



THE 13TH EDITION OF THE INTERNATIONAL CONFERENCE
EUROPEAN INTEGRATION
REALITIES AND PERSPECTIVES

**The Youth of Today - The Generation of the Global
Development**

**International Economic Competitiveness
The Case of Romania**

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Abstract: The present paper brings forth the concept of economic competitiveness, which is similar or even mistaken for productivity, profitability, or the trade balance. This study emphasizes the position Romania holds, compared to Switzerland the most “powerful” country in this field.

Keywords: economic competitiveness; ability to innovate; global competitiveness index

JEL Classification: D63; F02; M21

1. Introduction

Competitiveness, a concept often approached and developed in various papers, is very complex, and, as any other modern economic phenomenon, it is constantly improving in order to enunciate the factors that determine it, the indicators that measure it and the method to increase it.

“The basis of the external balance is the competitiveness of the productive sector. In this respect it is necessary to have enterprises that are profitable and enough economic initiative to invest” Michel Didier. (1998)

The term competitiveness is often found in economic concepts such as: productivity, profitability, trade balance, investments, exchange rate. To have a full view of the concept, a few of the many existent definitions and approaches are relevant:

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| The source | Definition of competitiveness |
|--|---|
| IMD World Competitiveness Report (2013) | <i>The ability of nations to create and maintain an environment in which enterprises can compete. The ability of an economy to manage all the resources and skills to increase the prosperity of its population.</i> |
| Michel Didier (1998) | <i>A nation's competitiveness = managers' initiatives and strictness + administration efficiency + workers' discipline.</i> |
| Rapkin, David P.; Avery, William P. (1995) | <i>A political and economic concept that affects the military, political and scientific potential of a country and which is an essential factor of a country's relative position in the international economic policy.</i> |
| Krugman, P. (1995) | <i>Productivity correspondent. But scientists claim that competitiveness is "wrongly defined" if it is applied internationally.</i> |
| Competitiveness Innovation Union report - European Commission 2014 | <i>Competitive economy is the one with a steady degree of productivity growth. Competitiveness depends on the performance of SMEs economic industry. In order to be competitive, UE must outgrow the performances of the competition regarding research and innovation, information and communication technology, entrepreneurship, competition, education and professional training.</i> |
| Michael E. Porter <i>et al.</i> (2000) | <i>It deals with the national policy and institutions which promote a long term growth. "National competitiveness" fits the state's structures and institutions for economic growth in the structure of global economy.</i> |
| The Global Competitiveness Report 2017-2018 World Economic Forum | <i>The ability to maintain a constant range of real income growth per capita, measured according to the growth rhythm of the gross domestic product (GDP) conveyed in stable prices.</i> |
| Kulikov G. (2000) | <i>There is real and nominal competitiveness. Real competitiveness is based on markets openness and fairness, on the quality and innovation of products and services from the country of origin and constant growth of its citizens' standard of living. As a result, the real degree of competitiveness is a possibility for national industries to have a free and balanced market of goods and services which meet the demands of internal and external markets and the simultaneous growth of real income. Nominal competitiveness can be reached by a special governmental policy, by creating a macroeconomic environment for local producers through direct public subsidies. Thus, real competitiveness is possible only if national companies are able to create, produce goods which are to be sold at good prices and which meet the quality standards to satisfy external and internal customers' demands – without direct subsidies, wage and unemployment rate control.</i> |
| Business Dictionary | <i>Ability of a firm or nation to offer products or services that meet the quality standards of the local and world markets at prices that are competitive and provide adequate returns on the resources employed or consumed in producing them</i> |

| | |
|---------------------|--|
| . Manoilescu Mihail | <i>Industrial productivity is above the agricultural one by a ratio of four to one as the value of the capital per worker in industry is much higher than for an agricultural worker. In this case, industrial countries with a superior national productivity earn more from their international trade relations with agrarian countries due to the low productivity of their work. That is why it is necessary to develop the agrarian countries industrially by a protection policy of their own stocks in the international trade.</i> |
|---------------------|--|

2. National Competitiveness

Competitiveness is “*the ability of firms, sectors, regions in international competition to constantly ensure a relatively high income from the capitalization of the production factors as well as a high income from capitalizing the workforce*” (OECD).¹

However, when talking about a nations’ competitiveness that represents “*the level at which a country can produce, on a free and fair market, goods and services which meet the requirements of an international market which, at the same time, maintains and increases the real income of the population in the long term.*” (Pricewaterhouse Coopers Développement)

The main reason of the existence of the multiple definitions of national competitiveness is the complexity of the term, its composite character. Competitiveness is a complex multidimensional concept. This reflects the favorable position of national economy, especially regarding international trade and, at the same time, its ability to reinforce its position. On the other hand, national economy competitiveness is a concentrated expression of the economic, scientific, technological, organizational, managerial, marketing and other types of capacities which are implemented in goods and services, successfully ensuring their foreign competing goods and services and external markets.

National competitiveness is a state’s ability to reach high degrees of economic growth, to ensure a steady rise of real wages, to promote national firms on the international market represented by high – performing clusters which improve the quality of goods and services that allow the creation of new workplaces in the future. This competitive ability to adapt to the changes on the international market is based on the following economic factors, such as the extent of investments, innovation capacity, and production facilities and so on. Despite all these, their performances must be combined with political and social factors which also affect the functioning of the national economy on the international market.

The analysis of economic development of states around the world through the criteria of national competitiveness allows the building of the next consolidation models of national competitiveness.

¹ Organisation for Economic Co-operation and Development.

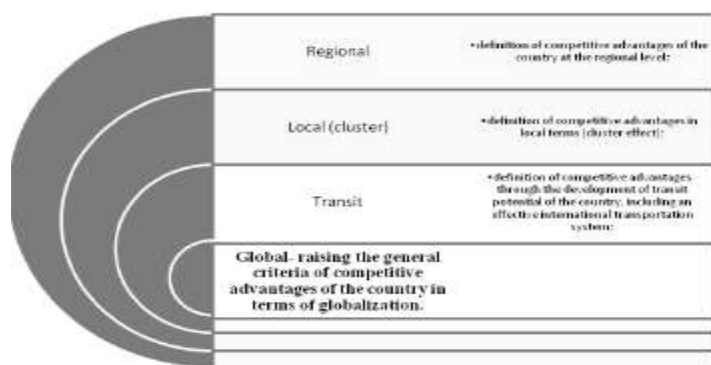


Figure 1. Models of increasing national competitiveness

Source: Adapted by author from (Ganna Kharlamova, Olga Vertelieva 2013)

Despite the numerous ways of approaching this concept and irrespective of the level of the analysis – firm, sector or the entire nation, they can not be treated independently since they are interdependent. “It is thus important to understand its complex character and all the links at this level. Nevertheless, irrespective of the level of the concept, different measuring indicators will be used, as well as different instruments to manage competitiveness.” (Stratan & contributors, 2011)

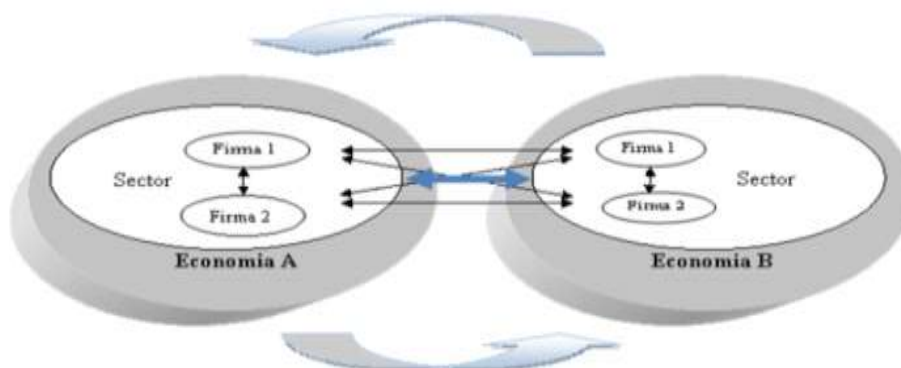


Figure 2. Levels of approaching competitiveness

Source: (Alexandru Stratan and contributors 2011)

According to the diagram, all these levels intertwine and influence one another. A nation's competitiveness depends on the presence of competitive sectors which depend on the activity of the firms.

Thereby, the same steps could be used to examine and assess the national competitiveness of each country: from the so-called national (like the investment field etc) to the distribution of cluster through the export-import analysis. The top according to this statement is the assessment of national competitiveness as a place in the global competitiveness classification. Apart from the standard factors which can affect the level of national competitiveness by using an appropriate formula like the model below, we can use the materialization of Porter model. (figure 2):

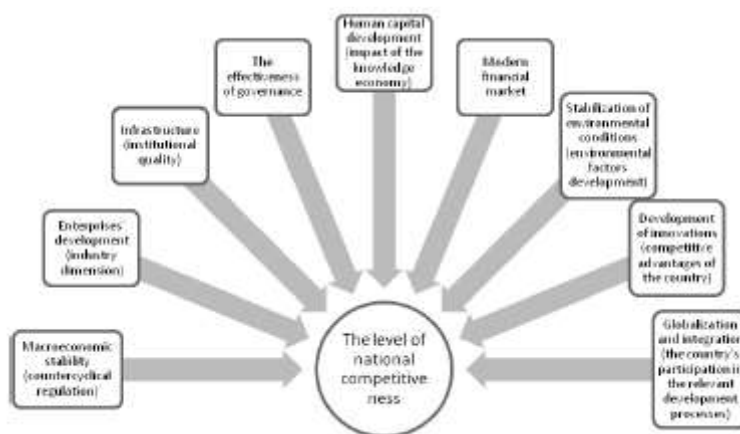


Figure 3. Factors that can support national competitiveness growth

Source: (Ganna Kharlamova, Olga Vertelieva 2013)

National level of competitiveness

In the diagram above we have embodied Porter's ideas (Porter, 1998), "that there are three steps of economic development, characterized by different criteria in competitions, levels of productivity and income, respectively, the economy dependent on investments and innovation". Taking into account M. Porter's ideas, the International economic Forum has assigned five steps of economic competitiveness (including two transitory steps), and the annual report on global competitiveness has distributed countries into five groups according to these steps.

Considering the aforementioned ideas, we can generalize the fact that a country's competitiveness is defined by the instruments of forming the conditions and resources present which contribute to the settlement of national security issues, economic development and improvement of people's lives. Having noneconomic institutions as effective as the economic ones such the political and cultural institutions (taking into account its impact on the economic processes in a country), the State can be seen as competitive and it has a potential not only for the competitive advantage on the international market, but also the benefits associated to the distinct functioning of the political, cultural, and social systems.

At present, Romania holds the most adequate resources in the group of countries competing on the international market according to the production factors on hand:

- natural resources;
- relatively cheap labor force.

The main objective being to obtain the price advantages and trading products with a high added value, the emphasis must be mainly placed on:

1. "Quality of the institutional system – legal and administrative environment where individuals, firms and governments interact;
2. Infrastructure development – quality of transportation: road transport, aerial, railroad and maritime, as well as the communication infrastructure;

3. Macroeconomic stability – stability of the main macroeconomic indicators: national economies, national debt, inflation;
4. Health and the education level of the workforce – level of the population’s health and the quality of primary education system”. (<http://www.asm.md/administrator/fisiere/cadru/f232.pdf>)

3. The case of Romania

GCI (Global Competitiveness Index) is the most complex computing methodology of national competitiveness of the world countries which tried to encompass most of the factors (economic, political, social) that define the performance of the business environment. It was drawn up by the International Economic Forum in Global Competitiveness Report. This index “evaluated the competitiveness of the studied economies considering a variety of competitiveness factors (110 indicators), placed in 12 categories – also called “competitiveness pillars”, four of which are basic, six are related to the growth of efficiency and two are innovational”. (Global Competitiveness Report 2011-2012) (according to the figure)

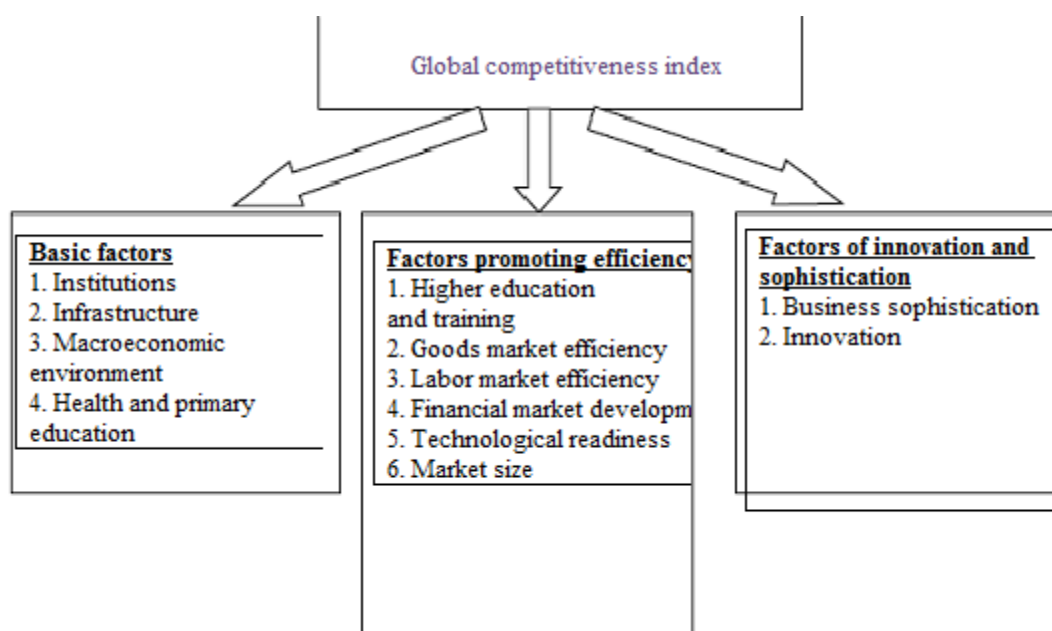


Figura 4. Structure of Global Competitiveness Index (GCI)

Source: Global Competitiveness Report 2011-2012

These pillars represent the basis of the development of any economy, but they have different roles at different moments in its development. For instance, the instruments used to increase competitiveness in a developed country will be different from those used in a poor country. As well, the tools used to increase the efficiency of external trade, of the labor market, of the financial market, of investments will not have the expected results as long as there is no good functioning of the institutional system, a developed infrastructure, the basic conditions for meeting a satisfying level of health and of the population’s primary training.

In order to see Romania’s position in the international classification of GCI, we should analyze the data in table 1.

Table 1. Romania's position in the international classification of Global Competitiveness Index according to the factors that can support national competitiveness growth

| Pillar | Global Competitiveness Index (GCI) | | | | | | |
|--|------------------------------------|-----------|-----------|-----------|-----------|-----------|-----------|
| | 2011-2012 | 2012-2013 | 2013-2014 | 2014-2015 | 2015-2016 | 2016-2017 | 2017-2018 |
| GCI | 77 | 78 | 76 | 59 | 53 | 62 | 68 |
| Basic factors | 89 | 90 | 87 | 77 | 70 | 72 | 72 |
| 1. Institutions | 99 | 116 | 114 | 88 | 86 | 92 | 86 |
| 2. Infrastructure | 95 | 97 | 100 | 85 | 86 | 88 | 83 |
| 3. Macroeconomic environment | 87 | 58 | 47 | 46 | 34 | 28 | 38 |
| 4. Health and primary education | 66 | 83 | 84 | 88 | 83 | 88 | 92 |
| Efficiency factors | 62 | 64 | 63 | 50 | 44 | 55 | 58 |
| 5. Higher education and training | 55 | 59 | 59 | 58 | 59 | 67 | 70 |
| 6. Goods market efficiency | 96 | 113 | 117 | 89 | 73 | 80 | 92 |
| 7. Labor market efficiency | 92 | 104 | 110 | 90 | 78 | 88 | 89 |
| 8. Financial market development | 84 | 77 | 72 | 64 | 55 | 86 | 88 |
| 9. Technological readiness | 60 | 59 | 54 | 47 | 46 | 48 | 51 |
| 10. Market size | 44 | 43 | 46 | 45 | 43 | 42 | 41 |
| Innovation and sophistication factors | 98 | 106 | 103 | 78 | 84 | 100 | 107 |
| 11. Business sophistication | 102 | 110 | 101 | 90 | 88 | 104 | 116 |
| 11. Innovation | 95 | 102 | 97 | 66 | 75 | 93 | 96 |

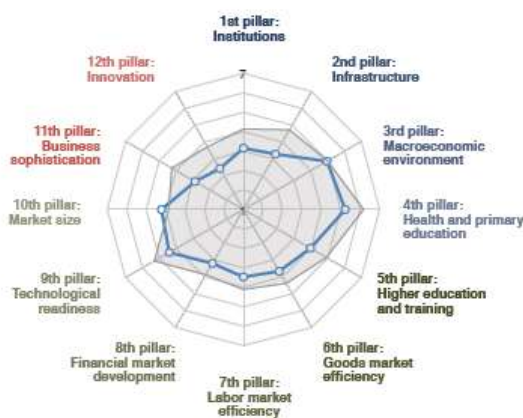
Source: Global Competitiveness Report 2011-2018

According to the data presented we may conclude that in the international classification Romania has moderate success related to the quality of these pillars.

Thereby, in the international classification of Global Competitiveness Index Romania held the best position in 2015, respectively 53 with positive and negative variations after that year.

As a consequence, Romania's position between 2012-2017 is shown in the figure below, compared to the level of the European countries and the ones in North America. Romania is placed somewhere in the middle of the circle, with only one of the target indicators, even surpassing the level of the European Union.

| Edition | 2012-13 | 2013-14 | 2014-15 | 2015-16 | 2016-17 | 2017-18 |
|---------|----------|----------|----------|----------|----------|----------|
| Rank | 78 / 144 | 76 / 148 | 59 / 144 | 53 / 140 | 62 / 138 | 68 / 137 |
| Score | 4.1 | 4.1 | 4.3 | 4.3 | 4.3 | 4.3 |



| Edition | 20 | 16-17 | 2017-18 |
|---------|---------|---------|---------|
| Rank | 1 / 144 | 1 / 138 | 1 / 137 |
| Score | 5.7 | 5.8 | 5.9 |

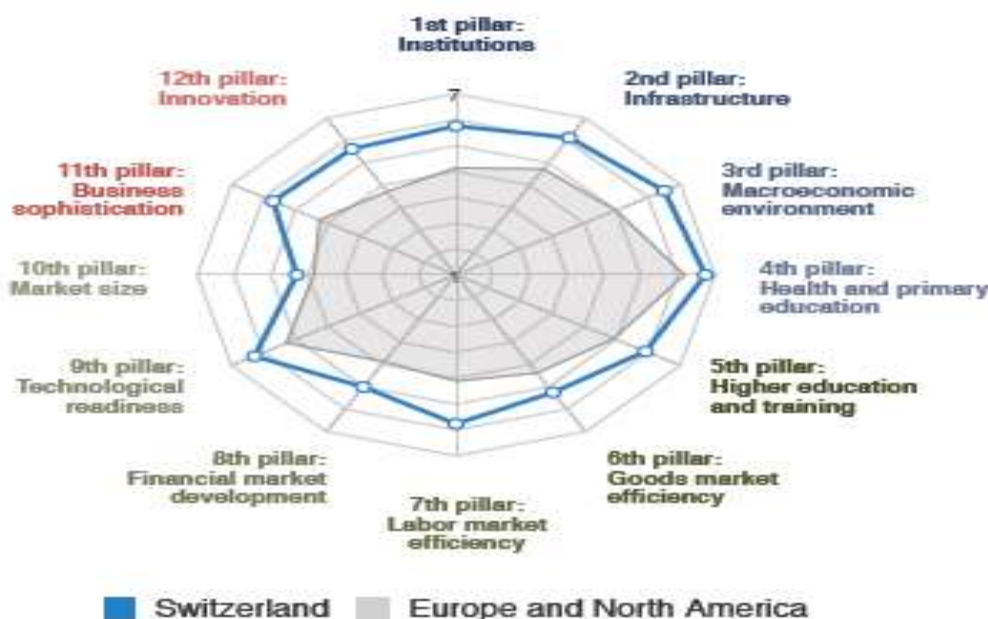


Chart 1. Position of Romania compared to the one Switzerland holds in the international classification of Global Competitiveness Index according to the factors which can support national competitiveness growth in 2017

Source: Global Competitiveness Report 2017-2018

Switzerland (holding the first position) continues to be at the top of the global classifications, with strongly balanced results between the different components of competitiveness. Economic performance benefits from extremely strong bases such as: public health, primary education and a relatively strong macroeconomic environment.

The economy has a high level of flexibility and the labor market functions the best globally. The

absorption capacity of the new technologies is high and it is at the top of the international classification regarding citizens' technical training and enterprise development. Switzerland keeps improving its scores for the business sector and for the innovation environment, thereby protecting its top position in the international classification for these two important pillars.

For Romania, the following chart emphasizes the most serious problems that lead to the continuous decay of the business environment.

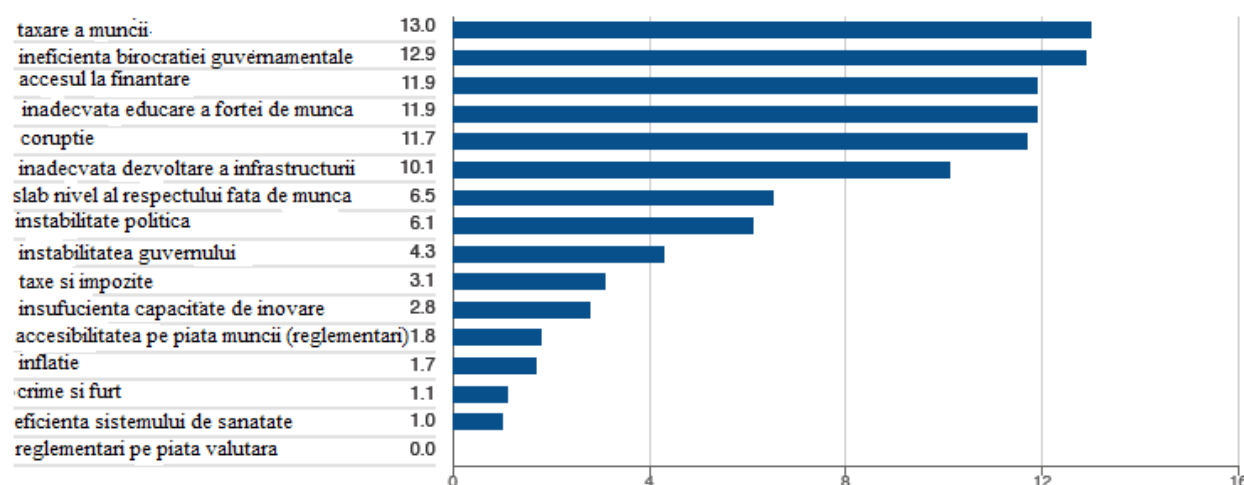


Chart 2. The most troublesome factors for the business environment

Source: World Economic Forum, Executive Opinion Survey 2017

4. Conclusions

In conclusion, we can state that Romania remains a country with a medium to low competitiveness in the international arena compared to the neighboring states. However, as any economic actor, it has development possibilities. Therefore, in order to increase competitiveness and national economic growth we highlight a few aspects which need to be fixed:

- Genuine implementation of structural reforms (respecting the right to property, decreasing the degree of corruption, simplifying the regulatory system of entrepreneurship, improving the regulations of some sectors, protecting free competition, justice independence, etc.) which would allow us to keep up at least with the countries in the region that develop faster;
- Developing national infrastructure – a very important factor in developing business and attracting DFI¹ and which would allow businesses to take place all over the country, not only in the big cities as it happens at present;
- Increasing foreign trade performances and orienting it to the export of added value products, which would lead to a positive trade balance;
- Ensuring macroeconomic stability (maintaining prices stability, avoiding inflation and exchange rate fluctuation, reducing unemployment levels in the departments in the east and south of Romania);

¹ Direct foreign investments.

- Reinforcing the consistency of governmental measures related to direct investments.
- Training a labor force at a relevant level for the work force market.

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Protection of Personal Data between EU Regulation 679/2016 and the Reality of National Security

Alexandru-Adrian Eni¹

Abstract: The subject approached in this paper is of great relevance in the fragmented era we are crossing. With the development of the information society, the protection of personal data has become a current issue in the legal field. By adopting rules regulating access to this information, both at international and national level, postmodernism has proven its strength in the field of information and information sources, and the effect mainly found in transforming what was once unitary and consolidated in a dissipated and uncontrollable present. We should consider that any information relating to an identified or identifiable natural person; an identifiable person is one who can be identified, directly or indirectly, in particular by reference to an identification number or one or more factors specific to his physical, physiological, psychological, economic, cultural or social identity. Although some data protection reforms have been adopted by legislators in response to courts acting as reformers in the geo-political context we are crossing, the EU and courts' approaches to balancing national security and data protection remain diametrically opposite.

Keywords: national; security; data; protection; surveillance; EU; regulation; 679/2016

Introduction

The topic addressed in this paper is highly topical in the computer age that you know. Postmodernism has proven its strength in the field of information and information sources, and its impact consisted mainly in transforming what was once unified and consolidated into a dissipated and uncontrollable present. (Ciupercă & Vlăduțescu, 2010)

Many instances have brandished the status of information sources and have provided a large number of data boundless mediated by the public, and the various and numerous means of mass communication.

In this context, it is evident that individuals have at their disposal a range of information and sources of information, but are exceed a count's ability to process it. In this regard, most of the times without having to be aware of, they take matters proposed as priority opinion leaders, or stop at a series of incomplete information, generating cropped truths.

The concept of protection of personal data means the right of the individual to be protected from those features leading to its identification and correlative obligation of the State to adopt adequate measures in order to ensure effective protection of the person.

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Through personal data information, it means information that may be directly or indirectly in relation to an identified or identifiable natural person, such as, by way of example, first and last name, social security number, address, telephone number, the image, the voice, the economic and financial situation, the profession. In view of the need to defend and respect the fundamental right to private life and protection of personal data shall constitute a domain sine-qua-non of the era that we live, a fact confirmed by treating this distinct topics in chapters set out the in Convention implementing the Schengen Agreement. (Schengen)

At the moment, since we are in the era of the Internet, 90% of the collection of data from virtual environment, and the reason for recourse to this type of documentation is the national and collective security.

As society has evolved, and to threaten the national security of States, have diversified, particularly in the sense of reversing the proportion of violence and craze.

The review of the main moments in the universal history of influencing information in order to assault on national security allows us to assert, in the spirit of the theory developed by V. Pareto, that in the field of threats to the state and implicitly in the specific space to combat them, the elite took place in the direction of transforming the “elite lions” into “fox elite”. The profound reason for this metamorphosis lies in the specificity of the postmodern society, which is characterized, in particular, by the lack of evenimensional uniformity, informational abundance, foresight difficulties, etc.

What is National Security?

National and collective security was a fundamental problem of any government, regardless of the historical period we are reporting. Always, the resources existing in some areas have attracted the different powers of the moment, and the easiest way to get them was the theft or violence. As society evolved, ways have also evolved to threaten the national unity of states, particularly in the sense of reversing the proportion of violence and craving. (Schengen)

News from newspapers, magazines, newsletters, more than five million available online databases that include scientific papers, statistical data, is the huge number of data made available through open sources of information. All of this can be at one time intelligent weapons that can be used against those who have created them in good faith.

Referring to the legislation in force, according to the Law no. 51 of July 29, 1991, on the national security of Romania (published in the Official Gazette No 163 of 7 August 1991), art. 1 “through the national security of Romania is meant the state of legal, equilibrium and social, economic and political stability necessary for the existence and development of the Romanian national state as a sovereign, unitary, independent and indivisible state, the maintenance of the order of destitution, as well as the exercise climate unrestricted fundamental rights, freedoms and duties of citizens, according to the principles and norms democratized by the Constitution.¹” EU rules on personal data protection come to complement, improve and create the limiting framework according to the values promoted by the European Union.

According to the national defense strategy of the country for the period 2015-2019, national security aims to ensure the commitment of the Romanian nation as a strong nation, citizens, a nation that knows what it wants in Europe, in the world and for itself. National security is carried out within the framework of the democratic order through the full exercise of citizens’ rights and freedoms, the

¹ <https://www.sri.ro/assets/files/legislatie/Legea51.pdf>.

conscious assumption of responsibilities, the improvement of the state's decision-making and action capacity and the assertion of Romania as an active member of the international community. (Ciupercă & Vlăduțescu, 2010)

Need to include open sources in “intelligence” activity:

National security is, however, necessary to obtain a variety of information from highly diverse sources.

Searching and processing of the data had to be harmonized with the new political conditions, these conditions are continually being refined in the approach. A characteristic of the period we are crossing is that decisions that proved to be wrong have not been taken due to lack of information, but because of the overwhelmed informations and the inability to test the information important for the preservation of State security.

The need to protect natural persons and legal persons with regard to processing of personal data:

The subjects of civil law can be divided into two broad categories, namely: individuals and legal entities.

The quality of a natural person is recognized by all human beings as they are members of society, which enjoy equally the opportunity to participate in civil legal relations.

The natural person - the man - is a subject of universal law and can participate in the most diverse legal relations. (Pusca, 2006)

The legal person is a collective subject of civil law that participates independently in legal relations, having its own civil liability; a human collectivity formed directly by natural persons or the association of other legal entities as a subject of law, having a stand-alone organization and a distinct patrimony, affected by the achievement of a determined purpose in accordance with the public interest.

European norms concerning the protection of personal data, both individual as well as a legal entity, and in doing so, it has imposed the need to protect these subjects.

The European Commission has indicated, since 2012, need to update the regulatory framework applicable European data protection and proposed new rules by using the 2016/679 tool as normative Regulation.

Until 2017, the EUs primary law in the field of personal data protection constituted Directive 95/46/EC on the protection of individuals with regard to the processing of personal data and the free movement of such data. (Șandru, 2017)

The protection of personal data is currently one of the main pillars of global society development, both socially and politically, culturally and economically. Given the fact that the computerization of areas crucial to the development of society has led to a major change in the way the contemporary world operates, it is natural that attention and global resources are directed to the digital domain, representing a new step of mankind towards a more prosperous future. This led, first of all, to the mass migration of information to the digital domain.

It is well known that the computerization of personal data systems brings many benefits compared to the bureaucratic system of the past, benefits such as: the ease and speed of processing and storing information, the resources needed to run the process compared to the old manual system, and

accessibility and efficient data handling is much higher. However, during the last decade, the problems and risks arising from this process of digitization of personal data have been revealed. The rapid evolution of technology has led to the alteration of the concept of General Data Protection provided by Directive 95/46/EC of 24 October 1995, the provisions of which have become, with the passage of time, lacking the appropriate scope in protecting individuals and data personal data of the Member States of the European Union.

What is Regulation 679/2016?

The General Data Protection Regulation is a Regulation adopted by the European Parliament and the Council of the European Union as part of a legislative package on data protection on 27 April 2016 published in the Official Journal of the European Union on May 4, on May 24, 2016, and applicable after the expiration of a 2-year transition period, ie from May 25, 2018.

The principles and rules on the protection of individuals with regard to the processing of personal data should, irrespective of their nationality or place of residence, respect their fundamental rights and freedoms, in particular the right to the protection of personal data. This Regulation aims at contributing to the establishment of an area of freedom, security and justice and to economic unity.¹

Regulamentul 679/2016 se aplică autorităților și instituțiilor publice, întreprinderilor, băncilor, spitalelor, clinicilor private, farmaciilor sau magazinelor online, firmelor de securitate, entităților care, în calitate de operator sau persoană împuternicită de operator, prelucrează, în derularea activității curente, date cu caracter personal.

Regulation 679/2016 applies to public authorities and institutions, businesses, banks, hospitals, private clinics, pharmacies or online shops, security firms, entities that, as an operator or person empowered by the operator, process, in the conduct of their current business, data personal.

GDPR provisions apply from May 25, 2018, in all EU countries, and the Romanian authorities do not have to transpose them into national law, making it implicit.

GDPR applies to any organization operating within the EU. The obligation for companies to designate a person responsible for personal data protection is laid down in Regulation 679/2016.

The need for an outbreak of 679/2016 Regulation:

The rapid evolution of technology along with the phenomenon of globalization have, over the past two decades, led to a major shift in the way personal data is collected, accessed, transferred and used.

Beyond the time of the initial discoveries in the field, today's technology advances at astonishing speeds that often legislation, either at national or international level, is simply incapable of keeping up with real-time technology .

This has led to the emergence of major dilemmas such as:

- The inability of technological and subsequent systems, the virtual domain to offer the same protection in the preservation and processing of personal data;
- Conflicts of interest between state and third-party bodies on access to personal data of the individuals concerned, as we can see in Case C-518/07 Commission vs Germany. In this case, the German State acted contrary to the provisions of Article 28 of Directive 95/46/EC by requiring that personal data held by third-party companies, independent of the public sector, could be accessed without

¹ <http://www.dataprotection.ro/servlet/ViewDocument?id=1262>.

interruption by the State, the premise of keeping the security. The German State subsequently lost this action by the European Commission and was thus obliged to correctly transpose the provisions of Art. 28 (1) of Directive 95/46/EC.

The implementation Regulation 679/2016 vs. national security:

The process of implementing the new Regulation 679/2016, whose existence is defined as crucial in the application of the provisions enshrined in the EU Charter of Fundamental Rights and the European Convention for the Protection of Human Rights and Fundamental Freedoms, raises a series of defining questions, the answer of which is necessary to determine the viability, necessity and effectiveness of implementing regulations with a major impact, as beyond the Regulation 679/2016, the dilemma of control exercised in the process of storing, storing, processing and protecting personal data is an essential element of the problem.¹

We live in an information society where production and consumption of information are two of the most important activities. Information is recognized as an essential resource. New technologies are the foundation of the information environment in which we operate.

In this context, we can understand the value of information and the need to protect it so that it does not reach the enemy. The level of protection of information is determined by the degree of their usefulness. Information is, in most cases, the trump card around which winning strategies are built. Attention must be paid to the uncontrolled dissemination of information that may affect the security interests of the state, an organization or a natural person.

According to art. 31 of the Constitution of Romania “the right of the person to have access to any information of public interest can not be restricted and the public authorities, according to their competences, are obliged to ensure the correct information of citizens on public affairs and problems of personal interest; the public and private mass media are also obliged to ensure the correct information of the public opinion” (Romanian Constitution amended and completed by the Romanian Constitutional Law Review No. 429/2003).

The notion of information has a very broad meaning and represents, according to art. 15 of the Law no.182/2002 on the protection of classified information, “any documents, data, objects or activities, regardless of their support, form, manner of expression or putting into circulation” (Law 182/2002 on the protection of classified information, amended and completed by Law No 167/2015). Government Decision No. 353/2002 on the approval of NATO Standards for the Protection of Classified Information defines information as “that notion that can be communicated in any form”.

Within the classified information, the national security information, which corresponds to the notion of state secret, is of particular importance, and according to whose importance different degrees of secrecy are attributed.

The National Doctrine of Security Information addresses extensively the concept of security information. This is considered to be “an analytical product, a result of the specialized search, identification, obtaining, processing/processing of data on dysfunctions, vulnerabilities, risk factors, threats, threats to the established political and social principles and rules through the Constitution and designed to contribute to maintaining internal stability and strengthening the international security environment.” These needs and interests provide security information with strategic heritage value.

¹ <http://intelligence.sri.ro/drepturile-si-libertatile-informatiei/>.

The very basis of such control is undermined by the numerous regulations both at European and national level intersecting in the field of personal data. (Şandru 2017)

Argumentative note how according to recital (8) of the preamble (EC) No 45/2001, the data protection principles should apply to any information relating to an identified or identifiable person. In determining whether a person is identifiable, it is appropriate to consider all means that can reasonably be used either by the operator or by any other person to identify the data subject. The principles of protection do not apply to anonymous data, so that the data subject is no longer identifiable¹.

In order to achieve the protection of personal data, effective control of the data subjects, effective control over targeted persons and prevention of illicit activities such as those committed by organized criminal and terrorist groups, it is necessary to control information on each person identifies or identifies.

Simultaneously, the same reason stated that “in determining whether a person is identifiable, it is appropriate to take into account all means that can be reasonably used either by the operator or by any other person to identify the data subject.

Being in a certain us opposition, recital (7) of the preamble to the regulation 679/2016 and the business of intelligence stipulates the following: “Individuals should have control over their own personal data, and legal and practical security for individuals, economic operators and public authorities should be strengthened”, exemplifying the coverage by the incidental provisions of some fundamental objections different, which directly leads to the questioning of the successful implementation of RDGP. (Şandru 2017)

Ways to Prevent Leakage of Information

Information security research focuses on the “human factor” in the context in which people are considered the weakest link. Information security management uses security policies as a means of defining what is expected from individuals in an organization. However, computer system users often fail to comply with these policies. To address this issue and to meet regulatory requirements, information security awareness programs are turning into key components of the safety management, and play an important role in promoting the culture of security and and the development of awareness-raising campaigns play intelligence services.²

The concept of awareness was taken from the social sphere, where it is assimilated to knowledge and understanding (in the sense of awareness) by individuals, groups or communities, of the evolution of the surrounding reality and of the transformations of the environment in which they live (situations, contexts, problems or phenomena existential impact), based on previous information or experience, involving observation vigilance and interference detection at an intuitive level.

The activity of awareness is an initiative undertaken by the Romanian Intelligence Service to accomplish the Mission of preventing threats to national security.

One factor that may favor the emergence of threats is the low level of security culture in the main institutions of public administration, as well as the dynamic of the regional and international security climate with impact on Romania and its allies. This state of affairs is an opportunity for hostile, state or non-state foreign entities, but also for the various local interest groups, acting outside the legal framework.

¹ <https://eur-lex.europa.eu/legal-content/RO/TXT/?uri=celex%3A32001R0045>.

² <https://www.sri.ro/awareness>.

Therefore, it is desirable to strengthen the cultural security in Romania by:

- highlighting the potential security risks to which the officials are exposed by the nature of the activities carried out or the type of data and information to which they have access;
- the presentation of the counterinformative behavioral elements, as well as the necessary elements for the identification of the hostile information actions;
- emphasizing the utility of adopting proactive behavior (self-protection or SRI expertise when required).

Institutions handling classified information and sensitive information (protected by special laws or internal rules) are given a detailed account of what they need to know about the implementation of an immune system that ensures both data, system and staff protection, as well as the development of mechanisms for identification and management of counterinformative risk situations.¹

What is personal data

- First name, last name, address, date of birth, nationality, ethnicity, telephone number, CNP, image, civil status;
- E-mail, IP address, genetic data, biometric data; (fingerprint, DNA, handwriting signature, retinal model, face geometry, face structure, voice, blood patterns, etc.).
- Public function, salary, political affiliations, trade union affiliations;
- Traffic data, location data, cookie identifiers, radio frequency identification tags, etc.

Special personal data

- racial or ethnic origin;
- political opinions;
- Religious confession;
- philosophical beliefs;
- membership of trade unions;
- genetic data;
- biometric data;
- health data;
- data on life or sexual orientation;
- data on criminal convictions and offenses.

Who is the data subject

- the natural person whose personal data are subject to processing;
- the person for whom it was built entire GDPR mechanism.

The concept of processing of personal data:

¹ <http://intelligence.sri.ro/awareness-in-securitatea-online/>.

Is any operation or set of operations performed upon personal data, whether or not the use of automated means:

- collect;
- structuring;
- storage;
- extraction;
- the use;
- dissemination;
- align/combine;
- deleting;
- organization;
- register;
- adaptation/ modification;
- consultation;
- disclosure by transmission;
- making available in any other way;
- restriction;
- destruction.

What does DPO?

Data Protection Officer DPO is a person who has specialized knowledge of data protection laws and practices and is responsible for assisting the operator or the person empowered by the operator to monitor the compliance at internal level with the provisions of EU Regulation 2016/679.

Who can be the DPO?

The DPO can not at the same time take on a decision-making function.

GDPR provides that the Data Protection Officer can also handle another function within the firm, but only to the extent that there are no conflicts of interest. "The Data Protection Officer can perform other tasks and tasks. The operator or person empowered by the operator ensures that none of these tasks and attributions lead to a conflict of interest", GDPR, EU Regulation 2016/679.

Who cannot be DPO?

Cannot be disabled by the DPO driving functions, such as:

- Administrator or general manager;
- Financial director;
- The Human Resources Director;
- The marketing manager.

Data Protection Officer:

Data Protection Officer DPO is a person who has specialized knowledge of data protection laws and practices and is responsible for assisting the operator or the person empowered by the operator to monitor the compliance at internal level with the provisions of EU Regulation 2016/679.

Public authorities or institutions, businesses, banks, security firms, hospitals, private clinics, pharmacies or online stores, entities that, in the capacity of operator or person empowered by the operator, process personal data in the conduct of their current activity are required by virtue of the provisions of Regulation 679/2016, designate a Data Protection Officer.

Simultaneously, the DPO can not, at the same time, take up a decision-making function. GDPR provides that the Data Protection Officer can also handle another function within the firm, but only to the extent that there are no conflicts of interest. “The Data Protection Officer can perform other tasks and tasks. The operator or person empowered by the operator ensures that none of these tasks and attributions lead to a conflict of interest”, GDPR, EU Regulation 2016/679.

GDPR shall not apply to processing of personal data carried out:

- By a natural person in an exclusively personal (domestic);
- By the competent authorities for the purpose of preventing and combating crime (Directive 2016/680);
- In the context of an activity that does not fall under EU law;
- Other situations provided for in article 10. 2 GDPR (activities covered head 2, title V of the EU Treaty-foreign policy);

The principles of personal data processing, art. GDPR 5:

- Legality - Data processing legally, fairly and transparently to the data subjects;
- Responsibility - The operator is required to demonstrate compliance with GDPR;
- Security, integrity, confidentiality - Respect for security measures and in a form that ensures identification of the data subject;
- Storage limitation - Keep data only for as long as it is necessary to accomplish the purpose;
- Limitation to purpose - Collecting for determined, explicit and legitimate purposes;
- Data minimization - Relevant, relevant and limited to what is required in relation to the purposes for which they are processed.

Accuracy - Accurate and up-to-date

Agreement on the processing of data:

- The consent application must be presented in an intelligible, easily accessible form using clear and simple language;
- Consent must be given freely without conditions (example: related to the provision of a service);
- The person concerned may at any time withdraw his / her consent, the consequence being the deletion of the data already processed;
- Withdrawal of consent must be as easy as granting it;

- The operator must be able to prove that the data subject has given his / her consent to the processing of his/her data;
- Consent must be a real choice (it does not exist in adhesion contracts where there are obvious disproportions of power between the parties: when access to a product / service is lost, labor relations, where a party is a public authority, etc.);
- When several aspects are included, agreement will be required for each aspect, making this clear (granularity).

What is DPIA? (Impact Assessment)

GDPR does not define DPIA, however, indicates, in art. 35 (7), the minimum content

- (a) a systematic description of the processing operations envisaged and the purposes of the processing, including, where appropriate, the legitimate interest pursued by the operator;
- (b) an assessment of the necessity and proportionality of the processing operations in relation to those purposes;
- (c) a risk assessment of the rights and freedoms of the data subjects referred to in paragraph 1; and
- (d) the measures envisaged to address the risks, including safeguards, security measures and mechanisms designed to ensure the protection of personal data and demonstrate compliance with the provisions of this Regulation, taking into account the legitimate rights and interests of data subjects and other persons concerned.

Worthy of note:

Entities not complying with the obligation to designate a DPO are liable to fines as set out in EU Regulation 2016/679 applicable from 25 May 2018.

Specifically, administrative fines of up to ten million or, in the case of enterprises, up to 2% of the annual global turnover corresponding to the previous financial year.

Conclusion

Technology and IT, IT clusters, applications created almost for any field of life, telephones, TVs, home appliances, cars, all intelligent, make us the daily users of technology addicts.

Over time, technology has evolved, those gadgets have turned into tools of everyday life, without which our life can not seem to be unfolding. The proposals for a regulation and a directive are the reflection of the complexity of the difficulty of addressing the issues that personal data protection has encountered in both national and European jurisdictions. Government surveillance has justifiably developed a negative connotation due to governments' mass accumulation of the personal and communications data of millions of citizens, misleading or overblown claims about the effectiveness of these bulk surveillance programs in preventing terrorist attacks. (Bergen, Sterman, Schneider & Cahall, 2014)

Ultimately, some measure of government surveillance must be maintained to ensure national security. Slowly and surely we lose the ability to relate to one another, we have a curiosity that becomes pathological in spying and impressing, as the case may be, those around us. At the same time, we can fall into the trap of hackers who, can steal identities, can create new ones, and smart users of good

faith can become blameless for themselves, even taking part in various actions that may even affect national security.

However, restrictions must limit the scope of information monitored to protect innocent individuals from unwarranted targeting, and repercussions. Surveillance is a powerful tool that can be abused by unfairly targeting citizens, or wielded responsibly to improve public safety. Only responsible oversight and restrictions on surveillance programs will promote the justice we seek.¹

As M. Wiewiorka and D. Wolton (1987) rightly observed: “if yesterday it was difficult to inform you because of the lack of information, today it is difficult due to the abundance of information”.

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¹ <https://www.fraserinstitute.org/sites/default/files/national-security-vs-privacy-in-the-modern-age.pdf>.



THE 13TH EDITION OF THE INTERNATIONAL CONFERENCE
**EUROPEAN INTEGRATION
REALITIES AND PERSPECTIVES**

Refugee Crisis in Europe, an Identification Identity Crisis of a Divided Europe in Political Unity

Alexandru-Adrian Eni¹

Abstract: Cosmopolitan Europe', the normative commitment that is widely understood to undergird the project of the European Union, is under threat as never before. The number of refugees across Europe is at an alarming high and is expected to continue to rise for the foreseeable future. As a result, finding durable solutions for refugees has become a major challenge worldwide.

Keywords: Refugee; Crisis; European Union; Asylum

Introduction

Europe is facing its most significant refugee crisis since the end of the Second World War. Over 4 million refugees have been displaced by fighting in Syria, joining millions more fleeing war, terrorism, oppression, and poverty in places such as Iraq, Afghanistan, Somalia, and Eritrea. The vast majority of these refugees are being hosted in neighbouring countries, but some are making the dangerous journey to Europe.

How should European governments respond to the influx? Should more money be invested in securing Europe's common borders? Or is tackling the root causes of the refugee crisis in countries like Syria a more sustainable solution than building walls and fences to keep people out? Is the crisis putting an unbearable strain on the Schengen agreement of passport free travel in the EU?

Practical Content

Europe tore down borders after the fall of the Berlin Wall in 1989. Then a flood of refugees fleeing wars on its doorstep put some of those fences back up. In 2015, Europe's biggest wave of displaced people since World War II created scenes of desperate families stuck in barbed-wire camps and children drowned trying to reach its shores. The crisis abated after Turkey agreed to block the flow of people. But it exposed deep divisions within the 28-member European Union over how to handle asylum-seekers escaping conflict and poverty in the Middle East and Africa. The drama has also raised questions about the EU's commitment to its passport-free zone — one of the bloc's crowning achievements — as leaders squabbled over balancing moral and legal obligations with anti-immigrant sentiment. (Stearns, Europe's Refugee)

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Since the beginning of 2015, an unprecedented number of people from Middle Eastern and African countries—many of them fleeing war, persecution, and unrelenting poverty—have been crossing borders into and within Europe, traversing the Mediterranean, the Balkans, and the English Channel. This “refugee crisis”—and we use scare quotes deliberately—has turned immigration, asylum, border control, and state sovereignty into interconnected problems, making migration not only a political event but also a media spectacle. In so doing, it has brought certain issues to the fore, from refugee quotas and the moral imperatives that ostensibly ground European humanism to the impossibility of European unity (witness the Brexit referendum), even as it has simultaneously rendered others invisible, including older patterns of migration, border control, and state violence.¹

This Hot Spots series therefore takes as its starting point an interrogation of the spectacle of crisis, of crisis as spectacle. How, we ask, ought we interpret the media focus on Syrian refugees, and how might this focus reinscribe a (racialized) distinction between “deserving” or “real” refugees and so-called economic migrants? How do we locate the migration crisis within an ongoing alternation on the part of the European Union and its member states between humanitarianism and border control, between a Liberal Europe committed to moral humanism and a Fortress Europe committed to expelling undesirables? How do the strategies of, on the one hand, custody and control (of foreign bodies and borders) and, on the other, rescue and care (of victims of human trafficking, asylum seekers, and refugees) reflect and refract the nature of power and sovereignty in Europe today?

The images of dead bodies at sea, of drenched refugees on overloaded, rickety boats, and of families climbing frantically through border fences made of barbed wire have become iconic in our collective imagination. No image is as iconic as the figure of Aylan Kurdi, whose tiny body washed ashore on a Turkish beach in September 2015. He and his family, fleeing the civil war in Syria, had boarded a boat bound for Greece that capsized soon after departing Turkey. The figure of Aylan became the emblem of innocence and injustice, mobilizing an international public outcry about the destruction wrought by the Syrian civil war, the cruel forms of trafficking it has produced, and the ineffective European response to that humanitarian crisis. The affective reactions generated by the image of Aylan seemed to have an effect on the decisions of European nation-states: German Chancellor Angela Merkel opted for open borders, and the Refugees Welcome movement gathered momentum across the continent, (Migration, 2016) invoking the argument of Globalization.

Globalization is a process of interaction and integration among the people, companies, and governments of different nations, a process driven by international trade and investment and aided by information technology. This process has effects on the environment, on culture, on political systems, on economic development and prosperity, and on human physical well-being in societies around the world.

If refugees are defined as “displaced peoples seeking protection”, then most estimates of the numbers involved lie currently between 15-20 million. This total is not simply composed of heroic individuals experiencing personal political persecution, but involves large groups, often including political and cultural minorities. (Ostrand, 2017)

All of the world’s continents are heavily involved, whether as sources of refugees, or in the process of resettlement.

¹ <http://www.unhcr.org/5943e8a34>.

As far as sources are concerned, it should be emphasized that in recent years Asia and Africa have become the major theatres of refugee crisis. This in turn is a reflection of the fact that refugee displacement primarily affects the world's poor.

It is legitimate to speak of a refugee crisis, not only because of the large numbers of people involved, but also because of a detectable hardening of attitudes to refugees on the part of the major Western nation-states. With the end of the Cold War, Western states have become almost exclusively preoccupied with economic rationalism.

This has involved an increased engagement with the economic side of globalization, but an increased indifference to the global plight of refugees.

Meanwhile, the international refugee system, centred on the United Nations, has limited capacities to offset national indifference. (Holton, 1997)

Today, some 250 million migrants live and work around the world, and in the coming months and years many more will certainly join them. We must put in place policies to manage the flows of people in ways that benefit migrants' countries of origin, transit, and destination. And of course, we must ensure the wellbeing of the migrants themselves. This calls for action on four fronts, so migration became a worldwide issue that world governments have to deal with. (Weil)

The scenes of death and misery that are occurring with increasing frequency in the waters of the Mediterranean and Southeast Asia have focused renewed attention on one of mankind's oldest activities: migration. It is time to accept the reality that, like the waves on the seas that many of the migrants traverse, the ebb and flow of human movement cannot be stopped. That is why the international community must manage migration with understanding and compassion. (Migration realism, 2015)

The causes of refugee crisis are a complex issue, and I have only sketched some very general considerations here.

In the first place it may seem that refugee crises are purely national or regional in origin. The immediate cause of population displacement, of large groups and individuals may be linked to a range of endogenous national causes, such as authoritarian denial of human rights to minorities and dissidents, revolution, invasion, civil war, ethnic cleansing, or ecological crisis involving famine and an accompanying breakdown of social order.

First things first: the refugee crisis is not a recent phenomenon. It's just new to Europe and the west. By the end of 2014, just 14% of the world's displaced people lived in the developed world. Less than 6% of Syrian refugees had applied for asylum in Europe (222,156 out of a then-total of roughly 4 million). When we ask about the causes of a refugee crisis that has been so serious for so long, we're really asking why Europe has only just woken up to its existence.

Still, it's been quite a wake-up call. Last year, up to 220,000 asylum seekers arrived in Europe by boat, which was itself a record. This year, even that unprecedented figure has been dwarfed, with more than 900,000 people landing on the beaches of Greece and, to a lesser extent, Italy. Why?

The first reason is the intransigent nature of the Syrian civil war. The majority of those coming are from Syria, according to statistics compiled by the UN and the Greek and Italian governments. Even if there are questions over the precision of this data, it's clear that Syrians form the largest proportion of arrivals to Europe. And that's because they've given up hope for their country, whose war shows no

sign of ending. People have already weathered four years of brutal conflict; a fifth is too much. (Kingsley, 2015)

Secondly, there's no hope for them in the neighbouring countries of the Middle East. At this point, it is now almost impossible for Syrians to gain legal entrance to most other Arab countries. About 4 million people have already managed to get to Turkey, Lebanon and Jordan – but Europe is an increasingly attractive option for them since they have no secure legal status in the countries where they now live. The vast majority do not have the right to work; none of them are formally recognised as refugees; and many of their children are not in school. Some 400,000 Syrian children currently in Turkey have fallen outside the education system, according to Turkish officials. To make matters more desperate, a huge shortfall in UN funding has led to cuts to the handouts given to refugee families every month – making the Middle East an increasingly untenable place for them to stay.

The UK trumpets its aid to refugee camps as the answer, but in reality this aid means little when only a fifth of Syrians live in camps, and most of the rest are not in education or legal employment. Unsurprisingly, hundreds of thousands are now moving to Europe to secure the rights they are entitled to under the 1951 refugee convention, but which, however generous the UK has been, they are denied in the Middle East. For four years, many were prepared to put up with this limbo, in the hope that it would only be temporary. Now that it is becoming permanent, they have decided to journey elsewhere to secure their long-term futures.

In 2015, it also became much easier to make this journey. Twelve months ago, most Syrians seemed to think the best way to get to Europe was by sailing from Libya to Italy. Several thousand went from Turkey to Greece, but the footfall was far lower – either because it was a lesser-known route, or people were deterred by the prospect of having to leave the EU again in order to get to Western Europe. Once you get to Greece, you still have to walk through the (largely non-EU) Balkans to get to Germany. But if you make it to Italy, you never need leave the EU again.

All this meant that the number of people landing in Greece rose from some 43,000 in 2014 to more than 750,000 in 2015 (the arrivals in Italy have slightly dropped from 170,000 to roughly 144,000). Not all of them were Syrians, particularly as the year wore on. In Italy, the largest group was from Eritrea, fleeing their North Korean-style dictatorship. In Greece, an increasing number are from Afghanistan and Iraq, where the respective conflicts are also getting worse. Afghans are also leaving in large numbers from Iran, where many in the large Afghan community lack legal status, and yet have little remaining connection to their motherland.

The EU's deal with Turkey in March 2016 all but halted what had been an uncontrolled flow of asylum-seekers smuggled onto Greek islands from the Turkish coast in 2015, when more than 1 million migrants arrived in Europe. In 2016 the figure fell to about one-third of that number. More than a third applied for asylum in Germany, where Chancellor Angela Merkel's open-door policy hurt her popularity at home and featured in talks on a coalition government for her fourth term. Turkey still shelters more refugees than any other nation. To cope with the surge in 2015, Germany, Sweden and other countries temporarily reintroduced some border controls, while Hungary, Slovenia and Macedonia erected fences along sections of their borders. Syrians fleeing a six-year civil war made up the largest group of refugees arriving in Greece, joined by Iraqis and Afghans who were also escaping violence. Terror attacks in Europe have hardened resistance to a plan to redistribute asylum-seekers across the bloc. With the eastern route at a relative standstill, attention turned to the rising number of African migrants landing in Italy. They come through a lawless Libya via human-trafficking networks,

accounting for the bulk of the 5,082 migrants who died on the Mediterranean Sea in 2016. (Stearns, Europe's Refugee)

The European Commission has taken a comprehensive approach to tackle the refugee crisis in Europe with its European Agenda for Migration, drawing on the various tools and instruments available at the EU level and in the Member States.¹

More than 3,100 migrants died making the trip in 2017, but the IOM notes the number of fatalities is likely higher due to the number of boats that sink without rescue crews knowing.

Geneva – IOM, the UN Migration Agency, reports that 10,584 migrants and refugees have entered Europe by sea through the first nine weeks of 2018, with just over 50 per cent arriving in Italy and the remainder divided between Greece (27%), Spain (22%) and Cyprus (less than 1%). This compares with 19,824 arrivals across the region through the same period last year.

In April 2016, the European Commission announced an initial €83 million worth of humanitarian funding for emergency support projects to assist refugees in Greece. The projects address the most urgent humanitarian needs of some 50 000 refugees and migrants currently hosted in over 30 sites in Greece.

The initial EU budget of the European Civil Protection and Humanitarian Aid Operations - ECHO, as programmed in the EU's Multi-annual Financial Framework (MFF) 2014-2020, amounts to approximately €1 billion per year (a total of €7.1 billion was adopted for the entire seven years of the MFF). In addition to the core humanitarian aid and civil protection activities, the 2017 budget includes support for the EU Aid Volunteers initiative and the Emergency Support Instrument (ESI) for operations inside the EU.

Although the seven year ceiling is set by the MFF profile, the precise figure is decided each year by the EU Budget Authority (European Parliament and Council), following the annual budget procedure. In addition to the initial budget, an EU Emergency Aid Reserve can be called upon to respond to unforeseen events and major crises, financing notably humanitarian, civilian crisis management and protection operations in non-EU countries. In addition, unused amounts from other EU funding programmes may be transferred to humanitarian aid during the course of the year. Additional funding could also be provided through the European Development Fund (the 11th EDF) and through direct contributions from the EU Member States

With respect to the current refugee crisis in Europe, a new EU Regulation for the ESI instrument (mentioned above) was adopted in 2016, allowing the EU to provide emergency support in response to exceptional crises or disasters within the EU which give rise to severe humanitarian consequences. The overall envelope for the period 2016-2018 amounts to €700 million (of which €200 million for 2017).

The European Commission provides humanitarian funding worldwide to over 200 partner organisations which implement relief actions on the ground. These include non-governmental organisations (NGOs), international organisations and United Nations agencies.

The emergency support funding is made available to Member States whose own response capacities are overwhelmed by urgent and exceptional circumstances, such as the sudden influx of refugees. The assistance (Rosenthal, Refugees, infiltrators, immigrants) is complementary to Member States actions and provided in close coordination with the countries concerned, as well as the Commission

¹ <http://ec.europa.eu/echo/node/4115>.

humanitarian partner organisations such as UN agencies, non-governmental organisations and international organisations. This funding can be used for the provision of basic necessities such as food, shelter and medicine.

On the other hand, by comparing with other countries facing this phenomenon, we can observe the difference in mentality and management of the authorities, so that, Israel's handling of the issue of asylum seekers from Sudan and Eritrea is unsuccessful and immoral. (Maanit, 2017)

On 31 of January 2018, the “removal of infiltrators” procedure began in its tainted name or “deportation procedure” in its “dirty” name. The state is beginning to issue deportation orders to Sudanese and Eritrean asylum seekers who are not staying at the Holot facility in the south. In order to carry out the deportation, the Population and Immigration Authority is recruiting hundreds of new inspectors to its ranks.

The High Court of Justice rejected a petition filed against the deportation of “infiltrators” by agreement to a third state, and ruled that the state was entitled to expel them, but ruled that an “infiltrator” who refused to be evacuated would not be imprisoned for an extended period of time, more than 60 days.¹

Also, status in Israel does not meet the legal definition of a “resident” and certainly not a “citizen” were in Israel. 218,919 citizens of foreign countries are subject to the care and supervision of the Population and Immigration Authority of the Ministry of the Interior. The public and the media tend to call this population different names: infiltrators, asylum seekers, foreign workers, migrant workers, refugees, Africans and others, mixing them as if they were all one piece. But in practice it is a population composed of various groups that came to Israel from different places and for different purposes. (Levy, 2017) There are certainly those who fled from hell. The data of the Population and Immigration Authority shed very little light on the proportion of those in the population who are entitled to be defined as refugees, out of all foreigners. Infiltrators, immigrants, refugees or asylum seekers?²

In Israel there are those who call all those who are “asylum seekers” under the pretext that they fled from Africa and came directly to Israel to seek shelter there. The data of the Population and Immigration Authority completely contradict this claim and show that only 24,784 foreigners submitted asylum applications in Israel, of which at most 11,986 are citizens of African countries (the rest are from Russia, Moldova, Georgia and Ukraine). In other words, about 70% of the infiltrators never submitted asylum applications, although most of them have been staying here for more than four years, and the procedure for submitting asylum applications is simple and accessible in different languages. In short, 40,274 infiltrators from Africa with few rights, who take up much more headlines than the other 178,645.³

Conclusions

There is little doubt that the issue of refugees is a global problem. While it most immediately affects developing nations, there is a strong argument that industrialised countries should help by allowing higher levels of immigration. This is certainly not an easy issue though, because historically immigration has caused as many problems as it solves. (Ager, 1999)

¹ <https://eur-lex.europa.eu/legal-content/RO/TXT/?uri=celex%3A32001R0045>.

² <http://intelligence.sri.ro/awareness-in-securitatea-online/>.

³ https://www.gov.il/he/Departments/population_and_immigration_authority.

The principal reason why developed nations should help (Danieli, Rodley & Weisaeth, 1996) is that we now live in a global village and it is no longer possible to ignore what happens on the other side of the world. This is partly a moral issue and partly because it is in the economic self-interest of industrialised nations to ensure that developing nations continue to progress. A practical way of achieving this would be to accept more immigration, particularly when it is caused by natural disasters or civil war.

I would argue, however, that this is not an open and shut case, as there is a negative side to mass immigration. The multi-cultural experiments in Europe have not always succeeded and immigrants have often suffered badly from racism and other prejudices.

There is a conscious effort to protect rights of these individuals but the difficulty arises where this has to be balanced with the right to protect its territory.

Measures have been introduced which arguably encourage xenophobia and hostility to these refugees. Poorer neighbouring states, which were initially quite welcoming of refugees, are now being squeezed beyond capacity and their citizens are becoming increasingly xenophobic. National states and governments including international communities that aim to address the current trend of refugee crises are drawing up measures that are innovative

On a practical level, refugees are sometimes better off receiving aid in their native land than begging on the streets in a country where they cannot speak the language. Many so-called economic migrants end up returning to the country of their birth.

It has now been recognised that root causes such as poverty and global inequalities should be identified and corrected where possible prior to escalation to emergency situations leading to people fleeing their countries. Richer Countries in the West are seeking to address poverty in third world countries and summits on the topic are being held in order to come up with a long standing solution that will fundamentally serve to potentially benefit all nations as a whole.

In conclusion, the trend for refugees seeking protection away from their homes is seen as a dilemma of topicality in a European Union that is in the process of identifying itself in a Europe under the tide of ultra nationalism, feeling the economic effects of Brexit and threatening a Grexit and the desires of independence of some historical regions like Lombardy and Veneto in Italy or Catalonia and Bastia in Spain.

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THE 13TH EDITION OF THE INTERNATIONAL CONFERENCE
EUROPEAN INTEGRATION
REALITIES AND PERSPECTIVES

Theoretical and Practical Foundations on the People with Disabilities Labor Law in Romania

Diana- Mihaela Malinche¹

Abstract: Labor law is one of the most important issues of law both national and international level. In this study we will examine the area of labor law and social security labor law by profiling the study of this field in the segment of socio- professional protection and integration of people with disabilities at national level. The economic changes as well as the social changes that have occurred in our country during the last years had a significant impact over the population, especially among people with disabilities. In order to reduce the impact of economic fluctuations over the people with disabilities, the Romanian authorities complied to the international requirements and actively promotes social policies to ensure the integration of the disadvantaged people in the community and preventing the emergence of social barriers that restrict the implication of the affected people to social life. The implication of Romanian state in the socio- professional insertion of disadvantaged people can be considered a preventive form of social protection designed to avoid social initiation as well as avoiding the complete disruption of social relations between societies and people with disabilities.

Keywords: labor law; social security labor law; people with disabilities; integration; social protection

1. Introduction

In order to collect and interpret the necessary data for the preparation of the present research, we will use the “content analysis” research method, taking into account the theoretical concepts of labor law at national level as well as the legislative provisions adopted over the time in order to consolidate the people with disabilities acces on the labor market and, implicitly, their socio- professional integration in the society. Content analysis is considered to be “a set of qualitative and quantitative research techniques, both verbal and nonverbal communication for the objective description and systematic identification and description of the content of the manuscript and/ or of the attentive content, in order to draw conclusions about the individual and society communication itself, as a process of societal inter-action”. (Chelcea, 2007, p. 573) As a matter of course, we intend to make a correlation between the general law and labor law and the measures adopted by the law maker to support and develop the social inclusion of people with disabilities. Moreover, labor law has been frequently used to establish workplaces between people with disabilities and asylum seekers in order to support their social insertion as well as to eliminate all kinds of discrimination between the social classes.

This produces a particularly complex phenomena of working conditions in optimum conditions, with benefits for both the employers and the employees with disabilities. In order to achieve this objective, the Romanian state significantly contributes to socio- professional inclusion of people with

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disabilities, providing both the legal and the financial support necessary for the provision of professional activities by this social class, as we will see in this study. The social measures promoted by the Romanian authorities in view of the socio- professional insertion of people with disabilities that we will present in this paper, prove to be extremely useful for the societies, as we will observe. By means of this measure, the social and professional situation of the affected persons is improved, on the one hand, and the potential of the social policy is appreciated in the interest of the community, on the other hand. In order to achieve this objective, the Romanian state established for the first time, by Ordinance no. 14/ 2003 the National Authority for People with Disabilities (ANPD). One of the main contributions of the ANPD is the application of national strategies for the special protection of the people with disabilities, as well as approving all the necessary normative powers for the development and application of the strategy. The first protection strategy for people with disabilities was funded by the National Authority for People with Disabilities in 2003's and included in its content a national action plan for the 2003- 2006 timeframe. By means of the action plan with long- term objectives, there were proposed “reforms of the system of protection of people with disabilities, focusing on the evacuation and individualization of intervention, restructuring of residential institutions, creation of alternative services, consolidation of the parentage between public and private institutions and increasing the competencies of local authorities. The main objective of the national strategy was the creation of a continuous integrated protection and support system for people with disabilities, through the reform of the central institutions administration and the institutional reform of the field, in view of the increasing the life quality of the affected people.” (Neamțu, 2003, p. 962) The focus of the strategies development for protecting the people with disabilities has been manifested in recent years as national strategy named “A barrier- free society for people with disabilities in the period 2015- 2020”. Thus, through the adoption of this strategy, the Romanian State is obliged to mobilize all the financial, social, legislative available resources to prevent the marginalization, discrimination and violation of people with disabilities rights. As highlighted in the above, in the present, the socio- professional insertion of people with disabilities as well as the improvement of their living conditions was convinced.

In support of my assertion, the results obtained after the “A barrier- free society for people with disabilities in the period 2015- 2020” national strategy implementation highlighted the fact that “There are a million people suffering by a form of disability. Of these, between 100 and 190 million people face an important functional limitation. It is argued that the number of people with disabilities will increase in the future, among the factors that cause the global phenomena of population aging, the increase in average lifetime and the exposure of non- incurable diseases.”¹ In order to have an insight view into this issue, we mention that we had chosen to investigate this topic because we considered that society’s interest in socio- professional integration of people with disabilities is far too low to be important.

Although benefiting from additional means of protection from the Romanian state, people with disabilities are often discriminated by the members of the society who filter their medical conditions through the prism of hostile stereotypes transmitted at national and international level even during the Holocaust, German practices of pure breed conservation is a representative example in this case. Through this research we intend to highlight the lack of interest of the Romanian society regarding the socio- professional integration of disadvantaged social categories as well as highlighting the benefits

¹ The Romanian Government (2015). *Narrative Strateg A barrier- free society for people with disabilities in the period 2015- 2020*, p. 17.

that can be brought to the labor market through the provision of professional activities by persons with disabilities, as we will remark below.

2. Contents

2.1. The Notion and Object of Labor Law

The concept of work is directly related to human life, as we well know that this is defined by the authors who studied the aspects of social life as “specific human activity- manual and/or intellect- through which people use their physical and intellectual attitudes to produce the goods required by the sacrifice of their needs.” (Ștefănescu, 2000, p. 15)

Regarding this aspect, Traian Ștefănescu defines the work as follows: “Work is a life condition. A suspension, being part of the work, paralyzes the social body and the people lives, and its total cessation, even for only a week, would be a huge catastrophe, similar to what the novelists invented to describe the end of the world. Inactivity is clearly synonymous with death.” (Ștefănescu, 2012, p. 12)

We therefore see the direct correlation between work and the survival of the human species, and therefore we note the surprising importance of work in everyday people’s life. Work is perceived as a human life condition because all the goods that people use in their daily life are the result of their work.

As we can see from the definition of the work process, there are no application restrictions, so that it can be provided by any person, without discrimination: men, women, elderly people, people with disabilities, representatives of other religions or nationalities, under the conditions they certify that they are physically and/ or mentally fit for their activities. On the background, the following features of the workforce are distinguished: “- inseparable from the person providing it, unlike any commodity; - impossible to keep- the person who does not work at any time at work, can not use it later; - can not be quantitatively increased- without affecting, as a rule, the biological substance of the person concerned, it can grow in qualitative terms in the human capital situation; - numerically determined, as working people, mainly by demographic laws and not by labor demand; - quite difficult to move, from one area to another, from a country in another country, even under the current conditions of globalization. Movement of the person is difficult due to his family link, working environment, language, habits, climate, etc. from the area or the origin country.” (Ștefănescu, 2012, p. 12)

2.2. Equal Opportunities for the Employment and Avoiding Work Discrimination for People with Disabilities

Taking into account the above- mentioned labor characteristics we can conclude that the provision of professional activities is a very complex process that can be applied in many forms and fields. Moreover, any form of unjustified behavior that disadvantages a person belonging to a disadvantaged social backgrounds such as people with disabilities, different nationalities, different sexual orientation, other religion, gender, etc. constitutes a contravention and is sanctioned as such, according to the Ordinance no. 137/ 2000 on the prevention of all forms of discrimination, as follows:

“Art. 5. It is a contravention under this Ordinance that the participation in an economic activity of a person or the free choice or exercise of a profession of belonging to a certain race, nationality, ethnicity, religion, social category, respectively by beliefs, by gender or orientation sex, age or belonging to a disadvantaged category.

Art. 6. It is a contravention under this Ordinance that a person is discriminated against on grounds of belonging to a particular race, nationality, ethnic group, religion, social category or disadvantaged social category in work and social protection, except in the cases provided by law, manifested in the following areas:

- a). Conclusion, suspension, modification or termination of the employment relationship;
- b). Establishing and modifying job or salary duties;
- c). Granting other social rights than salaries;
- d). Training, retraining, reconversion and professional promotion;
- e). Application of disciplinary measures;
- f). Right to join the trade union and access to the facilities granted by it;
- g). Any other conditions of work, according to the legislation in force.

Art. 7

(1) In accordance with the present Ordinance, it is a contravention to refuse a natural or legal person to employ a person on the grounds that it belongs to a certain social category or a disadvantaged category except in the cases provided by the law.

(2) It is a contravention, according to the present Ordinance, the condition of filling a post by announcement or competition, launched by the employer or his representative, belonging to a certain social category or a disadvantaged category.

(3) The natural and legal persons with responsibilities in mediation and repartition will apply equal treatment to all those who are looking for a job, will ensure to all job seekers free and equal access to the demand and supply consultation on the job market, on advice on job opportunities and qualification and will refuse to support discriminatory demands of employees.”¹

As a result of discrimination forms suffered, the person who considers himself to be discriminated has the possibility of making a written request, accompanied by the proof of the discrimination form at the request of the local court, to restore the socio- professional status in which they were before they were victims of discrimination.

It is important to note in this situation that the request may be submitted to the court within up to three years from the date on which the act of discrimination was committed.

2.3. Labor Law and Social Security Law. Theoretical Definitions and Delimitations

“Labor legislation is made up of all the legal norms governing the relations established during the process of concluding, executing, modifying and terminating the legal relations of labor, based mainly on the individual labor contribution.

As a branch of the science of law, labor law deals with the analysis of the legal relations between employers and their employees.” (Ștefănescu, 2000, p. 28)

Labor law, as a branch of law, is a set of legal norms to sustain labor relations between employers and their employees.

¹ The Romanian Government. G.D. no. 137 of 31 August 2000 on the Prevention and Punishment of All Forms of Discrimination discrimination, Official Gazette no. 137 of January 2018, p. 3.

As consequence, labor law is in fact the right of collective labor work because legal labor reports are confirmed by the conclusion of an individual labor contribution which is the main subject of the legal norms and culminating in a collective labor contribution.

We can therefore speak about the existence of an individual right to work and the existence of collective labor law.

“The first refers to the conclusion, execution, suspension, termination and nullity of the individual labor contract, including the rights and obligations of the two parts involved in the work process, the resolution of disputes between them, the liability of one of them to another and even vocational training. Collective labor law is defined as the legal norms set governing the relations between employees or groups of employees and also between employer or groups of employers.” (Țiclea, 2015, p. 15)

Moreover, the labor law area is particularly complex, including here additional legal references such as labor protection, hygiene, professional training, trade unions and so on.

We therefore observe a correlation between the law, the collective labor contradiction and the individual labor contradiction, a correlation that governs the legal relation of labor between employer and the employees, the accent being perceived in the profile literature as “social relations ... between a person, on the one hand, and a legal person ... on the other hand, whereby the first part involved undertakes to work for the benefit of the other, and the latter undertakes to pay it and create all the necessary conditions for the performance of that work.” (Grădinaru, 2005, p. 8)

The social security right, is “that branch of the autonomous law, belonging to the public law, comprised of all legal norms regulating the social and social assistance relations”. (Țiclea, 2015, p. 6)

The two branches of law, labor law, respectively social security law, share the same preoccupation for the development and social policies support regarding the socio- professional integration of individuals and the provision of a legal framework for the development of the employment relations between the employee and the employer.

Another common point between the two branches of law is the existence and the unfolding of social security rights resulting from the quality of the employee: unemployment benefits, medical leave for temporary work incapacity, child raising allowances, etc.

The provisions of the labor law and social security apply to all Romanian citizens and altered citizens or stateless persons during their stay in Romania, as well as to the time frame in which they contribute financially to the support of the retirement funds and social insurance system.

As an exception, people who doesn't contribute to the social security system can be secured to the public system through a social insurance.

2.4. National Sources of Labor Law

Sources of labor law are common to those of social security law. Labor law refers to the specific forms through which the accent finds its expression. Expressions are a form of normative, legal norms of labor law find their correspondents in laws, ordinances of regency, decisions of the Government etc.

So, we deduce from the fact that the sources of labor law are grouped into two major categories: a). Common sources with other branches of law at general level: laws, constitutions, ordinances etc; b). Specific labor laws: professional stays, individual collective work form, organizational and operational rules, ethics codes personalized according to the public or private organization. a). Exemplified, the

first category, common sources with other branches of law, including social security law. The Constitution: It is the most important source of law at the national level, being considered the base of the Romanian State. This normative act provides procedural indications for constitutional texts, such as labor law, social security law, the right to strike participation, the health and safety right at work, and so on. Labor Code: it is considered to be the most complex source of labor law. “His importance for labor relations is different: but the autonomy of labor law as a branch of the unitary system of our law has ensured and ensured a unitary regime for the employees. Also, a number of main institutions in labor law are transposed, with their specific peculiarities in the service relations of civil servants as well as in cooperative relations.” (Țiclea, 2015, p. 42) Special laws: other laws regarding the workplaces of the citizens. The main laws we considered relevant to this research topic are: - Law no. 108/1999 on the labor inspection establishment and organization; - Law no. 210/1999 on the paternity leave; - Law no. 76/2002 on the unemployment insurance system and the employment support procedures; - Government Decision no. 1091/2006 on minimum safety and health requirements health at work, etc. Ordinances and other normative acts issued by directors and other central authorities: for the purpose of law enforcement and the stalling of technical and organizational measures. Examples of the main principles to be considered relevant to this research theme are the following:

- Order of the Labor and Social Solidarity Minister no. 64/2003 for the individual labor contract model approval; - Order of the Health Minister no. 870/2004 for the control approval on working time, organization and performance of the night guards in public health services; - Order of the Labor, Family and Social Protection Minister no. 1918/2011 for approving the procedure and the acts that employers must submit to the territorial labor inspectorate for obtaining the password, as well as the procedure regarding the transmission of the general register of employees records in electronic format.

2.5. Fundamental Principles of Labor Law

Considering the complexity of the field of labor law, we conclude that it is based on different principles that regulate the social relations of labor, principles that are grouped in two categories:

General principles extended to the level of Romanian law: the principle of law equality, the legality principle and others; - Fundamental principles, specific to labor law, which are included in the Labor Code.

In fact, these principles do not remain in the theoretical construction, being only a legal framework, but they are also used in practice to interpret labor law norms, to help resolve conflicts at work, and to analyze any possible option to establish a legal and employment perspective.

In the following, I will briefly present these principles to highlight their importance in labor law:

1) Conserving the Right to Work

The right to work is a fundamental right which, through the development of professional activities and by means of the remuneration in the past, contributes to ensure the people’s adequate lifestyles.

The limitation of the right to work, with due respect for the legal provisions and requirements, can be seen from two angles:

“- In a broad, constitutional sense, the right to work includes the freedom to choose a profession, job or occupation, work in or out of the country, social labor protection, wages, the right to collective and individual negotiations, stability in the work process; - In a narrow sense, the right to work, in the conditions of the economy market, is conceived as including mainly labor freedom and stability in work.” (Ștefănescu, 2012, p. 74)

From my point of view, the freedom to work has a bilateral meaning. This includes the right to work, as well as the right to not work, depending on the individual wishes. In the Labor Code - Law no. 53/2003, there are some representative articles that allow and offer work stability, such as an individual contract with indefinite duration, but in essence, the Romanian state does not have the potential to guarantee the stability in work for the citizens of the country. Looking at things from a different angle, I would rather consider that the Romanian state is establishing other types of legal safeguards, some of which are: - employment of disabilities people to benefit from a range of economic facilities; - support for the professional training policies for people with disabilities; - the establishment of a social protection system for the unemployed, the elderly and disabled people in order to ensure equal opportunities for their inclusion on the labor market; - temporarily supporting, as the case may be, from the financial point of view of the defaulted persons; - insufficient attempts, I think, to create new jobs for disadvantaged citizens. In conclusion, I consider that the right to work is a guaranteed right in the Romanian state, given the aspects I have set out in the above.

2) Equal Treatment for all the Employees and the Employers

“Citizens rights for equality- before the law and public authorities, without privileges and without discrimination- is a constitutional principle provided by Article no. 16 of the Basic Law. Article no. 5, no. 1 alin. of the Labor Code concretises this constitutional principle in a specific way for the parts of individual and collective relationships.” (Ștefănescu, 2012, p. 74)

We also observe that the equal treatment principle has been provided for the first time by the Labor Code. I remark from here the primordial importance of the emergence of the Labor Code at national level.

From my point of view, this principle is representative for the present study, because the Labor Code is a legal action for the workplaces development, without discrimination, by people with disabilities. However, “ensuring equal treatment of employees and employers does not mean uniformity, failure to take into account particularities, specific requirements. On the contrary, the lawmaker or the person called to apply law- employee or employer- may take into account some particularities that necessarily and rationally imply a differential and reasonable treatment, acceptable in a democratic society.” (Ștefănescu, 2012, p. 74)

3) Ensuring Collective and Individual Negotiation

Through collective labor forms, labor law becomes a negotiating right. Although by the adoption of Law no. 62/2011, the social dialogue restricted the existence of a multiple number of collective labor contraries, lately constituted the basic source of collective negotiation. At this moment, the number of collective labor forms has been reduced to a single national form established at national level. Particularly, the application area for the provisions of the collective labor is restricted in the public sector, so that the professional activity of the civil servants is strictly stamped through various legal regulations (As example: the Civil Servants Statute).

4) Multilateral protection of employees

The Romanian Constitution contains an illustrative representation of the evolution of this principle. Thus, Art. No. 41 (2) of the Constitution of the country provides as follows: “Employees are entitled to social protection measures. These concern the safety and health of employees, the working

conditions of women and young people, the establishment of a minimum gross national salary, weekly rest, paid holiday, special work, training as well as other specific situations set by law.”¹

It is clear from this that any employed person benefits from the right for social protection measures. The plurality specific derives from from the labor work force, and also from the legal protection against the affected people. Moreover, the legal subordination of the employee to the employer during the individual contract of employment requires individualized protection over the one who presets the work. Of course, on the contrary, the authorities had the obligation to set specific dues for employees, not only to ensure the protection of employees.

5) Respect for good faith

Good faith was originally instituted through the Labor Code, by Article no. 8, as a labor principle and it is manifested in the form of loyalty to the conclusion of individual/ collective labor contribution as well as in the form of fidelity and cooperation between employed and employer in the professional activity of the individual, implicitly the collective labor contract. By the way, the above mentioned characteristics are based on effective information and communication between the employer and the employee. Moreover, good faith is the possibility of producing legal effects in the areas where legal rules are found to be incomplete.

6) Stimulating social training and improvement

Professional training of employees is one of the social protection measures provided by the Romanian Constitution. Moreover, I consider that this measure was necessary for the economic progress, the constant information and the demands of the labor market, which calls for a perpetual preoccupation with the workers progress, at the same place in which the industry is constantly performs.

7) Ensure the free association of employees and employers to protect their rights and promote their professional, economic and social interests

This principle allows employees and employers to associate themselves in order to defend their rights and promote their professional, economic and social interests.

8) Ensuring the right to strike

Everyone has the right to a collective association that involve a temporal activity cease. The Romanian Constitution makes a distinction between the strike and the right to union, but it does not exclude the right to collective negotiation.

2.6. Work and Employment of People with Disabilities

At the international level, we observe the implications of United Nation member states for the rehabilitation and socio- professional integration of people with disabilities on the labor market. More than enough, the member states of the organization are actively promoting equal rights for people with disabilities. In order to accomplish this goal, the United Nations adopted in New York, Law no. 221 from 11 November 2010’s for the ratification of the Rights of Persons with Disabilities Convention. This Convention was signed and promulgated by Romania on 26 September 2007’s. Through the present law, the parties are bound to respect human dignity as well as equal rights with primordial charity inalienable to human beings guided by the principles of human freedom and justice without any form of discrimination at the international level. In Art. No. 27 of the Law no. 221/2010 recognizes the equality of integration centers on the labor market of persons with disabilities in

¹ The Romanian Parliament. *The Romanian Constitution*, Official Gazette no. 767 of October 2003, p. 7.

relation to the non- disabled population as well as the right to ensure a means of living by providing an activity free of charge on the labor market through a working environment accessible to the disabled people. These measures are applicable both to persons with disabilities before their involve in professional activity and to persons who become disabled during the performance of their service duties in the form of work accidents. To confirm my hypothesis, the content of Law no. 221 states that “The purpose of this Convention is to promote, protect and ensure the full and equal enjoyment of all human rights and freedoms by all persons with disabilities and to promote respect for their intrinsic dignity. Persons with disabilities include people with long- lasting physical, mental, intellectual or sensory impairments, which, in interaction with various barriers, can limit the full and effective participation of people in society on an equal basis with others.”¹

For a better understanding of this phenomena, we have outlined the main features of these types of deficiencies, while also trying to exemplify the areas in which people with disabilities can practice, according to the type of affection.

Moreover, in order to prevent social and professional marginalization of disadvantaged people, the Romanian state grants differentiated financial support, as can be seen in the table below:

Table 1. Costs with unemployment insurance budget to fund active employment measures at national level in 2016's

| Effective measure | Budget execution at the end of the 2016's (lei) |
|---|--|
| Total value | 195.901.063 |
| Professional training | 33.759.301 |
| Stimulating young people to engage in the work | 37.109.078 |
| Stimulation of the unemployed before the expiration of the unemployment period | 14.386.712 |
| Stimulating labor mobility | 4.168.723 |
| Stimulating the employment of unemployed persons from defaulted categories | 84.210.560 |
| Payments for the stimulation of the students employment, according to the Law no. 76/ 2002 | 2.921.894 |
| Payments for the employment stimulation of children and students according to Law no. 76/ 2007 | 630.564 |
| Payments for the professional training of graduates according to Article no. 84 by Law no. 76/ 2002 | 698.138 |
| Payments for interns under Law no. 335/ 2013 | 17.649 |
| Payments for marginalized people | 14.852.514 |
| Active measures to combat unemployment: assistance and carrer coaching | 2.192.104 |
| Collective pre-dismissal services | 952.926 |

**Source of the data in the table: National Employment Agency*

What we notice here is that a big part of the funds is invested in training the unemployed in order to pursue specialized professional activities according to their abilities.

A considerable part of the funds is also invested to stimulate the employment of young graduates as well as hiring people before the end of the unemployment period by giving the state various incentives to employers who select labor from these social categories. We note here that, according to the

¹ The Romanian Government, *Law no. 221/2010 on the ratification of the Convention on the Rights of Persons with Disabilities*, Official Gazette no. 446 of July 2010, p. 2.

statistics of the National Employment Agency, the state mainly encourages the employment of graduates, students and pupils, which leads us to avoid the aging population from a professional point of view. Regarding the category of disadvantaged people, referring here to people with disabilities, we note in the data in the table above that the Romanian state invests considerable sums for the employment of this category. Thus, 84,210,560 of the unemployment insurance budget is targeted for the employment of the unemployed people from disadvantaged categories, while 14,852,514 are targeted for payments to marginalized persons. Thus, the state's contribution to socio- occupational inclusion of disadvantaged categories is a preeminent element for the employment of disadvantaged people.

In view of these considerations, people with disabilities should not be discriminated, and they should have a monthly equal income rights as any other citizen. More than that, people with disabilities should also have the same rights in the educational environment as any other citizen. Moreover, for the unrestricted learning of the educational system, the legislator is obliged to provide people with an appropriate support in accordance with their needs, as well as to facilitate them unrestricted access to the higher education system. Going back to the main idea of this paper, I consider it necessary to mention the main obligations that the signatory states of Law no. 221/2010 must take for the protection and promotion of the right to work of persons with disabilities, as follows:

- “a). Prohibit discrimination based on disability on all aspects and forms of employment, including recruitment conditions, placement, employment and retention, career progression and health and safety at the workplace;
- b). Protect the rights of people with disabilities on an equal footing with others in terms of fair and favorable working conditions, including equal opportunities and equal pay for equal work, health and safety at work, harassment and conflict settlement;
- c). Ensure that people with disabilities are able to exercise their right to work and trade union rights on an equal footing with others;
- d). Allow people with disabilities to have unrestricted access to general technical and vocational guidance programs, to placement and continuing vocational training services;
- e). Promote employment opportunities and career advancement for people with disabilities on the labor market and provide assistance in seeking, obtaining and maintaining a job, including returning to work;
- f). Promote opportunities for self- employment, develop entrepreneurial spirit, develop cooperatives, and starting a business;
- g). To hire people with disabilities in the public sector;
- h). Promote the employment of people with disabilities in the private sector through appropriate policies and measures, including positive action programs, incentives and other measures;
- i). Ensure adequate adaptation to people with disabilities at work;
- j). Encourage people with disabilities to have a work experience on the free labor market;
- k). Promote vocational and professional rehabilitation, job retention and reintegration programs for people with disabilities.”¹

¹ The Romanian Government, *Law no. 221 of November 2010 on the ratification of the Convention on the Rights of Persons with Disabilities*, Official Gazette no. 446 of July 2010, p. 26.

Therefore, the signatory states of the Convention on the Rights of Persons with Disabilities promote the right of persons with different deficiencies to social protection, providing, in addition to those mentioned above, measures such as:

“a). Ensure equal access for people with disabilities to drinking water services and ensure access to affordable services, facilities and other assistance to disability related needs; b). Ensure access for people with disabilities, especially women, girls and elderly people with disabilities, to social protection and poverty alleviation programs; c). Ensure access for disabled people and their families living in poverty to financial assistance, by the authorities, for disability related expenses, including training, counseling, financial assistance and appropriate time care services; d). Ensure people with disabilities access to public housing programs; e). Ensure equal access for people with disabilities to retirement programs and related benefits.”¹

As we can see, the state not only facilitates and hampers the work of people with disabilities on the labor market, but also assures them the means of housing and subsistence for the purpose of professional breakthroughs in accordance with their abilities. In a way, people with disabilities benefit from a positive psychological safety and comfort that engages them to develop specific professional activities that ultimately contribute to easier social integration. The rules and facilities regarding the incarceration of disabled persons are stipulated in the Emergency Ordinance no. 102/1999. This ordinance stipulates that “the employment of persons with disabilities and their income shall be made in accordance with the general labor law, with the other regulations in force, as well as with the special provisions of this emergency ordinance, for the purpose of socio-professional integration of these persons.” (Țiclea, 2015, p. 442) Emergency Ordinance no. 102, however, provides a supplement to this effect, namely that “a person with a disability is also understood as the third- grade invalid, by individual employment contract is also an individual agreement on labor relations in craft cooperative organizations, and by employee is also understood a member cooperative.” (Țiclea, 2015, p. 442) Persons with disabilities can be involved in an individual employment contract, under conditions prescribed by law, by legal persons, depending on their professional abilities and the physical capacities of the intellectuals they have. Moreover, people with handicaps can carry out independent activities in the form of an authorized legal person, PFA. In this way, the disabled persons have their own contributions to the state budget. Unlike the clandestine procedure, dealing with people with disabilities is achieved by developing jobs that are protected by providing the means appropriate to the type of disability and the person employed. In some cases, the person with an inappropriate deficiency may work at home, in which case the employer is obliged to provide the necessary raw material as well as to ensure the transport of raw materials and finished products at the headquarters of the company. The employer has the right to check the way in which the homeowner’ work is carried out, according to the provisions of the individual work contract. In the workplace at home, the employer and the employee conclude an individual work contingency with additional references to the standalone form of the individual work contingency: home activity, work schedule and intervals when the assignee can make checks as well as the obligation of the assurance engagement on the insurance of raw materials. It is worth mentioning in this case that the disabled person with a disability that provides professional activity at home enjoys the same rights as all the other members of the employer- company in question. Persons with disabilities can be employed in protected facilities. These protected units are equipped with personalized accelerating means as well as additions based on the disability types of the persons in question. As far as the implementation measures for the work of

¹ The Romanian Government, *Law no. 221 of November 2010 on the ratification of the Convention on the Rights of Persons with Disabilities*, Official Gazette no. 446 of July 2010, p. 26.

the disabled persons are concerned, the protected units have the obligation to present at the beginning of each year to the regional labor inspectorates the information necessary for the functioning of the unit. Protected units may organize workplace training courses for people with disabilities in their premises in order to ensure their professional integrity. These authorization courses received from the Labor, Social Solidarity and Family Ministry, Education and Research Ministry, as well as from the Health Ministry. These allowances confirm that the working environment is suitable for people with disabilities, depending on their occupation.

Protected units have many things to do: - economic agents with different types of organization and properties and with legal personality to cover at least 30% of the total engagement of the personality with any type of disability; - secondary headquarters, sections of the economic agents are non-governmental forms of organizing, without legal personality and who have their own contingency, and in the same way at least 30% of the entirety of the person with disabilities; - the founders, the organisations to be associated by at least one person with handicap; - people with disabilities that are authorized to carry out independent activities, having the obligation of self- charging of the contributions to the state budget.

Surprisingly, in the context of the Emergency Ordinance no. 102/1999 is that the legislator imposes on the employers the obligation to accommodate persons with disabilities, but leaves them the free choice of the assistance form of this social category. More specifically, the legislator offers as a variant the possibility to purchase products or services necessary for the activity of protected companies. In any case, in one form or another, the public authorities benefit from the results of the work of people with disabilities. Given that I have previously discussed a complex series of obligations that protected establishments have in respect of disabled workers, I consider it necessary to highlight the benefits generated by the employment of people with disabilities:

“a). Exemption from the corporate income tax, provided that at least 75% of the fund obtained by way of exemption is reinvested for the purchase of technological equipment, machinery, utilities, work facilities and/ or a salary unit for the protection of protected jobs; b). Exemption from the import of raw materials, materials, semifabricated materials, utensils and components which are necessary for the production process. Their alienation within 5 years is prohibited, under the sake of retroactive payment of vama duties; c). Exemption from T.V.A, and the operations carried out in the protected units, authorized; d). Other facilities that can be attributed to the powers of the local public administration from own funds.” (Țiclea, 2015, p. 445) Private stakeholders are public institutions that do not comply with these provisions, such as the obligation to pay a stand- in equivalent to a minimum gross salary on the land multiplied by the number of jobs for people with disabilities on the road, and the obligation to create them. In order to confirm my hypothesis, I consider relevant: “Agents with at least 75 employees, as well as public authorities and institutions with at least 25 contractual positions, have the obligation to employ persons with disabilities with an individual employment contract in- at least 4% of the total number of employees, respectively of the number of contractual functions provided for in the State of Functions.” (Țiclea, 2015, p. 442)

Unlike individual work contingencies, the strides that an individual work contribution, or a person with a disability, contained in the middle gradient, should be contained, includes several different provisions: - deficient people and can be accommodated in any function available in the workshop the private society to public institutions, according to their abilities, professional training and physical capacities;

- benefits of professional training courses; - benefit of employment in the workplace and means instituted according to the disability; - benefit from a probationary period of at least 45 working days; - benefit from prepaid minimum of 30 working days, unlike the 20 working days, benefit from an ordinary employee, in the cases where the employer cancels the job occupied by the person with disabilities; - the possibility of having a working program of less than 8h, after the recommendation of the specialist physician; - can retire at the age limit, except for the pension for Grade III of invalidity. - can be given priority in the professions on which they hold, specific to the type handicap held at the socio- professional indications and recommendations of the medical expertise committee.

Persons with disabilities who want to integrate or reintegrate into work have free and unrestricted access to vocational assessment and guidance, regardless of their age. Persons with disabilities are informed of the skills they are facing and they participate actively in their selective professional activity as well as in the process of evoking and professional orientation. Dates collected during professional evacuation and professional orientation procedures are confidential and can only be used with the agreement and in the interest of those with disabilities. Although it is useful in many cases, professional orientation can not be achieved for any category of people with handicap, so the applicability is limited to: - people who have completed basic studies and meet the age required to be professionally integrated; - unemployed people; - individuals who do not have professional experience; - people in work who want professional reconversion.

Professional orientation is done with the consent of the disabled person, his or her family or legal representative.

Being a complex and durable process, the professional training of people with disabilities is done in various forms, starting from the program of qualification/ retraining, initiation in the profession, training and specialization.

As a result, in order for the process of professional integration to be carried out in optimal conditions, the Romanian state has the following obligations, stipulated by Alexandru Țiclea in its labor law treaty (2015):

- to support from a financial point view the professional orientation programs for people with disabilities;
- to create and support adequate occupations to the existing types of handicap;
- to correlate the level of professional training of persons with disabilities with the requirements and selection criteria imposed by the labor market;
- to establish the means necessary for the evacuation and professional orientation in view of selecting a job that is adequate for people with disabilities;
- to engage qualified people in the social assistance institutions in order to ensure an optimum professional orientation for people with disabilities;
- to create the necessary conditions for those with handicap to exercise in the occupied job as well as to get a job.

In order for the rights of persons with disabilities to be enforced by the legislator and the measures listed above can be achieved, the public authorities have the following obligations: “a). Promote the concept that a disabled person is an added value to society and, in particular, to the community which it belongs; b). Promote an open, inclusive and accessible work environment for people with disabilities; c). To create the conditions and services needed for the disabled person to choose the form of conversion/ retraining and work in accordance with his/ her functional potential; d). Establish and support complex services consisting of protected, licensed and protected housing units; e). To initiate

and develop forms of incentives for employers to employ and retain people with disabilities; f). Provide support for organizing a sales outlet for the work product of the disabled person; g). To diversify and support various social services, namely counseling for the disabled person and his/ her family, information for employers, assisted employment and others; h). Promote mediation services on the labor market for people with disabilities; i). To permanently build/ update the database, to highlight the supply of people with disabilities; j). Develop collaborations with the media to raise community awareness/ awareness of the potential, abilities and contribution of people with disabilities to the labor market; k). To carry out, in collaboration or partnership with legal entities, public or private, programs and projects aimed at increasing employment; it). Initiate and support awareness raising campaigns and awareness of employers on the skills of people with disabilities; m). To initiate specific programs that stimulate increased participation in the labor market and labor force among groups at high risk of social exclusion.”¹

In order to encourage the involvement of public and private institutions in the process of social integration of people with handicap, the legislator offered to employers various benefits transposed into Article no. 84 of Law 448/2006 on the protection and promotion of the rights of persons with disabilities. Thus, according to Article no. 84, employers benefit from the employment of persons with disabilities by: - deduction of the tax on the amounts invested by the assignee in the purchase of utilities and equipment used in the production process by the disabled people; - deduction of tax on travel expenses domicile at the headquarters of the asylum seeker for people with disabilities; - deduction for taxable profits and amounts invested in tradesport the raw materials and the products obtained at the home of employee with disabilities at the headquarters of the employer and vice versa; - decommitment from the unemployment insurance budget of the sums invested for training and professional training of people with disabilities; - amounts received in the form of subsidy from the State Party, according to Law no. 76/2002 to stimulate employment;

In addition to these benefits, Law no. 76/2002 on the unemployment insurance system and the stimulation of employment, provides the following benefits:

- “employers who, in relation to the number of employees, have fulfilled their obligation, according to the law, to employ people with disabilities as well as employers who do not have this legal obligation (employ fewer than 50 employees), if they employ permanent persons with disabilities and maintain their employment or service relationships at least 2 years, receive for each employed person an amount equal to the value of the social benchmark in force;

- employers who employ graduates from the the number of people with disabilities is exempt for a period of 18 months from the payment of the contribution due to the unemployment insurance budget for the assigned graduates, and they receive monthly, for this period, for each graduate:

a). An amount with the value of the social benchmark in effect at the time employment for graduates of the lower cycle of high school or arts and crafts schools;

b). An amount equal to 1.2 times the value of the Social Reference Indicator in force;

at the time of employment, for graduates of higher secondary education or post- secondary education;

c). An amount equal to 1.5 times the value of the Social Reference Indicator in force at the time of employment for graduates of higher education.

¹ The Romanian Government. *Law No. 448 of 2006 on the Protection and Promotion of the Rights of Persons with Disabilities*, Official Gazette no. 1 of 2008, p. 29.

Employers who hold graduates under these conditions are required to maintain their employment or service relationships for at least 3 years from the date of employment.”¹

I consider that the benefits to which the advocates of asylum seekers are listed above are particularly suitable for the employment of young people leaving social care centers at the age of 18.

On this occasion employers should exploit the “fresh” labor force from disadvantaged social categories, while contributing to the socio- professional integration of institutionalized young people.

Given the facilities offered by the Romanian state to employers to employ people with disabilities, I believe that this segment of the labor market is not very well- exploited. Unlike the classical occupation of the workforce, the accumulation of disabled persons brings the additional benefits to the advocates.

In other words, in a way they would not pay considerably to the state budget without getting paid in return, but would invest such sums for social purposes. Having nothing to lose, the employers could benefit from this kind of work of excellence, as well as an adage to the profit of all the unity.

More than that, companies working in the hands of people with handicaps can receive considerably subsidies from the state, provided that they remain active in the care of people for an indefinite period.

On the other hand, the employers who work in the workplace can develop an efficient division of labor. So, I think they can distribute professional activities that do not require an effort physically or mentally sustained by people with disabilities to enjoy the focus on the more complex activities of qualified staff and with wider knowledge in those areas.

3. Conclusions

Although the right to work is a very good law and legally supported law, in the context of the economy of the moment, the Romanian state does not guarantee employment for its citizens. On this background, the Constitution of Romania refers to the simple fact that the right to work can not be restricted, completions in this sense being brought by Labor Law, Labor Code and according to the researched theme, Law no. 448/2006. Of course, by involving the state in the development and supporting the optimal development of the labor markets of the disabled people, the labor market has undergone permanent modifications and additions, but practical steps are not obligatory for employers, but rather as a facility offered to the two parts concerned.

As we can see from the statistical data provided by the legislator in the media of the current years, about one in six people able to carry out professional activities at national level has a health problem. In view of medical conditions, people with disabilities often face impediments in employment, and are often exposed to the risk of socio- economic exclusion as noted in this study.

Taking into account other social problems such as low birth rates and increased mortality rates, the Romanian state must take the necessary measures to ensure equal opportunities for all persons wishing to pursue professional activities in order to avoid the aging of the active population from a professional point of view. In this respect, the Romanian state must support the adaptation of socio- professional integration processes in order to increase access to the labor market for persons with disabilities by approaching individualized services.

¹ The Romanian Government. *Law 76 of 2002 on the unemployment insurance system and the stimulation of employment*, Official Gazette no. 76 of January 2018, p. 26.

As we have noticed, individualized social services are not located in a strictly spatio- temporal way, as they are provided in social welfare institutions, in the educational environment, at home, in society, and so on. Throughout the life of disadvantaged people. For this to be possible, there must be close collaboration between the legislator, public institutions, social assistance, service providers, employers and families of disadvantaged people. Thus, the transition from the environment where disadvantaged people benefited from social assistance services to the educational environment and later to the professional environment becomes easier and discriminatory treatment can be avoided.

In conclusion, ambivalently, the state supports both parts involved in the work process, the employee and the employer, developing the following legal provisions:

“(1) Persons with disabilities may be employed in accordance with their professional training and work capacity, attested by the degree of disability qualification, issued by county evaluation commissions.

(2) The public authorities and institutions, the legal entities, public or private, having the at least 50 employees have the obligation to employ disabled people in a percentage of the one at least 4% of the total number of employees.

(3) Public authorities and institutions, legal entities, public or private, who do not employ persons with disabilities under the conditions stipulated in paragraph (2), can opt for fulfill one of the following obligations:

a) To pay monthly to the state budget an amount representing 50% of the basic salary the country’s gross minimum multiplied by the number of jobs that did not employ people with disabilities;

b) To purchase products or services made through their own activity of disabled persons employed in authorized protected units on a partnership basis in the amount equivalent to the amount due to the state budget, under the conditions stipulated in let. a).” (Ștefănescu, 2012, p. 77)

We assist in facilitating the interaction between advocates and disabilities with rehabilitation benefits. At this rate and through the sustained involvement of the Romanian state in working relations between employees and employers, we are certain that in the future we will see positive results encouraging collaboration between the state, the employer and the employees in order to bring added value as a result of working relations. On the other hand, each state is the moral obligation to implement laws and regulations for the organization of services aimed at supporting and completing the socio-professional integration of people with disabilities through the adoption of measures such as professional adaptation, specific systems and means of protection of places work, tax fictions for advocates are the developers who are concerned with the work of the workforce by people with deficiencies in order to work processes, as well as support in the founding of a family and the stalling of a dwelling.

Personally, I believe that the involvement of the state in social issues as well as the facilities it provides for the employment of disabled people should be better publicized so that the society is informed about the gravity of this process.

Moreover, we think that institutions specialized in social assistance are not enough concerned with maintaining a record of people with disabilities who are fit to work. In this respect, the development of a database containing the data of disabled persons willing to work and their status on the labor market would be useful to employers.

Regarding the direct involvement of the Romanian state, I believe that the development of partnerships and collaborations with the media would increase the awareness of the society regarding the added value that the disabled people would bring to work.

In the future, we intend to supervise and investigate the evolution and changes made by this phenomena, as well as measuring the degree of interest and involvement of society in the development of professional relationships involving disabled people.

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THE 13TH EDITION OF THE INTERNATIONAL CONFERENCE
EUROPEAN INTEGRATION
REALITIES AND PERSPECTIVES

**The Importance of Communication and Information Securement.
Cambridge Analytica Case**

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Abstract: This paper aims to emphasize the role of securing communication and information in the 21st century as an answer to the issue of globalization. The new concept of Enterprise Intelligence aims to manage the information flow. This represents an umbrella for the countless information solutions based on IT for a better order, structuring and accessing of internal information flow, of working flows, and of management information systems backed by tools.

Keywords: enterprise intelligence; business intelligence; practical business in politics

JEL Classification: D83; F23; J28

1. Introduction

Securit has been increasingly present as a vital component in any field and it has evolved during the last 10 years as an answer to the issue of globalization (through Big Brother). The shift in paradigm and the subsequent evolution of technology have brought about new concepts such as: security without borders, cloud computing, big data, mobility, etc. Information is transient and elusive and is often not checked against various sources, which is why the processing power to filter and analyze big amounts of data is constantly growing. A central aspect is what an information system should be able to do, taking into account that it is often challenged by the functional requirements of interested parties such as users and managers. Other aspects, such as the defining the information system without mentioning what it should do, are demanded as nonfunctional requirements.

2. Enterprise Intelligence or information flow management

As information systems are developed and used in many fields of our modern society, they must often undertake one of the aspects related to safety or security. A growing tendency of interconnecting such information systems also creates the need to consider both aspects for the same systems, that is safety and security. See the Intelligent Business, a new concept known as Enterprise Intelligence

What would it be like to see this slogan when you open a new app:

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DATA DRIVES ALL WE DO.

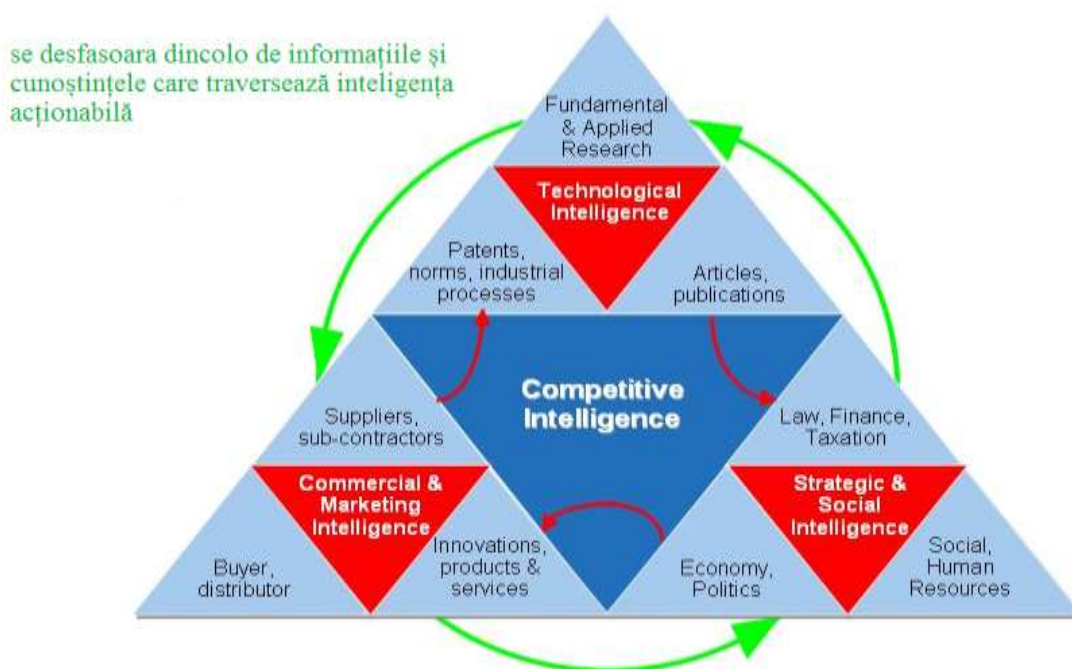
Cambridge Analytica uses data to change audience behavior. Visit our Commercial or Political divisions to see!

Each story has a beginning. For me, the story Cambridge Analytica and Facebook, which unfolded right in front of our eyes, has offered something which some people have known for a long time and others only guesses - the information that there was a control of the elements present on Facebook. However, most people had no idea they were about to be introduced in some databases and be manipulated and sacrificed for the strategic communication research carried out for the interest of practical businesses in politics.

Target public, that is the people who voted, needed to be found, informed, stimulated, but the major issue is maintaining those and the markets. There was another way of interpreting the product itself (and we do not mean, as in marketing, the packaging, services, quality – elements which persuade the customers that their choice is the best and they are going to be satisfied with it), the solution being competitive intelligence which comprises three fields: intelligence in business, organizational intelligence and competitive intelligence.

This new concept is called Enterprise Intelligence or Business Intelligence which creates intelligence and organizational warning and it can be perceived as an umbrella term for the numerous information solutions based on IT for a better order, structuring and accessing of the internal information flows, of working flows, of the management information systems backed by tools such as databases, data mining, tools regarding the performance of business management, balance scorecard and the instrument panel. (see the diagram)

(It happens beyond the information and knowledge that go past the intelligence in action textual de langa diagrama)



Source: <https://www.rodenberg.nl/publications/rechts13-1.php>

Any security system must ensure privacy, integrity and information availability. It is estimated that over 80% of the relevant information comes from open sources (mass-media, Internet) and over 80% of the incidents come from the inside of the organization. The purpose of the organizational intelligence is to develop people's ability to alter data, information and knowledge in the process of policy development, improvement of decision making process and business view.

3. Cambridge Analytica Case

Cambridge Analytica Ltd was a British consulting company which combined data extraction, data factorage and data analysis with strategic communication for the electoral process. It was set in 2013 as competition for SCL¹ group. The company was partially owned by Robert Mercer's family, an American speculative fund manager who supported many conservative political causes.

Cambridge Analytica was involved in 44 political races in 2014. In 2015, it carried out services of data analysis for Ted Cruz's² political campaign. In 2016 it worked for Donald Trump's presidential campaign, as well as for the campaign Leave EU for the United Kingdom referendum regarding the leaving of EU.

Cambridge Analytica's role in these campaigns was controversial and it is under criminal investigation in both the United Kingdom and the USA.

In March 2018, more media institutions broadcast news during their bulletins about Cambridge Analytica's commercial practices. New York Times and The Observer reported the breach of Facebook data and the use for political purposes of the personal data obtained on Facebook users by an external researcher who claimed to be collecting them for academic purposes. Shortly after that, Channel 4 broadcast undercover investigation videos (using prostitutes, bribery and traps to discredit politicians).

As a result of this mass-media news, the British Information Commissioner tracked the company's servers. Facebook forbade Cambridge Analytica to advertise on its platform, stating it had been deceived. On the 23rd of March 2018 the British High Court granted the Information Commissioner's Bureau a search warrant for Cambridge Analytica's offices in London.

The personal data of almost 50 million Facebook users have been bought through the 270,000 users of the same platform who explicitly chose to share their data by means of "thisisyourdigitallife" app.

¹ Strategic Communication Laboratories – it was a British private company of behavioral research and strategic communication, an international leader whose objectives were:

- Collecting and managing structured and unstructured data, data sets provided by customers or information gathered for the customers and available even in hostile environments. Data managing was the backbone of the company;
- Data deduplication, cleaning, normalizing, labeling and segmenting to ensure quality and precision;
- Extracting cogent information, greatly diminishing data sets for the significant segments of customers and reducing time and money spent to reach these segments of customers by using psychological profiles and personalized models based on projects that offer a more detailed perspective than the standard statistical analysis approaches;
- Managing target public relations by using a series of tools: traditional communication channels (television, radio, photocopyers, public relations and direct marketing), very well aimed channels (social mass media) and indirect channels (third party agreement and network affiliation) thus ensuring a maximum efficacy of spending;
- Using advanced assessment techniques (based on the values of the public, not on program performance values) in order to prove the efficacy of the programs on the public.

² An American senator from the state of Texas and one of the republican Party's candidates to the USA Presidential Elections in 2016, as he won the primary elections in Iowa.

By granting permission to this third party to purchase its data, since 2015 it has also granted access to information about the user's friends network, which led to a cascade process of finding the data of almost 50 million users. Most of these have not explicitly given permission to Cambridge Analytica to access their data. The application developer has violated the Facebook terms and conditions by offering data to Cambridge Analytica.

4. As Conclusions

Cambridge Analytica, the data analysis company which helped Donald Trump become president, has gathered data about Facebook users from about 50 million people without their permission, according to a New York Times report.

Facebook is in a delicate situation. The company claims that it is not guilty. Facebook contends that its technology has worked as it has been implemented, but that Cambridge Analytica violated the terms and conditions of the deal.

So, how did Cambridge Analytica obtain data from Facebook for almost 50 million people? Alex Stamos, the Facebook security manager is trying to give a useful explanation for the way this has happened.

Facebook offers a series of technological tools for software developers and one of the most popular is Facebook Login, which allows users to connect to a site or an app by using their Facebook account instead of creating new accounts. People use it since it is easier and it eliminates the need to remember a lot of unique usernames and passwords.

When users access Login Facebook, they give the app developer a large range of information from their Facebook profile – such as name, address, email address or their friends' list. That happened in 2015 when a professor from Cambridge University, Dr. Aleksandr Kogan, created an app called "this is your digital life" that used the Facebook login function. About 270,000 people used Login Facebook to create accounts and, as a result, they chose to share personal profile data with Kogan.

Still, in 2015, Facebook also allowed developers to collect certain information about the networks of friends of those who used Login Facebook. That means that while one user agreed to hand in data, developers could access some data about their friends. That was not a secret – Facebook says it was according to the developed service – but it has been updated so that now this is not possible anymore, at least not at the same level.

Through the 270,000 people that chose that option, Kogan has managed to get access to the data of almost 50 million Facebook users. That information could include information about people's location or interests or more detailed information such as photographs, updates, check-ins. It has been determined that Cambridge Analytica data for almost 30 million people contain enough information, including their place of residence, which, together with other recorded data, could help the company build psychological profiles.

All this happened just as Facebook intended to. This entire data gathering followed the company's rules and directions. Things got out of control when Kogan shared this data with Cambridge Analytica. Facebook claims this is against the company's terms and conditions. According to these rules, nobody is allowed to transfer information, including anonymous, aggregated or derived data, to any advertising network, data broker or advertising services.

On the 1st of May 2018 Cambridge Analytica and its parent company filed for insolvency and closed the company.

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