SECTION III.

EUROPEAN UNION LAW. INTERNATIONAL LAW

Friday, November 17, 2023

ONLINE ON ZOOM

Keynote speakers:

Lecturer **Adriana Deac,** *Faculty of Law, Bucharest University of Economic Studies*

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

! Each paper will be presented within 15 minutes
! Fiecare lucrare va fi prezentată în maxim 15 minute

SCIENTIFIC PAPERS

10.00 - 11.00

PUBLIC INTERNATIONAL LAW ASPECT ON ECOCIDE, IT'S DEFINITION, LAWS, AND GLOBAL RESPONSIBILITIES

PhD. Legal counsel **Harsh PATHAK**
Supreme Court of India, Delhi, India

Abstract

This paper emphasizes the significance of the environment and ecosystems, introducing the concept of 'ecocide' as encompassing various forms of environmental degradation and supports making ecocide an international offense. . Several countries' approaches to ecocide laws are discussed, including Vietnam's National Ecocide Law and efforts by nations like Vanuatu, Maldives, New Zealand, and France. The role of India's environmental laws and legal bodies in safeguarding the environment is highlighted, along with the relevance of fundamental rights in the Indian Constitution. The article explores the potential effects of implementing international ecocide laws and also suggests that such laws might indirectly aid climate change mitigation and reduce pollution. It could increase corporate environmental awareness, curbing deforestation, and promoting accountability. The importance of an intact environment for human well-being is stressed, paralleling the accountability humans have for harming ecosystems. The article concludes by advocating for stringent global laws to protect the environment, suggesting codifying ecocide laws nationally and internationally as a crucial first step.

INTERNATIONAL CONTRACTS IN THE EU CONFLICTUS IURISDICTIONUM ET CONFLICTUUM LEGUM. WHAT FUTURE?

Associate professor **Maria João MIMOSO**
Portucalense University, Researcher Center IJP, Porto, Portugal

Abstract

This article aims to give a general overview of the way in which international contracts are regulated within the European Union, problematizing the implications of the conflictual approach in the designation of the applicable law. For a better contextualization of the problem, we will analyze, primarily, the jurisdiction rules of Regulation Brussels I bis - Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (recast) - only in contractual matters, and then the conflict rules of the Rome I Regulation - Regulation (EC) No 593/2008 of the European Parliament and of the Council of 17 June 2008 on the applicable law to contractual obligations - maxime articles 3 and 4. This methodology is justified due to conflicts of jurisdiction; competence standards of the courts (including the possibility of the parties entering into pacts which assign jurisdiction) positioning themselves, chronologically, before the issue of the law applicable to the situation/conflict to be resolved (this by determining the principle of autonomy of the parties in choosing the applicable law to the contract or, in the absence of choice, through the "supplementary criterion"). Finally, we will seek to discuss the possibility of, under the principle of autonomy, the parties referring to non-state law and what its implications are.

THE PROTECTION OF UKRAINIAN MIGRANTS IN PORTUGAL: FROM THE INTERNATIONAL AND EUROPEAN REGIME TO PORTUGUESE LAW

Assistant professor **Fatima Castro MOREIRA**
Portucalense Institute for Legal Research, Portugal
Assistant professor **Barbara MAGALHAES**
Portucalense Institute for Legal Research, Portugal

Abstract

The war in Ukraine caused a major humanitarian crisis, leading thousands of civilians to leave the country and seek refuge in third countries. In this perspective, rather than being migrants, the people fleeing this war shall be considered as refugees in accordance with the 1951 Refugee Convention and its 1967 Protocol. Council Directive 2001/55, of July 2001 created a special procedure to deal with a "mass influx" of people in need of international protection. Due to the war in Ukraine, this Directive was triggered by EU Council Decision 2022/382, of 4 March 2022. In this sequence, in response to the need for assistance to and protection of refugees, Portugal presented a plan for their reception, having established a legal regime delimiting criteria for their protection, as well as the scope of temporary protection to be granted under the decree-law 24-B/2022. We propose to analyse the protection regime granted, considering the criteria defined by Public International Law and European Union Law, to assess the convenience, opportunity and sufficiency of the measures implemented before proposing solutions consistent with the humanitarian crisis-situation experienced in Europe, and the reception and integration of these migrants.

NEW GENERATION EU AGREEMENTS – THE BASIS FOR FUTURE WORLD TRADE

Professor Ing. Lubica BAJZÍKOVÁ
Comenius University in Bratislava, Faculty of Management, Slovakia
Professor JUDr. Daniela NOVÁČKOVÁ
Comenius University in Bratislava, Faculty of Management, Slovakia
Mgr. Lucia PAŠKRTOVÁ
Comenius University in Bratislava, Faculty of Management, Slovakia

Abstract

International trade agreements contribute to the development of international trade and services. The European Union is currently modernizing the system and structure of international agreements related to international trade, investment and services. The aim of the scientific study is to clarify and identify the characteristic features of the agreements of new generation that are concluded between the European Union and non-EU member states. Based on the facts, we can confirm that trade policy supports, among others, values such as the protection of human rights, the protection of labor rights, the environment and the fight against climate change. Such an approach of the European Union to the liberalization of world trade through comprehensive trade agreements is also supported by the strategy of the European Commission „Trade for All".

11.00 - 12.00

INTERNATIONAL LAW: THE LOST METAPHOR? REFLECTIONS ON THE CURRENT WARS

Associate professor **Paulo De BRITO**
Lusófona University, Porto University Center, Portugal

Abstract

The wars currently ravaging our planet lead us to question the normative character of international law with its corresponding imperativeness. Are we facing the decay of international law, as Anthony Carty wrote in the last century? Has the metaphor been lost? Is there still any hope for tomorrow? We will analyse the current war situation to question the imperative normativity of international law. On this subject, Martti Koskenniemi wrote "From Apology to Utopia" and later "The Gentle Civilizer of Nations": has international law lost this character? The answer will remain open, and this essay will be a speculative treatment of the subject.

ARTIFICIAL INTELLIGENCE AND POLITICS: ENSURING OR THREATENING DEMOCRACY?

Assistant professor **Konstantinos KOUROYPIS**
Frederick University, Cyprus

Abstract

Artificial Intelligence constitutes one of the most fundamental pillars for the implantation of the EU Digital Agenda. Its impact both in private and public life is omnipresent. AI has become an inherent part of the political life since politicians use it for several reasons, such as to promote their strategy as well as to achieve better and closer communication with people. However, there are significant issues, both ethical and legal, which pose a wide range of concerns: from the protection of fundamental rights and freedoms to the safeguard of the principle of rule of law. The core question is the following: does AI strengthen democracy or lead to its deterioration? This paper aims at demonstrating the implementation of AI in politics. Firstly, there will be pursued, via a normative methodology, a description of the regulatory framework governing AI, in connection with justice and democracy. Following a critical approach, there will be an analysis of principal ethical and legal concerns regarding the necessity and/or efficiency of use of AI in political life. Finally, the ultimate goal of the paper is to stimulate critical thinking and suggest fruitful proposals for the safeguard of the democracy and the establishment of a trustful and powerful digital environment.

EUROPEAN MARITIME POLICIES AND THE DYNAMIC OF AUTONOMOUS VESSELS

PhD. student **Leonidas SOTIROPOULOS**
European University of Cyprus

Abstract

Maritime transport is an intensively and rapidly developing sector of a particularly international dimension. European shipping plays a key role in the development of the maritime industry in European Union as it strengthens its economy, strategy and negotiating power. The European Commission, to achieve this objective, seeks to promote a common maritime policy and create a regulatory framework. Technological development has historically challenged contemporary shipping laws. This paper pursues to provide an approach of the legal dimension of autonomous ships. The dogmatic legal method is followed, assisted by the socio-economic approach method. Firstly, the role of European Maritime Policy and its objectives are discussed. Secondly,

regulatory and legislative initiatives of the use of autonomous ships worldwide are analysed. Due to the particular nature of maritime law, special attention is given to the issues of liability arising from the use of autonomous vessels. The article intends to offer an original contribution by examining the aspects of new technologies such as Autonomous Vessels and the challenges they raise in the global and European community. It concludes that the integration and regulation of Unmanned Ships by the European Maritime Policy would promote a high level of safety and development in maritime transports.

MICA REGULATION – DIRECT APPLICABILITY COUPLED WITH CHALLENGES FOR THE NATIONAL LEGISLATION

PhD. **Alexander KULT**
Czech Technical University, Masaryk Institute of Advanced Studies
Centre for Law, Finance and Technology, Czech Republic
PhD. **Petr TOMCIAK**
Czech Technical University, Masaryk Institute of Advanced Studies
Centre for Law, Finance and Technology, Czech Republic

Abstract

On June 9, 2023, the Markets in Crypto Assets Regulation (MiCA) was published in the Official Journal of the European Union as a comprehensive regulatory framework for the cryptocurrency industry in the EU. This article deals in particular with problematic areas in the MiCA Regulation, such as the question of an unambiguous choice of law in relation to the Rome I Regulation which provides protection to the consumers by means of their domestic law. The second important point is complaint handling regime, for which it is not clear whether it is lex specialis vis-à-vis national rules on the enforcement of rights arising from defective performance or not. It is therefore necessary to assess whether the complaints regime constitutes only an expression of dissatisfaction with the provider's conduct or whether it also constitutes an expression of dissatisfaction with the quality or quantity of the contractual performance. The treatise is supplemented by an insight into the implementation regime of Czech law as well as the current regulation of crypto-service providers from the perspective of the Estonian AML Act.

12.00 - 13.00

UNLOCKING THE FUTURE OF OPEN FINANCE AS: A RECENT EU PROPOSAL FOR FINANCIAL DATA ACCESS REGULATION (FIDA)

Assistant professor **Jan SKRABKA**
Head of the Centre for Law, Finance and Technology
Masaryk Institute of Advanced Studies, Czech Technical University in Prague, Czech Republic

Abstract

This paper examines the recent draft of the EU Regulation on a framework for Financial Data Access (FiDA Regulation). The European Commission proposed this new Regulation, which will likely have transformative effects on the financial sector, as it represents a crucial step in opening access to data across financial services. The objective of the paper is to assess the new uniform rules for sharing all kinds of financial data and types of financial institutions, which were introduced to foster new innovative services and empower both consumers and businesses with greater control over their financial data. The article presents a critical discussion of the proposal and discusses its anticipated impact on the financial sector, and uses analytical and doctrinal legal methods. The conclusions and ideas presented in the paper may help policymakers and Member States overcome some of the challenges that the current FiDA proposal is facing. Overall, the FiDA proposal will help the customers protecting their data as well as the financial institution obtaining some of the client data to offer tailored services.

The FiDA Regulation will become effective no earlier than in 2026, and the proposal will certainly undergo changes during the EU legislative process.

JUSTICE IN THE PRACTICE OF INTERNATIONAL CRIMINAL TRIBUNALS, IN THE CONTEXT OF THE TASKS OF CONTEMPORARY INTERNATIONAL HUMANITARIAN LAW

PhD. student **Ionuț-Gabriel DULCINATU**
Faculty of Law, International Free University of Moldova, Republic of Moldova

Abstract

Transitional justice, which today has become a widespread and very useful concept, which allows the transition from an authoritarian system to the rule of law, which aims to establish a democratic regime that respects human rights - and what is important not at the level of declarations and applicable methods, but, first of all, this must become the philosophical basis of his daily life. The purpose of transitional justice is to restore the dignity of the victims, to establish mutual trust between the antagonistic groups, to favor the institutional exchange necessary for a new relationship within the population that will allow the establishment of a state of law, including through an effective control of the practice of total or partial impunity. The various constitutive elements of transitional justice generally combine reparative measures of restorative justice (Truth and Reconciliation Commissions), meanwhile establishing parallel mechanisms of punitive justice (especially in relation to the main responsible or direct executors of the most serious crimes). On the other hand, transitional justice claims to reform the institutional system, restoring the primacy of law and ensuring the functioning of judicial institutions for the future, fighting in the meantime against impunity for the crimes committed during the previous period. In this sense, transitional justice pursues a multiple goal within the framework of an end to a conflict, in which other imperatives are imposed on government officials - the disarmament of combatant forces, the restoration of citizens' security, the compensation of victims and the restoration of the economy of devastated societies. After being neglected for a long time, the victim is at the center of current political concerns and is the object of a constantly growing interest, mainly in the criminal field and not in social discourses. But this phenomenon, positive from some aspects, is not without problems and arouses controversial debates among researchers and actors of the criminal world. This imposition of the victim seems to exist not only in the criminal system, but also in the current socio-political terrain. This predominance is observed in many Western states, lately becoming dominant to some extent both in international criminal law and in international humanitarian law, being taken into consideration the burden of victims in the status granted to them in armed conflicts. The participation of victims in the criminal procedure is generally a recent phenomenon, which seems to be far from being accepted. Victims played and play a secondary role in the tribunals previously established by the International Criminal Court (ICC). They were considered only as a means in the de facto absence of a participation or compensation system. Under the influence of strong pressures, the tendency to take into account the opinions and concerns of the victims, including admission in the criminal procedure, became visible in national and international law, and with the involvement of non-governmental organizations and states, the basis of a system was laid that provides for a relatively broad participation of victims in ICC trials. Even if its modalities are still the subject of harsh discussions, it is generally recognized that it is an important and useful tool that would allow victims of serious violations of human rights and international humanitarian law to be heard and to hope for possible reconciliation. The evolution of the process of increasing interest in victims is the result of political, social and legal tensions that started in the 1960s, with the implementation of state policies regarding victim compensation and the development of victim defense associations, being influenced by the social movement that opted for civil and women's rights. We find that taking the victim into consideration in social and penal policies has progressed in a meteorological manner. National and international investigations allowed taking into account the victims' dissatisfaction with the criminal system, which led to a genuine experience of secondary victimization, which has as a general consequence the tendency of a weak denunciation of the criminal acts to which they were subjected. They also emphasized the diversity and extent of trauma suffered by some victims, especially after going through interpersonal violence, such as rape or family violence. In addition, towards 1950, a new discipline had developed, a component of criminology, but which very quickly became autonomous - victimology. This field of research focuses on the study of the victim, on his psychological and physical reactions to the sustained achievement, but also on his experience of relying on the act of justice and society in general. These various findings gave rise to state structures to help victims, which have spread throughout the world. The victim thus became a political stake.

RESTORATIVE JUSTICE BETWEEN THE NEED TO BRING TO JUSTICE THOSE GUILTY OF COMMITTING INTERNATIONAL CRIMES AND CONVENTIONAL CRIMES AND THE IMPLEMENTATION OF THE NATIONAL RECONCILIATION PROCESS

PhD. student **Ionuț-Gabriel DULCINATU**
Faculty of Law, International Free University of Moldova, Republic of Moldova

Abstract

When a deed is committed, the civil society of which the perpetrator is a part, considers it reprehensible, considering the relation of the deed to that society's own value system. Since by the effect of committing such an act in society, another person has been injured in his physical being or in his property, who will have to bear the consequences of this injury? This is the essential issue of liability. The reprehensible social judgment of value will manifest itself in the form of a statement of public opinion in which the objectionable object is precisely the reprehensible. The conduct of the public - the subject of the respective opinion - which expresses itself reprehensibly will be one of rejection of the reprehensible, rejection manifested in various forms, with the times and places. The progress made in the last century by public international law, in terms of the field of criminalization of criminal acts, unfortunately did not lead to great corresponding achievements, along the lines of the creation and promotion of international legal institutions that value the norms of law in force. In the absence of such criminal jurisdiction, the sanctioning of international crimes continues to be achievable, with some limited and conjunctural exceptions in a national framework, by the criminal courts of each state. By acceding to international treaties of international humanitarian law, states undertake to respect them in good faith. Moreover, international conventions only specify serious crimes, indicating them expressly (see: the Geneva Conventions of 1949 - art. 49 of Convention 1; art. 50 of Convention II; art. 105-108 and 129 of the III Convention and art. 146 of the IV Convention; Additional Protocol I of this convention, concluded in 1977 - art. 85 paragraph 1, as well as the Geneva Convention of 1954 for the protection of property cultural in case of armed conflict - art. 28; genocide - art. V of the 1948 Convention; terrorism - art. 1 of the 1937 Convention; drug trafficking - art. 36 of the Single Convention on Narcotic Drugs of 1961) and recommends that states establish the only punishments for these serious crimes, the courts competent to judge them, as well as the qualification of other acts contrary to international humanitarian law as actions or crimes and the manner of their criminal and disciplinary sanctions. So, are the victims of armed conflicts entitled to benefit from the reparation of the damage suffered, from the states? If so, under what conditions and through what mechanisms can victims benefit from these rights? Recent developments in international law have made answering this question increasingly difficult as different approaches have developed to determine the nature of the obligation to provide reparations to war victims. The emergence of international human rights law led to placing the individual in a bivalent position, namely as a rights holder, without being fully recognized as subjects. States have often proved to be neither the only nor the best guarantors of the rights of their citizens. However, international law recognizes the rights of individuals and has established mechanisms for their direct exercise, without mediation by the individual's state. However, these rights and mechanisms are governed by different legal frameworks of a universal and regional nature, the application of which also depends on how national law recognizes these rights, which makes it difficult to determine the secondary obligations arising from the breach of the obligations arising from human rights.

CONSTITUTIONAL ASPECT THROUGH THE PRISM OF INTERNATIONAL PRINCIPLES

Associate professor **Olga TATAR**
Comrat State University, Republic of Moldova
Associate professor **Alexandru SOSNA**
Moldavian State University, Republic of Moldova

Abstract

I would like to note that, in contrast to substantive legal norms, which establish the content of the rights and obligations of individuals and legal entities of private international law and at the same time regulate their behavior, the conflict of law norm determines the law of which state can be applied to a given relationship. A very significant difference between the conflict of laws rule and a number of subsequent regulations is the overcoming of the conflict of laws problem by determining the applicable law. In the case when we are talking about the connection of a private law relationship with the legal order of several states, the question arises: by the law of whose state is it possible to resolve this issue. The likelihood of national authorities

applying foreign law is the main difficulty of private law. The application of foreign law is possible due to the provisions of national legislation, as well as an international treaty.

13.00 - 14.00

THE PROCESS OF ROMANIA'S ACCESSION TO THE ORGANIZATION FOR ECONOMIC COOPERATION AND DEVELOPMENT. PERSPECTIVES, ADVANTAGES AND COMPATIBILITIES

Associate professor **Adrian ȚUȚUIANU**
Faculty of Law, Wallachia University of Târgoviste, România
Lecturer **Anca PĂIUȘESCU**
Faculty of Political Sciences, „Dimitrie Cantemir" Christian University of Bucharest, România

Abstract

Romania's accession to the Organization for Economic Cooperation and Development (OECD) represents, after the accession to NATO and the EU, an ambitious foreign policy objective, advanced since 2004 and reiterated in 2016, an objective about which public opinion in the country didn't get too much information, motivated by the closed and selective nature of this organization. The vocation and areas of expertise of the OECD were less known in Romania also due to the fact that the activities related to it assumed the raising of our country to the level of principles and high economic and social standards based on the values of the organization and only after that the start of the activities of actual interaction with its work structures started. Romania's entry into the EU and the integration of the acquis communautaire into national practices allowed, over time, to increase the prospects of reaching the necessary standards for joining the elite clube of world economies, which is that of the OECD member states. The objective of the OECD is to achieve in its member states the highest sustainable economic growth and employment, with a rising standard of living in member countries, while maintaining financial stability and thus contributing to the development of the economy world wide. The article presents, from a chronological perspective, the main steps taken by Romania to obtain the statute of "candidate country" for OECD membership, the values and structure of the organization and the steps to follow in order to become a member.

INVALIDITY OF TREATIES, AS A LEGAL SANCTION SPECIFIC TO PUBLIC INTERNATIONAL LAW

PhD. student **Adrian COROBANĂ**
Doctoral School of Law, Bucharest University of Economic Studies, Romania

Abstract

While in domestic law, the sanction of invalidity is often encountered in practice in both substantive and procedural law, the same cannot be said of the sanction of invalidity in public international law. This paper aims to analyse this legal institution of public international law by identifying the main grounds for invalidity of treaties. Using the research methods of law in general and public international law in particular, by researching its sources, identifying the customs and practice of States in this area, the paper aims to demonstrate that the invalidity of international treaties is a legal sanction specific to public international law. The paper contributes to the creation of a general theory of legal sanction in public international law.

THE ROLE OF ARTIFICIAL INTELLIGENCE IN THE DIGITAL BANKING SYSTEM

PhD. student **Isabelle OPREA**
School of Advanced Studies of the Romanian Academy
PhD. student **Daniela DUȚĂ**
School of Advanced Studies of the Romanian Academy

Abstract

This paperwork follows the role and impact of artificial intelligence (A) in the financial-banking system. By analyzing systems that use AI in business relationship initiation, decision-making processes, analytics, risk management, cyber security and customer experience, AI technology is considered to have revolutionized the way banks operate. It also discusses the advantages, disadvantages and challenges associated with the implementation of AI in the banking industry, as well as the future prospects of this field in the context of the continuous development of technology. The paper emphasizes the importance of effective adaptation to this technological evolution to ensure competitiveness and customer satisfaction in the current financial banking environment.

AN UPDATE OF SAFETY MEASURES IN THE TRANSPORT ACTIVITY - PRIORITY EUROPEAN STRATEGY WITH NATIONAL IMPLICATIONS

Associate professor **Corina PETICĂ ROMAN**
„Lucian Blaga" University of Sibiu, Romania

Abstract

Transport constitutes, both, the model and the reflection of a society, so that the level of material and social life of a country is influenced by the degree of development of transport. Equally, the safety with which the transport activity is carried out represented and represents a major concern of the European decision-makers, a fact that is reflected in all the steps taken over time to create a "single European transport area". Each type of transport: road, rail, air, maritime, comes with its challenges from the perspective of safety measures, the need for common legislative benchmarks being obvious and effective at the same time. The European legal framework in the field of transport activity obliged the national states to "adjust" the internal legislation and strategies in the field of transport, in order to achieve this ambitious and not exactly easy goal. The work proposes a brief analysis of the measures and norms developed at the level of the European Union and of their impact at the national level.

14.00 - 15.00

SYNOPSIS OF THE EVOLUTION OF CRIMINAL PROCEDURAL LAW

Student **Marius-Vasile BÂRDAN**
Faculty of Psychology, Behavioral and Legal Sciences
„Andrei Șaguna" University of Constanta, Romania

Abstract

The first Code of Criminal Procedure was adopted in 1864, followed by those adopted in 1936 and 1968, so that Law 135/2010 entered into force on February 1, 2014 the current Code of Criminal Procedure. In the Romanian criminal procedure system, criminal proceedings were entrusted to the Public Ministry, which could be initiated ex officio, following the complaint of the injured party, aspects that are also found in the current legislation, but the name used by the legislator is that of "injured

person" or by written order of the Prosecutor General or Minister of Justice. The latter method of referral no longer finds its basis in the current legislation. At the same time, a difference is also noted in the modalities of extinguishing criminal proceedings. If in the Criminal Procedure Code of 1864, the solutions that the court could pronounce were those of acquittal, conviction or absolution, in the new code of criminal procedure the institution of graduation was not taken over.

DANGEROUSNESS OF THE OFFENDER - GENERAL CRITERION FOR INDIVIDUALIZING THE CRIMINAL LAW SANCTION

Student **Marius-Vasile BÂRDAN**
Faculty of Psychology, Behavioral and Legal Sciences
„Andrei Șaguna" University of Constanta, Romania

Abstract

The individualization of punishments is contained and regulated in Chapter V of the Romanian Criminal Code. The general criteria for individualizing the punishment can be defined as those rules, principles provided in the Criminal Code, which the court must take into account when determining the type, duration or amount of the punishment within the operation of individualizing it. In carrying out the individualization operation, the starting point is the criminal act in relation to the complex of data that indicates its social dangerousness (gravity, frequency, possibility of prevention, way of committing, consequences), and as the final point the personal situation of the criminal viewed in relation to his social personality (the role played in the commission of the deed, the form and gravity of the guilt, psycho-physical condition, antecedents, etc.).

INCREASING LEGAL CERTAINTY FOR CROSS-BORDER INVESTMENTS BY MAKING NATIONAL INSOLVENCY PROCEDURES MORE EFFICIENT AND EFFECTIVE

Legal adviser PhD. **Diana Maria ILIE**
National University of Sciences and Technology Politehnica Bucharest
Pitesti University Center, Romania
Professor **Ionel DIDEA**
National University of Sciences and Technology Politehnica Bucharest
Pitesti University Center, Romania

Abstract

We have proposed to carry out this article starting from the premise of a transdisciplinary research, reflecting an analysis of insolvency law as metamorphosed by the conglomerate of social, economic and political elements and events, which, in reality, permanently "roll" this "legislative snowball" found in the dynamics of globalization and Europeanization, context in which the classical branches of law are resized by acquiring mixed characteristics. Entering the realm of transdisciplinarity reflects nothing but the need to adapt the norms of law to the diversity and dynamism of global developments, mutations and challenges. The core of our research concerns insolvency law, a law that has reached the stage of remodeling in a global economic context, permanently "imprinted" by international and regional legal instruments. Enjoying a "thirsty" area of accelerated reform, we will try to synthesize legislative novelties such as the proposal for an EU directive on the harmonisation of certain aspects of insolvency law and we will explore cases and landmarks of restructuring in the USA, UK, India or Dominican Republic, often "cross" visions on insolvency regimes, in order to outline the international picture of the restructuring market in 2023 but also the prospects for 2024, in the idea of identifying coherent measures capable of mitigating the socio-economic consequences at the intersection of contemporary crises, crises that have profoundly changed the approach of the insolvency field. Last but not least, we will stop at one of the key dimensions of the new directive on the EU agenda, namely the creation of a special insolvency legal regime for SMEs, already outlined internationally by UNCITRAL. Beyond the draft directive still on the negotiating table and uncertainties, the initiative is part of the Commission's priority objective of strengthening the capital markets union (CMU) with the motto "Make the outcome of cross-border investments more predictable in terms of insolvency proceedings" beyond the effervescence of international and European insolvency law instruments, we must reflect on the importance of divergences in the regulatory approach to insolvency as an obstacle to cross-border investment, and a strong concern and commitment is needed in order to harmonize legislation and streamline national insolvency

procedures. Let us not forget that effective and harmonised insolvency rules support efficient capital allocation, economic recovery from recessions and therefore economic growth in each country, with insolvency being a key criterion for cross-border investors.

THE CONTROVERSIES OF ISRAEL JUDICIARY REFORM

Lecturer **Ovidiu-Horia MAICAN**
Faculty of Law, Bucharest University of Economic Studies, Romania

Abstract

In the last months, Israel faced with a very contested and divisive draft bill from the behalf of the government, putting into discussion the relation the three powers in the state. The draft bill in the parliament is aimed at limiting Supreme Court oversight of government policy has deepened social divisions and raised concerns about a possible democratic comeback. The Knesset passed a law that overturns the "principle of common sense" used by Israel's Supreme Court to evaluate government policies. This is especially the case in Australia, Canada and the UK. Judges decide whether a particular public policy is reasonable and sound. Because Israel is a parliamentary system, the proposed reforms, including weakening judicial oversight and changing the way judges are appointed, would shake the balance of power between Israel's government agencies. Opponents argue, future changes will destabilize Israeli democracy. Supporters of the reform argue the opposite, arguing that the judiciary has become an unaccountable government agency that usurps policy making power from the Knesset and the government.

15.00 - 16.00

THE RENTAL CONTRACT IN THE HORECA FIELD, THEORETICAL AND PRACTICAL ASPECTS, RESPECTIVELY ALTERNATIVE DISPUTE RESOLUTION METHODS (ADR) IN THE FIELD

Associate professor **Ioana Nely MILITARU**
Faculty of Law, Bucharest University of Economic Studies, Romania
PhD. student **Laura-Ramona NAE**
Doctoral School of Law, Bucharest University of Economic Studies, Romania

Abstract

In a constantly evolving world, marked both by the recent impact of the pandemic and by technological progress, the increasingly diverse and growing demands of customers - tourists, consumers of services and products in the hospitality industry, especially in the HoReCa field, have generated new challenges. Professional marketers in the hospitality industry have responded to meet all these challenges by identifying innovative and viable solutions. In this context, in addition to the provision of accommodation services, they diversified the objective of using the available spaces within the hotels to offer consumer tourists, additional relaxation and leisure services, including casino gambling facilities. Also, in order to secure their business and to develop solid and continuous relationships with customers, they have introduced contractual clauses that facilitate the amicable resolution of any disputes between the parties, thus also benefiting from alternative dispute resolution methods (ADR). All these initiatives have been foreseen and developed with the aim of maintaining a professional and human balance in the relationship with clients and their collaborators, as well as to ensure a harmonious continuation of the efficiency, sustainability and professional ethics of all these relationships.

SOME ASPECTS RELATED TO THE COMPETENT BODIES IN THE MATTER OF BUDGETARY CONTROL AT THE LEVEL OF THE EUROPEAN UNION

Associate professor **Ioana Nely MILITARU**
Faculty of Law, Bucharest University of Economic Studies, Romania
Lecturer **Adriana MOȚATU**
Faculty of Law, Bucharest University of Economic Studies, Romania

Abstract

The fight against fraud needed regulation, and even more, to be the main object of the activity of specialized bodies. Thus, in 1988, the task force "Anti-Fraud Coordination Unit" was created, formalizing the fight against fraud and corruption and the protection of the EU's financial interests. In 1995 (July 26), through Council Act 95/C 316/03, the "Convention on the protection of the financial interests of the European Communities" was introduced. In 1999 OLAF (the European Anti-Fraud Office) was established, so that in 2017 (12 October) to establish the European Anti-Corruption Prosecutor's Office - EPPO, through Council Regulation (EU) 2017/1939. EPPO becomes operational from June 2020.

INTERNATIONAL LAW AS A MEANS OF GLOBALIZATION, BUSINESS INTERNATIONALIZATION AND GLOBAL ECONOMY: A MECHANISM WITH PROCLIVITIES

PhD. student **Anis BENABED**
Doctoral School of Economics and International Business
Bucharest University of Economic Studies, Romania

Abstract

This paper analyzes, describes and presents the relationship and effects between globalization and the International law. Historically, between globalization and international law, there is a dialectical relationship, both have been intertwined for more than the end of the twentieth century and the last phase of globalization. Globalization has come up with major changes at the international level and distribution of power between different actors of the international society. It has impacted and shaped the world wide system of law with implicit ambitions. The research questions are: "Are there any interconnection between International law, globalization and internationalization? How does international law affect global economy?" The used methodology of research focused on a literature review, the United Nations charter of international law and qualitative descriptive analysis. The results show that doing business with individuals from other nations focuses on the activities of individuals that are governed with the context of global economy starting from the applicable rules to industries in the home country or nation. International law provides a background, assurance, confidence and a means or mechanism by which individuals can trade or do business with regard to goods and services, to start with the utility of law is based upon first international relations, and the way countries relate to each other, particularly with regard to trade of goods and services between those nations. Doing business with individuals from other nations focuses on the activities of individuals that are governed with the context of global economy starting from the applicable rules to industries in the home country or nation. In Conclusion, international law has got a high contribution to the insights of global economy, globalization and internationalization processes especially for companies. There is a huge interconnection between Globalization, Internationalization that is important for global economy and International law.