ORIGINAL PAPER

Legal Liability and Responsibility of the Romanian State regarding Uniformity of Law at European Level

Mariana-Daniela Sperilă (Crăciunescu)[‡]

Abstract

The unification of the law at European level acts as a step which succeeds the nearby processes and legislative alignment and implies that the laws of each Member State have to adapt to the basic principles and the European legislation in force. Wingspan process involves, firstly, a strong legal responsibility of Member States, in general, and of the Romanian state, in particular, and this must be channeled mainly for adapting national legislation to the requirements of European law, without neglecting the slightest obligation to respect the legal standards developed at European level. In this context, liability, one of the most important terms of the law, along with legal responsibility, prerequisite and necessary, enable this process at all easy. European legal order and national legal order are not mutually exclusive but they are intertwined in the direction of an uniform law in the European Union, overpassing borders. The fact that the Romanian state is one of the Member States of the European Union make it to be, primarily, a matter of law for the European legal order, requiring both legal liability on its part, as far as legal liability. Thus, it becomes imperative the following question: what happens if the romanian state is not manifesting the above mentioned responsibility and violates European law? In other words, will it respond for disregarding European law?

Keywords: *uniformity of law, legal liability, responsability, European legal order, national legal order*

[‡] Postdoctoral Researcher, University of Craiova (Romania), Phone 0040723056115, Email: dana_sperila@yahoo.com

Legal Liability and Responsibility – Inherent Values for the Member States

Legal liability is one of the most important terms of law, the concept of liability being used in ancient times to establish social order within the group. Besides this, legal liability completes the legal framework that is necessary for any subject of law. European Union Member States are subjects of law for the European legal order, and this aspect requires of them both the quality of their responsibility and the vocation of the legal liability, so that the possibility of them being held legally liable could materialize.

Legal Liability and Responsibility – Distinct Concepts

The notion of legal liability has raised serious problems for those who have tried to give a clear and complete explanation of this phenomenon, failing, up to the present day, to come up with a universally accepted definition in the specialized literature, and this is mostly owed to the lack of terminological unity concept. Legal liability is a matter of great practical importance because it ensures the efficiency of the rule of law, stimulates the attitude of compliance, establishing and maintaining the social order.

In this context, while liability involves the subject of law being aware of the legal constraints that he might undergo in case of violation of the rules of law, responsibility can only involve awareness of the duty that each subject has, to respect the rules. Responsibility is also the instrument that regulates social relations. Gaining measure of responsibility, the subject of law ceases to be in a position of absolute obedience and unapprehended submission to the rule of law, acquiring the status of 'factor which relates to the norms and values of a society actively and consciously" (Tãnãsescu, 2007: 3). Since the border between the two concepts (legal liability, respectively legal responsibility) is so fragile, largely due to the similarity in terminology in some legal systems, it appears that sometimes the two concepts are mistaken. This happens all the time in French law, for example, which does not distinguish between responsibility and legal liability, and only sporadically, in the Romanian legal doctrine, even if the latter is greatly influenced by the French legal language. Moreover, the confusion never occurs in the English legal system, as terminologies are different for the two concepts (liability and responsibility).

Liability and responsibility, present in all branches of domestic law, could not have avoided European law. Since the foundation of the legal responsibility is the lawful conduct of the subject of law, it follows that his purpose can be no other than ensuring the legality and order at the European law level.

The Romanian State as a Responsible European Actor

For any State that "applied" for this living structure called the European Union, the approximation of national legislation with European regulations is "a necessary process" (Mazilu, 2005: 4), an imperative that derives primarily from its choice to become a member of communities which have their own supranational legislation. Romania has assumed this obligation when it decided to be one of the greatest actors in Europe and signed the European Agreement establishing an association between it, on one side, and the European Communities and the Member States, on the other side. The agreement was ratified by Romania by Law no. 20/1993 and devotes a chapter especially to the approximation of law (Chapter III of Title IV), and the concerned areas to be subject to approximation are established by art. 70, and they refer mainly to economy, banking, labor, protection of humans, animals and plants.

Also, the Romanian State had a representation of how important was the obligation to meet the necessary requirements to integrate into the European structure since the official launch of the application for membership in June 1995. Along with other authors (Puşcaş, 2003: 12), we argue that absorbing the European Union regulations represented, along with economic, social and political conditions, one of the criteria needed to be met by the candidate countries to the European Union, and this is due, mainly, to the importance given to the legal system in the context of European integration. Taking its role very seriously, Romania has shown, since then, an active attitude, drafting several strategies and programs that facilitated the adoption of regulatory acts corresponding to the Community law. Some acts and actions are those such as the National Strategy of Snagov for accession (adopted in June 1995), the National Programme for Legislative (adopted in 1996), the National Programme for the Adoption of the Acquis Communautaire (adopted in December 1997) the National Programme for Accession of Romania to the European Union (NPAR, adopted in May 2000 and updated in June 2001 for the period 2001-2004), the National Strategy for Economic Development of Romania for medium term (adopted in 2000), the Pre-Accession Economic Programme (PEP, adopted in September 2001 and sent to the EU). At the same time, there were created institutions and administrative structures to ensure the implementation of the new legislation.

Open in the first half of 2000, the negotiations for accesion were completed by the end of 2004, when the Council of Europe marked the end of them. Following negotiations and sustained efforts made by the Romanian state, Romania joined the European Union on January 1, 2007 after the Treaty of Accession that was signed on April 25, 2005, was ratified by all Member States. From this moment on, the Romanian state became a subject of European law, a special subject of law, whose rights and obligations manifest themselves in two ways: on the one hand, in relation to the entity which is now part of, the European Union, and, on the other hand, in relation to the other Member States and its own citizens, who are now European citizens. However, no matter how the issue is regarded, the fact is that the Romanian state should be aware that it has a duty to comply with all obligations deriving from its new capacity, and this basically means that it becomes a responsible subject of European law. Furthermore, it follows that its entire existence will be subject to the purpose of bringing existing legal systems within the European structure and feeding "a relationship in harmony with the community goals of all Member States" (Boulois, 1991: 191). This new vision is based on the support of all political and social forces, targeting the country's solid anchoring in the European values system, the development of the Romanian society on the principles of democracy, rule of law and market economy, able to ensure social stability and prosperity of citizens and nation (Ungur, 2006: 393).

Legal Resposibility of the Romanian State for a Uniform Law at European Level

The unification of the law at European level acts as a step which succeeds the nearby processes and legislative alignment and involves, firstly, a strong legal responsibility of Member States in general and of the Romanian state in particular and this must be channeled mainly for adapting national legislation to the requirements of

European law, without neglecting the slightest obligation to respect the legal standards developed at European level. The European legal order and the domestic legal order are not mutually exclusive but are interconnected in the direction of unification of law in the European Union, breaking border barriers.

European Legal Order – Source of Obligations for the Romanian State

The legal order is seen as "a state of relations that anchors due to strict compliance with the legal provisions by all citizens and state bodies and it is provided by law" (www.rubinian.com/dictionary). In lack of order, the disorder takes its place, "the deviation from regularities" (Mihai & Motică, 2001: 237), and for that matter to be avoided, it is necessary that every subject of law always acts responsibly. The issue of the legal order, in general, and the European legal order, in particular, is an inexhaustible theme that arises alive controversy today. The European society, in order to survive, needs stability and safety, it needs to be ensured that the activity of subjects of law will be held naturally and that their rights will be respected. However, this order cannot be achieved unless it is inspired from a higher moral ideal, and this ideal can only be "the idea of justice" (Vălimărescu, 1999: 68-69). But, for positive European law to create truly legal order, it must be effective. "Efficiency is absolutely essential to the transformation of a moral order into legal order" (Dănişor, Dogaru, Dănişor, 2006: 467). Legal order, in its meaning accepted at the level of the doctrine (Mihai, 1996: 96; Craiovan, 1993: 119), requires an ordering of the behavior through legal rules and legal responsibility plays a key role in this regard. The novelty that the Romanian state experiences is that after Romania joined the European Union, the domestic legal order is added another legal order, the European one, which integrates into the legal system of the Member States and which imposes itself on the national judicial bodies . Consequently, its behavior must adapt to this legal order, and the legal responsibility concerns its attitude towards both of them, for now we cannot speak of one without invoking the other. In fact, we are witnessing "an integration of the Romanian legal system into the Community legal order, which thus becomes a complement and, at the same time, a measure of national law " (Rusu & Gornig, 2009: 1) and the balance between these two legal orders is provided by the Court of Justice of the European Union, through its jurisprudence. Moreover, the Court of Luxembourg confirmed the idea of the supremacy of the Community legal order with the judgment in Les Verts case (Case 294/83), on which occasion it stated that "The European Community is a community of law in which neither the Member States nor their institutions escape the control of the conformity of their acts with the Constitutional Charter, which is the Treaty ".

European Union law requires discharge in good faith of the obligations arising from treaties (Rusu & Gornig, 2009: 54). As Ihering stated, "the law is an uninterrupted work, a work not only of the state authority but of the entire people" (Ihering, 1938: 270). Comparing the old thinking to the new aspects circumscribed by the European structure particularities, we can say that, in the same way, the statutory regulation activity of the European Union is not sufficient, but it is just as necessary that Member States recognize the importance of voluntary compliance with these standards. Legality, as state of affairs imposed by the new legal reality, involves a certain discipline from the Romanian state, its lawful behavior being the result of a right and conscious decisions, in other words, responsible. Only in this way, with the consciousness of the duty to respect the positive law, both domestically and at European level, our state is involved in the creation and maintenance of the legality of the European legal order.

Romanian State Participacion in the Unification of the European Law

European law evolves towards the legislative unification in all areas, without underestimating the rules at national and even local level (Apostolache, 2013: 98). "It does not reject, but encourages local autonomy in all shapes and stances" (Apostolache, 2013: 98). Rightly, it is noticed within the doctrine that the promotion of European order is not done against existing values, but for their defense and development, aimed at establishing "a system of protection of traditional values of European culture and civilization" (Mazilu, 2006: 96), contributing to the "development and enrichment of universal culture and civilization" (Mazilu, 2006: 96).

Uniform European law implies that the laws of each Member State have to adapt to the basic principles and the European legislation in force. The relation of the European law with the Romanian legal system is influenced by the two principles that are actually the pillars of the European legal order: the principle of European law supremacy and the principle of integration of European law into national law of the Member States (Eremia, 2006: 45). In this context, efforts must be made to approximate national legislation with European law. However, the harmonisation of legislation is an ongoing process that evolves in the context of the integration itself. Following the signing of the Treaty of Accession to the European Union, each Member State is faced with the issue of integration into the European structures, and in order to make this possible, they must make all necessary efforts to ensure full compatibility of national regulations with the European law, by modifying or supplementing national laws. According to a study (Bellis, 2013: www.fco.gov.uk), all Member States encountered problems when transposing EU legislation, which were comparable in certain situations, and these difficulties come mainly from the lack of knowledge when it comes to concepts and terms used .

Under the provisions of art. 4 of the Treaty on the European Union, "Member States shall adopt any general or particular measure to ensure fulfillment of the obligations issued from the Treaties or resulting from the acts of the institutions of the Union". Consequently, each Member State is responsible for the implementation of the European law in the domestic legal system, and this can be fortunately achieved by meeting the deadlines set for transposition of the Directives, by the proper application of regulations and by of national legislation to meet European legal principles and rules. Regarding the Romanian legal system, there must be noticed that Romania makes an effort to purify the Romanian legal system in the way that it is unified with the European law. According to a study (Popescu, www.mdlpl.ro), on the 25th of September 2000, there were 6149 regulatory documents in force, of which only 348 were issued between 1864-1989. These latter laws remained in force after the repeal of most documents dating from the period before 1989, but they have been modified in order to be adapted to the effective legislation and, gradually, most of them have been also repealed. Unfortunately for our state of law, there are still some old regulatory enactments that are encountered today. As an example for this, we can mention Law no. 58/1934 (the law of bills of exchange and promissory notes), which entered into force on 01.06.1934 and, although it has undergone numerous changes over time, it continues to regulate commercial legal relations, for it has never been repealed. As considered, "the European law is not a perfected international law, but it belongs to a different legal universe" (Combacau, 1991: 56), which requires training actions from Member States. Thus, the Romanian state began preparing the national legal order by constitutional revision in 2003, as the Constitution of Romania of 1991 contained no reference to relations between Romanian law and European law. The reform undertaken in 2003 created the ground required for the implementation of European legislation because it expressly included the principle of separation and balance of powers, established numerous guarantees for the exercise of constitutional rights and the rights of citizens and rules to ensure the proper functioning of state institutions. Based on the enthusiasm with which the constitutional reform was regarded (Duculescu, Adam, 2004: 14) and the benefits it brings in order to approximate the Romanian Constitution provisions with the European legal order, but also based on the entire subsequent legislative activity, serving the same purpose, we can say that it was reasonable to state that Romania is "an obedient student" (Elias, Cioclei, 2012: 97-114) in terms of adapting national legislation to European standards. The support testimony consists of numerous laws enacted for this purpose, but also recently adopted codes. No less important is the fact that in the "Statement of Reasons" that comprise the latter, there is mentioned, among objectives, the implementation within the national legal framework of regulations adopted at European level, and those of the Romanian law with the legal systems of the other Member States.

Also, the concern of the Romanian state for adapting national legislation to European law lies in the intense activity of the Romanian legislator, concerned to issue as many laws compatible with EU law as it can. Its legal responsibility seems to be required more often in the private law section because here it operates a large number of European legal acts. I believe, however, that the same importance should also be given to the criminal law area, taking into account the direction of development of European law, which, after the Treaty of Lisbon, has placed human rights at the center of its concerns and enables the opportunity to use criminal law. This aspect is considered, rightly, indispensable to ensure effective EU policy (Barbe, 2011: 438 and seq.), and the areas that the criminal law of the European Union covers circumscribe a free, safe and just space, a genuine "Europe's large construction site" (Beauvais, 2010: 721-725).

In total agreement with the claim that the appropriate and correct application of EU legislation is essential to maintain a strong foundation of the European Union and to ensure obtaining the expected impact of European policies that favor the citizens (Dimitiu, 2013: 13), it should be added that the idea of Member States liability becomes unavoidable and desirable. We can therefore state that the Romanian state has two feelings about European law. First af all, it manifests legal responsibility, in other words it relates to the legal value which is in the content of European legislation and acknowledges that it has a duty to obey it in all aspects of its existence, shaping its laws in this respect. Secondly, and inevitably, it experiences legal liability, meaning that it relates to the effects of European law, realizing the consequences that any disregard of it may draw.

Legal Liability of the Romanian State for Non-Compliance with EU Law

Application and control of enforcement of EU law involves many factors: European institutions, Member States, including the authorities and courts of local and regional level (Dimitiu, 2013: 12). However, for various reasons, different problems may arise during the application of European law, and the European Commission retains, as main reasons, the lack of attention from Member States in the correct interpretation of the legislation, delaying implementation of activities and notification of national transposition measures, choice of procedural options (European Commission, 2007). In light of the above, the next question appears inevitable: what happens if the Romanian state does not prove the responsibility it is supposed to, and it breaches European law? In other words, will Memebr States and, implicitly, the Romanian state account for disregard of EU law?

The treaty on the Functioning of the European Union describes, in art. 258, in very general terms, the violation by Member States of the obligations they have according to the Treaties. Regarding the situations that may constitute grounds of legal liability, the doctrine has conducted several studies (Oțel, 2006: 57; Voicu, 2010: 104; Rusu, Gornig, 2009: 129-130), but, according to a detailed analysis (Craig, de Búrca, 2009: 556 et seq.), "certain types of violations are more often the subject of infringement actions than others." According to that latter study, Member States shall be held liable for breach of the duty of loyal cooperation provided for in art. 4 of the Treaty on European Union, for the inadequate implementation of European legislation or persistent breach thereof, for breach of a positive obligation to ensure the effectiveness of EU law as well as for the actions and omissions of the internal institutions of the Member State. Also, it was rightly estimated that, to these types of violations, there are also added the situations in which, by the action or omission of the Member States, either a regulation of the European Union (primary or secondary), a general principle of law or a public international law regulation applicable in the European Union is disregarded (Rusu, Gornig, 2009: 130; Dumitriu, 2013: 14).

On the other hand, an explanation in this regard comes from the Court of Justice of the European Union (the European Court of Justice, under its previous name) which, through its jurisprudence, established the principle of states liability for failure or misapplication of the European law by the Member States, irrespective of whether such act is imputable to the legislative, administrative or judicial authority of the Member State (C-167/73, Commission v France; C-392/06, Commission v Ireland). Thus, it consistently held that any Member State will be responsible for failure to transpose directives (C -6/90 and C -9/90, Francovici v. Italy; C-22/87 Commission v Italy), for incorrect transposition of a directive (C-392/93 The Queen v. H.M. Treasury, ex parte British Telecommunications) but also for violation of primary law by the national legislator (C-46/93 and C-48/93 Brasserie du Pechêur v. Germany and The Queen v Secretary of State for Transport ex parte Factortame). The year of 2003 brought, with the decision Köber versus Austria, a new form of liability of Member States, including liability for violation of Cummunity law by domestic courts adjudicating a cause in final analysis (C-224/01, Köber vs. Austria). The Court also outlined the criteria of states liability for legislative and administrative acts (C-424/97 Salomone Haim vs. Kassenzahnärztliche Vereinigung Nordrhein; C-224/01, Köber vs. Austria) and judicial acts(C-173/03, Traghetti del Mediterraneo v Italy) contrary to Community law. In recent doctrine it is righteously argued that, although this form of legal liability of Member States, creation of the Court of Justice of the European Union fails to provide effective protection for the interests of individuals, it is nevertheless desirable that these means of appeal are introduced in the Constituent Treaties (Rusu, Gornig, 2009: 172).

The intervention of the Court of Justice of the European Union is welcome and it brings forth the obligation of Member States to review their national regulations on state liability. However, the Court has shown that the provisions of national law on State liability cannot hinder or make impossible the claims for damage of individuals, Member States being obliged to repair to individuals any damage resulting from failure to transpose the directive. In this respect, it is irrelevant whether the State's liability is committed under a national law or under Community rules on the liability of states. Thus, the doctrine correctly states that in those cases where national law does not involve state liability for damage brought to the individual by not applying Community law, the claims of the individual will be based on Community law regulations (Rusu & Gornig, 2009: 166).

Regarding the Romanian State liability for violation of the European law, it seems to be a regular customer of the European Commission, this "guardian of the Treaty" (European Commission, 2002) as it calls itself, which repeatedly noted the failure of Romania to fulfil its assumed obligations. Thus, regarding Romania, there were triggered numerous infringement finding actions and it received, with time, as many reasoned notifications for failure to transpose directives, the infringement procedure often being triggered. However, according to a publication (www.ziare.com), Romania is below the EU average in terms of the number of infringement finding actions regarding the single market (infringement procedures) that the European Commission has launched against it, and the Romanian state has currently no adjudgement to the Court of Justice of the European Union regarding the transposition of EU directives.

Also, by 2014, the European Commission has started nine times the infringement procedure against Romania for regulatory documents contrary to European law (www. ec.europa.eu), which were considered to be discriminatory, but each time the procedure was closed because, meanwhile, the Romanian State has modified the legislation as it was supposed to. It is true that the infringement procedure is "an original mechanism, which monitors the compliance with EU law, ensures its supremacy to domestic legal systems and, last but not least, it guarantees the continuity and stability of the mechanisms necessary for the functioning of the EU" (Steel, 2006: 54), but it is no less true that if this procedure was completed, the condemned state would be financially shaken and its authority to the civil society would be severely affected.

Therefore, this phenomenon should be at least dimmed, and the Romanian state will manifest more legal responsibility and will pay more attention to the European law, as regards both the transposition of Directives and also the issuance of regulatory documents in full agreement with the principles and legislative acts of the European law. In this way, a possible conviction by the Court of Justice of the European Union can also be avoided, especially since the financial penalties are very high and they would be particularly onerous for the Romanian state. For example, when the European Commission decided to continue infrigement procedure against Romania and other four state, for lack of transposion of Directive 2010/63 / EU on the protection of animals used for scientific or educational purposes, there were proposed penalties of more than 150 000 euro / day, and when it was started the infringement procedure against Romania for partial transposition of EU directives on electricity and gas, the Commission proposed a daily penalty of 30 228.48 euros for each partially transposed Directive.

We personally believe that these amounts are just too high, given the financial possibilities of the Romanian state. Even though art. 260 of TFEU provides for a penalty to the State which has not complied with a judgment of the Court, by which the infringement was detected, and the Commission shows that these penalties should be dissuasive and it shows three criteria to be taken into account when determining them (the grossness of the obligation of the Member State plus the invasion of the Court's judgment, the duration of the infringement and deterrence of future violations), I think a fourth criterion should be taken into consideration, the financial possibilities of the state concerned. It would be completely absurd that such a penalty would put that State into the situation of a financial breakdown, that would draw negative consequences for the entire structure of the European Union. In another train of thoughts, it should be noted that Art.

259 of the Treaty on the Functioning of the European Union, states that "Any Member State may refer the Court of Justice of the European Union if it considers that another Member State has failed to fulfill any of its obligations under the Treaties". However, this type of action was seldom used, being introduced only six times in the history of European integration (Dumitriu, 2013: 17), and of these, only four cases have been resolved by pronouncing a judgment (Case 141/78, France v. United Kingdom, judgment of 4 October, 1979, Case C-388/95 Belgium v Spain, judgment of 16 May 2000, Case C-145/04 Spain v United Kingdom, judgment of 12 September 2006, Case C-364/10, Hungary v. Slovak Republic, judgment of 16 October 2012) and only one was declared reasoned (Case 141/78, France v United Kingdom, judgment of 4 October 1979). It is noted here that, at least for now, the Romanian state has managed not to be the issue of such an action.

As a final conclusion of the discussed topic, we can say that the modernization of the national legislation in relation to the imperatives of the European law is a must, which brings many advantages at a domestic level, (these taking the form of a current dynamic legislative framework which promotes the principles and values of the constitutional state, inherent in any modern European state) but also at European level, facilitating future regulations and, perhaps even codifications of the European Union. A contrario, the violations of the European legal order involve liability of the Romanian state, as a member state of the European Union, which requires huge financial losses.

Acknowledgment

This work was supported by the strategic grant POSDRU/159/1.5/S/141699, Project ID 141699 co-financed by the european Social Fund within the Sectorial Operational Program Human Resources Development 2007-2013.

References:

Apostolache, M. A. (2013). *Rolul Parlamentelor naționale în elaborarea și aplicarea dreptului european*, Bucharest: Universul Juridic Publishing House,.

Barbe, E. (2011). L’influence du droit de l’Union européenne sur le droit pénal français: de l’ombre à la lumière, AJ Pénal, Paris: Dalloz Publishing House.

Beauvais, P. (2010). Droit de l’Union européenne, *Revue trimestrielle de droit européen* (1- er septembre 2009 - 31 juillet 2010), 721-745

Bellis, R. (2013). Implementation of EU Legislation. An independent study for the Foreign & Commonwealth Office. Retrived from: http://www.fco.gov.uk/Files/Kfile/EUBellis.pdf.

Boulois, J. (1991). Droit Institutionnel de Communautés Européennes, 3rd edition, Paris: Montchrestien Publishing House.

Case 167/73, Commission vs. France, judgment of 4 aprilie 1974.

Case 294/83, Green Party “Les Verts” vs. European Parliament, judgment of 23 aprilie 1986

Case C-392/06, Commission vs. Irlanda, judgment of 21 iunie 2007

Cases combined 6/90 and 9/90, Francovici vs. Italy

Case 22/87, Commission vs. Italia

Case C-392/93, The Queen vs. H. M. Treasury, ex part British Telecommunications

Cases C-46/93 and C-48/93, Brasserie du Pechêur vs. Germany and The queen vs. Secretary of State for Transport, ex part Factortame

Case C-224/01, Köber vs. Autria

Case C-424/97, Salomone Haim vs. Kassenzahnärztliche Vereinigung Nordrhein

Case C-173/03, Traghetti del Mediterraneo vs. Italy

Case 41/78, France vs. U.K., judgment of 4 octombrie 1979
Case C-388/95, Belgium vs. Spain, judgment of 16 mai 2000
Case C-145/04, Spain vs. U.K., judgment of 12 septembrie 2006
Case C-364/10, Hungary vs. Slovak Republic, judgment of 16 octombrie 2012
Combacau, J., (1991). Le droit des traités, Paris: Press Universitaire de France
European Commission. (2002). Communication COM (2002) 725 on better monitoring of application of Community law. Retrieved from: http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2002:0725:FIN:en:PDF.
European Commission. (2007). Communication COM (2007) 502 "Towards a Europe of results - Applying Community law". Retrieved from: http://ec.europa.eu/eu_law/eulaw/pdf/com_2007_502_ro.pdf.
Craig, P, de Búrca, G. (2009). Dreptul Uniunii Europene. Comentarii, jurisprudenţă şi doctrină, 4-th edition, Bucharest: Hamangiu Publishing House.
Craiovan, I., (1993). *Itinerar metodic în studiul dreptului*, Bucharest: Publishing House of the Interior Ministry.
Dănişor, D. C., Dogaru, I., Dănişor, Gh. (2006). *Teoria generală a dreptului*, Bucharest: C. H. Beck Publishing House.
Dimitriu, O. (2013). Modalităţile de declanşare a procedurii de infringement, *Annals of West University of Timisoara*, (1), 24-50.
Duculescu, V., Adam, R. (2004). Raportul național român privind impactul aderării la U.E. asupra ordinii juridice a României, *Revista Română de Drept Comunitar*, (4), 11-19
Eremia, M. – C., (2006). Raportul dintre dreptul european și dreptul intern. Ierarhia actelor normative în dreptul comunitar, A.*U.B. Drept*, (1), 28-58.
Ihering, R. (1938). Lupta pentru drept, Constanța: Institutul de Arte Grafice Publishing House
Ilie, A.-R., Cioclei, V. (2012). L'impact du droit pénal européen sur le nouveau code pénal roumain, în Approches franco-roumaines face au défi européen. In Elena Simina Tănăsescu (coord.), Actes du Colloque anniversaire du Collège Juridique franco-roumain d'études européenes Bucharest: Institutul European Publishing House.
Mazilu, D. (2005). Integrare europeană. Drept comunitar şi instituţii europene – curs, 3rd edition, , Bucharest: Lumina Lex Publishing House .
Mazilu, D. (2006). Integrare Europeană. Drept Comunitar și Instituții Europene, 4th edition, Bucharest: Lumina Lex Publishing House.
Mihai, Gh. (1999). Fundamentele dreptului. Argumentare şi interpretare în drept, Bucharest: Lumina Lex Publishing House.
Mihai, Gh., Motică, R. (2001). *Teoria generală a dreptului*, Bucharest: All Publishing House.
Oţel, M.-E., (2006), Procedura acţiunii pentru constatarea neîndeplinirii de către statele membre a obligaţiilor ce decurg din Tratatul CE şi dreptul comunitar al mediului, *Revista română de drept comunitar*, (2), 52-63.
Popescu A., Armonizarea legislației naționale cu reglementările comunitare. Retrieved from: http://www.mdlpl.ro/_documente/info_integrare/romania_si_viit_europei/armonizarea.htm
Pușcaș, V. (2003). Negocierile de aderare și dreptul comunitar*, Revista română de drept comunitar*, (1), 11-18
Rusu, I. E., Gornig, G. (2009). *Dreptul Uniunii Europene*, IIIth edition, Bucharest: C. H. Beck Publishing House.
Tănăsescu, E. S. (2007). *Răspunderea în dreptul constituţional,* Bucharest: C. H. Beck Publishing House.
Vălimărescu, Al. (1999). Tratat de enciclopedia dreptului, Bucharest: Lumina Lex Publishing House.
Voicu, M., (2010), Jurisdicţii şi proceduri judiciare în Uniunea Europeană, Bucharest: Universul Juridic Publishing House.

Ungur, L., (2006), Recursul prejudicial din perspectiva aderării României la Uniunea Europeană, *History Institute Yearbook "George Barit" from Cluj Napoca*, Series Humanistica, (IV), 393-409.

Ziare.com. Retrieved from: http://www.ziare.com/europa/comisia-europeana/romania-sub-media-ue-in-ceea-ce-priveste-procedurile-de-infringement-1244975.

European Union. Retrieved from: http://ec.europa.eu/taxation_customs/common/infringements/infringement_cases/bycountry/index_en.htm

Article Info

Received: April 29 2015
Accepted: August 20 2015