall diplomatic representatives, proposed by the Government; approval of the establishment, dissolution or change in rank of diplomatic missions accredited to the Government's proposal and diplomatic representatives of other countries (one of the few presidential powers exercised unconditionally).

5. CONCLUSIONS

From the research conducted in the paper, it can could be highlighted, as important role of the Romanian President in the dualist executive the following:

• it has an important role in external relations, integrated role in various degrees in business administration;

• the possibility of intervention in the legislative procedure is an essential mechanism for the law enforcement system and law implementation;

• trough the stability function that it has and its moral authority, it is the commander of armed forces, the latter being one of the pillars of the state administrative apparatus.

Thus, we conclude that Romanian President - Head of State – identify itself with the Romanian State, it is part of the executive, and it is in this role, it is one of the central pillars

for achieving the rule of law, elimination of administrative centralism and achieving good governance.

All these changes and adaptation that suffered also the institutions of the President of Romania, has as final objectives not only achieving good governance and consolidating the rule of law, but also the entire institutional experience gained within the public administration should be used to achieve the ideals of development: economic, social, political etc (see Berceanu & Cărăuşan, 2014), specific to the current days.

References

1) APOSTOL TOFAN D. (2008), *Organizarea administraţiei publice româneşti în context European / Organization of the Romanian Public Administration in the Eruopean Context*, ST. DE DREPT ROMÂNESC, an 20 (53), nr. 1–2, Bucuharest, pp. 127–181;

2) BERCEANU B., CĂRĂUŞAN M., (2014), *The Civil Service Reform in the Context of Sustainable Development. A Comparison between Romania and Italy*, Acta Universitatis Danubius. Administratio, vol. 6, no. 1, pp. 26-40;

3) CONSTITUTION OF ROMANIA, adopted in the meeting of the Constituent Assembly of 21 November 1991, published in the Official Gazette of Romania, Part I, no. 233 of 21 November 1991 and entered into force after its approval by national referendum of December 8, 1991, as amended and supplemented by Law revision of the Constitution no. 429/2003, published in the Official Gazette of Romania, Part I, no. 758 of 29 October 2003;

4) DECISION NO.356 of 5 April 2007 of the Constitutional Court of Romania**,** published in the Official Gazette of Romania, Part I, No. 322 from 14.05.2007;

5) IONESCU C. (2012), *Instituţia Preşedintelui României nîn actuala arhitectură constituţională/ The Institution of the President of Romania in the actual constitutional architecture,* Sfera Politicii nr. 6 (172), pp. 11-20;

6) TĂNĂSESCU S. E. (2004), *Legile electorale – Comentarii şi explicaţii / The Electoral Laws – Comments and explanations*, Buharest, All Beck Publishing House;

7) VIDA I. (1994), *Puterea executivă şi administraţia publică/ Executive power and public administration*, Bucharest: M.O. Publishing House;

8) VIDA I., VIDA I.C (2012), *Puterea executivă şi administraţia publică/ , Executive power and public administration* Ediţia a II-a, Cluj-Napoca: Cordial Publishing House.

ERASMUS+ SOCIAL ENTREPRENEURSHIP. A NEW FORMULA FOR EXPLORING THE CREATIVITY AND INNOVATION FOR YOUNG PEOPLE

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Abstract

The driving forces behind the redesign of the Erasmus programmes were the EU and the national initiatives in knowledge, innovation, education, digital society, green production, competitiveness, job creation, skill acquisition and in the fight against poverty.
The European Commission (2014) has stated the great importance of education, training, youth and sport in helping to tackle the key challenges that Europe is facing both now and in the next decade.
Key action 2 of the Erasmus+ Programme "Cooperation for innovation and the exchange of the good practices" promotes innovative actions for enhancing employability and entrepreneurship, namely "Knowledge Alliances" and "Sector Skills Alliances".
Following the important aspects of the Key Action 2 of the Erasmus+ Programme, the paper aims at identifying the current concerns and partnerships in using a new formula for exploring creativity and innovation in young people: Erasmus+ Social Entrepreneurship.
The arguments for the current research are: firstly, the great focus on the issue of social entrepreneurship and Erasmus+ in educational programmes across Europe (Euclid Network UK - projects of Erasmus for Social Entrepreneurs; Salto Youth network European Commission – training course Using Social Entrepreneurship in Erasmus+); secondly, the great need in identifying innovative solutions for youth employment (the youth unemployment rate reached a new historic high of 23.5% in February 2013, Eurostat, 2013); thirdly, the fact that social entrepreneurship represents one of the most effective and innovative solutions to youth unemployment and poverty reduction (the "Erasmus for Young Entrepreneurs" Programme of the European Commission aims to increase the number of start-ups, to boost their resilience and to create jobs).

*In order to achieve the aim of the paper, **the research methodology** will employ two main sections:*
- *The first section - an empirical study of successful Erasmus stories from within the National University of Political Studies and Public Administration, Romania in its cooperation with partner-universities. The objective is to analyse and identify the labour insertion opportunities for Erasmus students after attending this programme. The empirical study will make use of questionnaires completed by former Erasmus students within the National University of Political Studies and Public Administration, Romania with partner-universities and statistical data obtained;*
- *The second section - a descriptive analysis of the current initiatives in Erasmus+ and Social Entrepreneurship, connected to the empirical study's results. The objective is to identify the partnerships and financing opportunities for Erasmus+ and Social Entrepreneurship across Europe. The descriptive analysis will make use of reports and documents at European and national levels.*

Key words: *innovation, youth, entrepreneurship, Erasmus+*

1. Introduction

Previously, the Lifelong Learning Programme (LLP) 2007-2013 had the main goal to stimulate people to learn and train across Europe, with no regard to their age, education or experience of work.

Under this umbrella, Erasmus was the Programme for Union action, addressed to institutions of higher education. Its main objective was to improve the level of education and foster the European dimension of higher education studies, notably through increased learning mobility opportunities, strengthened cooperation between higher education institutions, as well as international student and staff exchange in Europe.

Participation in the European Lifelong Learning programme was notable, unique and inspiring. For many universities participation in the programme was a way to establish or strengthen their international network (Nen, Rădulescu, 2011:4-6). They also wanted to develop their internationalisation policy and increase the professional skills of participants, for example their teachers (Nen, Stoika, Rădulescu, 2011:3).

Currently, **Erasmus +** (2014-2020) brings "an integrated, more accessible programme, a renewed focus on skills for employment, new opportunities for modernizing teaching and learning, new partnerships between education and worlds of work" (European Commission). According to the official website, "the programme is the new 16 billion euro catch-all framework programme for education, training, youth and sport, built on the well-known and respected EU brand of the highly successful Erasmus student exchange programme".

All previous programmes functioning under the framework of LLP, like Youth in Action, Erasmus or Comenius are included in Erasmus+. The new programme is divided into 3 principal pillars targeting on education and formation, youth, and last, but not least, sport.

The main objective of **Erasmus+** is to improve employability of the youth by acquiring supplementary competences appreciated by employers, as well as improving their language skills and flexibility.

The youth sector part will be based around three different types of projects, known as Key Actions. These three Key Actions are: Key Action 1: *Learning mobility of individuals*, addressed to Staff (teachers, trainers, school leaders and youth workers) and students; Key Action 2: *Co-operation and Innovation for Good Practices*, addressed to universities, international NGOs and youth workers; Key Action 3: *Support for Policy Reform* which includes some old action from Youth in Action, the EU presidency events and Council of Europe events.

The causes of this new approach consist of: deep economic crisis + high youth unemployment; existing vacancies in job market contrasts with profound skill gaps and low employability levels of graduates; rising demand for high skill jobs; global competition talent: internationalization of education; broadening of learning offer and potential of ICT; complementary ways of learning: formal, informal, non-formal; and finally, the need to connect with the enterprises.

As new ways to support young people in developing skills to satisfy diverse social needs become more and more necessary, combining *Erasmus+ and social entrepreneurship can represents a new formula to explore the creativity and innovation of young people*.

On one hand, European Commission designed the new Erasmus programme *"to boost skills and employability, as well as modernizing education, training and youth work",* thus "*reflecting by an increased spending level with 40% the EU's commitment to investing in the above mentioned areas*".

On the other hand, social entrepreneurship seeks new ways for developing and implementing sustainable methods for improving the lives of various vulnerable groups. These new ways are represented by: *"a) a type of business or private activity with a social purpose (such as combating social exclusion or unemployment), based on the producing and providing of public goods and services; b) sustainability by reinvesting the surpluses in this activity; c) a high level of social responsibility and a certain participation level of stakeholders."* (Sandu, 2013)

2. The current initiatives in Erasmus+ and Social Entrepreneurship

Knowledge Alliances are transnational, structured and result-driven projects, notably between higher education and business, getting together partners who share common ideas and goals in order to obtain mutually beneficial results and outcomes (European Commission).

Knowledge Alliances is seen as an efficient tool aiming to strengthen Europe's innovation capacity and to promote the spirit of innovation in universities, enterprises, and any other socio-economic environment. The main goals tackle the issues of developing "new, innovative and multidisciplinary approaches to teaching and learning" in response to the business needs; stimulating "entrepreneurship and entrepreneurial skills of students, academic and company staff"; facilitating "the exchange, flow and co-creation of knowledge" (European Commission).

The key features of Knowledge Alliances are:

Innovation in higher education and innovation through higher education in enterprises and their socioeconomic environment: innovation is considered as state-of-the-art project-specific and related to the partnerships context and analysed needs.

• Sustainability of university-business cooperation. A strong and committed partnership with a balanced participation from enterprises and higher education institutions are pivotal for the success of Knowledge Alliances. The role and contribution of each participating organization and associate partner have to be specific and complementary.

• Impact going beyond the project's lifetime and beyond the organizations involved in the Alliance. It is expected that partnership and activities persist. Changes in higher education institutions and enterprises have to be measurable. Results and solutions have to be transferable and accessible to a broader audience.

Sector Skills Alliances are created to deliver transnational projects focused on joint vocational training programmes and teaching and training methodologies. "A particular focus is to be put on work-based learning, providing learners with the skills required by the labour market. Sector Skills Alliances also put the EU wide recognition tools into practice" (The European Union Programmes Agency).

The key features of Sector Skills Alliances are:

• Innovation in vocational education and training, in different economic sectors and related occupational profiles (where available ESCO).

• Impact going beyond the project's lifetime and beyond the organizations involved in the Alliance. It is expected that partnership and activities persist. Changes in VET

organizations and in different economic sectors/occupational profiles have to be measurable. Results and solutions have to be transferable and accessible to a broader audience. The results of Sector Skills Alliances should feed into the developments of the European Skills, Competences and Occupations taxonomy and of the European Sector Skills Councils.

At European level, it is clearly stated that Europe needs more entrepreneurs and more innovation. That's why the focus is on enabling the entrepreneurial mind-sets of young people and the education; the learning experiences play an important role in promoting this entrepreneurial spirit (European Commission)**.

Thus, the entrepreneurship competence includes transversal skills and attitudes as well as more specialised knowledge and business skills. Generally speaking, entrepreneurship should be considered as a mind-set that provides a foundation for entrepreneurs establishing a social or commercial activity, in any country. Entrepreneurship is a key competence for lifelong learning, as defined in the 2006 European Framework for Key Competences (Recommendation 2006/962/EC of the European Parliament and of the Council)*

At European level, there are different programmes and activities concerning the education for entrepreneurship. However, there is a need of promoting these initiatives more systematically, as The European Commission is committed to promoting education for entrepreneurship at all levels, from primary school to university and beyond.

3. Empirical study within Faculty of Public Administration

The Faculty of Public Administration started to collaborate with European universities in 2004. Since then, under the framework of the LLP, there were 140 Romanian students benefiting from education and training programmes abroad – outgoing (110 students with study mobility and 30 students with placement mobility) and 56 foreign students – incoming.

Thus, in comparing the numbers one can observe the fact that there is a balance between the outgoing and incoming students.

The international experiences of the Romanian students need to be analysed in terms of labour insertion opportunities after attending the Erasmus programme.

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* Eight key competences are described, among them: ***Sense of initiative and entrepreneurship*** which is "*the ability to turn ideas into action. It involves creativity, innovation and risk-taking, as well as the ability to plan and manage projects in order to achieve objectives. The individual is aware of the context of his/her work and is able to seize opportunities that arise. It is the foundation for acquiring more specific skills and knowledge needed by those establishing or contributing to social or commercial activity. This should include awareness of ethical values and promote good governance*".

In this regard, the empirical study focuses on the following sections: A) Applicant student profile; B) labour insertion assessments; C) personal statement on the Erasmus programme's learning outcomes.

The timeframe corresponds to the LLP implementation of 2007-2013, when the Jean Monnet and Bologna processes were running simultaneously in Romania, namely 1 series of 4 years of study (promotion of 2004-2008) and 1 series of 4 years of study (promotion of 2005-2008).

One can observe the intensity of the Erasmus experiences in the academic year 2011-2012, which alone encompassed 35% of all the applications for the 2007-2013 period.

Figure 1: Frequency of cases within the timeframe
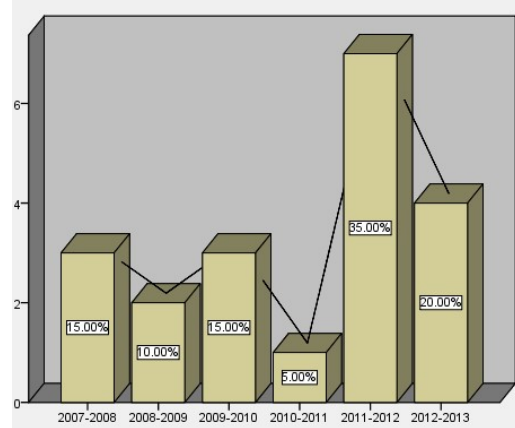
Source: own elaboration

Within the current sample, there were identified 15 students for the three years of study series (180 ECTS), 1 student from the four years of study series (240 ECTS) and 4 students in master programmes (120 ECTS).

A)   **Applicant student profile** comprises of a series of relevant items, namely:

1)   *Year of study, specialization and average graduation grade*

Table 1: Frequency Year of study

		ECTS		Percentage	ECTS	Percentage
Year of study		240	180		120	
	2nd	0	6	30	4	20
	3rd	0	9	45	0	0
	4th	1	0	5	0	0
Total		1	15	80	4	20

Source: own elaboration

Table 1 illustrates the fact that 50% of cases chose to go in Erasmus in the last year of study, the academic year of graduation (3rd and 4th) and 30% of cases chose to go in the academic

year before graduation (2nd). Master students are eligible for the Erasmus programme only in the 2nd year of study, which is the final academic year.

Table 2: Correlation Specialization* Academic situation

		Academic situation		
		promoted all	promoted a part	Total
Specialization	PA	3	0	3 (15%)
	EPA	15	2	17 (85%)
Total		18 (90%)	2	20

Source: own elaboration

85% of cases are students in European Public Administration (15% of cases students of specialization Public Administration)** and 90% of cases promoted all the exams during their Erasmus programme.

2) *Length of the Erasmus programme*

Table 3: Frequency of programme length

	Frequency	Percent
1 semester	17	85.0
2 semesters	3	15.0
Total	20	100.0

Source: own elaboration

85% of students choose to attend 1 semester for the Erasmus programme (Table 3), the main argument is based on financial considerations (300 euro/student/month is considered to be insufficient and they are not able to find additional financial resources for more than 1 semester).

3) *Hosting country and specialization preferences*

Figure 2: Frequency hosting country   **Figure 3: Correlation Hosting country*Specialization**
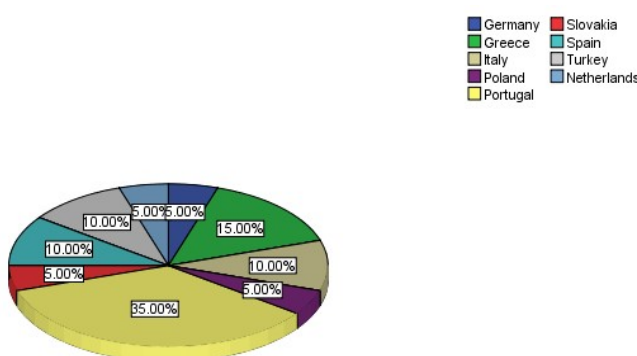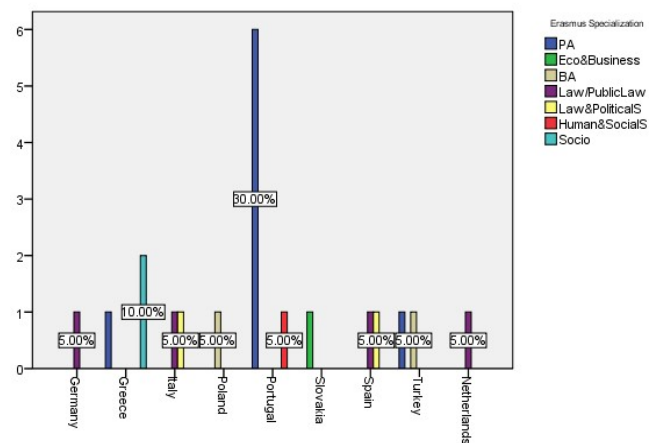
Source: own elaboration   **Source: own elaboration**

**The Faculty of Public Administration has two specializations: Public Administration and European Public Administration. Students must choose their specialization in the 2nd year of study, 2nd semester

The most frequented country in the Erasmus programme is Portugal (35%), followed by Greece (15%), Spain, Italy and Turkey (10% each).

Generally, the option in the Erasmus programme is for the country and not for the hosting university or for a specific specialization.

When referring to the corresponding specialization within the hosting university, 40% of the programmes are in Public Administration (Portugal- the majority of cases, Turkey and Greece), 30% in Law and Public Law (Germany, Italy, Spain and the Netherlands), 15% in Economics and Business Administration (Poland, Slovakia and Turkey), 15% in Human Sciences and Sociology (Greece and Portugal).

B)   **Labour insurance assessments** comprises of a series of relevant items, namely:

1)   Highest educational level achieved, current position and years of experience

There are 65% of cases between the ages of 20-25 years old and 35% of cases between 26-31 years old.

Features of category 20-25 years old: 38 % bachelor degree, **61 % master degree**; **38% administrative position**, 23% executive position, 15% managerial position, 15% unemployed, 0,07% others (cabin crew), **0 cases entrepreneur**; years of experience – **53% less 1 year**, 23% between 1-3 years, 15% between 4-6 years, 0,07% over 6 years.

Features of category 26-31 years old: 14% bachelor degree, **85% master degree**; **43% administrative position**, 14% executive position, 28% managerial position, 14%unemployed, **0 cases entrepreneur**; years of experience – 0 cases less 1 year, 43% between 1-3 years, **57% between 4-6 years**, 0 cases over 6 years.

Figure 4: Correlation current position* years experience
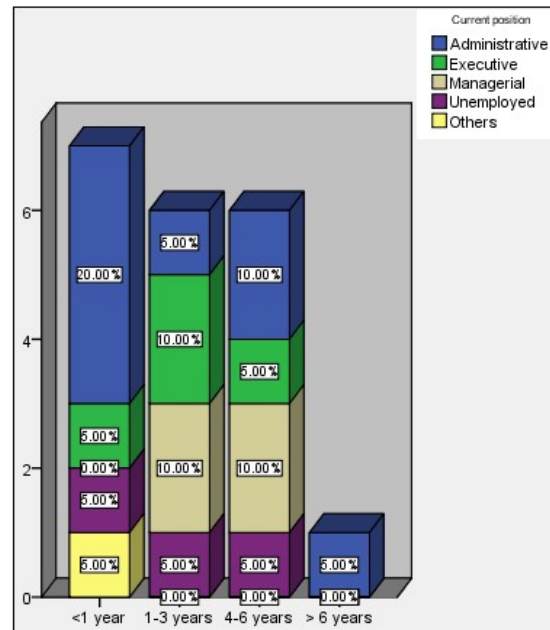
Source: own elaboration

2)   Sector of activity and location

Figure 5 illustrates the fact that only 20% (4 from 20) cases choose to work abroad after the Erasmus experience. One can predict that this percentage might correspond to the category of master level during the programme and to a length of 2 semesters. Instead, it corresponds to the category of *bachelor level during the programme and 1 semester in length*.

As an important remark, 3 from 4 cases (75%) working abroad were Erasmus students in the last year of study, before graduation.

75% of cases work in private sector, only 5% in public sector and 5% in NGOs, 15% unemployed and 0 cases entrepreneur.

Figure 5: Correlation sector activity*location
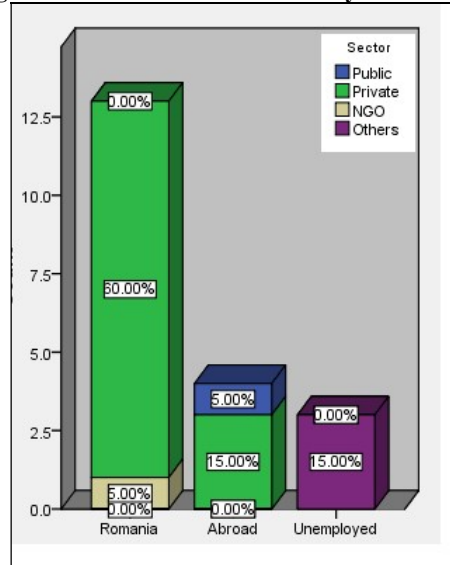
Source: own elaboration

C)   <u>Personal statement on Erasmus programme learning outcomes</u>

1)   Correlation between specific competences of Faculty of Public Administration and hosting university

The specific competences of the Faculty of PA are described in the Diploma Supplement on three important categories: cognitive and instrumental competences, interpersonal competences and systemic and decision-making competences.

The authors consider that integrating approaches on the partner-universities represent an important pillar in assessing the Erasmus students' competences and labour insertion opportunities.

Thus, tables 4, 5 and 6 illustrate the compliance of specific competences between the partner-universities' programmes (relevant only over the percentage of 50% of cases).

Table 4: Compliance of instrumental and cognitive competences

	No. of cases	Percent of total cases
Basic concepts	12	60.0%
Public Management	10	50.0%
PS functioning	11	55.0%
PS analyse	7	35.0%
PS arguments	14	70.0%
Complex relations	8	40.0%
Apply concrete case	12	60.0%
Using info	11	55.0%
IT	7	35.0%
Written& Oral Com	16	80.0%
Average percentage		54%

Source: own elaboration

Table 5: Compliance of interpersonal competences

	No. of cases	Percent of total cases
Communication relations	16	80.0%
Work relations	18	90.0%
Argumentation	15	75.0%
Problem solving	11	55.0%
Leadership& civic work	11	55.0%
Average percentage		71%

Source: own elaboration

Table 6: Compliance of systemic and decision-making competences

	No. of cases	Percent of total cases
Anticipate PS problems	13	65.0%
Strategic PS planning	6	30.0%
Implement public decision	7	35.0%
EU/national projects	4	20.0%
Legislative expertise	11	55.0%
Average percentage		41%

Source: own elaboration

By identifying the most frequent answers, one can observe that Erasmus students consider the compliance of interpersonal competences as the most relevant, followed by instrumental and cognitive competences. The systemic and decision-making competences are seen as less relevant (differences visible in Figure 6).

Figure 6: Compliance of specific competences
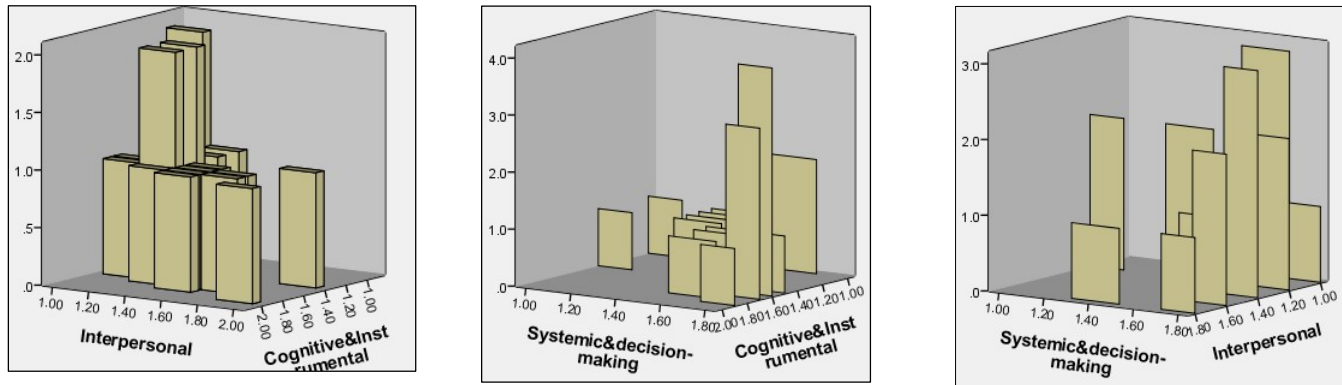
Source: own elaboration

2) *Education and employment opportunities*

Erasmus+ leaflet reveals a series of objectives for the next timeframe of 2014-2020.

By turning these objectives into prerequisite steps within the LLP, a clear picture can be obtained from the beneficiaries of the Erasmus programme on their opinions about the learning outcomes.

Table 7: Education and employment considerations

No.	Question "Do you consider that the Erasmus programme…"	Yes	No
1.	Offered you the chance to explore more opportunities to study, train and gain work experience or volunteer abroad?	90%	10%
2.	Is a good opportunity for education, training and youth sector staff to teach or learn abroad?	100%	0%
3.	Contributes to the development of digital education and the use of ICT?	90%	10%
4.	Is useful for language learning?	100%	0%
5.	Contributes to the recognition of skills, including those learned outside the formal education system?	90%	10%
6.	Fosters quality improvements and innovation through strategic partnership among educational institutions and youth organizations with peers in other countries?	85%	15%
7.	Addresses skills gaps and fosters entrepreneurship by improving curricula and qualifications through cooperation between the worlds of work and education?	70%	30%
8.	Expands the opportunities for exchanges, cooperation and capacity building in higher education and the youth sector worldwide?	95%	5%
9.	Fosters the innovation in educational process and employment opportunities for graduates?	85%	15%
10.	Is an important pillar for good governance in education through the spectrum of some initiatives such as against violence, racism, intolerance, etc.?	80%	20%
	Average percentage	88,5%	11,5%

Source: own elaboration

3) *SWOT analysis*

A large series of strengths, weaknesses, opportunities and threats about the Erasmus programme were highlighted, as follows:

Strengths: diverse and multi-cultural environment, offering the possibility of self-confidence and empowerment; international skills recognition; integrating diverse teaching methods and an EU harmonized curricula; improving relations between students and professors; access to modern and well-equipped students' services.

Weaknesses: incompatibility of basic public administration knowledge in the hosting university; insufficiency of EU financial support; language and communication barriers between students and professors; insufficiency of hosting conditions; insufficient interest from the professors.

Opportunities: expanding personal development horizons; developing social relations; possibilities to continue the studies abroad; experimenting new academic perceptions and evaluation methods; enabling international bonds; stimulating international job-seekers.

Threats: impossibility to cover all expenses; facing risks of language barriers, integration, exams graduation and incapacity to assimilate all information; insufficiency of study materials and extra-activities; insufficiency of stuff support.

Regarding the labour insertion opportunities offered by Erasmus programme only two students referred specifically to job/study opportunities, students' career development and creating the conditions to aspire to work in an international environment.

The SWOT analysis reveals the fact that Erasmus students

need

Academic
Financial   } **SUPPORT**
Study and accommodation

in order **to achieve**

Personal
Social relations   } **DEVELOPMENT**
Knowledge
Career

4. Remarks, future research questions and hypotheses

The empirical study revealed a series of important remarks (R), future research questions (Q) and hypotheses (H), as follows:

A)   Applicant student profile

R1: 50% of cases choose Erasmus programme in the academic year of graduation

Q1: Why the majority of students choose the academic year of graduation?

H1: There is the possibility to find a job in the hosting country

R2: There is a significant percentage (10%) of students that do not pass all exams during the Erasmus programme

Q2: Why is it that some students do not pass all exams during the Erasmus programme?

H2: There are some language barriers and insufficient academic and staff support

R3: 85% of cases choose to attend 1 semester for the Erasmus programme

Q3: Why do students choose a length of 1 semester for the Erasmus programme?

H3: There is insufficient financial support from EU funds/ own financial resources

R4: 80% of cases choose to attend the Erasmus programme in Portugal and Mediterranean countries

Q4: Why does the majority of students choose to attend the Erasmus programme in Portugal and Mediterranean countries?

H4: The weather conditions and the affordable living expenses can be important factors in choosing the hosting country (compared with Northern and Western countries).

B)   Labour insertion assessments

R5: 65% of cases choose to work in Romania after the Erasmus programme

Q5: Why does the majority of students choose to find a job in Romania after the Erasmus programme?

H5: 1 semester for the Erasmus programme is insufficient to adapt to a new environment and different culture.

R6: Only 5% of Erasmus students work in public sector and 15% are unemployed

Q6: Why is there a significant percentage of work integration of Erasmus students in the public sector?

H6: There is a certain incompatibility level in curricula of public administration field between the partner-universities.

R7: There are no cases of Erasmus students opening a business (0 entrepreneurs)

Q7: Why aren't Erasmus students aiming at opening their own business?

H7: Programmes in public administration field do not offer business sector skills to graduates.

R8: 60% of cases have administrative and executive positions, compared to 20% in managerial positions

Q8: Why does the majority of Erasmus graduates in public administration field have administrative and executive positions?

H8: Graduates of public administration programmes do not hold sufficient managerial skills.

C)   Personal statement on Erasmus programme learning outcomes

R9: There is a compliance level of interpersonal competences (average 71%), a relevant compliance level of instrumental and cognitive competences (average 54%) and a low compliance level of systemic and decision-making competences (average 41%) of the partner-universities programmes

Q9: Why is there a significant difference between the specific competences of the partner-universities programmes?

H9: Partner-universities do not cooperate efficiently in developing and standardizing the curricula in public administration field.

R10:11,5% of cases (percentage average) consider that the Erasmus programme did not satisfy all their education and employment needs

Q10: Why is there a significant percentage of students considering that the Erasmus programme did not satisfy their education and employment needs?

H10: The Erasmus programme (LLP) is not addressed to all skills gaps and does not foster entrepreneurship through the spectrum of curricula and qualifications.

In its strategy on the modernisation of higher education the Commission highlighted the need to provide more opportunities for students to gain skills through study or training abroad. The EU target for overall student mobility is at least 20% by the end of the decade. Currently, around 10% of EU students study or train abroad with the support of public and private means. Around 5% receive an Erasmus grant***

Erasmus Impact Study (European Commission, 2014) confirms the fact that EU student exchange scheme boosts employability and job mobility. Young people who study or train abroad not only gain knowledge in specific disciplines, but also strengthen key transversal skills which are highly valued by employers. Graduates with international experience fare much better on the job market. They are half as likely to experience long-term unemployment compared with those who have not studied or trained abroad and, five years after graduation, their unemployment rate is 23% lower. The study, compiled by independent experts, is the largest of its kind and received feedback from nearly 80 000 respondents including students and businesses.

"*The findings of the Erasmus Impact study are extremely significant, given the context of unacceptably high levels of youth unemployment in the EU. The message is clear: if you study or train abroad, you are more likely to increase your job prospects. The new Erasmus+ programme will offer EU grants to four million people between 2014 and 2020, allowing them to experience life in another country through studies, training, teaching or volunteering,*" (Androulla Vassiliou, European Commissioner for Education, Culture, Multilingualism and Youth)

Students benefitting from Erasmus funding can choose to study or take up a traineeship abroad. The report reveals that more than one in three Erasmus trainees is offered a position at the enterprise where they do their traineeship. Erasmus trainees are also more entrepreneurial than their stay-at-home counterparts: 1 in 10 has started their own company and more than 3 out of 4 plan to, or can imagine doing so. They can also expect faster career advancement; staff with international experience is given greater professional responsibility according to 64% of employers.

Erasmus not only improves career prospects, it also offers students broader horizons and social links. 40% have changed their country of residence or work at least once since

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*** This figure is based on latest available data from Eurostat for 2011-12, which shows the number of graduates was over 5.35 million in the Erasmus participating countries and the number of Erasmus students was nearly 253 000.

graduation, almost double the number of those who were not mobile during studies. While 93% of students with international experience can imagine living abroad in the future, this is the case for only 73% of those who stay in the same country during their studies.

The new Erasmus+ programme will provide opportunities to go abroad for 4 million people, including 2 million higher education students and 300 000 higher education staff in the next seven years (2014-2020). In addition, the programme will fund 135 000 student and staff exchanges involving non-European partner countries. Erasmus+ will be even more accessible thanks to increased linguistic support, more flexible rules and additional support for people with special needs, from disadvantaged backgrounds or from remote areas.

References

1) Sandu, C., 2013, "*Social enterprise- a component of public sector development*", Doctoral Thesis, National School of Political Studies and Public Administration, Doctoral School in Administrative Sciences, Bucharest, Romania

2) Nen, M., Rădulescu, C. 2011, *Student's mobilities, an inspirational marketing tool. Case study: Romania,* Revista Analele Universității Maritime din Constanța (Constanta Maritime University)

3) Nen, M., Stoika, R., Rădulescu, C., 2011, *Lifelong Learning of Human Resources for Sustainable Development,* Environmental Engineering and Management Journal, Volume 10, No. 9

4) Recommendation 2006/962/EC of the European Parliament and of the Council of 18 December 2006 on key competences for lifelong learning [Official Journal L 394 of 30.12.2006]

5) http://ec.europa.eu/programmes/erasmus-plus/

6) https://eacea.ec.europa.eu/erasmus-plus/actions/key-action-2-cooperation-for-innovation-and-exchange-good-practices/knowledge-alliances_en, accessed 15.09.2014

7) http://ec.europa.eu/education/opportunities/higher-education/business_en.htm, accessed 15.09.2014

8) http://eupa.org.mt/erasmus-programme/cooperation-projects-key-action-2/knowledge-alliances/, accessed 15.09.2014

9) http://ec.europa.eu/enterprise/policies/sme/promoting-entrepreneurship/erasmus-entrepreneurs/index_en.htm, accessed 15.09.2014

10) http://ec.europa.eu/education/library/study/2014/erasmus-impact_en.pdf, accessed 15.09.2014

11) http://europa.eu/rapid/press-release_IP-14-1025_en.htm, accessed 15.09.2014

ASSESSMENT OF PUBLIC ADMISTRATION INTEGRITY LEVEL: BETWEEN MORALITY AND THE LAW

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Abstract *In recent years, the academic and research institutions, international organizations (among which the International Monetary Fund, World Bank) have an increased interest for estimating the integrity, public administration reform and to gauge the impact of this reform on the level of economic development. From a marginal part in international aid programs, the integrity has grown to occupy a privileged position in most development programs. Currently, it is considered a key factor in good governance of a country with vast implications and whose development must be prevented. The large number of managerial incidents led to a growing interest in ethical programs within organizations. "Respect" and "integrity" are two alternative management strategies that are formulated in order to avoid moral deviations from organizations. Compliance and integrity differ regarding how the moral behavior of members of an organization can and should be achieved. The strategy focuses on explaining under a set of rules. The main objective of this paper is to analyze how the integrity within public organizations became an organizational value and not only a legal value.*

Keywords: *integrity, performance, public organizations*

1. INTRODUCTION

Corruption, in spite of an extensive reference to it in the public debate and in the political agenda, is a somewhat cluttered concept. In the last decades a growing awareness emerged of the relevance of such phenomena as a hidden factor which may negatively affect political and economic decision-making processes in any complex organization and social relationships. (Vannucci Alberto, 2015)

The problem of integrity is highly debated into the scientific world. The problem is not to find a definition but rather to find the right definition of a phenomenon that it is cannot be fully explained by the law. Integrity has as main objective to underline *"the right action"*. One of the most used definition of integrity talk about *"self governance"*. Michael Jensen taking about integrity, morality and ethics consider that "These three phenomena are widely understood to provide standards of 'correct' behavior, but people generally get them mixed up. Morality and ethics, on the other hand, are normative concepts in that they deal with matters of good or bad, right vs. wrong. Morality refers to a society's standards of right and wrong behavior for individuals and groups within that society, while ethics refers to the normative set of values that apply to all members of a group or organization. Thus, both morality and ethics relate to desirable vs. undesirable behavior" (Jensen, Michael 2009). Donald Menzel launch for questions in the field of integrity research (Menzel Donald, 2005):

- What is the primary focus of empirical research on ethics in public administration and governance? What research questions are being asked?

- How well does empirical research inform ethics theory? How well does ethics theory inform empirical research?

- Are the research findings cumulative? Has progress been made toward building a body of knowledge?

- Are there new avenues of research? Are there neglected areas of study?

Werner Erhard, Michael C. Jensen, Steve Zaffron distinguish the *domain* of integrity as the objective state or condition of an object, system, person, group, or organizational entity, and, consistent with the first two of the three definitions in Webster's dictionary, *define* integrity as a state or condition of being whole, complete, unbroken, unimpaired, sound, perfect condition. They eliminate the third and final definition that includes "morality" and therefore generates the confusion and confounding between integrity and the virtue terms of

morality and ethics ("ethics" being found in the definition of "morality"). (Erhard Werner H., Jensen Michael C., Zaffron Steve, 2009)

The study of integrity is very well connected to the problem of social capital. The importance of social capital in the context of integrity in public administration came from the fact relations between members of the same organization or community can answer the following question: why there are communities where we find a high level of corruption (corruption being seen as the absence of integrity) and in other communities, comparable in terms of population, elevel of economic development we do not have the same problem?

Also, the literature review offers the possibility to find many connections between integrity and performance. The term social capital is commonly used increasingly more in a wide range of social sciences. A number of increasingly large sociologists, political scientists, economists call this concept to respond to problems in their own areas of research. Social capital is a sociological concept used in economics, management, organization theory, political science, public health, and in all social sciences. Social capital refers generally to connections within social networks, and between them. Although there are a variety of definitions related to what were described as "a sort of panacea" (Alejandro Portes) for the problems of modern society, all definitions have in common the idea that "social networks have value. Just as a screwdriver (capital physically) or a university education (human capital) can increase productivity, as social contacts affect the productivity of individuals and groups. (Robert Putnam). Like other forms of capital, social capital is productive and makes it possible to achieve purposes in his absence, as intangible. Most forms of capital such as trust is what Albert Hirschman called "moral claims" - meaning resources rather increase than decrease when used and are exhausted when not in use. Along rules, trust is an essential component of social capital. Norms, social trust is what we might call the capital of integrity. Integrity capital is considering all moral relations, ethics is considered a well-defined social framework. The relationship between social capital and capital networking is one of integrity. Social capital contains certain statements that constitute part of the capital of integrity. Integrity and corruption are two sides of the same coin. While integrity is the use of public power in a transparent manner and in accordance with its intended purpose, corruption is, according to the World Bank, Transparency International, the abuse of public power for private interest. The public integrity level is higher, the more drops corruption. There are international institutions specialized analyzes demonstrate that in certain countries, although corruption is considered endemic, there are regions with clear differences regarding corruption.

2. THE RESEARCH

The scientific approach our analysis was based on an independent research. The first is a quantitative analysis that takes into account the views of civil servants on the level of integrity in public administration, central and local. The purpose of the sociological questionnaire is the assessing the white collar clients' trust in the institutions with a strong involvement in combating corruption and their awareness as both consumers and providers of public service subjected to corruption (Biţoiu Teodora, Popa Florin 2015). In this paper we are going to use only a part of the answerers, the one that are tidily connected to the subject of our research

The questionnaire was designed for assessing the white collar clients' trust in the institutions with a strong involvement in combating corruption and their awareness as both consumers and providers of public service subjected to corruption, and it contained eight questions:

1.   In your opinion, to what extent is corruption a key issue in the Romanian society? **(Q1)**

2. How would you asses the prevalence of corruption in the following areas: education, health, police, justice, public procurement, local public administration, central public administration? **(Q2)**

3. How do you assess the activity of the institutions having the mission to enforce the law? **(Q3)**

4. How would you rate the impact of the following measures for combating corruption (increasing penalties, the confiscation of illicitly acquired assets, revenue growth, increasing the efficiency of the public administration. increasing the efficiency of the judiciary system, legislation clarity)? **(Q4)**

5. How would you value the role of the following institution in combating corruption (The National Anticorruption Directorate, The General Anticorruption Directorate, The National Agency for Fiscal Administration, The National Office for Preventing and Combating Money Laundering, Ministry of Domestic Affairs, Ministry of Justice, and Court of Accounts)? **(Q5)**

6. How would you estimate the importance of the following elements in increasing corruption the Romanian public sector (wage level, work conditions, custom, quality of law,

the desire for enrichment, the interference of politics in the public administration's activity)? **(Q6)**

7.How would you consider the fight against corruption of the following institution in the past three years (The National Anticorruption Directorate, The General Anticorruption Directorate, The National Agency for Fiscal Administration, The National Office for Preventing and Combating Money Laundering, Ministry of Domestic Affairs, Ministry of Justice, Court of Accounts, The Parliament, and The Church)? **(Q7)**

8.How would you deem the frequency of the following informal manifestations of the corruption phenomenon (fees for granting contracts, gifts, pressures form the superiors, trading in influence, nepotism, political appointments)? **(Q8)**

For this research the questions taken into account were Q1, Q2, Q3, Q6, Q8.

The results for each question are the following:

Q1 In your opinion, to what extent is corruption a key issue in the Romanian society?

Graph 1
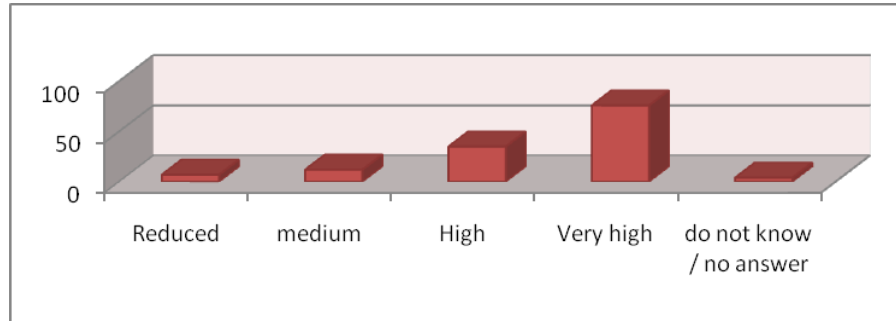
Source: own elaboration, data collected through the questionnaire

The answers proved that there is a concern at the level of society about the problem of corruption. This concern can have as root the economic impact of corruption but also it can be seen as a ethical problem. It exist numerous studies that argue that corruption is a phenomenon that that can be analyze from economic perspectives, and that economic freedom removes opportunities for corruption and promotes ethics not just for its moral implications, but also because of its economic value. (Eiras Ana, 2003)

Q2 How would you asses the prevalence of corruption in the following areas: education, health, police, justice, public procurement, local public administration, central public administration?

Graph 2
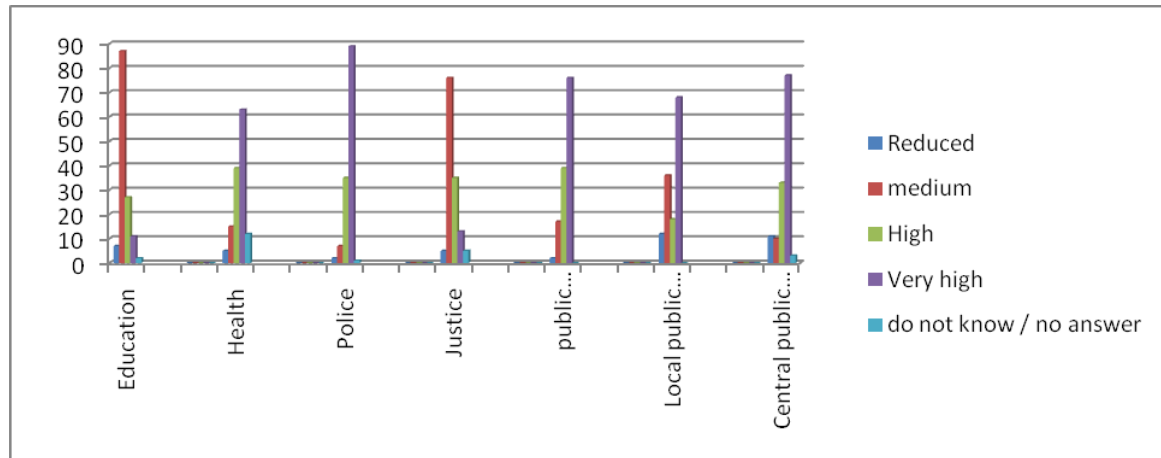
Source: own elaboration, data collected through the questionnaire

The fact that in education, police and justice the level of perception of corruption is medium and high prove that neither education – and here we have in mind ethics – either police and justice - and here we have in mind the law – do not seem to offer a real response to the need to fight against corruption. In this case the right answer is a mix a measure such as education, normative aspects concerning positive and negative measure to tackle corruption. (Biţoiu Teodora, Popa Florin 2015).

Q3 How do you assess the activity of the institutions having the mission to enforce the law?

Graph 3
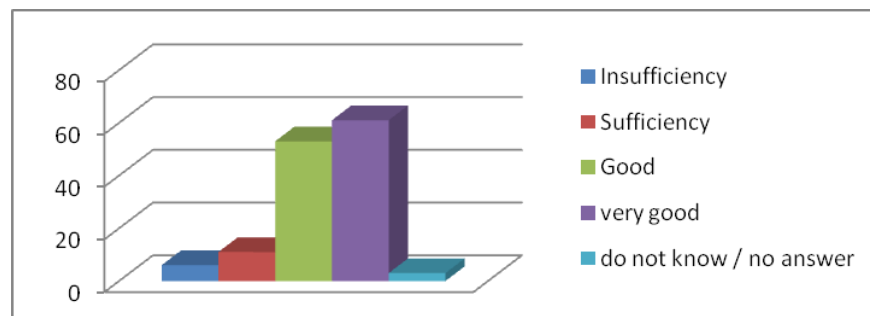
Source: own elaboration, data collected through the questionnaire

The answers reveal, the same as the answer from Q1, a concern at the level of society about the problem of corruption. The concern of the population about this phenomenon has a strong leak with the ethical aspects than with the normative one.

Q4 How would you rate the impact of the following measures for combating corruption (increasing penalties, the confiscation of illicitly acquired assets, revenue growth, increasing the efficiency of the public administration. increasing the efficiency of the judiciary system, legislation clarity)?

Graph 4
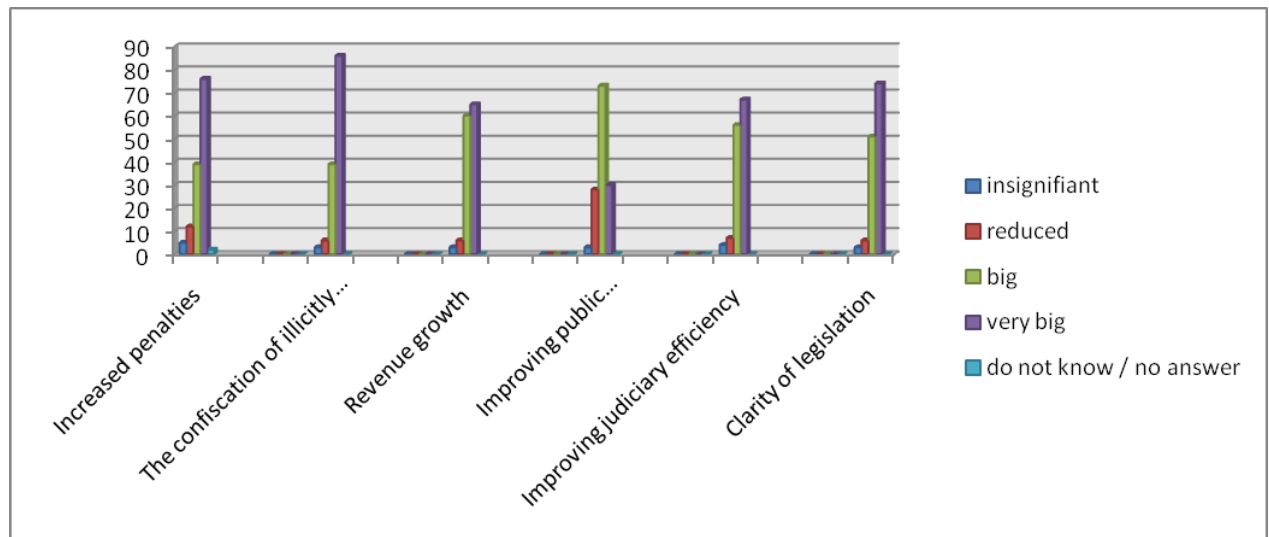
Source: own elaboration, data collected through the questionnaire

In which concern anticorruption the focus is on specific measures. That proves that the population know to identify the instruments can be used to combat corruption.

Q6 How would you estimate the importance of the following elements in increasing corruption the Romanian public sector (wage level, work conditions, custom, quality of law, the desire for enrichment, the interference of politics in the public administration's activity)?

Graph 5
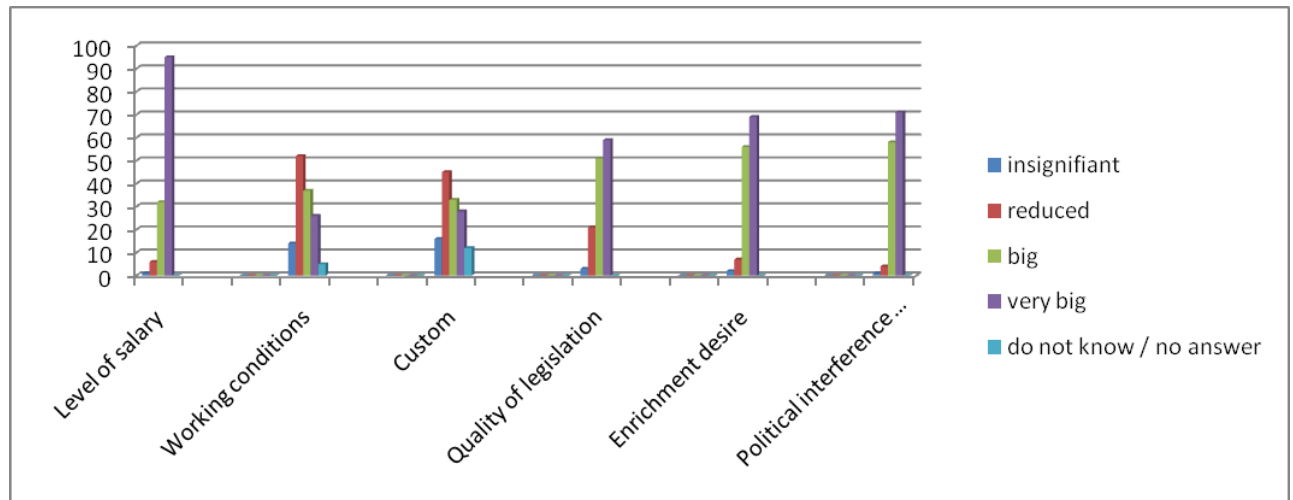
Source: own elaboration, data collected through the questionnaire

Referring to the roots of the problem, the respondents identity two major areas. One is has a connection with the personal aspects such as rent seeking (level of salary) and greed (enrichment desire and custom). The second is has a connection with normative aspects (working conditions, quality of the legislation, political interferance).

Q8 How would you deem the frequency of the following informal manifestations of the corruption phenomenon (fees for granting contracts, gifts, pressures form the superiors, trading in influence, nepotism, political appointments)?

Chart 6
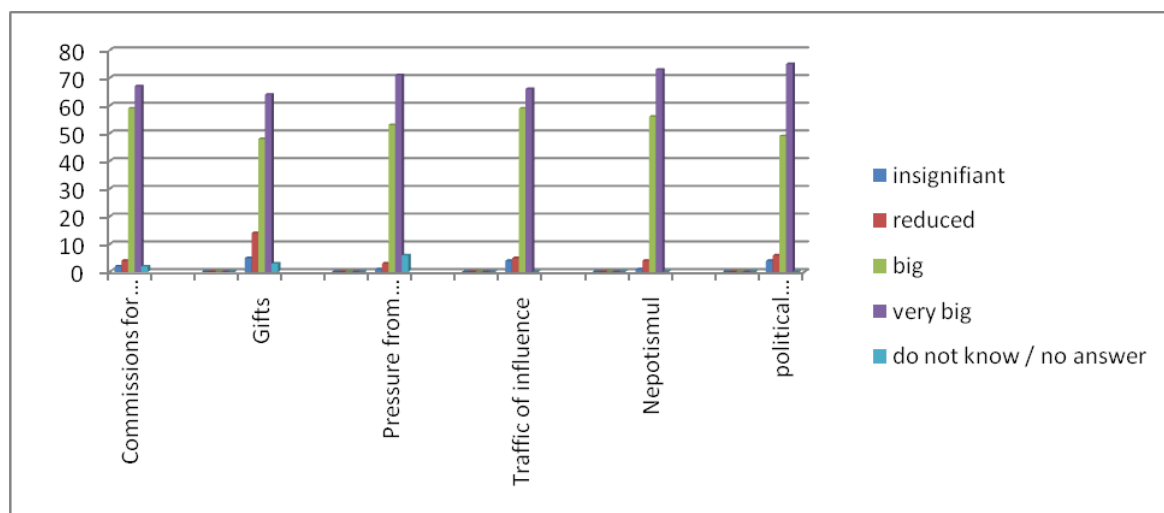
Source: own elaboration, data collected through the questionnaire

The answers to this question underline the fact that the normative framework is the one that allowed the corruption to spread.

3. CONCLUSIONS

The paper objective was to underline what is more important in order to have a high level of integrity in public administration: law or ethics. And the debate goes further, because in the case of each national public administration it is necessary to find the right "recipe", the right "mix" of positive and negative measures that need to be implemented. In which concern the ethics, education is the only thing that can be done, but with touchable results in 10 – 20 years. The objective of o future research should be what how can we implement ethic behavior in public administration. In this case we will use, from the methodological point of view, the reverse method.

REFERENCES

1) Biţoiu Teodora, Popa Florin (2015) *Measuring the white-collar clients' trust in the public institutions – an increasing demand triggered by the raising awareness of the corruption phenomenon,* Journal of public administration, finance and law, issue 8/2015;

2) Eiras Ana (2003), *Ethics, Corruption, and Economic Freedom, http://www.heritage.org/research/lecture/ethics-corruption-and-economic-freedom;*

3) Erhard Werner H., Jensen Michael C., Zaffron Steve (2009) *Integrity: a positive model that incorporates the normative phenomena of morality, ethics, and legality,* http://papers.ssrn.com/sol3/papers.cfm?abstract_id=920625;

4) Jensen, M. C (2009), *Integrity is a matter of a person's word –nothing more and nothing less. Michael Jensen explains.* Interview by Karen Christensen, Rotman Magazine Fall 2009, pp. 16-20;

5) Menzel Donald (2005) *Research on Ethics and Integrity in Governance A Review and Assessment, Public Integrity,* Spring 2005, vol. 7, no. 2, pp. 147–168;

6) Vannucci Alberto (2015) *Three paradigms for the analysis of corruption,* Labour & Law Issues, vol. 1, no. 2, 2015;

APPLICATION OF THE CHARTER OF FUNDAMENTAL RIGHTS OF THE EUROPEAN UNION IN CONSTITUTIONALITY REVIEW

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Abstract: *Charter of Fundamental Rights is a summary document from the constitutional traditions common to the Member States, the international commitments of the state and the practice of the European Court of Justice in the field of human rights, by selecting the essential ideas and the maximum generalization, and by that the general principles of European law. In principle the EU Charter of Fundamental Rights, is applicable in the constitutionality review as it provides guarantees and develop constitutional provisions regarding fundamental rights. Regarding the Member States, the Court of Justice in Luxembourg follows that they are obliged to respect fundamental human rights as defined in the EU if they are implementing Union law. Invoking the provisions of the Charter in the constitutional review in Romania must be done in relation to Article 148 of the Constitution and not in relation to Article 20 of the Constitution which refer to international human rights treaties. The main objective of the paper is to analyze the manner in which the provisions of the European Union Charter of Fundamental Rights are applied to the Romanian national legal framework in direct connection with the constitutionality review*

Keywords: *European Union, human rights, constitutionality review*

1. INTRODUCTION

Human rights, in all their plenitude, represent a central mission of many modern constitutions, occupying an important place within the European constitutional system.

Ever since its adoption, the Charter of fundamental rights of the European Union had as a central mission the solving of problems such as ensuring a more active role of the European Union in the world, as human rights defender, fact which committed the European Union as a unitary entity. It aimed to codify the existing fundamental rights and not to create new ones. It brings together, in a single document, the entire area of civil, political, economic and social rights, which are systematized in a new, original manner.

The role of the Charter of fundamental rights is to make it a synthesis document from the common constitutional traditions of the member states, from the international commitments undertaken by the states, namely the European Convention for the protection of human rights and fundamental liberties, and from the practice of the European Court of Justice in the field of human rights, selecting the essential ideas, of maximum generalization, in other words the general principles of European law (Popescu, 2013).

The Charter collects in a single document, for the first time in the history of Europe, the entire area of the civil, political, economic and social rights, which are systematized in a new, original manner: Title I Dignity – includes human dignity, the right to life, the right to the integrity of the person, the prohibition of torture and inhuman or degrading treatment or punishment, the prohibition of slavery and forced labor; Title II Freedoms – includes the right to liberty and security, respect of the private and family life, the protection of personal data, the right to marry and the right to found a family, the right to education, the right to engage in work, the right to property, the right to asylum, the protection in the event of removal, expulsion or extradition, freedom of thought, conscience and religion, freedom of expression and information, freedom of assembly and of association, freedom of the arts and sciences, freedom to choose and occupation and the freedom to conduct a business; Title III Equality – contains provisions regarding the equality of rights, non-discrimination, cultural, religious and linguistic diversity, the rights of the child, equality between women and men, the rights of the elderly, integration of persons with disabilities; Title IV Solidarity – contains the workers' right to information and consultation within the undertaking, the right to collective bargaining and action, the right of access to placement services, the right to protection in the event of unjustified dismissal, the right to fair and just working conditions, the prohibition of child labor and the protection of young people at work, the family and professional life, social

security and social assistance, health care, access to services of general economic interest, environmental protection, consumer protection; Title V Citizens' rights - contains articles that establish the right to vote and to stand as candidate to the European Parliament, in the local elections, the right to good administration, the right of access to documents, the right to notify the European Ombudsman, the right to petition, freedom of movement and of residence, diplomatic and consular protection; Title VI Justice – establishes the right to an effective remedy, the presumption of innocence and the right of defense, the principles of legality and proportionality of criminal offences and penalties, the right not be tried and punished twice for the same criminal offence; Title VII General provisions – contains provisions regarding the scope, field and interpretation of the rights and principles, the level of protection and the prohibition of abuse of rights.

The Charter Preamble mentions that the Union is founded on the indivisible and universal values of human dignity, freedom, equality and solidarity (Busoi, 201).

2. THE RESEARCH

By placing the principles of the state of law and of democracy as the fundament of the European Union, the Charter understands to place the person at the core of the Union action, by establishing a European citizenship and by creating a space of liberty, security and justice. Thus, the Union contributes to the preservation and development of those common values and understands to consolidate the issue of fundamental rights, offering them increased visibility.

In what concerns the application field, article 51 of the Charter states: "The provisions of this Charter are addressed to the institutions and bodies of the Union with due regard for the principle of subsidiary and to the Member States only when they are implementing Union law".

Generally, human rights cannot be considered as being absolute because this depends on the credibility of the protection system. Limitations are inevitable, without them their effective character would suffer. Human rights may be restricted in order to guarantee the general interest. These limitations are expressly indicated for each constitutional right.

Article 52 indicates: "Any limitation (…) must be provided for by law and respect the essence of those rights and freedoms. Subject to the principle of proportionality, limitations may be made only if they are necessary and genuinely meet objectives of general interest recognized by the Union or the need to protect the rights and freedoms of others"(Duculescu, 2001).

In what concerns the level of protection, article 53 of the Charter established that "nothing in this Charter shall be interpreted as restricting or adversely affecting human rights and fundamental freedoms as recognized, in their respective field of application, by Union law and international law and by internal agreements to which the Union, the Community or all Member States are party, including the European Convention for the Protection of Human Rights and Fundamental Freedoms, and by the Member States' constitutions"(Duculescu, 2001).

Article 54 established the prohibition of the abuse of right. "Nothing in this Charter shall be interpreted as implying any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms recognized in this Charter or at their limitation to a greater extent than is provided for herein"(Duculescu, 2001).

Human rights protection is a central mission of the European Constitution, document in which human rights are given the statute of fundament. The European Union did not reserve a place for human rights, but developed three catalogues of rights. The declaration of unwritten rights is derived from the Union's general principles. The Charter of fundamental rights adds a written catalogue of rights for the Union and the European Convention for the Protection of Human Rights and Fundamental Freedoms offered an external declaration of rights(Schutze, 2013).

The relationship between the Charter, the Treaties and the European Convention for Human Rights is specifically regulated by article 52. In paragraph 2 is indicated: "Rights recognized by this Charter which are based on the Community Treaties or the Treaty on European Union shall be exercised under the conditions and within the limits defined by those Treaties". In paragraph 3 it is mentioned that "in so far as this Charter contains rights which correspond to rights guaranteed by the Convention for the Protection of Human Rights and Fundamental Freedoms, the meaning and scope of those rights shall be the same as those laid down by the said Convention. These provisions shall not prevent Union law providing more extensive protection"(Busoi, 2010).

If at the moment of its proclaiming in 2000 the Charter did not have a binding legal force, its statute being similar to that of the European Convention for the Protection of Human Rights and Fundamental Freedoms, through the Treaty of Lisbon it gained the same legal value as that of the Treaties.

Article 6.1 of the Treaty on the European Union shows that "the Union recognizes the rights, liberties and principles listed in the Charter of fundamental rights, which have the same legal value as the Treaties"[4].

Assigning the Charter the same legal value as that of the Treaties, it becomes primary, origin law of the Union, having the same constitutional value as the Treaties. The Constitutional Treaty was distinctive from the European treaties, mainly by the fact that it contained, embedded in its body, the catalogue of fundamental rights. This was one of the main elements which allowed the consideration of the treaty's material nature of a constitution. The Treaty of Lisbon returns to the logic of the traditional treaties, by not including in its body the Charter of Fundamental Rights, even though it preserves the legal compulsoriness. Through the Treaty of Lisbon both the Charter and the legal compulsoriness are saved(Luzarraga, Lorente, 2011).

Even though it exists in the content of the Treaty of Lisbon only in the form of an article referring to its text and its dispositions, the Charter directly contributes to the consolidation of the European Union's policy in the matter of the protection of fundamental rights (Popescu, 2013).

The existence and compulsoriness of a catalogue of rights brings visibility to the European commitment to the fundamental rights and to their legal security, at the same time offering increased protection to the European citizens, by regulating new rights, not included in the international legislations(Luzarraga, Lorente, 2011).

The Charter represents a point of support, its integration in the Treaty of Lisbon guaranteeing the full and unlimited recognition of the fundamental rights comprised within. It presupposes in addition an important contribution to the European identity because it makes visible the shared values of the European project. The Charter gains major importance in the evolution of the European Union, having an increasingly significant impact on all institutions, including on the European courts, and which referred to it on more and more occasions.

It interferes in the central sphere of Member State responsibility when we talk about recognizing the right to social assistance or to housing, to the providing of decent conditions for the elderly and for other unfortunate social categories.

The document represents the most current declaration regarding fundamental rights in the world, promoting human dignity, clarifying the rights of the European citizens, emphasizing the principles of the European Union, presenting the Union's legal bases and

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[4] Tratatul de la Lisbona pe înțelesul tuturor, on-line, http://www.euractiv.ro/uniunea-europeana/articles%7CdisplayArticle/articleID_14154/tratatul-de-la-lisabona-pe-intelesul-tuturor.html

guaranteeing the observance of the fundamental rights by all European institutions. As a consequence, European citizenship is consolidated and gains more coherence, which derives from the recognition of rights, from the equality of citizens and their non-discrimination, from the functioning of the European Union on the principle of representative democracy, but also from ensuring dialogue between the European institutions and the citizens.

The Treaty of Lisbon allowed the transformation of the Charter from a document with a moral value into one with a legal value and the fact that it is no longer part of a complicated treaty makes the fundamental rights contained within to be better known by the European citizen(Popescu, 2013).

The Treaty of Lisbon takes without changes the disposition of the Constitutional treaty, which assigned to the Union the competence to accede to the European Convention of Human Right. The accession will not be easy, since there are already several problems related to the possibility that the European Union would be part of the Council of Europe.

This treaty represents a step forward in what concerns the democratization of the union's structure, by improving the protection and guaranteeing of the fundamental rights. All this progress was possible due to the establishment of a compulsory value of the Charter and by means of clauses allowing the accession of the European Union to the European Convention of Human Rights.

At present, one of the most interesting debates, both from the jurisprudence and from the doctrine point of view, targets the cooperation mechanisms between the Court of Justice of the European Union and the constitutional tribunals of the Member States.

The application by the Court of Justice of the European Union of the Charter of Fundamental Rights of the European Union represents an additional guarantee to the benefit of the European citizens, but may lead to the limitation of the effects of the decisions taken by the constitutional tribunals, through the effects of European law.

With respect to this subject there are several opinions, one arguing the supremacy of constitutions, including in relation to the law of the European Union, even though it accepts the principle of priority in the application of the latter, and another opinion supporting the unconditional priority application of all dispositions of the European Union law, in relation to all domestic law regulations, including the national constitutions.

The Constitutional Court of Romania considers that it is neither a positive lawmaker, nor a competent court of law, to interpret and apply European law in the litigations pertaining to the fundamental rights of citizens.

The use of a European law regulation within the constitutionality control implies, on the grounds of article 148, paragraphs 2 and 4 of the Romanian Constitution, a cumulative conditionality:

- On the one hand, this regulation must be sufficiently clear, precise and non-equivocal in itself or its meaning must have been established clearly, precisely and without doubt by the Court of Justice of the European Union, and

- On the other hand, the regulation must relate to a certain level of constitutional relevance, such as its normative content to support the possible infringement by the national law of the Constitution, the single direct reference regulation within the constitutionality control[5].

From the jurisprudence of the Court of Justice in Luxembourg it is derived that all European Union Member States must observe the fundament rights of the person defined within the Union, if they apply Union law[6].

In what concerns the invocation of the provisions comprised in the Charter of Fundamental Rights of the European Union, in the constitutionality control, they are applicable to the extent to which they ensure, guarantee and develop the constitutional provisions in the matter of fundamental rights, in other words, to the extent to which the level of the right to protection is at least at the level of the constitutional regulations in the field of human rights[7].

What happens in the situation when a Member State applies European law, observes the European standard, but breaches the higher national standard? The problem is solved by article 53 of the Charter, which states that a higher national standard in the field of human rights will not be subjected to the priority of a lower European standard. In this sense ruled also the Constitutional Court of Romania, on several occasions.

As long as a higher national fundamental right clashes with a different European right, the higher national standard is accepted. The general rules governing the relation between the Charter and the Member States are restricted for Poland and the United Kingdom of Great Britain and Norther Ireland. The protocol imposes, explicitly, that the Charter application and interpretation are executed by the courts of Poland and the United Kingdom.

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[5] Decision no. 688 of 18 May 2011 of the Constitutional Court, published in the Official Gazette no. 487 of 8 July 2011;
[6] Decision of 24 March 1994, given in the matter C-2/92, The Queen and Ministry of Agriculture, Fisheries and Food, ex parte Dennis Clifford Bostock, paragraph 16;
[7] Decision no. 1479 / 8 November 2011, published in the Official Gazette no. 59 of 25 January 2012;

Within the constitutionality control, the referring to the provisions of the Charter of Fundamental Rights, act having the same legal force as the European Union constitutive Treaties, must be done in relation to the dispositions of article 148 of the Romanian Constitution, not to those comprised in article 20 of the fundamental law, which refers to international treaties.[8]

The Constitutional Court of Romania was notified by the Bucharest Tribunal, Section V Civil, regarding the unconstitutionality exception of article 1, point $1^{1,}$ and of article 299, point 1^{1}, of the Civil Procedure Code, exception invoked by a party in a file pending before this court.

The Constitutional Court allowed the unconstitutionality exception invoked in the file, indicating that, in what concerns the regulation of the challenge (contestation) possibilities against court decisions, the lawmaker has exclusive competence to institute, in particular situations, special procedural rules, as well as special manners of exercising the process rights, the significance of the free access to justice not being that of access, in all cases, to all court structures and to all manners of challenge. It was also indicated that the lawmaker is bound to observe the reference constitutional regulations and principles and the possible limitations brought to the conditions of exercising the challenge possibilities must not infringe on the right in its substance.

In this matter, the Court established that, through the dispositions of article 1, point 1 and point 28 of Law no. 202/2010, any challenge possibility against the decisions given by judges on the base matter was eliminated for cases whose object is the obligation to pay an amount of money of up to 2000 lei inclusively, which is equivalent to the impossibility of a judicial control court to examine the matter in a higher jurisdiction rank.

Thus, the Court establishes that the elimination of the judicial control over the decision given by the first court in matters and petitions regarding liabilities having as objects amount of money of up to 2000 lei inclusively, infringes on the constitutional principle regarding equality before the law, as regulated by article 16 of the Constitution.

In what concerns the invoking of article 47 – the right to an efficient challenge possibility and to a fair trial – comprised in the Charter of Fundamental Rights of the European Union, the Court establishes that the relating to these provisions comprised in a document having the same legal force as the European Union constitutive Treaties must be

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[8] Decision no. 967 20 November 2012 of the Constitutional Court, published in the Official Gazette no. 853 of 18 December 2012;

made to the dispositions of article 148 of the Constitution and not to those included in article 20 of the fundamental law.

With respect to this unconstitutionality criticism, the Court indicates that the provisions of the Charter of Fundamental Rights of the European Union are applicable in the constitutionality control to the extent to which they provide, guarantee and develop the constitutional provisions in the matter of fundamental rights. Or, in the conditions in which the provisions of article 47 of the Charter refer, among other things, to the person's possibility to address a court of law, in examining a complaint grounded on the breaching of rights and liberties guaranteed by the Union law, the Court establishes that in the present matter the criticized legal texts do not contravene these European dispositions, analyzed through the viewpoint of the dispositions of article 148 of the Constitution.

In a different matter, the Constitutional Court was notified with the unconstitutionality exception of the dispositions of article 86, paragraph 6, of Law no. 85/2006, in the sense that the criticized legal dispositions are unconstitutional because they remove, in case of the employer in insolvency, the employees' right to consultation and information when collective dismissals are performed, right generally recognized to the employees and regulated by article 69 of the Labour Code, instituting a derogation with respect to the prior notice term which must be respected in this situation.

Examining the exception, the Court proceeded to analyze and configure the fundamental rights invoked in the matter, according to the reference European and international regulations, thus proceeding, on a jurisprudential way, to the constitutionalization of the labour social protection measures regulated by international treaties.

Indicating with respect to the applicability of the Charter of Fundamental Rights of the European Union in the constitutionality control, the Court reiterated its jurisprudence in the sense that it is a document distinct, as legal nature, from the other international treaties to which article 20 of the Constitution refers, such as the constitutional text relating to it is article 148 of the Constitution and, in principle, its dispositions are applicable in the constitutionality control to the extent to which they provide, guarantee and develop the constitutional provisions in the matter of fundamental rights, in other words, to the extent to which their level of protection is at least at the level of the constitutional regulations in the field of human rights.

3. CONCLUSION

The conclusion rendered by the Court in this matter was that there is no reason to estrange from this jurisprudence and to apply it mutatis mutandis also in what concerns the exigencies derived both from the constitutive Treaties of the European Union and from its secondary acts, namely the directives[9].

References

1) Bușoi Cristian, Ghid pentru Tratatul de la Lisabona, 2010, on-line www.cristianbusoi.eu

2) Decision no. 1479 of 8 November 2011, published in the Official Gazette no. 59 of 25 January 2012;

3) Decision no. 688 of 18 May 2011 of the Constitutional Court, published in the Official Gazette no. 487 of 8 July 2011;

4) Decision no. 967 of 20 November 2012 of the Constitutional Court, published in the Official Gazette no. 853 of 18 December 2012;

5) Decision no.64 of 24 February 2015 of the Constitutional Court, published in the Official Gazette no. 28 of 28 April 2015

6) Decision of 24 March 1994, given in the matter C-2/92, The Queen and Ministry of Agriculture, Fisheries and Food, ex parte Dennis Clifford Bostock, paragraph 16;

7) Duculescu Victor, Carta drepturilor fundamentale de la Nisa, un prim pas către Constituția Europei, in Revista Juridica, 2001, no 7-8, p. 316-320

8) Luzarraga Aldecoa Francisco, Lorente Guinea Mercedes, Etapa viitorului. Tratatul de la Lisabona, Iași, Polirom Publishing House, 2011, p. 145

9) Popescu Maria, Reflectarea problematicii drepturilor omului în Tratatul de la Lisabona, in Romanian Review of European Law, 2013, No 10, p 145-151;

10) Robert Schutze, Dreptul constituțional al Uniunii Europene, Bucharest, Universitară Publishing House, 2013, p. 492

11) Tratatul de la Lisbona pe înțelesul tuturor, on-line, http://www.euractiv.ro/uniunea-europeana/articles%7CdisplayArticle/articleID_14154/tratatul-de-la-lisabona-pe-intelesul-tuturor.html

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[9] Decision no.64 of 24 February 2015 of the Constitutional Court, published in the Official Gazette no. 28 of 28 April 2015

MIGRATION ISSUES BETWEEN PROTECTING HUMAN RIGHTS AND SECURITY
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Abstract: *Early twenty-first century witnessed a situation becoming more serious in terms of migration. International statistics show that one in 35 is a migrant, which means that if all of them would occupy a well-defined territory, it will become the sixth country in the world in number of population. Latest developments on the international scene have brought into question the problem of migration, and particularly the illegal one. Europe is currently the scene of processes whose effects are increasingly difficult to predict. Conflicts at EU borders, increasing economic disparities between different close geographic areas, Islamic terrorism, have made Europe face a crisis. The need to protect the rights of migrants, the necessity of ensuring military security, and not only, of the European construction, the need to ensure the unity of action of members of the European Union are just some of the challenges Europe has to face. The primary objective of this study is to identify possible future ways of resolving this very complex situation.*

Keywords: *migration, security, human right, globalization, European Union*

1. INTRODUCTION

The early twenty-first century international statistics showed that one person in 35 is a migrant, which means that should all of them occupy a well-defined territory, it would become the sixth country in the world as number of inhabitants.

The latest years have brought into question, more seriously than ever, the migration issue (immigrants and emigrants), especially the illegal one. Europe is, at present, the scene of certain processes whose effects are similar, and in some aspects, even identical: on one hand there is globalization which eats away at and even wipes out the barriers before the international fluxes of people, goods, services, capital and information, and on the other hand, the spreading of the European Union which gives the possibility to the lesser developed countries' citizens to aspire to a living standard that seems higher in the EU countries. One of the consequences of these two processes is the increase of the migratory fluxes from East to West, especially from the Central and Eastern Europe but also from Central Asia and Africa towards the West.

The phenomenon is familiar for the post-Cold War period only the ampleness is different, as during the communist years migration was very well controlled, in the sense of keeping the citizens in their countries of origin. Obviously migration, mostly illegal, existed back then, but the falling of communism has opened the borders and markets making possible the increase of the migrants' number.

The relation between security and migration are undisputable. On one hand, migration may be the result of certain threats to the safety of individuals, such as violation of human rights, the ethnic conflict, civil war, etc., whilst, on the other hand, migration itself may be a source of risks, dangers and menaces when not controlled, bestirring the emphasis of organized criminality, xenophobic and racial violence, etc. Both hypotheses have been "verified" in Europe: *migration as a result of insecurity* may be illustrated by the violent dismembering of Yugoslavia that produced waves of refugees to the neighbouring countries and *migration as source of insecurity* is demonstrated by the last months' events of 2007 (the problem of Romanian immigrants to Italy, Spain and Great Britain). Nevertheless, *migration is, at the same time, a source of security as well,* as we intend to demonstrate in this study.

2. THE RESEARCH

The complexity of these relations is extremely high because they are in correlation with almost all dimensions of security. The social dimension of safety is the more exposed, the migrants waves being able to affect social stability, cultural identity, demographic characteristics, living standards, the observance of human rights and may enhance the level of organized crimes in the country of destination. At the same time, the countries of origin may also be in trouble due to the aging of the population and decreasing of production caused by the emigration of their labour force (especially due the so-called *brain drain*). Still, migration, and of course immigrants as a work force, may be the source of economic development, of increasing the living standards of the citizens from the country of destination, and in consequence, of their economic safety. The aim of the foregoing study is to review these relations from a theoretical point of view and identify concrete solutions, which, by their consequences, have lead or will lead to the transformation of some of the characteristics of the international security environment.

Herein with we shall refer to three main pillars: globalization, migration and security. Each of them represents in itself realities that are distinctive, complex, dynamic, evolutional and under ongoing transformation. This final feature is a consequence of the fact that these three phenomena and processes equally are under a subjective analysis and of the fact that they are subjects of certain objective realities (like the alterations occurring in the structuring of human needs) and subjective ones (like political interventions). Under these circumstances, the review of the interconnections and interconditioning between the three coordinates is subject to a continuous comprehension and revision.

After the end of the Cold War, the state was no longer the only safety actor while the non-military issues started spreading on the international agenda. Security is no longer identified exclusively with military and use-of-force issues. The new problems, determined by the changes on the international scene, such as interethnic relations, migrations, cultural identity, the environment or economy, make way in front of the traditional security challenges. In this context, the triumvirate migration – identity – security has brought to the European agenda a modern approach of the politics – security relation, with direct consequences on the European integration process (where the European Union plays the role of securing actor).

In the context of globalization, the migration – security relation gains new valences with wide reverberations in the economic, political, social and demographic fields.

Globalization erodes the borders between external and internal politics, between economy and security (Troncota, 2005, pp.15-16), between identity and security, politics and culture. Thus, in the present security environment, the globalization of risks and threats has shifted the emphasis from state security (the realist theory) to community security and, implicitly, the security of the individual (the constructivist theory and human security). The East – West migration and the circulation of ethnic minorities increased and became largely mediatised due to the unfortunate incidents between the immigrants and the main population from the destination states (for example, the Mailat case from Italy, the situation of Romani people from France in 2010-2012, Northern Ireland 2009, the Hungarians from South of Slovakia, the Turks from Germany, or the Syrian immigrants from Germany at the beginning of this year, etc). The political decision makers used such incidents in their own battle for power and financial resources, turning the migration issue (legal and illegal) of refugees and asylum seekers into a mega-problem, a game of power with strong influences at the economic, social and society levels.

Following the terrorist attacks from the USA in 2001 and the retorts from Europe (Madrid 2004, London 2005, Paris 2015), the securing of migration was accelerated and connected to certain recurrent themes on the international agenda: organized criminality, illegal activities, terrorism, threats to the economic identity and development. The specialists in national security make efforts to establish an artificial link between different activity sectors and the erratic migration in order to support the need of state intervention. The disappearance of the outside foe triggered the appearance of the inside one in the society (the immigrant, the terrorist), much harder to identify and control in terms of an asymmetrical confrontation, weak but strongly reverberating at the international security level. Against an economic crisis, this situation has generated an efficient political instrument, "the fear of immigrants". In the political speeches, by amalgamation and contextualization, themes like immigration, foreigners or asylum seekers, are being identified as the cause of several social-economic and security problems, in the attempt of the decision makers to cover their failure to identify/establish viable measures for the economic, social or internal policy situations.

John Hajnal (1955, pp. 309-322) wrote in 1955 that, in the future, the projections on the population would be far from the truth, even if their number would increase considerably. In over five decades, the UNO experts confirmed his precognition: during the last five decades, various international organizations, national agencies and independent analysts have elaborated massive tomes of studies and forecasts on the evolution of the population, but few of them are based on scientific approaches. For instance, a survey drafted by the UNO

Population Division, "The World Population in 2300"(2004), proposes five scenarios for the evolution of the number of world population and of different regions of the globe[10]. One of the constant of these predictions refers to the international migration that reflects the clear link between the variation of the population number and this phenomenon.

The international migration, especially in terms of population displacement and urbanization, gives birth to a wide range of security related issues, and, unfortunately, only during recent years such issued started to be properly addressed.

Migration is a complex phenomenon consisting in the travelling of some individuals from a territory to another, followed by change of residence and/or fitting into an activity form in the arrival area (Rotariu, 1998, pp.351-353). This definition does not refer to national borders but the migration typology makes a distinction, depending on this criterion, between *internal migration* and *external* or *international migration.*

From a demographic perspective, by comparison with a given population, one can consider two forms of migration: *immigration* and *emigration* that is the overall entrances and exits of persons. In fact, any migrant is, at the same time, an immigrant for the country of destination and an emigrant for the country of origin.

From the international security angle, migration is interesting especially from its external aspect. International migration is currently ongoing under various forms:

- migration of ethnic minorities to countries of origin; - migration of the labour force;

- family migration (the migration of workers' families, former emigrants) according to the right of family reunification, granted by the international legislation;

- migration forced by natural calamities, political or religious persecutions, wars, etc.

Moreover, these types of migrations may be classified, at their turn, by the following criteria:

- legality: legal (done by respecting the respective norms) and clandestine (done by violating such norms, which makes it harder to assess);

- motivation: voluntary and involuntary, forced;

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[10]The five scenarios are:

    1. *Medium Scenario*: the total fertility of each country will be under the replacement level for approximately 100 years, after which this level will be attained. .

    2. *Superior scenario*: after 2050, fertility will be 0,25 children higher than the medium scenario and would remain steady at 2,35 children/female when the medium scenario will stabilize at the replacement level.

    3. *The inferior scenario*: total fertility will be 0,25 children lower than the medium scenario and would remain steady at 1,85 children/female when the medium scenario will stabilize at the replacement level.

    4. *Scenario with zero increase*: the same level of fertility is maintained as in the medium scenario, and after it has reached the replacement level, the increase will be zero in every population (number of deaths equals the number of births).

    5. *Scenario of constant fertility*: fertility remains constant 2000-2300, at the level of the 1995-2000 period.

- duration of stay in the country of destination: temporary, long term, permanent.

Other types of international migration are:

- migration based on ethnicity. Theoretically, the state has the right to decide who enters from the immigrants and receives a stay permit on its territory;

- postcolonial migration, in the case of colonizing countries who have established strict rules for the former colonies' immigrants;

- the economic migration, being one of the most seen forms during the last decades. It is motivated by the discrepancies between countries concerning the access to resources and jobs, as well as the crisis of certain specializations. Thus, many of the developed countries have "recruited" heavily immigrants and continue to encourage the migration of highly qualified labour force from the underdeveloped countries;

- asylum seekers and refugees, representing the second large group of legal immigrants, after the one of the labour force. Just like the family migration, this type is protected by the international legislation; the respective persons have the right to stay on the territory of another state where they are not nationals, only if their sole alternative is to go back to a space where they fear inhuman or degrading treatments or well-defined based sanctions.

The current sociologic theory analyzes the effects of migration from the perspective of three directions: the effects of migration on the country of origin, on the population of the destination country and on the migrants themselves. We also consider the necessity to investigate the small communities deserted by emigrants, respectively of those entered by immigrants.

In consequence, by causing to orbit around it a very large set of social phenomena, migration is utterly important both for the security of the destination and origin countries and for the safety of the human individuals part of this process. Below we are going to analyze the relations between migration and security, in their international dimension, in the globalization context, as main feature of the international security environment.

Starting from the perception that international migration is one of the key-factors shaping the world we live in, we must discuss the consequences it has on the involved actors: source countries, destination countries and migrants themselves. There is also the need to clear up the conditions in which international migration is a useful development tool (both at the individual and state levels).

Motivated by a pallet of factors, the international migration takes up different shapes and bears upon the social-economic, cultural and political evolutions, in practically all

countries of the world. The effects are positive or negative, measurable or less palpable, short term or long term, varying depending on the migration type, the causes generating the process and the social-economic conditions from the countries involved. They also vary depending on the existent stock of immigrants, ethnic composition and their spatial distribution.

Migration is, in many cases, an answer to disparities: in the political or security systems, in the demographic situation, but mainly in the economical conditions. The international migration is rooted in the structural realities of the international economic system, as it is seen in terms of central-peripheral paradigm and unequal development. Due to this reason, the migratory fluxes are counter-oriented to the capital fluxes; in other words, work goes where the capital is to be valorised while capital heads towards the areas with abundant labour force, thus cheaper, for a better profit.

There is a biunivocal relation between migration and development: migration, if well managed, may be an instrument for development and development at its turn may influence the dynamic and structure of migration. Because of this and considering that, in the future, migration will entail, in large, the travel of persons from developing countries to the already developed ones, the correct understanding of the relation between migration and development is essential, not only for migration management but also for the sustainable development at global level.

When it is well harnessed, migration may bring very good benefits to all involved, highly exceeding the process associated expenses. The countries of destination are the main winners of migration. The dimension of the profit is debatable but the most important aspect is that migration has no negative effects on the economies of these countries: the general levels of employment and salary are slightly higher due to migration and – fact acknowledged even by some of these countries – immigrants pay more taxes than they receive social services from the host countries. The accusations of populist politicians and of the extreme-right wing parties that immigrants steel the jobs from the natives are false and bring harm first of all to their own countries.

Although migration is not a new phenomenon, but appeared together with the state, whose existence means fix reports between a community and a territory, globalization is the one emphasizing it. The increase of the borders' permeability due to both globalization in general and to the regional transformation, of the political-economic integration type, mostly – has allowed individuals to travel anywhere around the globe, irrespective of the conditioning created by the need of passports, visas and other regulation instruments for crossing national borders and staying in the country of destination.

Often welcome for economic, political and humanitarian reasons, the international migration, developed under these intense globalization conditions, raises many sensitive national security issues, of communities and human individuals, of identity, cultural adaptation and economic development. Thus, migration has an impact on all dimensions of security.

The traditional approach of the relations between migration and security accentuated the economic and social dimensions of the latter, but a much closer analysis of the field would reveal connexions with the others as well. Thus, we consider the following dimensions important for an analysis: political, economic, social, military, of the environment and psychosocial.

For the sake of the analysis, we must consider that *migration* may be at the same time the *cause of the security problems* and their *consequence.* Moreover, *migration* may constitute an "*adjuvant"* of security through the preponderant economic benefits it brings for different actors.

The issue of security (national and international) is no longer the prerogative of a restricted community nowadays, but preoccupies a large spectre of people, not always connoisseurs in the field. Paradoxically so to say, the extension of the security problem researchers' circle does not also reflect in the extension of the approached subjects' area in this context.

For a more detailed view of the above idea, we specify that in the present paper's context, by the notion of security we understand not only the territorial identity but the very sustainable human development, a concept materialized by the existence of certain economical, social, political and environmental conditions which would guarantee that the next generations will benefit of at least similar conditions the present generations benefit of.

A simple review of the key problems that leave their mark on security in the present context (terrorism, organized criminality, climate changes, demographic changes, nuclear proliferation, energy, poverty, etc.) highlights the above stated. On this background, the migration phenomenon adds a new dimension to the security analysis frame, both on national and international level. The international migration is as more important today as it interacts with each of these problematics, which, in fact, has the potential to influence (and has quite influenced) sometimes in a decisive manner.

Beginning from the idea that globalization creates a feeling of insecurity for the individual, migration comes to deepen these preoccupations as the immigrant is pulled out

from the system of values that formed them, and the country engaged in this process is affected at a cultural, social, demographic and economic level.

Given the fact that migration is a component of globalization, its dynamics will be close related to the directions in which globalization will evolve. As an extension is predictable, simultaneously with a deepening of the globalization process, most probably the international migration will intensify and new states and regions will be sucked in this process. This evolution will leave its mark on the features of the future migration systems, shaping them and being shaped, in turn, by the globalization forces and by the older actors participating in the migration process.

Resuming from the general observations referring to the globalization impact on the international migration, the author considers that, on medium term, the relation between globalization and international migration will evolve on three main directions:

- the economic activities will be performed where the necessary labour force qualifications exist;

- the highly qualified labour force will go where the demand is;

- the highly qualified labour force or the one greatly demanded will move autonomously.

In a world that becomes more and more globalized, international migration not only will continue to exist but it will become a more dynamic and complex process. In such a context, the migration related forecasts are accompanied by uncertainties. Because international migration is a complex and multidimensional process, its shaping and provisioning entails the elaboration of some methods applicable to different scientific disciplines: geography, economy, sociology, statistics, political sciences and even games and probability theories. In this endeavour, the international migration related statistics are necessary because they offer the measure of the global dimension of the phenomenon and its evolution perspectives and because it informs the international public and the national political factors of the way, the migration management is unwinding. That is why, they must represent the starting point in designing the specific policies.

It may be stated that international migration for work represents an incompletely developed dimension of globalization, being at the same time an example of the way the globalization was promoted as far. In the context of international migration intensification, the establishing of some transparent mechanisms to channel migration towards safe, legal and human modalities, will become stringent for maximizing this process emerging benefits. Failure to do so will not only affect negatively the economic growth and global prosperity but

it will fuel the illegal migration, creating at the same time favourable conditions for human beings trafficking and other illegal activities.

The way migration is going to be handled to the interest of the states and individuals' security will represent one of the greatest challenges of the twenty-first century. Migration, either voluntary or forced, is more obviously linked to other pressing aspects like development, trade or human rights, and addressing these issues must be an integrating part of conflict management and settling or of building peace.

Studies performed so far indicate that the European developed countries will need foreign labour force in order to keep their social security and pensions systems functional (in the context of a decreasing population and aging of labour force in these countries). Under these circumstances, there is a risk that the predictable adjustment of politics concerning labour market and immigration in these countries to aim at luring young populations from the eastern Europe countries not only for economic reasons but for a demographic one. Such scenario will have dramatic consequences on the lesser developed countries from the continent, among them being Romania, as well.

As for the *economic dimension*, migration brings evident benefits to immigrants and their families, one of the most frequent causes of this phenomenon being the differences of economic development between the world's countries and regions.

Having in view the regions' degree of development and the net rate of migration[11], it may be observed that the migration waves head towards the developed areas according to *2007 World Population Data Sheet*, pages 7-10.

Although the populations' movement over the border in the pursuit of better opportunities is a characteristic common to both slightly developed regions and to the lesser developed ones, the international migration patterns get more and more complex. A great number of countries from the lesser developed regions are at the same time countries of origin and countries of destination due to the favourable conditions of hiring temporary labour force which has lead to the increase of its mobility. In most cases, the result is, on one hand, the transformation of the demographic coordinates and of the work market both in the country of origin and in that of destination as well, and on the other hand, the creation of capital flows influencing both individuals and national economies.

We talk about two flows: the capital entering the country of origin and the one exiting the country of destination, the latter being often an origin country, too. From the presented

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[11]The net rate of migration represents the difference between the number of persons entering and those leaving one country during one year, reported to a thousand inhabitants

data, it is observed the increase of living conditions for the migrants' families and of the GDP of the country of origin, and of productivity in the country of destination. There are situations when, in some developing countries, the volume of such capital is exceeded by that resulted from direct foreign investments (see Mexico according to The World Bank Website: http://www.worldbank.org).

The problem of migrants is regarded two ways in the countries of origin and countries of destination: as source of benefits and as source of trouble. In the country of origin, migration means "brain drain" (emigration of highly qualified labour force), affecting negatively the development of this country and lack of labour force in certain sectors of the national economy that results in decreased productivity and income, but also in a poorer living of the citizens. At the same time there are also positive impacts on the same economy, like these capital flows entering the country, bringing up somehow the GDP and the living standards of the emigrants' families and of the communities they origin from. In consequence, the incomes that might have been generated by the emigrant labour force are more or less compensated by the financial capital submitted by it to the country of origin. The degree to which such compensation is positive or negative depends on various factors and remains a complicated issue.

In what the destination country is concerned, often immigrants are welcome as cheaper labour force and sometimes highly qualified. So now, there are economic benefits for this country (the increase of work productivity and of the gross development product). Nevertheless, especially in the unemployment period and adaptation to the social-economic conditions from the country of destination, immigrants are regarded as an economic burden on the housing sector and of the social security system, creating economic problems both to the respective countries, and to its communities and inhabitants. One of the problems is that resulted from the correlation of the increased migration fluxes towards the developed countries with the issue of demographic ageing they are facing; in these countries the pressure on the social security system, especially pensions, is raising. Thus, the developed countries of destination have observed the phenomenon of "replacement migration" as a potential solution for the compensation of the economic costs for demographic ageing. As per the definition given by UNO, the "replacement migration" refers to the balance of the population pyramid by receiving into the country the number of migrants necessary to compensate the number of population from the respective country, both under the aspect of age and of labour force (United Nations, *Replacement Migration: Is it A Solution to Declining and Ageing Populations?,* United Nations Population Division, New York, 2000, p. 5).

From the analysis of these elements, we may observe that the international migration also affects the *social dimension* of security, both from the view of changing the demographic coordinates and of the national identity problem.

Migration, nevertheless, brings up important social problems. At least in Europe's case, the respective societies become more and more multi racial, multiethnic, multicultural, multi religious and multilingual. Notable differences are created this way between the resident population and immigrants to one country, differences of psychosocial representation of both categories, which can only be mitigated by the efficient intervention of the government with policies and strategies designed to increase the cultural tolerance degree.

The political dimension of security is influenced although it influences – positively or negatively – the international migration through the prism of the ideologies and politics promoted by governments and leaders. These may constitute, at some point, one of the main causes of forced migration. From a historical point of view, the non-democratic, totalitarian governments have forced emigration to be a way to handle the problems caused by the existence of political dissidents and of "state enemies". For the latter, emigration was the only alternative to a degrading or inhuman treatment applied by the government. Here we may speak about two categories of migrants, often excluded from the immigration related statistics: *refugees* and *asylum seekers*. Refugees are persons leaving their countries of origin due to persecutions or fear of persecution on racial, religious, nationality reasons or for belonging to a certain social or political group, according to the *UNO Convention referring to the status of refugees* (1951) and to the *Protocol referring to the status of refugees* (1967). Asylum seekers are persons leaving their country of origin who submitted applications to be recognized as refugees in another country and awaiting for a decision on the matter. Like the refugees, asylum seekers run from persecutions but their situation is not yet analyzed by the UNO definition referring to refugees.

The political dimension of security is influenced by migration also by the fact that *not only political conflicts determine the emergence of refugee waves but also refugees themselves create political conflicts.* On one hand, by acknowledging the refugee status of some persons, the country of destination admits the fact that the country of origin has a persecution and oppressive political regime, resulting tensions between the two actors. On the other hand, in the countries of destination refugees may create security problems by engaging in movements of opposition against the governments of their origin countries or even in transnational terrorist networks.

It is obvious that, from this angle, correlations can be made also between *the military dimension of security* and international migration, still in terms of refugees and asylum seekers. The implications of migration on the political dimensions may easily become its effects on the military dimension of security, the tensions between the origin country and the destination country, as well as the actions of the terrorist networks being able to acquire strong military features.

Moreover, the armed conflicts constitute a major cause of the occurrence of refugee waves, mostly, but also of asylum seekers. At the same time, forced migration may be induced to weaken the human resources of the parties involved in the respective armed conflict. From the previously presented statistics, it may be observed that many of the main countries of origin for immigrants, refugees and asylum seekers, are countries involved in armed conflicts: Afghanistan, Algeria, Burundi, Ivory Coast, Columbia, D. R. of Congo, Iraq, India, Myanmar, Nepal, Rwanda, Sri Lanka, Sudan, Uganda, Syria, etc.

Armed conflicts may also be a source of environment degradation that influences significantly the movement of population.

Thus, the *environment dimension of security* has an impact on – and is influenced at the same time by - the international migration. On one hand, forced migration may also be the result of the massive degradation of the environmental conditions in which human life happens, by natural calamities (desertification, floods, earthquakes, etc.) or manmade. On the other hand, the massive waves of immigrants and especially refugees may cause damages to the surrounding environment by setting up camps without the necessary sanitary infrastructure.

It is obvious that, while human needs prevail over the environment issues in times of crisis, the connections between human and environmental security are unbreakable. In fact, all security dimensions are interrelated and, thus, the impact of the international migration on them, but also their influence on the mentioned phenomenon cannot be analyzed separately but in correlation.

The international migration also affects the social identity of the individuals, citizens of the destination country or immigrants. The social identity represents that conception of the individual about their own ego in terms of characteristic features of the social category they belong, what makes their ego interchangeable with the ego of other members of the in-group and distinct, from the stereotypes point of view, from the ego of the out-group members (Boncu,2004,1). The group behaviour has certain specific aspects that tell it apart from the interpersonal behaviour. These aspects include: ethnocentrism, the in-group favouring bias,

the inter-groups competition, discrimination, stereotypization, prejudgement, behavioural uniformity, the in-group cohesion, conformism, etc. These elements are there also in the relations between the residents groups and those of the immigrants from one country. Therefore, in the last years, migration caused national identities be also regarded from the security perspective. Firstly, it is about the case when migration and the fluxes of refugees are generated by ethnic conflicts and ethnic purifying policies, aiming at cultural homogenizing or domination of a territory by a certain ethnic minority. Secondly, a wave of immigrants is often regarded as a potential threat to the culture of the country of destination, challenging its basic values, its cultural and linguistic customs.

It is obvious that the ratios between international migration and the psychosocial dimension of security may be reduced to one syntagm: *the psychosocial representation of other* (in the sense of *different*). These representations determine attitudes that, in turn, configure not only the states' politics and strategies on migration, but also the events that trigger tensions, crises and conflicts, affecting all security dimensions and, implicitly, every areas of social life.

3. CONCLUSIONS

In conclusion, we may state the followings:

- International migration became in the latest years a priority of the internal and external agendas of most of the world's countries and international organizations as well, because migration is, at the same time, a source of insecurity and security both for the countries of origin and their citizens, and for countries of destination and their inhabitants.

- International migration affects and, in turn, is affected by all security dimensions, especially by the psychosocial one. The representation the destination country's citizens make about immigrants, asylum seekers or refugees would mostly determine the measures taken to support them or against them. It also determines attitudes that may create tensions, crises or even conflicts between both parties involved. In this psychosocial climate, migrants constitute a source of benefits and of problems, economic, social, political, military and environmental, both for the country of destination and for the country of origin.

- In the case of Europe, the migration problem became much more complex especially due to the expanding of the European Union. The accession to the EU of some countries with a large number of emigrants which aimed and are still aiming for the developed European states has questioned both their status in report with the aimed territory and also the

regulation of the phenomenon and fight against its negative effects. Therefore, even if the migrants' movement takes place within the same community, the European one, the phenomenon cannot be considered internal migration, because crossing national borders remains a characteristic of the international migration. Nevertheless, the European Union must regulate this situation considering both the immigrants' rights and their status of European citizens, and the rights of the citizens from the countries of destination. Moreover, it is absolutely compelling that all actions performed to observe the fundamental human rights.

• A deep analysis of this phenomenon is necessary as its wide scope is increasing and its patters started to change radically, revealing, at an international level, new and surprising tendencies concerning the direction of the migratory fluxes, the psychosocial representation of migrants and the effects of migration as well.

References

1) Cristian Troncotă , *Neliniştile insecurităţii/Restlessness of Insecurities*, Bucharest : Tritonic Publishing, 2005;

2) Hajnal, John, *The Prospects of Population Forecasts*, in the "Journal of the American Statistical Association", no. 50/1955, pages 309-322;

3) Rotariu, Traian, *Migraţie/ Migration*, in „Dicţionar de sociologie"/ *Dictionary of Sociology/*, coord.: Cătălin Zamfir and Lazăr Vlăsceanu, Babel Publishing, Bucharest, 1998;

4) United Nations, *Replacement Migration: Is it A Solution to Declining and Ageing Populations?,* United Nations Population Division, New York, 2000;

5) *UNO Convention referring to the status of refugees* (1951);

6) *Protocol referring to the status of refugees* (1967);

7) Boncu, Ştefan, *Curs de psihologie socială/ Class of Social Psychology*, The Faculty of Psychology and Education Sciences, "Alexandru Ioan Cuza" University, Iaşi, 2004, Course no. 31;

A POTENTIAL DEVELOPMENT PROGRAM FOR BUCHAREST

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Abstract: *Bucharest went through a lot: wars, natural disasters or, even worse, people who have succeeded on its leadership. However, although crippled, deformed, it kept the most precious treasure: the people and their willingness to change, to make history. Bucharest never had a coherent development program, a set of priorities assumed by the community to be implemented by public authorities, regardless of political color. Each mandate, each newly elected local official started from scratch, abandoning old projects. This article aims to summarize the main ideas of city development, identified in national, regional or local programmes.*

Keywords: *Bucharest, development, projects.*

1. INTRODUCTION

The Athenian's citizen oath synthesized the idea of city and community: "We will orientate continuously efforts towards achieving the ideals and protecting the sacred elements of the city, both individually and in community, we will act at all times in order to fulfill civic obligations; we will respect and we shall abide to the city laws; we will bequeath the city, not just us as it was left by predecessors, but grander, better and more beautiful". Aristotle in his work "Politics," said that "The purpose of the city is to give its inhabitants virtue and happiness".

Bucharest has to offer its residents virtue and happiness, through a collective effort of responsibility assuming. Bucharest is a booming city with a lot of infrastructure projects changing the whole city.

According with the City Hall of Bucharest Municipality has initiated actions and projects aiming at specific objectives which once achieved are prerequisites for sustainable development. Important projects and actions aimed: improving public service delivery to citizens; and their adaptation and development in the context of the general evolution of society; development of urban infrastructure through the rehabilitation and modernization of water networks and sewage systems in the capital and expansion by building new ones; rehabilitation and modernization of roads; projects for urban and spatial planning to improve aesthetics, but also the structure of the capital; improvement of environment its protection and rehabilitation and extension; construction and underground parking over both traffic areas and areas of residence.

2. THE RESEARCH

The framework regarding Bucharest Municipality identified at national, regional or local level contains: Sustainable Urban Mobility Plan for 2016-2030 - Region Bucharest – Ilfov, Regional Development Plan 2014-2020 and Romania's territorial development strategy.

1. Objectives for Bucharest

General objective for Bucharest is "In 20 years, Bucharest will become the capital with the highest standard of living in Eastern Europe ".

There are a few targets areas such as:

I. "Economy" field– City of technology!

The specific objectives of this field are: promoting local goods and services, encouraging local entrepreneurship, modernizing and creating business infrastructure and support to maintain existing investments.

A future public administrations seems to be focus on: deliver digitally; share, reuse and interconnect technology, make their data and services openly available, embrace open and participatory co-design of policies and services with interested parties, empower staff to innovate.

In order to obtain a public sector transformation, it's important a public administration that can be enable growth and development, guarantee social cohension, that is rezults-oriented, focused on the needs of its citizens, to be committed to responsability, fairness and meritocracy.

Reforming public services may contribute to economic and social development, competitiveness and green growth prospects, as well as democratic governance.

II. "Environment protection" field–The green city!

The specific objectives are: increasing air quality, improving the water protection system, limiting noise pollution, protecting and expanding green areas.

Urban environments directly influence the lives of millions of citizens. To improve the wuality of environment has become a major objective for policy makers. Clean and safe drinking water, clean air are basic elements for a high quality of life. Cleaning up cities'air must be a key priority for public administration. Also, different type of pollution like air pollution, noise pollution must be reduced.

Green spaces, parks are important for health and social activities, open areas and green parks are important building blocks for promoting quality of life. Biodiversity makes the cities green and pleasant places. Well-governed cities and towns that involve their citizens in environmental decision-making will lead to better planning for the future(European Union, 2010:23).

III. "Social development" field–The city that unites!

The specific objectives are: increasing the health state of the population, increasing the safety in the city, ensuring adequate social assistance benefits services and ensuring an adequate social climate by integrating vulnerable minority groups.

IV. "Territorial planning" field - Harmonious city!

The specific objectives are: creating sustainable architectural design and integration of urban functions.

Involving citizens in urban planning helps ensure sustainable economic development and Plays a vital role in providing well planned cities. As citizens are affected by urban planning, public administration need to ensure that they are involved for expressing their opinions (European Union, 2010:24).

V. "Transport infrastructure" field -The city on time!

The specific objectives are: improving transport infrastructure and the development of public transport systems.

Transport is vital to the well-functioning of economic activities and a key to ensuring social well-being and cohesion of populations. Transport ensures everyday mobility of people and is crucial to the production and distribution of goods. Adequate infrastructure is a fundamental precondition for transport systems (UNECE, Transport infrastructure development).

VI. "Public utilities" field – The city of comfort!

The specific objectives are: facilitating access to public utilities and ensuring population's thermal comfort.

VII. "Local public administration" field – Participatory city!

The specific objectives are: improving the administrative capacity of local institutions; improving the relationship with citizens, NGOs and businesses and introduction of new tools and technologies to ensure accessibility to public services.

Public administration is a key factor in implementing structural change and reform. The main objective of the public sector reform is to improve efficiency, accountability and transparency of public administration and the quality of service delivery and management of public finances. This goal will be achived by supporting the public administration in implementing projects witch they belong to a strategy, action plan or to a public reform programme. The quality of public administration impacts all areas of society. Public administration reform is an essential requirement for the successful implementation of various ongoing sectorial reforms.

It's very important when we speak about reforms, that they to be regulated by a transparent policy framework, established structures and processes in order to ensure effective coordination of the reform process, focus on the sustainability of reforms.

For the transformation of the public sector is necessary an open and collaborative government approach for which several elements are very important: strategy – performance management and process reform through the measurement of outputs; leadership – support of top level leadership; organization design – the use of collaborative partnerships – weather public-private partnerships, public- NGOs, shared services or outsourcing; management -

changing with a new type of management; human Resources – focusing on the internal capacity-building that is needed to manage transformation, training people of the public sector; culture – improve or change the things that doesn't work well.

Public service reform is an important element of the strategy to meet challenge and to ensure that public services could continue to be delivered in a context of increased demands for those services. The government is committed to driving greater use of alternative service delivery models, designed around the needs of service users and with a more strategic focus.

The public service of the future will be more productive, more efficient, more innovative, better integrated, more strategic and more citizen –focused.

The delivery of reform requires a continuing strong focus on actions to optimise the utilization of the public service workforce.

By working together, we can create a new public service which will be better for citizens, businesses, public servants and society as a whole. To solve society's current problems at the necessary scale and speed, it's necessary to look beyond traditional divisions between the social, private and public sectors to co-construct and co-resolve.

Government has the potential capacity to create a favorable environment for implementing innovative solutions, but, is often blocked by short-term budgetary constrains.

The Romanian's public institutions must change fast and depth for a successful implementation of public reform which require sustained top level leadership.

The quality of public sector is essential for innovative potential of cities, regions and states and for the trust of public administration to lead to change.

Public institutions need strong capacity, innovation capacity, culture shift, to create a leading team of innovators and entrepreneurs inside the public sector and provide them with the tools of innovation, recruit citizens to help at the processes and to make public services digital.

VIII. "Culture, cults" field– Creative city!

The specific objectives are: restoring the cultural heritage, enhancing the cultural heritage by organizing cultural events and involvement of religious cults in the administrative life of the city.

Bucharest has a rich history and culture and the preservation of historical buildings, monuments, conservation areas and other heritage sites is important to keep for the next generations.

IX. "Sports and leisure" field–The city on the move!

The specific objectives are: development of infrastructure for sport and organizing sports competitions and utilization of natural resources to create recreational infrastructure.

By applying principles of community capacity building, sport may be uniquely positioned to enhance sustainable community health development initiatives (Emma Sherry, Nico Schulenkorf and Laurence Chalip, 2015).

X. "Education and training" field – The city that learns!

The specific objectives are: maintenance and integration of young people into social and economic life of the community, increasing access and participation in training and rehabilitation and development of educational infrastructure.

2. LIST OF POTENTIAL PROJECTS

I. Regarding **the economy field**, there are necessary the following potential projects: "The establishment of the Economic Development Agency Bucharest-Ilfov"; "Innovation Center in urban ecological development - intelligent city, in partnership with universities"; "Creating a strategic partnership Bucharest-Sofia-Athens, as a growth pole in Southeast Europe"; "Establishing, in partnership, a business incubator"; "Establish consultative group of businessmen and institutionalizing consultation with it"; "Supporting social enterprise development through OP HD type projects (model Ilfov County Council)", "Promoting and supporting the establishment of clusters (minimum two) - creative industries"; Facilitating access to utilities (water and sewage) for businesses and citizens by acquiring and tracking requests for connection by PMB; "The establishment of two technology parks".

II. For **the environment protection,** some potential projects must be focused on: "Panels measuring levels of dust, pollen and air pollutants and application for mobile phone warning in case of exceeding allowable limits"; "Electric Buses"; "Solar panels for administrative buildings and bus stops"; "Extensive green spaces"; "Support with the Environment Agency, the adoption of clean technologies by businesses";"Implementing the development strategy and long-term operating environment and the sanitation service (adopted in 2015); focusing on the specific frequency of streets and boulevards sanitation activities"; "The thermal rehabilitation of public buildings in PMB administration"; "Green Belt of Bucharest"; "Increasing the water quality for the chain of lakes in north" and "Cleaning of the Dambovita River".

III. **Urbanism** is a domain which must improve the city's image and comfort of citizens by harmonizing and creating a specific design for Bucharest urban furniture. Local urban planning regulations will contain benchmarks on their achievement in Bucharest (typology, coloring palette etc).

For a smart city, there are required to be developed, projects such as: "The general cadastre of the city"; **"**Regulation of urban regeneration and establishing a specific architectural style of Bucharest"; "Urban regeneration project around the building of the Romanian National Academy and in the National Library area - Mărăşeşti passage - Unirii Blvd. - NervaTraian Blvd."; "Support for restoration of facades of historical monuments constructions and of those in the historical center" and "Rehabilitation of buildings having earthquake risk".

IV. **Transport infrastructure** requires a great importance, especial in Bucharest, where the city wasn't designed before for such a complex traffic from nowadays. That's way, some projects must be prioritized and focused on: expanding RATB routes to neighboring localities; bike lanes; traffic lights with electrical panels; the operationalization of the passenger railway around Bucharest; support for operationalization of the Danube-Bucharest channel; some arteries to link and connect other; the system of parking meters; cyclotourists belt; green light on the middle ring; finalizing or extending some boulevards.

Other potential projects can be: "Hydraulically actuated mechanical, rotary, underground parking systems"**, "**Intelligent or Smart Parking Parking (carousel parking) and above-ground parking spaces with green roof"; "Establishment of new subway lines - PiațaUnirii-CaleaRahovei-Bragadiru, EroiiRevoluției-ȘoseauaGiurgiului-GaraProgresu, 1Mai-Chitila, Străulești-Mogoșoaia, 1Mai-Otopeni, BucurObor-Voluntari, Academia Militară – Măgurele"; "Extending the Traffic Management System throughout Bucharest"; "Support, assistance for the auto and pedestrian passages over Bucharest beltway (Domnești, Berceni)".

V. **Water supply, sewage, heating** are important aspects that need developed projects in:"Private Management for RADET";"The continued expansion of water supply and sewage systems in line with the expansion of the city"; "Rehabilitation of heating pipelines (e.g. Militari, Vitan, Pantelimon CET)"; "Rehabilitation of secondary heating networks for the 27 stations in Bucharest"; "Completion of Glina WWTP"; "Extending the water supply and sewage networks to the new districts in the surrounding localities (Bragadiru, Popeşti-Leordeni)"; "Establishment of a service in the PMB for relations with homeowners

associations and mediating their relationship with the utilities companies" and "Photovoltaic panels for home heating".

VI. **Social development (housing, health, safety, welfare, employment)**is essential for a good future and must be focused on projects like: "Local police Facilities to increase their intervention capacity", "Emergency working and response procedures for CGMB subordinated hospitals in Bucharest", "Bucharest unique database for social cases, missing persons and persons in shelters", "Construction of a new public hospital, a new building wing for Burn care and Treatment Hospital and finishing works at Grigore Alexandrescu Hospital"; "Center for Juvenile Delinquency, new centers for victims of domestic violence and for the elderly"; "Urgent restoration of buildings with earthquake risk", "Facilities to increase the capacity of intervention in emergencies"; "Equipment, procedures and protocols between PMB hospitals to facilitate the resolution of complex cases" and "Expanded video surveillance systems of streets and schools".

VII. For a better managed city, **local institutions** have to reduce building permits issuing (20 days), urbanism certificates and postal numbers (10 days); to offer social platform for mobile phone signaling in real time, by the citizens about the city issues; develop a marketing strategy for the city to promote as a tourist and business destination; develop regulations on public-private partnership so that it can be used for creating public goods, conversion of vacant positions in junior civil servants; info-kiosk type information systems; develop through a broad consultation, Bucharest Strategy 2050 as a document that provides continuity in administrative action.

Also, other projects regarding the local institutions can be: "Setting up Bucharest-Ilfov Development Association with five tasks: transport and Infrastructure, public order, water and sewage, environment and sanitation"; "Revising at PMB the procedures for working with citizens in order to reduce administrative service delivery times"; "The establishment of information centers of PMB in neighborhoods (Berceni, Rahova, Drumul Taberei, Bucureștii Noi, BaltaAlbă"; "Implementation of the PMB sectorial anti-corruption Plan from 2016 to 2020 and anti-corruption training for civil servants"; "Develop / review PMB regulations for rental / lease of the public domain in order to maximize their use and to increase local budget revenues"; "Publication on PMB website, in accordance with the legal framework, signed contracts and daily payments"; "Clear segregation of duties between PMB and sectors".

VIII. **Culture, cults** provide a sense of unity and allow us a better understanding of previous generations and the history of where we come from. For that we must protect and preserve the cultural heritage through projects such as: "Finalizing the works for the Cathedral of People Salvation"; "Developing annual calendar of cultural events of PMB / Bucharest in consultation with NGOs"; "Restoration and enhancement of the Royal Palace in The Old Center"; "Infrastructure Rehabilitation of the historic center"; "Establishment of the History Museum of Bucharest, with a section dedicated to public services"; "Rehabilitating theaters buildings under the management of CGMB"; "Preservation and enhancement of the historical monuments in the local heritage"; "Highlighting the underground catacombs in the historical center"; "Funding through competition of cultural projects - Not a day without cultural events in Bucharest"; "Rehabilitation and modernization of Bazilescu Theatre and Mask Theatre and creating a Cultural Center in Bucureștii Noi"; "Acquiring the status of Cultural Capital of Europe", and so on.

IX. For **sport and leisure,** there are necessary spaces for certain activities and for that must be develop projects regarding: construction and arrangement of sports facilities in specific Bucharest neighborhoods; building a Multipurpose Arena with a capacity of 15,000 seats; building a rink with a capacity of 10,000 seats; take over and modernization of sports facilities - BNR Arena, synthetic fields located above the parking lot of the Național Arena Complex, Lia Manoliu Național Complex tennis courts; building a dedicated swimming Sports Complex; construction of five dedicated athletics facilities; construction of 5-6 gyms with a capacity of 1500-2000 sits across Bucharest - handball, football, basketball, volleyball, fencing, table tennis, athletics, judo etc; participation in bidding for organizing international competitions like: Final4 EHF Women Champions League for the period 2017-2018, the European/ World Athletics Championships, UEFA Champions League Final, Bucharest Marathon, Bucharest Ironman (triathlon) etc.; urban rehabilitation of the Dambovia River; restoring the Herăstrău park; building the Bucharest horse race track, and also, highlighting the recreational areas of Lake Morii and Delta Văcărești.

X. Important areas are **education and research** because they constitute pillars of the society.For an intelligent society, these areas involve: general project of rehabilitation, modernization, sanitation, schools equipping, especially in outer neighborhoods, including gyms and cafeterias; Centre of Excellence at the Bucharest level for children with outstanding results; system of social grants and scholarships of excellence for children; financing from the

municipality budget of applied research projects for urban development; program for the construction of nurseries, kindergartens and after-schools; program for strengthening the skills of teachers.

4. CONCLUSIONS

A potential development program for Bucharest refers to economic, social and environment fields, a smart city with urban infrastructure - transport, roads and traffic, well implemented IT systems, a strong administrative capacity of public administration, innovative public services, strengthening the education and research.

A sustainable development program for Bucharest means introducing advanced systems, urban revitalization, improving the public services at European standards, increasing the availability and accessibility of public transport improvement; achievement of city infrastructure quality and social services quality to European standards, improving quality of life and safety of its citizens; creating a favorable climate for investment attraction, retention and business development, improving accessibility and connections with the surrounding areas; transforming the city into a pillar of economic and social development for the entire area.

REFERENCES
1.   European Union, Making our cities attractive and sustainable. How the EU contributes to improving the urban environment, 2010;

2.   Lisbon Council, the College of Europe and Accenture, the European Centre for government transformation, Delivering public service for the future. How Europe can lead public sector transformation, A collection of essays on the ooportunity and challenge of public service in the digital age, 2014;

3.   Regional Development Plan of Bucuresti - Ilfov Region, 2014-2020;

4.   Sustainable Urban Mobility Plan 2016-2030, of Bucuresti-Ilfov Region;

5.   Romania's territorial development strategy;

6.   The City Hall of Bucharest Municipality, available on web page: http://www.pmb.ro/;

7.   Smart City Conference Proceedings, 2014, Economica Publishing House;

8.   Smart City Conference Proceedings, 2015, Economica Publishing House;