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SECTION III.
EUROPEAN UNION LAW. INTERNATIONAL LAW

Friday, November 19, 2021

ONLINE ON ZOOM

Keynote speakers:

Associate scientific researcher **Cristina Popa Tache**, *Institute of Legal Research of the Romanian Academy*

Associate professor **Ioana Nely Militaru**, *Faculty of Law, Bucharest University of Economic Studies*

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! Fiecare lucrare va fi prezentată în maxim 15 minute

ONLINE SALES OF MEDICINAL PRODUCTS IN THE CJEU CASE-LAW – BETWEEN THE
FREE MOVEMENT OF GOODS AND PUBLIC HEALTH PROTECTION

Professor Gabriela BELOVA

*International Law and International Relations Department
South-West University “Neofit Rilski”, Bulgaria*

Abstract

The trans-border online purchase of medicines has been growing in the last decades. This paper provides an in-depth analysis of the relevant case-law of the Court of Justice of the European Union. The Luxembourg Court has addressed the issue of online sale of medicinal products on several occasions primarily from an internal market perspective. From its first judgments in cases Doc Morris, Ker-Optika and Pierre Fabre the Court tried to find the delicate balance between the freedom of goods within the European Union and the principle of protection of the public health. On the one hand, the Court tries to keep in line with the development of the internal market, including medicinal products sold online and on the other hand the public interest has been always observed, in particular the protection of public health. The article pays attention to one of the legislative initiatives of the European Commission in this field as well as to the newest judgments of the Court of Justice of the European Union.



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HUMAN RIGHTS AND THE ENVIRONMENT

PhD. Aulona HAXHIRAJ

„Ismail Qemali” University of Vlora, Albania

PhD. Besiana PETANAJ (MUKA)

„Ismail Qemali” University of Vlora, Albania

Abstract

The problems of the environment with this technology and with the evolution of society are increasing and moreover this has caused many wide-ranging problems in the violation of some rights. Global warming, ozone depletion, pollution of water, air, soil by illegal activities as well as the development of new technology became many cases addressed to the regional and International Court of Justice on environmental but the connection and narrowing that exists among others attracts me to human rights. During to work I have noticed many analysts, knowledge of law, have determined that they are directed to the environment is directly related to human rights, because a healthy environment can not enjoy other rights that flow before it, such as, the right to life, to lead a private family life, etc. But some others express the opinion that the right to the environment should be seen in separate from other rights and should be seen only from the point of view of the environment. The law of the environment is included in the law of the third- generation, this was said as a leader who represents a large social group that needs to lead and gives states is different depending on the economic situation of each of them. In this paper I have managed to identify all environmental problems and the solution provided by states or higher courts to these issues. Detailed analysis of court decisions, clear and rigorous definition of the relationship between human and environmental rights makes this paper both more complex and more interesting.

**THE EU SCHEME FOR THE STATE AID RULES IN THE AIR TRANSPORT SECTOR
DURING THE COVID-19 CRISIS**

Professor Dubravka AKSAMOVIC

„Josip Juraj Strossmayer” University of Osijek, Faculty of Law, Croatia

Assistant professor Lidija SIMUNOVIC

„Josip Juraj Strossmayer” University of Osijek, Faculty of Law, Croatia

Abstract

Paper provides for a systematic overview of the EU scheme for the State aid rules applicable to the air transport sector during Covid-19 crisis. The COVID-19 outbreak is having a major impact on European air transport sector. In order to help air transport undertakings in Europe to overcome the financial troubles, to preserve jobs, to secure supply of essential food, medicals or other items, etc., the EU Commission adopted set of legislative measures enabling the EU Commission and Member States to authorise hundreds of State aid measures, not only to air transport sector, but also to other economic sectors, which were mostly affected by the pandemic. Since in normal circumstances member states State aid to national undertakings are subject to extremely stringent EU competition law regime, the intention of this paper is, firstly, to analyse to what extent and under what conditions that has changed during pandemic. Secondly, the intention of the paper is to explore to what extent and for what purposes different Member States granted State aid to their airline industries with special respect to the French, Austrian, Swedish and Croatian State aid policy. Lastly, the authors will raise question whether massive capital injection to air transport companies being made only by certain, wealthier, member states are going, in long term, to cause negative impacts on the competition in the air transport sector in the internal market.



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**ORGANIZATIONAL AND LEGAL FORMS OF INTERMUNICIPAL COOPERATION TO
ENSURE HUMAN RIGHTS IN THE FRAMEWORK OF COVID-19 PANDEMIC: UKRAINE
AND EUROPEAN EXPERIENCE**

Professor Elvira TITKO

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Head of the Ukrainian Center of Human Rights and the Development of Educational Innovations, Ukraine*

Lawyer Zhanna HRUSHKO

"WINPARTNERS" Law Firm, Ukraine

Abstract

The article reveals the international legal regulation and features of inter-municipal cooperation. The author reviews the regulation of IMC in the law of the Council of Europe, and the author focuses on the decisions of the ECtHR. It focuses on the fact that IMC in Europe is a strategy to guarantee the ability to achieve the proper level of development of the territorial community and to ensure the ability to provide quality services to meet the modern challenges of society. In addition, the article reveals different aspects of the benefits of IMC under the quarantine restrictions caused by the spread of COVID-19. And the application and usefulness of IMC in the fields of transport and medicine. The article aims to analyze the European experience of IMC, its role under COVID-19, as well as to identify individual areas that can be applied when implementing the European experience in Ukrainian practice of IMC to ensure human rights and protection against coronavirus infection in conditions of quarantine restrictions. The authors used the following methods in the article: method of analysis and synthesis to study the current situation with IMC; historical-logical method to analyze the formation of legal regulation in European countries and the Council of Europe; legal method to analyze the legal regulation; systematic method to determine the necessity of IMC in Ukraine, as well as under conditions of quarantine restrictions. The authors concluded that, in general, the role of IMC can hardly be overestimated, especially in the context of the global need for security and human rights.

**THE EU GREEN DEAL AND THE FUTURE OF THE EU BUSINESS LAW - SCENARIOS FOR
LEGAL EVOLUTION**

Professor Oleg ZAICHUK

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Researcher Yuri ZAICHUCK

Institute of Private Law and Entrepreneurship of the National Academy of Legal Sciences of Ukraine

Abstract

The ongoing transition away from fossil fuel presented a number challenges for the EU and its legal profession. According to the EU official statistics, the EU is on its way toward becoming the first carbon neutral region of the planet. However, even Germany is struggling to generate enough electricity from its renewables and actively pursuing "strategic alternatives". The EU is actively looking into introducing a so-called carbon adjustment on its border to create a level field for its own companies. However, at the same time, the EU is heavily dependent on exporting its goods to the very same countries which actively resist EU's plan to charge the carbon border duty on their exports to the EU while EU's competitiveness and share of the world's trade is slowly but inexorably falls behind the rest of the world. The future of the the EU business law and the outcome of the EU green transition depend on the speed of the technological progress which is highly uncertain. It is this evolution of technology which would determine the future of the EU business law whether EU's political actors accept it or not.



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THE RIGHT OF RESIDENCE OF FOREIGNERS IN ALBANIA

Associate professor Erjona BANA (CANAJ)

Commissioner, People's Advocate of the Republic of Albania

Abstract

Migration has been an essential part of Albania's history and still is to the present day, though it has changed both in size and nature since the fall of Communism. Since the introduction of reforms, the Albanian migration picture has evolved. Albania has opened itself up much more to migrants, though the relative number of immigrants remains low. This opening has included changes in the legislative framework governing immigration and a closer resemblance between Albanian legislation and international conventions governing individual rights and State obligations in the field of migration. Albania has transposed all EU directives relating to immigration and asylum into its national legal system and participates in the negotiations on new migration and asylum measures at the regional level. Albania has especially changed its legislation to improve its alignment with the standards of the EU necessary for its eventual accession. This is a desk-research, which provides an overview of rules and procedures for the residence of foreigners in the Republic of Albania. The objective is to trace the main institutional and legal procedures applicable to foreign citizens who seek to stay in Albania. This paper also highlights some of the challenges in the application, interpretation and development of immigration rules currently present in the Republic of Albania.

THE RIGHT OF FAMILY REUNIFICATION IN ALBANIA

Associate professor Erjona BANA (CANAJ)

Commissioner, People's Advocate of the Republic of Albania

Abstract

Family reunification has been one of the main reasons for immigration into the EU for the past twenty years. It is an entry channel enabling those who already reside legally in a Member State to be joined by their family members. This study is focused on family reunion in Albania. The aim of this paper is to analyse if EU rules and in particular the Directive 2003/86/EC on family reunification and Directive 2004/38/EC on free movement of persons in the EU have been implemented correctly. The Directive 2003/86/EC on family reunification establishes common rules for exercising the right to family reunification in EU Member States. This Directive has been implemented in Albania. Albanian legislation seems to be conform EU standards. It determines the conditions under which family reunification is granted, establishes procedural guarantees and provides rights for the family members concerned. However, we will analyse the conditions before allowing family reunification such as economic criteria, adequate accommodation, the waiting period, integration measures etc. The legal framework, which deals with family reunification in Albania, is composed of the Constitution of the Republic of Albania, Law no. 108 dated 28.03.2013 "On foreigners" and Law no. 10 dated 01.02.2021 "On Asylum in the Republic of Albania". This research paper provides an overview of rules and procedures for the family reunification of foreigners in the Republic of Albania. This paper also highlights some of the challenges in the application, interpretation and development of family reunification rules currently present in the Republic of Albania.

KOSOVO SERBIA DIALOGUE FACILITATED BY EU

Lecturer Flamur GASHI

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Abstract

Kosovo and Serbia have entered into the dialogue which based on the achieved results is far from expectations. The process has started with an aim of normalization of the relations between these two states. Since 2013 between Kosovo and Serbia there were agreed 33 agreements, known as agreements to solve concrete issues as the outcomes of this technical dialogue. All these agreements were achieved through the facilitation of the BE, which itself continues to hold a neutral position related to the



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Kosovo Independence. The dialogue since its beginning was developed with different intensity and it sometimes was completely interrupted and sometimes it went slowly with many obstacles. Author with this paper, describes and analyses main problems hindering the achievement of the final solution for Kosovo Serbia dispute, and the role EU and the difficulties the EU is facing while facilitating this process. Introduction: Kosovo, Serbia, EU, process, normalization, dialogue.

**NEW GENERATION OF INVESTMENT AGREEMENTS IN THE REGIME OF THE
EUROPEAN UNION**

Associate professor Silvia MATÚŠOVÁ

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PhD. student Peter NOVÁČEK

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Abstract

The judgment of the Court of Justice of the European Union as of 6 March 2018 in Case C-284/16 changed the system and coordination of investment relations of the Member States of the European Union. The judgment set a fundamental precedent that changed the system of international investment law and placed the investment arbitration, conducted due to bilateral investment agreements between the EU and the Member States. The aim of the scientific study is to point to the new generation of the EU investment agreements which, in accordance with their importance, will influence the development of international investment relations between EU Member States and non-member countries of the world. The study was elaborated on the analysis of the rules of legal logic, systematics, accuracy and the generalization of conclusions. The analysis and interpretation of obtained results have proved that the traditional system of international investment agreements is being changed. A new model is emerging in the regime of investment agreement of the European Union.

**THE NEED FOR A HARMONIOUS INTERPRETATION OF THE RULES APPLICABLE TO
INTERNATIONAL CONTRACTS**

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IJP – Instituto Jurídico Portugalense, Portugal

Abstract

International trade, as of result of globalization and the consequent exponential growth in the operations volume, has brought a movement of reflection on the disciplinary rules of international trade relations. In this context and considering the significant divergences between the legal regimes of the different States, the instruments of standardization and harmonization of the international contracts' disciplinary rules assume special importance. Notwithstanding the existence of normative instruments that guide the formation and execution of the signed agreements, it is imperative that the hermeneutic activity of such texts is also harmonious, under penalty of distorting the purpose for which they were conceived. Through the analytical method, we will approach the unifying rules and principles of the process of interpreting contracts in the international scenario. Initially, we will present the principle that guides the entire process of interpreting international contracts, pointing out the fundamental principles in conducting the interpreter's activity. We will also note the importance of usages and customs in the interpretive process. Finally, we will analyze the rules on the interpretation of contracts and unilateral declarations of the parties contained in the Vienna Convention on the International Sale of Goods 1980, CISG, and in the UNIDROIT Principles applicable to international commercial contracts, version 2016.



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INTERNATIONAL LAW AND NATIONALISM AS TWO ESSENTIALLY RELATED
CONCEPTS

Associate professor Paulo DE BRITO
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Abstract

The principal aim of the present essay is to explore the relationship between international law and nationalism, whilst arguing that both concepts cannot be viewed as two separate and self-contained realities, but should rather be considered in light of their mutual interaction. The external actions of a nation are reflected internally. Similarly, its internal actions have external repercussions. In this work, such consequences are examined in a nation-state with an authoritarian structure as opposed to those found in a democratic nation-state. Additionally, the concept of nationalism is studied in its variant forms in both these contexts, leading to the premise that an aggressive and expansionist nation-state is unlikely to be guided by a constitution that places a high value on democracy and freedom. A nation which does not respect the liberties of its own nationals will undoubtedly disrespect other States and their nationals, and vice-versa. This begs the question: should international law be irresponsive and neutral in these cases?

HEALTH AND HUMAN RIGHTS, ECHR AND THE CONSTITUTION OF THE PORTUGUESE
REPUBLIC: AN INTERPRETATION

Professor Carlos RODRIGUES
Universidade Fernando Pessoa, Portugal
Professor Ana CAMPINA
Universidade Fernando Pessoa, Portugal

Abstract

Health is a Human Right needing a permanent attention, study, and interpretation. As the conceptualization of Health is complex, the universality and legal recognition by the International Law has relevant perspectives and inherent consequences for the human beings, the States - political, economic, social, cultural – requiring a particular understanding and scientific interpretations. This research applied a qualitative method, but including an important study of statistics, so quantitative, by the Human Rights perspective, there is a health conceptual overview within the International, European Law, focus on the Portuguese legal study case. The European Convention on Human Rights (Council of Europe) has been used to tackle health as a right most different contexts, Portugal as a member is charged to protect the lives of all human beings of his jurisdiction, guaranteeing the right to health. This right is recognized by the Constitution of the Portuguese Republic (1976), there is an important National Health Care System and Portugal is growing in compliance with the right to health in accordance with international standards.

RECEPTION OF CONTRACT GROUP THEORY IN
EUROPEAN CONTRACT LAW

Associate professor Gina ORGA-DUMITRIU
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Abstract

The relationship between the contract group theory and the principle of the relative effect of conventions is, in the civil law of obligations, an actual Strait of the Danaids. Developed in French doctrine, the theoretical construction of contract groups is seductive and, above all, controversial. Recognized as a legal reality only in French, Belgian and Luxembourg law, the formula of contract groups remains for other national legislators only an economic reality whose challenges are most often manifested, in legal terms, regarding the nature of liability between the group's partners, respectively the contractual or delictual nature of



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the direct action of the sub-acquirer against the original producer-seller of the goods. The study begins with the description of the contract group categories popularized by Prof. Bernard Teyssié, who differentiated between i) chains of contracts with linear (homogeneous and heterogeneous) structure or with radiant structure and ii) contractual (interdependent and divisible) sets (I). Subsequently, with specific reference to direct action in international chains of contracts, we will proceed to analyze the determination of judicial competence in case of i) the absence or existence of a clause conferring jurisdiction or ii) by applying the rules established by the Brussels Convention of 27th September 1968, respectively Brussels I and Brussels I bis (II) Regulation and legislative competence with regard to the law applicable to (i) the action arising from a transferring ownership chain, respectively (ii) the action arising from a non-transferring ownership chain (III). Finally, we will identify the contract group approach in i) the jurisprudence of the Court of Justice of the European Union (CJEU), more precisely the refusal of the contractual qualification of direct action from the well-known Jakob Handte and in ii) consumer directives, respectively in European contract law instruments, such as Draft Common Frame of Reference (DCFR) and optional sales instrument (IV).

RELATIONSHIP BETWEEN INFRINGEMENT PROCEEDINGS AND THE WTO DISPUTE SETTLEMENT PROCEDURE

Associate professor Gina ORGA-DUMITRIU

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Abstract

The analysis of the interaction between the legal order of the Union and the law of the World Trade Organization (WTO) would be incomplete without a critical assessment of how European judges and panels and the WTO appellate body contribute to the articulation between the two legal systems. The Court has rejected the direct applicability of WTO law in settled case-law. This merely means, however, that Member States, in an action for annulment, or the parties in a reference for preliminary ruling on the validity of an EU act, may not rely on the incompatibility of an EU act with the WTO Agreement. The possibility of basing infringement proceedings on an infringement of WTO law does not run counter to the aims and particular character of dispute settlement in the WTO and can ensure the effective enforcement of any negative ruling by the WTO dispute settlement bodies. If the European Union was not able to bring infringement proceedings against Member States in such cases, the internal implementation of international trade law would even be seriously jeopardised.

THE PROBLEMATIC OF ALBANIAN LEGISLATION RELATED TO THE INTERNATIONAL ARBITRATION AND MEDIATION – RECOMMENDATION TO BE OVERPASSED AND ASSIST THE INTERNATIONAL COMMERCE IN BALKANS

Lecturer Elona BANO

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Abstract

This paper aims to analyze the Albanian legislation related to arbitration, especially international arbitration having in attention the fact that the actual Albanian law in this does not respond to the needs and requests of international commerce. A draft law on arbitration is under the process of public consultancy but it is also far from the international regulations and needs important improvements. Actually Albanian corporates and international corporates operating in Albania in transport, telecommunication, finance and banks, customs are obliged to solve their disputes using the arbitration courts or arbiters that are established in Italy or Austria. The Albanian Government is in a critical point related to public private partnerships and unrealized contracts of concessions, being in the situation of paying to heavy bills as per decisions of international arbitration courts. The main used methodologies: comparative analytics of legislative framework; analyzes of jurisprudence and analogy, proposing at the end of the study concrete conclusions and recommendations de lege ferenda. The principal impact of this paper is to bring a detailed analytic of the role of arbitration institutions and improvements to be addressed at a proper and modern Albanian legislation in the area of internal and international arbitration.



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**THE ROLE OF THE VENICE COMMISSION IN SHAPING EUROPEAN
CONSTITUTIONALISM**

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Associate professor Marieta SAFTA

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Abstract

The recent turmoil in the European constitutional space, caused by some decisions of the constitutional courts and the CJEU that have brought up again the juxtaposition of the final authority conflicting claims between these courts, and with it the debate over supremacy versus EU law, with all its consequences hence, they determined us to turn our attention to an institutional actor that influences, more or less visibly, constitutionalism in the EU, and which must also be included in the equation of these events: the Venice Commission. In this light, the study presents the landmarks of the emergence, development, increasing influence of the Venice Commission in the European space and the real ways in which it has exercised and still exercises a strong influence on the constitutional development and standardization of law in this space.

THE DETENTION CONDITIONS REFLECTED IN THE JURISPRUDENCE OF ART. 3 CEDO

Lecturer Aurel Octavian PASAT

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Abstract

The number of convicted in prisons is growing worldwide and it is no secret that deprivation of liberty does not justify many of the objectives and material means assigned to it. Deprivation of liberty has several objectives: ensuring the security of society by isolating offenders, reducing recidivism and re-educating offenders. However, prison conditions, especially those in Eastern Europe, do not meet the standards imposed by international institutions. The specific international legislation is extremely concise with this field, given the fact that through its content and applicability it occupies a priority role in the policy of any rule of law. Because a rule of law, through its social protection components, manifests its concern for its citizens, and especially for those in vulnerable situations, and the execution of a custodial sentence is certainly among the vulnerabilities that require increased care for these categories of individuals. The purpose of this article is to study the theoretical, practical and legislative aspects regarding the legal interpretation of the human rights institution from the perspective of the existence of conditions of detention in prisons, aspects reflected in the jurisprudence of the European Court of Human Rights.

THE IMPACT OF HUMAN RIGHTS ON BUSINESS

Lecturer Carmen MOLDOVAN

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Abstract

The aim of this paper is to explore the link between the development of human rights regulations in International Law and business, as well as the inverse relationship of the influence of business activities on fundamental rights. In this regard, the evolution of this two-way relationship will be examined through the lenses of the United Nations Guiding Principles on Business and Human Rights, as well as the connections between the standards set out in this act and other international instruments on human rights. The aim of the paper is to prove and highlight the need to address the issues of respect of fundamental rights from a global perspective and the multi stakeholders approach by taking into account all actors involved - states, companies, individuals. The concept of responsibility to protect fundamental rights will also be addressed as being relevant for changing the paradigm of their protection by transferring the burden from States to companies.



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**THE DEFINING ROLE OF DELIVERY CONDITIONS IN INTERNATIONAL TRADE OF
GOODS BY SEA FOR THE DETECTION OF IRREGULARITIES AND NON-CONFORMITIES**

Professor Florin TUDOR

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Lecturer Ștefania MIRICĂ

*Faculty of Law and Administrative Sciences
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Abstract

It is well known that Incoterms rules have emerged in a context where the need for trade uniformity justifies the decision to introduce a common set of regulations on international trade. Relevant is that these delivery conditions are not mandatory, they only have the role of supporting the actors involved in international trade of goods, but if the parties agree to use them, they become mandatory. Unfortunately, practice shows that, in many cases, they are misinterpreted and used in clear contradiction with the other provisions of the commercial sale contract, in complete disagreement with the recommendations of the International Chamber of Commerce. The inconsistencies in the interpretation of some delivery conditions often encountered in relation to the provisions of the commercial contract for the international transport of goods by sea are surprising. Through this paper, we aim to identify the most important mistakes resulting from practice and somehow try to correct them, so that all these possible irregularities and frauds do not further affect the EU's financial interests.

Acknowledgment: *This paper is financed from the funds of the project carried out by the University "Dunărea de Jos" from Galați with the title: "Society based on democracy and common values", financing contract no. RF 3638/30.09.2021.*

**THE PRINCIPLE OF MUTUAL RECOGNITION: FROM THE INTERNAL MARKET TO THE
EUROPEAN AREA OF FREEDOM, SECURITY AND JUSTICE**

Lecturer Anamaria GROZA

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Abstract

The principle of mutual recognition represents one of the brilliant creations of the Court of Justice of the European Union, which has significantly contributed to the achievement of the free movement of goods, in the absence of the approximation of national laws, and which is impressive even today by its depth and vocation to extend to new fields of European integration. Mutual recognition is one of the efficient solutions in order to have unity in diversity and also common objectives to reach. We find the principle of mutual recognition in the sphere of the fundamental freedoms of the internal market and in very different domains of the internal market too. Judicial cooperation in civil and criminal matters uses this principle in order to ensure the free movement of judgements and the effectiveness of criminal proceedings. The application of the principle in very different fields has illustrated its utility, as well as the particularities of each area. By observing these particularities, we can better understand the European integration specificity in various fields and its challenges. Our research is descriptive, explanatory and comparative, being accompanied by the relevant case law of the Court of Justice of the European Union.



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RESTRUCTURING PRACTICE IS ON THE MOVE WORLDWIDE.
POST-COVID INSOLVENCY

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“Titu Maiorescu” University of Bucharest, Romania

Legal adviser Diana Maria ILIE

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Abstract

The same late autumn, the same grim socio-economic “picture”, painted in shades of grey, at least at national level, in which the health crisis reaches unimaginable heights and the wave of insolvencies currently “hidden” is preparing to “shake” aggressively the economy. We all want to talk about a post-Covid “world”, about a “cured” healthcare system, about a competitive and innovative business environment, of course, as much as we want to talk about a new Romanian Commercial Code, to ensure the continuity of economic activity. But the wait doesn’t seem to end. And yes, we all hoped that this pandemic drew new coordinates, and these new coordinates gave a real impetus to legislative reform, a much-needed reform in many areas of major interest at the crossroads of the global economic crisis. However, this much invoked and awaited reform does not seem to be tangible, palpable. The economy continues to “sink” easily and certainly. We continue to “navigate” through a fragmented and less predictable “landscape”, but in the midst of these uncertainties we aim to take the “pulse of the economy” nationally and globally and identify the legal and economic instruments needed for sound insolvency reform, a field deeply shaped and “imprinted” by the Covid-19 pandemic. Insolvency can become one of the main pillars of the reconstruction of the post-Covid economy, through a careful and rigorous “grinding” of its regulations, driven of course by the changing perception of the insolvent debtor and the vision of the essence of our culture stuck in the idea of unforgivable guilt of the bankrupt. Although the “palette” of solutions in the restructuring area has diversified and enjoys a “legislative effervescence” globally, in Romania SMEs are “on the brink” and concrete measures to apply insolvency in a positive sense, in order to reintegrate debtors into the economic circuit, it is delayed, as is the process of transposing EU Directive 2019/1023 on restructuring and insolvency at national level. What are the consequences of these delays? We are preparing for a “tsunami” of insolvencies, and in the meantime we are “hiding under the rug” the harsh economic reality and lack of capital. Let’s “turn the clock” and give another chance to the field of insolvency, putting under scrutiny legal instruments still on the table of international bodies in the field, for a solid legislative reform and for a post-Covid “world”.

LAW AND IT TECHNOLOGIES. PREDICTIVE JUSTICE

Lecturer Andra IFTIMIEI

„Alexandru Ioan Cuza” University of Iași, Faculty of Law, Romania

PhD. student Mihai IFTIMIEI

Doctoral School of the Faculty of Economics and Business Administration

„Alexandru Ioan Cuza” University of Iași, Romania

Abstract

Predictive justice is one of the newest directions of law evolution, being at the same time an expression of its digitalization. Modern society places great emphasis on interdisciplinarity, so that law and IT technologies are models in this direction. The paper aims to study this new phenomenon, identify the principles according to which it works, as well as present, respectively analyze predictive justice models already implemented in countries such as the United States or France. At the same time, we aim to highlight the functions that predictive justice can perform, in the sense that such a high-tech legal approach can be an aid in decision-making or can even be the main tool in decision-making. Can human resources be replaced by an algorithm in the administration of justice? A proposed result, following the research undertaken, is the drawing up of a predictive justice model that can be implemented in the national law system. The research methods used are literature review, epistemological method and comparative method.



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**FUNDAMENTAL VALUES OF THE EUROPEAN UNION IN THE JURISDICTION OF THE
COURT OF JUSTICE OF THE EUROPEAN UNION**

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Associate professor Gabriel Liviu ISPAS
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Abstract

The fundamental values of the European Union, as set out in Article 2 of the Treaty on European Union, provide that, in a society in which pluralism, justice, solidarity and equality are fundamental, the rule of law is the same in all states. Without their application in all States and in all functional relations between citizens and authorities, the rule, whether provided for in the Treaty or in national constitutional or legal rules, remains only an ineffective provision. The study will present both the concept of fundamental values and principles and the recent case law of the Court of Justice of the Union. The case of the Portuguese judges, Romania's position on the rule of law, the cases of Hungary and Poland will be presented. The research method is a systemic one, of theoretical and applied analysis of the concepts, in order to show, finally, that belonging to the European family also implies the respect of the direct effect and the priority of application of the European law. We will analyze and condition the access to European funding sources by respecting the rule of law.

**HOW CAN BE AFFECTED INTERNATIONAL INVESTMENT BY THE REACTION OF
STATES DURING CRISES?**

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Abstract

The current crisis has once again put the actors of the economic environment face to face. In these conditions, prudence of decisions and cooperation occupy the most important places. Both investors and states must reach a broader knowledge of the international legal rules, as well as the historical trajectory of the relevant jurisprudence. In this way, effective sets of regulations specific to all situations in which vulnerabilities can generate disputes can be drawn up. Given the sanctity of international obligations, it is easy to understand that non-compliance with the provisions of an investment treaty is extremely serious. For this study, the comparative method and the overall analysis of the existing and / or non-existent regulations for the functioning of the investment system were used, observing the relevant jurisprudence.

CHATBOTS. LEGAL CHALLENGES AND THE EU LEGAL POLICY APPROACH

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Abstract

In the modern era of digital technology, chatbots are becoming a prominent element in the conversational services. Chatbots are software that can successfully communicate with human beings. Their popularity as a means of communication has been recently engaged not only in the business field, for the relation with clients and consumers, but also for the services provided by regulated profession such as doctors, lawyers, etc. The aim of this paper is to present the general juridical problems which may arise when employing a conversational agent in the communication process with humans. Issues such as taxonomy, intellectual property rights, civil liability, consumer protection, cybersecurity and compliance with secrecy regulations, privacy and data protection, and other problematic human rights issues are among those to be taken into consideration. Recent documents of legal policy of the European Union are also presented, namely the Proposal for a Regulation of the European Parliament and



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of the Council laying down harmonized rules on Artificial Intelligence (AI) and amending certain Union legislative acts. This proposal, although aimed to address AI in general, has a number of provisions also relevant for chatbots, as conversational AI.

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EU INITIATIVES AND REGULATIONS ON SUSTAINABLE CORPORATE GOVERNANCE

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Abstract

The European Commission's guidelines for the period 2014-2019 provide for the European Union to focus on integrating the UN's sustainable development goals into economic, social, climate and industry competitiveness initiatives and policies. The tendency to focus on the short-term financial waiver of the company and on the redistribution of a large part of the revenue generated to shareholders is widespread at EU level and may hinder investments essential for the transition to sustainability, in productive facilities, innovation, modernization and retraining, retraining and retraining of employees. It can also contribute to income inequality, as the short term creates pressure to reduce wages, and employees often do not benefit proportionately from payments made to corporate management and shareholders. The goal of financial performance reduces the ability of companies to properly integrate sustainability considerations into their business strategies and decisions. This trend is manifested on two levels: on the one hand, companies do not properly identify and address climate change and other environmental, social and human rights risks and effects (including workers' rights, child labor, etc.) in operations and their supply chains. Many EU companies are sourcing from entities based in countries with lower human or environmental rights standards, and the identification and mitigation of related risks and impacts are weak. On the other hand, companies fail to integrate potential new opportunities either for investment or for ensuring sustainability. These trends have been facilitated by shortcomings in corporate law and governance codes, as they encourage directors' accountability to shareholders and do not sufficiently cover the interests of other stakeholders, including those affected by the company and the local and global environment. The standards and requirements of national legislation relevant to companies differ from one Member State to another. Initiatives to amend European corporate law include amending the Codified Company Law Directive (2017/1132) and the Consolidated Shareholders' Rights Directive (2007/36). The study proposed for presentation aims to analyze the evolution of the European regulatory framework on sustainability, resilience and social responsibility of companies, as well as the stage of implementation of European directives in Romanian company and financial law with a focus on coding ESG standards (environment, science, governance) and to translate them from the soft law area to concrete, measurable obligations and the way of sanctioning the violations of the standards and the obligations incumbent on the Member States on the one hand and on the companies on the other.

LAW AND SECURITY

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Abstract

The paper aims to analyse some aspects of the European and national legislation having as goal or effect to guarantee the security.



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**ECONOMIC REGULATIONS, INSTITUTIONS, AND ENTREPRENEURSHIP: INSIGHTS
FROM THE EXPERIENCE OF TRANSITION COUNTRIES**

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Abstract

The present paper analyzes the evolution of entrepreneurship in former communist countries during their transition to a market economy, seeking to identify the rules, regulations and institutions that influenced this evolution. I start by exploring the theoretical link between regulations, transition, and entrepreneurship, concluding, based on existing literature, that there exists a “vicious circle” between the three elements, which are strongly interlinked. I then observe this relationship in practice, by focusing on the case of the former communist countries from Eastern Europe and Central Asia. I analyze the interplay between data on the intensity of business activity, and multiple measures of regulations relevant for entrepreneurship in the above-mentioned countries, carrying out comparisons and attempting to draw inferences on causality. I show that the quality of regulations matters for business success, and good rules such as the protection of private property, reduced bureaucracy, low tax rates, and the control of corruption are crucial for supporting entrepreneurship.

**A BRIEF LOOK AT THE BUDGETARY PROCEDURE IN THE EUROPEAN UNION AND THE
RECOVERY PLAN FOR EUROPE**

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Abstract

The adoption of the budget of the European Union is done through a special legislative procedure. This is a version of the regular procedure, which is specially adapted to the particular characteristics of the budgetary process. The budgetary function in the European Union is exercised by the Council together with the European Parliament. The two institutions have equal powers in the budgetary procedure, following the Treaty of Lisbon (2007). Budgetary powers involve determining the total amount and distribution of the European Union's annual expenditure and the revenue needed to cover it. The EU's long-term budget and NextGenerationEU (NGEU - the temporary instrument designed to stimulate recovery) will form the largest package of incentives ever funded in Europe.

**OVERHANGING THE FUTURE SOCIO-ECONOMIC ASPECTS THROUGH THE
CONSEQUENCES OF GLOBALIZATION & INTERNATIONAL LAW**

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Abstract

This paper presents & analyses the arguable situation & impact of globalization on international law. Globalization has become such a major phenomenon that changes so many rules & aspects from a short term to a long one. The fact that globalization challenges the natural aspects of legal order on the international level, makes competitiveness in advance due to so many major threats in the international society, international market, development & integration. Globalization in other words has such an impact on the market structure and revenues that's why it adapts the international law in different terms. Globalization nowadays is countering the present & future law by putting in order & consideration new global institutions & norms for the corporation law. But it threatens as well so many socio-economic challenges that map the future of international law. The game between globalization & International law is complex so it appeals always to new majors but for the future, it is completely better to rely on & look for creative solutions.