

PROGRAMME

MAY 17, 2018

14.00 - 18.00

Section: Public administration and social responsibility in the European context - Hall 013

Moderators:

Prof. Laurentiu Baranga, PhD – Valahia University of Târgoviște, Romania

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1. NON-CONFIDENTIALITY OF LIABILITY JURIDIC OF LOCAL DEALERS

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Keywords: Disclaimer, Liability, Local Elected Officials, Breach of the Principle of Legality

Summary

The present study highlights the unconstitutionality of art. 128 of the Law no. 215/2001, as introduced by Law no. 140/2017, as the abovementioned text merely exonerates a wide range of elected local dignitaries from liability, removing them from any responsibility and deleting from their content the competencies and duties assigned to them by the relevant organic and ordinary laws. The arguments invoked by us in this study do nothing to converge with the doctrinal opinions already expressed in the literature and to support the quasi-unanimity of the existing opinions regarding the unconstitutionality of the aforementioned law. Keywords: Disclaimer, Liability, Local Elected Officials, Breach of the Principle of Legality

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The present study highlights the unconstitutionality of art. 128 of the Law no. 215/2001, as introduced by Law no. 140/2017, as the abovementioned text merely exonerates a wide range of elected local dignitaries from liability, removing them from any responsibility and deleting from their content the competencies and duties assigned to them by the relevant organic and ordinary laws. The arguments invoked by us in this study do nothing to converge with the doctrinal opinions already expressed in the literature and to support the quasi-unanimity of the existing opinions regarding the unconstitutionality of the aforementioned law.

2. The Appeal in Interpretation in the International Jurisdictional Practice

Keywords: jurisdictional practice, the interpretation, the method, decision, the competence

Abstract

Apart from other remedies - reviewing or appealing, jurisdictional practice also knows the recourse in interpreting and rectifying errors.

Thus, when the IJC had the power to pronounce a decision, it also has the competence to interpret it, as in art. 98 of the ICJ Regulation.

The Court may, at the request of either party, interpret one of its judgments if there is a disagreement between the views of the parties as to the meaning of the Court's judgments. In practice, few interpretations requests are known to the Court.

The Permanent Court of International Justice was seized twice with such requests, in 1925, for the interpretation of the judgment of 12 September 1924 in the *Neuilly Treaty of Peace*, the examination of which was refused because it exceeded the provisions of that judgment and in 1926, concerning the interpretation of the judgment of 25 May 1925 pronounced in the *Case of German Interests in Upper Silesia*, which was admitted by the Court for consideration.

As regards the rectification of errors, this appeal is recognized, unlike the ICJ, only by the ECHR practice, and is governed by the Court's Rules of Art. 81, according to which the errors of writing or computing and the obvious inaccuracies can be rectified by any jurisdictional body of the ECHR, either ex officio, or at the request of a party.

Also, the UN Convention on the Law of the Sea in Annex VII art. 12 provides for the option to lodge an appeal for interpretation on the arbitral award issued. Thus, in the event of differences between the parties regarding the interpretation or the method of interpreting the judgment, the interested party has the right to refer the arbitral tribunal of the decision to a request for interpretation.

3. EFFECTS OF STRESS ON WORK PERFORMANCE

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Keywords: performance, work analysis, cost of stress.

Abstract:

If the consequences of stress is we manifested in a significant number of employees in the workplace, we can say that we are facing a problem throughout the company.

This means that if about 40% of employees of a group (be it a department within an organization or across the organization) is affected by organizational stress problems, we are talking about a group unhealthy.

The most common effects of stress on work performance are low availability to work, the high rate of turnover of employees, absenteeism, performance and productivity in low labour, increasing customer complaints, and increasing complaints for lack of compensation from employees.

People can continue to come to work under pressure stress, but in this case, their performance will be reduced. In this case, we are talking about presentism.

Chartered Management Institute conducted a study on health care in 2011 and found that around 75% of managers recognize that organizational stress clearly affects their employees.

4. THE IMPACT OF WORKPLACE ON PERFORMANCE WORK IN THE TEAM

Doctorand Duță (Ghită) Nicoleta Mihaela
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Keywords: stress, teamwork, performance in teamwork, organizations.

Abstract:

Psychologically and physiologically on the capability and job requirements there are two types of requirements, one to increase the capabilities and requirements, and other requirements and lowering capabilities. Decreases when control of teamwork, conflicts arise between members; When employees feel the lack of recognition, understanding and support from the leaders of psychiatric disorders appear to have a particularly large influence on the individual.

Many activities in the workplace and weak relationship with the supervisor are stressors related to workplace issues that can cause the entire team working, such as anxiety or depression.

Team members causing emotional problems, in turn, absence through illness requiring medical consultations leading ultimately to failures among the team.

5. The Review – a Legal Remedy against International Law Opposability

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The Institute of Juridical Research “Andrei Radulescu” Bucharest

Lect. Cristian Mitroi, PhD –
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Keywords: the remedies, sentence, the examination, arbitration agreement, Convention

Abstract

Legal remedies against opposability are mechanisms that aim at obtaining a court's withdrawal of its previous decision or the annulment or reformulation of the previously adopted decision. The system of the respective legal means, which, in fact represents different ways of appeal, is incomplete and differs from that provided by the national law.

The review is a remedy reserved to sustainable courts, which consists in the possibility for the parties to draw a decision that was previously wrongly pronounced.

It is a review of judgments that have been formulated on the basis of erroneous data (facts which at the time of the examination of the case were ignored and subsequently discovered) that played a decisive role in making a decision from an arbitrator or a judge.

Art. 61 of the IJC Statute provides that the trial may be started without the consent of the other party and, implicitly, may be opened upon the submission of a unilateral request.

As a rule, a review request is examined by the contentious party that issued the decision under review. The review request is solved in two stages. In the first stage, the Chamber or the Grand Chamber can declare of its own motion to reject the application on the ground that nothing justifies its examination. In the second stage, if the application was not rejected, the Registrar shall communicate it to all other interested parties, to submit any written observations within the time limit set by the Judge. The arbitration panels may also be subject to the review procedure in accordance with the conditions laid down in the 1907 Hague Convention. Thus, according to Art. 83 of the Convention, in order to be able to use the review of the arbitral award, the parties are obliged to reserve this right in the arbitration agreement, which also stipulates the term in which a request for revision of the sentence may be filed.

6. IN-HOUSE" PROVIDING OF LOCAL PUBLIC SERVICES. CONDITIONING ARISING OUT OF EUROPEAN UNION LAW

Associate Professor Ph.D. ,**Constanța MĂTUȘESCU**¹
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"Valahia" University of Târgoviste

Key words: local public services, local public authorities, European Union's law, in-house providing, analog control

Abstract: In recent years, at the level of local authorities in Romania, there is a tendency to "internalize" public service tasks, in the sense that instead of preferring to award local public service contracts to an external operator under competitive conditions, they are rather willing to assure themselves the provision of these services, in the context of internal relations ("in house"). The reasons invoked to justify such an option are varied, most often referring to the degree of profitability, the level of risk or compliance with quality standards, but also the fact that these assignments are exempt from the application of formalized procurement procedures, which require often burdensome administrative burdens for small local communities. Such practice is not contrary to the provisions of European Union law which enshrine the freedom to organize local public services. However, European Union law imposes a series of conditions on the exercise of this freedom, designed to ensure that undistorted competition is maintained in this sector.

The paper aims to identify the conditions under which, in accordance with the provisions of European Union law, and in particular the evolving case-law of the Court of

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Justice of the European Union, the local public authorities can ensure the "in-house" providing of public services.

7. Legal protection aspects protected areas and biodiversity against pollution

Lect. Cristian Mitroi, PhD
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Key words: environment, protected areas, protected species, biological diversity, sustainable development, ecosystem, biodiversity.

Abstract. Protected Areas are collected since many people, only for the purposes of their "conservationist", being deemed to be true "oases" of wildlife to be protected only to the conservation of species inhabits. Very little it is recognized that the areas under natural and seminatural constitute actually the "life" and implicitly of socio-economic development.

There were established such protected areas to conserve natural areas of the world, where the human intervention is almost non-existent, but also areas in which human intervention is present, as is the case of modified landscapes which have a special landscape and cultural importance.

In this context, the monitoring of the increase in the global network of protected areas, their distribution and management of the objectives thereof are vital, but equally important to know is the actual status in which there is a specific protected area and, in particular, how effective is the management of protected area.

The majority of modern agricultural practice proved to be particularly harmful for nature and landscapes. To increase productivity, were destroyed many rare habitats, in particular through the drainage of wetlands and irrigation of arid areas. Some of the practices of industrial type have almost eradicated plants and animals living in the wild.

Under the aspect of protecting natural areas and biodiversity, we believe that the special legislation in our country will have to be improved, with special regard to the Law of hunting and the protection of the cinegetic fund no. 407/2006, within the meaning of hardening penalties for those in breach of the provisions of the law in question, whereas the cinegetic fund, if it is not well protected can lead to increased danger that some animals in danger of extinction to disappear.

Also, it is important to take more drastic measures in respect of the fishing activity, in practice rules the Government Emergency Ordinance no. 23/2008 on fisheries and aquaculture, is not complied with, the infringing activities prejudicing serious species of fish.

8. Criminological aspects and the effects of violence on women

Associate Professor Ph.D, Lavinia Vladila
Valahia University of Târgoviște, Romania

Key words: violence against women, causes, effects, criminological aspects.

Abstract: Violence against women is one of the social and legal paradoxes of our time. Regardless of the development of society and its cultural or religious borders, it is more or less present in all European countries and in all social strata.

The present study aims to discover the preponderance of the social environment where we most often encounter this obscure form of violence, descending from time immemorial to the present. We also want to know the predominant age of the victims, but also of the aggressors, their occupation, the causes and effects of violence against women most often committed into the couple, and also the most effective legal remedies in this case. In our study we will present some of the poor existing statistics in Romania, but we will also use the ones existing in Spain and partly in France.

Reducing violence against women by understanding their social mechanisms and by appropriate legal response is a way of social responsibility for each of us.

9.Social responsibility versus managerial performance as a psychological strategy in human resources management

Prof. Laurentiu Baranga, PhD – Valahia University of Târgoviște, Romania
dr. Simona Maria Maracine

Key words:Responsibility, performance, motivation, psychology, recruitment.

Abstract

Staff recruitment, benefits systems, professional training programs, internal communication, health, employee safety, their involvement in community life and their attitude to the environment, stress management, change management - all get a new dimension if they are addressed from a double perspective of organizations that are aware of the social impact. Over time, the concerns of psychologists and managers about explaining human behavior have given rise to a number of motivational theories. This paper presents 3 motivational theories which are considered more important, namely:

- the theory of content - emphasizes the specific factors that motivate employees as individuals. These individuals can originate in themselves, referring to certain necessities and aspirations; or they belong to the micro-context in which they operate, that is, the position they occupy;
- the motivation process theory focuses on the dynamics of motivation, starting with the initial energizing of behaviors, continuing with the selection of alternatives and reaching the current effort. The process theory emphasizes psychological processes or forces that have an effect on motivation as well as on primary needs;
- the instrumental theory asserts that rewards or punishments serve as means to cause people to behave or act in different ways.

10.STRESS IN ROMANIAN CORPORATION

Ioana Cătălina Ghiță

Keywords: *stress, behavior, human resources, stress management, big companies*

Abstract:

At present, large companies from all around the world reduce their costs and become more and more efficient by employing about 60,000 people from our country. Large foreign corporations are opening offices in Romania, managing their various outsourced services here.

To avoid redundancy in staff grids, big companies tend to move various services into one place (eg. a call center to serve a large number of countries). This is why the expenses of large companies are reduced because the labor force in the countries where they establish their centers is cheap, our country being among the preferred outsourcing services.

Although initially reluctant and less interested with the impact that distress has on employees and how it affects their lives, recently companies have begun to pay attention to occupational stress in terms of the considerable financial costs involved. Employees and employers seem to have different views on management's concern to reduce this risk factor in the sense that employees believe that their companies do not take sufficient steps to mitigate the negative effects of stress, although some of the effects could be removed with a minimum of resources.

A common business model is to force the employee, and when he gives up, to replace it. However, when employees are valuable, management will start to reconsider their comfort. Big companies know that stress is equivalent to inefficiency, and they don't want to be inefficient, so they will try to motivate people.