

THESIS SUMMARY

In the beginning of the millennium, Romania searches a new position within the international system. The exits from a dictatorial form of government and, together with this, the system change, the integration in European Union have demanded and still demand huge adaptation efforts.

The subject of this thesis is the research of legislative process dynamics concerning institutions of local autonomy in Romania and in European Union's member states, as well as the relations between these institutions in the European integration context.

The decision about the research theme selection was determined both by theoretical and practical considerations taking into account the importance of local autonomy both on national and international level, as well as the fact that, nowadays, local autonomy represents a basic component of the state subordinated to law.

The PhD thesis is structured on five chapters, which are also composed of 11 sections, where each approached problem is distinctly treated, taking into account the connections between them.

The first chapter named "Public Administration and its Necessity of Adaptation to the European Norms", represents the introductory part of the research thesis where I approached general aspects about administration.

In the first section, I presented the relation between public administration and executive power.

Public administration, with all its structures and their expression forms, represents a phenomenon and a fundamental concept which cannot be analyzed without taking into account the politic phenomenon that determines it and without analyzing the social phenomenon over which it is manifested.

Thus, I analyzed the concept of administration, its meanings in the current language, as well as the public administration characteristics.

Therewith, I evidenced that public administration has as object the realization of political values which express the general interests of the society organized in the state and which are formulated in laws by the legislative power organs, as well as the execution of the judicial decisions, given on the grounds of law.

As it was shown in the specialty judicial literature, an opinion that I shared, public administration is an organizational activity of execution and of law concrete execution, through activities which should be deemed injunctive and service-providing; this activity is realized mainly through the system of public administration organs, but subsidiary through other organs situated in other organization systems of the state power- the legislative power system and the judicial power system - as well as in the case of some particular organizations which fulfill the activities of public interest and which achieve in such circumstances the quality of administrative authorities.

A broad approach on public administration sphere and content can be realized only with the help of a systematic approach. In essence, the organizational and functional structure of public administration authorities system is constituted, step by step, through the subordination of different authorities that realize the administrative activity of the state or of local collectivity, in regard to a superior organ- the Government, the central organ of the executive power, that exercises, according to law, the public administration on the entire territory of the country.

In the next section of this chapter, I presented the functions, the missions, the responsibilities, the competences of public administration authorities in the juridical-administrative practice and doctrine insisting on the main functions: the

staff administration function, the financial function, the judicial function, the prevision and programming function etc.

Hereinafter, I analyzed the fundamental principles that govern the administration, as well as the principles of legalism, hierarchy, opportunity, revocability insisting on specific principles of organization and performance of public administration: the administrative centralization and decentralization.

In chapter II, The Internal and European Context of Defining the Concept on Local Autonomy, structured in two sections, I presented the concept of evolution on local autonomy reflected both in European regulations and in those from Romania insisting on the aspects of comparative law concerning legal frame of local autonomy in European Union's member states.

Starting from the local autonomy definition given in art.3 in the European Charter of local autonomy, I analyzed the legal and constitutional regulations of this fundamental principle concluding that autonomy belongs to local collectivities. These local collectivities apply this local autonomy through organs elected in local administration. Hence, the local autonomy belongs to collectivities as a concept, but it is actually exercised on the strength of a mandate through these elected organs.

The third chapter named Institutions of the Local Autonomy in the European Area deals in the first section with institutions of local autonomy in Romania, respectively the local council, the mayor, the vice-mayor, the council of a country town, the village delegate. I analyzed the historic evolution of these institutions as well as their competences and responsibilities according to actual legislation.

In section 2, I analyzed the local administration organization in 18 European Union's member states: France, Germany, Italy, Great Britain, Hungary, Spain, Holland, Sweden, puzzling out in section 3 the compatibilities

between the institutions of local autonomy from Romania with other European administrative systems.

The public administration comparative analysis from Romania with other European states administration highlights both common elements and multiple differentiations on the strength of the different constitutional regime, of the form of government or of the existent political system to which the customs of each country are attached.

In Romania, as in the other European law systems, public administration has several paliers, levels of administration, the state managing only general governing and supervision of territorial and local authorities, by controlling them through their state's agents (prefect). There are also established the organization and functioning of the public administration, according to general principles, decentralization, deconcentration, local autonomy, collaborations determination, cooperation between public administration authorities, as a rule in what the state administrative structures are concerned, organizing the communes as a reference unit at a basic level.

Besides these resemblances between the Romanian administrative system and that of the European states, there are also differences that impose legislative, structural and institutional modifications with the aim of aligning Romanian public administration with the European one, in the context of Romania's integration in the European Union.

Among these differences, I specify: the unitary regulation on the whole national territory of the local public administration, the lack of a different regulation of the administration's authorities attributions at an intermediate level, the lack of dividing the competences on administration levels, the reduced transfer of responsibility (from the state and the central authorities towards the local authorities), the lack of the local authorities consultation when adopting some normative acts regarding their competence, the lack or the insufficiency of

the resources transferred simultaneously with the attributions transfer towards the basic level, the recognition and the insufficient guarantee of the subsidiary, proportionality and good administration principle, the reduced financial autonomy of the local public administration authorities, the depolitization of public administration.

The resemblances and the differences that I identified, approaches, on the one hand the Romanian administrative system to the one of communitarian countries, but on the other hand it also differs it, needing some changes or explanations on the nature of the administrative structures and its position in the system of constitutional democracy.

In this chapter, I tried to surprise the fight between two essential tendencies of the Romanian administration, the first one is centralist and follows from the unitary character of the Romanian state, while the second one is decentralized and derives both from the old historical traditions of the Romanian local communities and from the contemporary European politics of organizing public administration.

Chapter IV of our PhD thesis called Local Autonomy and European Integration studies the new rapports between local autonomy and state sovereignty in the process of European integration and the relations analysis between the local, national and regional European levels.

In section 2 of this chapter, I presented some problems of administrative regionalization, emphasizing the growing importance of the European regions.

Nowadays, the European Union considers that regional level is an administrative level which is placed in the administrative hierarchy of the member states on an immediate inferior position compared to the central level. Regional autonomy is a concept that must be present in the legal regulations of all member states.

Section 3 of this chapter examines the problems of local territorial collectivities relations with the Council of Europe and the European Union as well as the foreign activity of these local territorial collectivities.

Taking into account that the European Union is an administrative community, in which the administrative law has a cvasitotal place in the communal normative order, I consider that the effective integration process phases have a direct connection with the public administration reform and, especially, with the need of emphasizing local autonomy.

Analyzing the implication of Romania's integration in the European Union and the effort to adapt to the European area and modernize the Romanian administration, I may conclude that local autonomy supposes a growing emphasis and an expediting decentralization and the transfer of competences to these local collectivities, by defining the new dimensions of its foreign relations with the aim of respecting the character of the unitary or federal state.

The last part of the thesis comprises the conclusions and the proposals of lege ferenda.

The proposals of legislative bounds improvement aim to promote local democracy, paying a closer attention to a better delimitation of the competences between central and local administration, legislative strengthening of the principle of separating of powers, emphasizing the depolitization of the administration, the need to eliminate the break between the administration and the citizen having in view the establishment of necessary mechanisms in order to achieve a transparency in public administration, the legislation change regarding the administrative-territorial organization, namely the redimension of the administrative-territorial unities, especially of the communes.

The last chapter ends with some conclusions referring to the efforts made by the Romanian state to adapt the legislation to European norms as a consequence of Romania's integration in the European Union.

Thus, in conclusions, I stated the relevant aspects which, in my opinion, express the novelties brought by my thesis.

The European development models demonstrated us that the decentralization and the recognition of functional autonomy at local level, are conditioned by the efficiency of the public administration activity, which presupposes to put them into practice gradually because, in fact, the aim of the two principles must correspond to its finality, namely, to approaching local administration to the citizen and to assuring him the liberal access to the decisional act.

The excessive centralization continues to be an impediment for administration, generally, because of the structure of vertical and horizontal subordination and hierarchisation, of the lack of decisional competence of the local authorities, of keeping many parallelisms between the authorities' competences at different levels of administration with positive conflicts of competence in most cases, which led, in general, to its characterization as a real bureaucracy.

In the actual stage of the Romanian administration evolution, what has to be right away imposed is not the imitation of a model or the conception of a new one, but erasing the structures and the system of relations of those elements and levels which affect the public services well-functioning, the relationship citizen-public administration, in general and which oppose to the transfer of competence from the state towards the institutions of local autonomy.